

DIREKTORAAT VAN VEILIGHEIDSWETGEWING  
DIRECTORATE OF SECURITY LEGISLATION

LÉER NR. 214213  
FILE NO. 214213

LÉER NR. 214213  
FILE NO. 214213

HOOFTREK  
MAIN SERIES REFERENCE AND AID

ONDERWERP  
SUBJECT

LÉER  
FILE

LÉER GEOPEN OP  
FILE OPENED ON 21.4.67

LÉER GESLUIT OP  
FILE CLOSED ON 6.9.67

BESKIKKINGSVOORSKRIFTE  
DISPOSAL DIRECTIONS

SUBLÉER OF GEVAL  
SUBFILE OR CASE

LÉER NR. 214213  
FILE NO. 214213

DEEL  
PART B



2/12/13  
deur J

RIK

Nr. 250/67(P)

DEPARTEMENT VAN INLIGTING  
 PRETORIA  
 ONTYAAGREKIEVED  
 25 8 1967  
 DEPARTEMENT OF JUSTICE  
 PRETORIA

VERKLARING DEUR SY EBELE DIE MINISTER  
 VAN JUSTISIE : MNR. P.C. PELSER.  
 (Vir onmiddellike vrystelling)

95-4-67 JP  
 DEPARTMENT OF JUSTICE

Police and Aid Fund is op 18 Maart 1966 by Proklamasie No. R.77 van 1966 tot n onwettige organisasie verklaar. n Beampste is as beredderaar van die organisasie se bates aangewys. Hy het al die Fund se bates te gelde gemaak en sy geldelike verpligtinge vereffen. Daarna het daar n oorskot van R4355.59 gebly.

Kragtens artikel 4(3) van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), het ek die Vereniging van Wetsgenootskappe van die Republiek van Suid-Afrika aangewys as die organisasie waaraan hierdie oorskot oorbetaal moet word. Die Vereniging het onderneem om die geld by n regshulpfonds wat hy beoog om mettertyd te stig in te betaal. Sodoende sal die geld aangewend word vir die doel waarvoor die oorspronklike bydraers dit beoog het, naamlik die verlening van regshulp aan behoeftige persone.

UITGEREIK DEUR:

Departement van Inligting,  
 P R E T O R I A.

23 Augustus 1967

⊗ Moet wees: R4355.59

Die Vereniging van Wetgenootskappe  
van die Republiek van Suid-Afrika

Sekretaris Generaal  
Eben Dour

DEPARTEMENT VAN  
ONTVANGINGS  
PRETORIA  
8 -9-1967  
DEURGESTUUR OPRENT THROUGH  
CK  
Verw. No. 49  
Sekretaris van Justisie  
Privaatsak 01,  
PRETORIA.

Centenarygebou,  
Burgelman,  
Pretoria

A N D D R C  
8 -9-1967  
MAGISTRATE

Tel. & Kabeladres:  
„Unionlaw“  
Foon 3-7957

5 September 1967.

Waarde heer,

BATES VAN DIE DEFENCE AND AID FUND.

Baie dankie vir u brief No. 2/2/13 van 1 September 1967 tesame met skatkisorder ten bedrae van R4355-59. Die Vereniging se kwitansie No. 379 word hierby aangeheg.

Die uwe,

*G.M. Beattie*

ASSISTENT ASKRETAESSE.

The Association of Law Societies of S.A.  
Die Vereniging van Wetsgenootskappe van S.A.

No 379

P.O. Box 1493  
Postbus

PRETORIA

5 September 1967

RECEIVED from

Landdros

SA M. S. D. R. C. S.  
L.A.N. S. D. R. C. S.  
MAGISTRATE

the sum of Vier-duisend drie-honderd 5-1967  
neg-en-tyftig Rand en  
Bate van die Defensie- en Oorlogskostes  
Aid Fund

R 4,355-59



C. M. Venters

U.D.R.A. 7/61/2020A

DIE "DEFENCE AND AID FUND".

INHOUDSOPGAWE.

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2/2/13.

DEFENCE AND AID FUND.

1. Owerheidsoptrede.

Ingevolge subartikel (2) van artikel twee van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), is die organisasie bekend as "The Defence and Aid Fund" per Proklamasie No. R.77 van 1966, op 18 Maart 1966 tot 'n onwettige organisasie verklaar.

Ingevolge paragraaf (b) van subartikel (1) van artikel drie van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), is ek aangewys as beredderaar van die bates van "The Defence and Aid Fund" soos per Goewermentskennisgewing No. 485 van 25 Maart 1966. Hierna word na "The Defence and Aid Fund" verwys as die "Fund".

Ingevolge genoemde paragraaf (b) van die Wet het al die eiendom (met inbegrip van alle regte en dokumente) wat die "Fund" besit, of wat op die naam van enige persoon ten voordele van die Fund gehou word, met ingang van 18 Maart 1966 op die beredderaar oorgegaan. Op genoemde datum is daar beslag gelê op duisende dokumente en fondse wat oor die land gehou was in die verskeie kantore van die "Fund". Hierdie dokumente was almal aan my oorhandig binne bestek van enkele dae na beslaglegging.

Enige persoon wat 'n eis teen die "Fund" gehad het moes dit so gou doenlik by die Beredderaar indien.

As gevolg van die feit dat verskeie advokate en prokureurs dwarsoor die land opgetree het in verhore wat deur die "Fund" finansieer was en nog nie finaliseer was op 18 Maart 1966 nie, het Sy Edele die Minister van Justisie in oorleg met die Beredderaar 'n persverklaring

/2...

uitgereik ten effekte dat verhore wat alreeds begin was voor 18 Maart 1966 voltooi kon word en dat die Beredderaar aanspreeklikheid sou aanvaar vir die koste aangegaan, mits die koste redelik is en fondse beskikbaar is.

Verskeie prokureurs en ander instansies het eise ingestel.

Die bepaling van subartikel (2) van artikel vier van Wet No. 44 van 1950, lui dat na verloop van 'n tydperk van minstens ses maande vanaf die datum waarop 'n organisasie 'n onwettige organisasie geword het, sal die beredderaar alle maatreëls tref wat nodig is om die bates te gelde te maak en indien die bates voldoende is om die skuld te vereffen, sal die beredderaar die skulde vereffen wat na sy oordeel bewys is.

As gevolg van bogenoemde bepaling is Goewermentskennisgewing No. 1589 op 14 Oktober 1966 publiseer ten effekte dat geen eise teen die "Fund" oorweeg sou word na verloop van een-en-twintig dae na 14 Oktober 1966 nie.

Die bereddering van die "Fund" se bates en laste was baie verregaar omdat "The South African Defence and Aid Fund" as eerste applikant en Raymond Hoffenberg as tweede applikant met die Minister van Justisie as Respondent op 29 Maart 1966 by Kennisgewing van Mosie asook deur 'n dagvaarding aksie in die Hooggeregshof van Suid-Afrika, Kaap die Goeie Hoop Provinsiale Afdeling, die regsgeldigheid van Proklamasie No. R.77 van 18 Maart 1966 betwis het.

Op 16 Mei 1966 is uitspraak gegee in die Mosie-aansoek en was die aansoek om Proklamasie R.77 van 18 Maart 1966 ongeldig te verklaar, van die hand gewys met koste.

Op 18 Mei 1966 is appèl na die Appèlafdeling aangeteken teen hierdie uitspraak van die Mosie-aansoek en op 10 November 1966 is uitspraak gegee in die Appèlhof met 'n meerderheidsbeslissing teen die ongeldig verklaring van Proklamasie No. R.77 van 18 Maart 1966.

Met hierdie beslissing was aplikante nog nie tevrede nie en het hulle die dagvaardingaksie in die Kaapse Hooggeregshof voortgesit. Teen die dagvaarding was 'n eksepsie opgewerp wat later van die hand gewys was. Nadat die pleitstukke afgesluit was, was daar gewag op die ter rolle plasing vir verhoor. Daar was egter 'n aansoek om blootlegging en dit was 'n taak van geen geringe aard nie. Daar is etlike duisende dokumente (+ 20,000) wat op beslag gelê was en hierdie dokumente moes sistematies gerangskik word ten einde blootlegging te vergemaklik. Hierdie taak was in veertien dae afgehandel en lyste van die dokumente was opgestel en aan aplikante voorgelê. Hiermee was aplikante ook nie tevrede nie. Hulle wou die dokumente bekom waarop die Minister ageer het toe die "Fund" onwettig verklaar was. Hierdie dokumente was egter privili-geerd en was nie blootgelê nie. Die saak was toe nog nie ter rolle geplaas nie.

In subartikel (2) van Artikel drie van Wet No. 44 van 1950 word bepaal: "Na verloop van 'n tydperk van 14 dae vanaf die datum van 'n proklamasie kragtens subartikel (2) van artikel twee word geen geding vir die ongeldigverklaring van daardie proklamasie by enige hof ingestel nie, en na verloop van 'n tydperk van twaalf maande vanaf die datum van so 'n proklamasie, het geen hof regsbevoegdheid om oor die regsgeldigheid daarvan uitspraak te doen nie.

Op 13 Desember 1966 skryf ,rokureurs Frank, Bernadt en Joffe van Kaapstad aan Hayman & Aronsohn,

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prokureurs van Johannesburg, inter alia:

"... The trial action has to be completed before the 18th March, next or otherwise it falls away in terms of Section 3(2) of the Suppression of Communism Act. The present position is that we have applied for discovery and as soon as the Schedule of Documents used is produced, we will be able to consider the matter further.

To all intents and purposes, as far as the defendant is aware, we are proceeding to the final end and determination of this action. ...".

Na 18 Maart 1967 was daar geen optrede van die kant van applikante nie en was die Beredderaar genoodsaak om aandag te laat vestig op die bepalinge van bo-kwoteerde artikel. Eers teen die middel van Mei 1967 het applikante laat weet dat die saak nie mee voortgegaan word nie.

Op 21 November 1966 het die applikante deur hul prokureurs die beredderaar in kennis gestel dat die beredderaar aanspreeklik gehou word vir alle koste deur applikante aangegaan in verband met die betwisting om die regsgeldigheid van Proklamasie No. R.77 van 18 Maart 1966.

Op 28 November 1966 het die Beredderaar die betrokke prokureurs in kennis gestel dat hy geen aanspreeklikheid aanvaar vir enige koste in hierdie verband nie. Dit ten spyte is kosterekenings opgestel en aan die Beredderaar voorgelê vir vereffening. Steeds het die beredderaar geweier.

Op 19 Junie 1967 is deur bemiddeling van die Staatsprokureur verneem van die betrokke prokureurs dat applikante nie met die eis vir koste voortgaan nie, en dat dit laat vaar is.

Uit die voorgaande is dit duidelik dat 'n ver-  
tragingsbeleid gevolg is sodat die "Fund" tesame met die betrokke prokureurs met eer uit die stryd kon tree en die mislukking van die saak gewyt kan word aan die feit dat na twaalf maande geen hof regsbevoegdheid het om oor die regs-geldigheid van so 'n proklamasie uitspraak te doen nie.

Opmerklik is dit dat een van die prokureurs wat 'n eis ingestel het uit wanhoop later aan die berederaar gevra het of die betrokke prokureurs nie net besig is om tyd te mors nie.

Die gelde wat beslag op gelê en bates wat te gelde gemaak was is die volgende:

1.	7.4.66	Durban Tak Defence & Aid Fund	4.08
2.	7.4.66	Standard Bank, Kaapstad	996.51
3.	7.4.66	Veiligheidstak, Kaapstad	4.94
4.	13.4.66	Eastern Province Bougenootskap, Port Elizabeth	74.88
5.	18.4.66	Veiligheidstak, Port Elizabeth	106.40
6.	21.4.66	Allan Solomon, Arderne & Flynn, Port Elizabeth	48.76
7.	21.4.66	Allan Solomon, Arderne & Flynn, Port Elizabeth	436.11
8.	4.5.66	Barclays Bank, Pretoria	6928.13
9.	23.5.66	Reitz, Jacobson & Effune, Johannesburg	1474.55
10.	25.5.66	Hayman & Aronsohn, Johannesburg	2780.14
11.	9.6.66	Borgkwitansie No. 107467	20.00

12.	14.7.66	Standard Bank, Kaapstad	19.77
13.	22.8.66	Miller Weedon Travel	86.20
14.	22.8.66	Borgkwitansie	250.00
15.	22.8.66	Telefoon Terugbetaling R. Hodgson	11.43
16.	29.9.66	Posseëls Verkoop	.40
17.	29.9.66	Posseëls Verkoop	2.06
18.	24.10.66	Borgkwitansie E. Loza	100.00
19.	14.11.66	Staatsprokureur, Kaapstad	769.62
20.	26.4.67	Geregsbode, Johannesburg	40.00
21.	28.4.67	Geregsbode, Kaapstad	97.65
22.	8.5.67	Geregsbode, Port Elizabeth	34.25
23.	8.5.67	Posseëls Verkoop	1.05
24.	1.6.67	Kerbel & Borman, Fort Elizabeth	289.04

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R14575.97

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Item (1) is 'n bedrag geld wat deur die Sekretaris van die Durban tak van die Fund direk aan die beredderaar gestuur was. Items (2), (4), (8) en (12) is bedrae geld wat deur die betrokkenes in deposito gehou was en aan die beredderaar oorbetaal is.

Items (3) en (5) is bedrae geld beslag op gelê in die kantore van die "Fund" te Kaapstad en Port Elizabeth respektiewelik en aan die beredderaar oorbetaal is. Items (6), (7), (9) (10) en (24) is bedrae geld wat by betrokkenes in trust gehou was vir die "Fund" en aan die beredderaar oorbetaal is.

Items (11), (14) en (18) is gelde wat deur die "Fund" gestort was as borggelde. Met die beslaglegging van die dokumente is op hierdie borgkwitansies ook beslag gelê en te gelde gemaak. Die bedrag van R100 namens E. Loza betaal, moes van die Kommissaris van Binnelandse Sake teruggevorder word.

/7...

Item (13) is die bedrag geld wat teruggevorder is op twee ongebruikte lugkaartjies. Die kaartjies is beslag op gelê in die Port Elizabeth kantoor van die "Fund".

Item (15) is 'n bedrag teruggevorder van die Poswese Departement waar dit tot die krediet van die "Fund" gestaan het.

Items (16), (17) en (23) is posseëls waarop beslag gelê was in die kantore van die "Fund" en verkoop is.

Item (19). In dië twee siviele eise ingestel deur Stephanie Kemp en Allan Brooks teen die Minister van Justisie het die "Fund" 'n bedrag van R3000 aan die prokureurs Frank, Bernadt & Joffe, Kaapstad betaal. Die prokureurs het op versoek van die beredderaar geweier om die gelde oor te betaal. Die aangeleentheid was na die Staatsprokureur verwys en uiteindelik is die bedrag van R769.62 van die prokureurs ontvang.

Items (20), (21) en (22) is gelde ontvang vir die verkoop van meubels waarop beslag gelê was.

Die eise wat teen die Fund ingestel was en deur die beredderaar as bewese aanvaar was, is:-

1. Christine Gibbs - Salaris - Maart 1966	60.00
2. Napiers - Port Elizabeth - Skryfbehoeftes	1.65
3. Telefoon Rekening, Kaapstad	.75
4. Royal Dairy, Kaapstad	1.56
5. Stephanie Urdang - Salaris - Maart 1966	115.00
6. Vervoer - Geregsbode - Kaapstad	13.00
7. Sonnenberg, Hoffman & Galombik - Huur	17.97
8. Abe Swersky & Associates, Kaapstad - Prokureursfooie	1500.00
9. Frank, Bernadt & Joffe, Kaapstad - Prokureursfooie	221.30
10. Segal & Seymore, Pretoria - Prokureursfooie	237.26

11.	Allan Solomon, Arderne & Flynn, Port Elizabeth - Prokureursfooie	800.33
12.	Kerbel & Borman, Port Elizabeth, Prokureursfooie	1465.71
13.	H.L. Schachat & Co., Kaapstad - Prokureursfooie	518.25
14.	M.S. Frank & Frank, Kaapstad Prokureursfooie	618.34
15.	R. Bugwandeem, Durban, Prokureurs- fooie	582.00
16.	Findlay & Tait, Kaapstad, Prokureurs- fooie	280.19
17.	Hayman & Aronsohn, Johannesburg Prokureursfooie	4043.27
18.	Lubbe Recordings, Pretoria	125.80
19.	Crafford, du Toit & Vennote, Pretoria - fooie	300.00

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R10,902.38

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Items (1) en (5) is salarisse geëis deur sekretaresse van die "Fund" te Port Elizabeth en Kaapstad onderskeidelik.

Item (2) is skryfbehoeftes verskaf aan die "Fund" se tak te Port Elizabeth.

Item (3) is onbetaalde telefoonrekening te Kaapstad.

Item (4) is vir melk verskaf aan die kantoor van die "Fund" te Kaapstad.

Item (6) is vervoerkoste wat die Geregsbode, Kaapstad aangegaan het om die meubels van die kantoor van die "Fund" te Kaapstad te vervoer na die bergplek.

Item (7) is die huurgeld verskuldig vir die maand April 1966.

Item (8) is die fooie waarop die Beredderaar besluit het die firma van prokureurs geregtig was. Aanvanklik het die prokureursfirma 'n getakseerde rekening van R6229.68 voorgelê. Uit dokumente waarop beslag gelê was is egter vasgestel dat die "Fund" 'n maksimum bedrag van R2500

gewaarborg het in 'n skrywe van 17 Maart 1966, met die voorbehoud dat indien die prokureursfooie die bedrag van R2500 oorskry die Uitvoerende Komitee van die "Fund" die saak verder sal oorweeg. Met hierdie voorwaardes het die prokureursfirma ingestem en met die saak voortgegaan. Die verhoor van die saak (Fred Carneson) het eers 'n aanvang geneem na 18 Maart 1966, die datum waarop die "Fund" tot 'n onwettige organisasie verklaar was. Ten spyte van die onwettig verklaring van die "Fund" en die wete dat geen Uitvoerende Komitee van die "Fund" verdere fooie kon oorweeg nie is die saak deurgevoer en die totale koste van die "Fund" geëis.

Voor 18 Maart 1966 het die Fund aan Abe Swersky & Associates 'n bedrag van R1000 betaal as 'n voorskot op die uiteindelijke eis. Op 9 Maart 1966 het die prokureursfirma die ontvangs erken en 'n kwitansie uitgereik. Die Beredderaar het die prokureursfirma versoek na 18 Maart 1966 om die bedrag oor te betaal dog hy het geweier. Na 'n verdere skrywe is die beredderaar meegedeel dat die R1000 alreeds uitbetaal is vir voorlopige kostes aangegaan.

Die beredderaar het die firma van prokureurs toe meegedeel dat die eis tot 'n maksimum van R2500 oorweeg sal word en dat R1000 van die R2500 alreeds deur hom ontvang is. Die eis sal dan alleenlik oorweeg word vir 'n bedrag van R1500. Uiteindelik is die beredderaar meegedeel dat die bedrag van R1500 aanvaar sal word in volle en finale vereffening van die eis.

Items (9) tot (17) is getakseerde rekenings wat as bewese en redelik aanvaar is.

Item (18) is die bedrag verskuldig aan Lubbe Recordings, Pretoria vir die verskaf van die oorkonde van 'n saak waarin appèl aangeteken was voor 18 Maart 1966. Lubbe

Recordings het vriendelik onderneem om die getikte rekord te verskaf en later deur die beredderaar betaal te word.

Item (19) is die fooie verskuldig aan die geëksponeerde rekenmeesters wat 'n verslag verstrek het in verband met die boekhouding van die "Fund".

'n Staat van bates en laste van die "Fund" vir finale bereddering is aan Sy Edele die Minister van Justisie per memo voorgelê op 3 Julie 1967. In die memo was ook voorgestel dat die batige saldo van die "Fund" aan die Vereniging van Wetsgenootskappe van die Republiek van Suid-Afrika oorbetaal word. Hiertoë het Sy Edele die Minister sy toestemming verleen.

Omdat dit vir die beredderaar moeilik was om vas te stel of prokureurseeise redelik en korrek was, was al die prokureurs wat eise ingestel het versoek om hulle eise voor te lê aan hulle onderskeie griffiers van die Hooggeregshof. Die griffiers het al die eise nagegaan en getakseer. In hierdie vorm was die eise aan die beredderaar voorgelê.

Op 11 Augustus 1967 is van die Vereniging van Wetsgenootskappe verneem dat die oorskot fondse deur hulle aanvaar word en gebruik sal word vir regshulpfondse.

Op 28 Julie 1967 het die firma R. Bugwandeen van Durban die beredderaar as volg meegedeel:

"... I wish to inform you that my fees in the above matter have been paid in full and that I do not require any payment from you".

Hierdie mededeling het gevolg op 'n navraag van die beredderaar of hy enige betaling ter vereffening van sy eis ontvang het. Uit 'n delikate bron was verneem dat hy ten volle betaal was. (Sien ook opmerking op bladsy 102 waar metode van huidige versending van geld vanaf die

buiteland ter sprake is).

Op 24 Augustus 1967 skryf prokureurs Arderne & Flynn, van Port Elizabeth onder andere:

"We have to advise that in making payment of Counsel's fees in the matter of State vs. Mountain Mgalonkulu counsel has informed us that he has already received payment of such fees from the firm of Hayman & Aronsohn. For your records we enclose a photostat copy of counsel Adv. P. Hare's letter to that effect".

The said letter reads as follows:-

"According to my fee book, I appeared in the above matter in the Supreme Court of South Africa, Eastern Cape Division on 3rd of March, 1966, and I subsequently received payment thereof from Mrs. Ruth Hayman. In the circumstances as I have already received payment in the above matter I return your cheque". (R100.00).

Die finale bedrag wat derhalwe oorbetaal word aan die Vereniging van Wetsgenootskappe beloop R4355.59.

/12...



## 2. Die Ontstaan van Defence and Aid Fund.

Ten einde die Defence and Aid Fund (hierna die "Fund" genoem) in sy regte perspektief te sien moet teruggegaan word na die gebeure wat die totstandkoming van die Fund vooraf gegaan het.

Die "Defence and Aid Fund" is in 1956 in Brittanje gestig deur "Christian Action" 'n liggaam wat ten nouste saamwerk met die "Movement for Colonial Freedom", die "Africa Bureau" en die "Anti-Apartheid Movement". Oor die jare is die saamgenoerde bedrywighede van al hierdie liggame gekenmerk deur geswore en heftige vyandigheid teenoor Suid-Afrika.

Met die begin van die hoogverraad-saak in Suid-Afrika in 1956 het Defence and Aid in Brittanje besluit om vir al die beskuldigdes in die bresse te tree. In Suid-Afrika is 'n organisasie in die lewe geroep naamlik die "Treason Trial Defence Fund" wat nie alleen na die verdediging van beskuldigdes moes omsien nie, maar ook na die families van die aangeklaagdes. Hierdie organisasie was as 'n welsyns-organisasie geregistreer by die Welsynsraad. Fondse wat etlike honderd duisende rand beloop is deur Defence and Aid, Brittanje in die Treason Trial Defence Fund se fondse gestort. Met die ontslag van die laaste groep beskuldigdes van die hoogverraadsaak het die Treason Trial Defence Fund organisasie gevind dat daar nog steeds na party van die betrokke gesinne omgesien moes word en was die "Treason Trial Defence Fund" nie onmiddellik ontbind nie.

Die A.N.C. en die P.A.C. het op hierdie stadium, veral na alle beskuldigdes in die hoogverraadsaak ontslaan was, besonder bedrywig geword. Die Sharpeville insident het kort daarna gevolg en daarop is beide die A.N.C. en P.A.C. as onwettige organisasie verklaar op 8 April 1960 en

'n noodtoestand was afgekondig. Onmiddellik na bogenoemde gebeure het die biskop van Johannesburg, Father Ambrose Reeves, 'n fonds in die lewe geroep naamlik "The State of Emergency Relief Fund". Hierdie fonds moes voorsien in die behoeftes van almal wat deur die gebeure te Sharpville getref was.

Op hierdie stadium het die gedagte ontstaan by die verskeie organisasies om 'n gekonsolideerde liggaam tot stand te bring waarin al die kleiner organisasies absorbeer sal word en die liggaam sou bekend staan as "Defence and Aid Fund".

Op 21 Junie 1960 word die stigtingsvergadering te Johannesburg gehou en kort daarna gaan die voorsitter van die Johannesburg tak na Kaapstad en Port Elizabeth om soortgelyke takke te stig. Beide Kaapstad en Port Elizabeth besluit om die "State of Emergency Relief Fund" komitees aan te hou totdat die noodtoestand beëindig is en dan voort te gaan as komitees van die "Defence and Aid Fund". Die onderskeie takke kan die geld spandeer wat in hulle onderskeie gebiede gevorder was mits dit binne die bestek van "Defence and Aid Fund" se konstitusie val. Aanvanklik was die doelstelling van "Defence and Aid Fund":-

- (1) To uphold, defend and protect by all lawful means Human Rights and Civil Liberties especially the right to hold and express opinions.
- (2) To operate in the Union of South Africa and South West Africa.

In 'n memorandum deur die Johannesburg-tak van die "Fund" word die ontstaan so omskryf: "The Defence and Aid Fund" developed from a loose arrangement of emergency funds which were gradually absorbed or merely changed their names. The object was to find defence for political cases outside the scope of the Treason Trial Defence Fund. The State

of Emergency was proclaimed and The State of Emergency Relief Fund was founded in Cape Town, Fort Elizabeth, Durban and Johannesburg. Canon Collins sent £750 to Cape Town for State of Emergency Relief Fund and towards the end of 1960 the different towns linked up with Johannesburg and constituted "Defence and Aid Fund". Collins then sent money to "Defence and Aid Fund" via Johannesburg. State of Emergency Relief Fund, Johannesburg then became part of Defence and Aid, Johannesburg".

Johannesburg se welsynsafdeling van die "Fund" was versoek om in noue samewerking met die Rooikruis, "Society of Friends (Quakers)", "Christian Council of Churches" en "Social Welfare Department" op te tree.

Die ondergenoemde persone was komiteede by die stigting van "Defence and Aid Fund" takke in die onderskeie plekke:-

<u>Kaapstad:</u>	Peter Hjul	-	Voorsitter
	Thomas Ngwenja	-	Onder-voorsitter
	John Blundell	-	Onder-voorsitter
	Sally Shapiro	-	Sekretaris
	Lind Ntloho	-	Assistent en Tolk
<u>Durban:</u>	Prof. Leo Kuper	-	Voorsitter
	Alan Magid		
	Cyril Canin		
	Mev. J.F. Hill	-	Sekretaresse
	Ishmail Meer		
	N.T. Naicker		
	J.N. Singh		
	Dr. Padyachee		
	George Mbele		

Dit is opvallend dat die Durban Komitee-lede se name nie verskyn het in die notules nie. Net die hoeveelheid lede

word aangedui. Selfs persone wie verskonings aangebied  
het vir afwesigheid by vergaderings se name word nie aan-  
gedui nie - net die hoeveelheid wat afwesig was met verskonings.

Johannesburg:

A. Hepple	-	Voorsitter
Mev. Mary Walker	-	Sekretaresse
Mev. H. Jaff	-	Tesouriere
Dr. E. Helmann	-	Komiteelid
Eerw. Sidebottom	-	Komiteelid
Dr. Blaxall	-	Komiteelid
Adv. Unterhalter	-	Komiteelid
Mev. J. Sinclair	-	Komiteelid
Mnr. J. Lewin	-	Komiteelid
Mev. Lovegrove	-	Komiteelid
Eerw. Campbell	-	Komiteelid

Port Elizabeth:

Eerw. Cyprian Thorpe	-	Voorsitter
J. Laredo		

Oos-Londen:

Dr. M.N. Russel		
Marjorie Shingler		

Dear was nog ander stede waar Defence and Aid Fund ook  
klein Komitees gehad het, maar hulle het nooit werklik  
aktief funksioneer nie. Die onderskeie komitees het baie  
gewissel en byvoegings en bedankings was deurgaans aan  
die orde van die dag.

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3. Die Konstitusie(a).

Die Konstitusie van die "Fund" het soos volg gelui:-

"1. Name:

The name of the FUND shall be THE DEFENCE AND AID FUND.

2. Objects:

The OBJECTS of the Fund shall be :

- (a) To uphold, defend and protect by all lawful means Human Rights and Civil Liberties especially the right to hold and express opinions.
- (b) To grant relief and assistance to compensate men and women and their dependants who suffer as a result of the loss of any of the said rights and liberties whether by process of law or otherwise.
- (c) To collect money to pay for the rendering of legal advice and assistance to persons in need thereof as a result of the loss of any of the said civil rights and/or liberties whether by process of law or otherwise.

3. Area of Operation:

The DEFENCE AND AID FUND shall operate within the UNION OF SOUTH AFRICA and SOUTH WEST AFRICA.

4. Management:

- (i) The MANAGEMENT of the Fund shall be vested in a Management Committee which shall consist of not less than TEN persons, including the President, two Vice-Presidents, Chairman, Secretary and Treasurer.
- (ii) The Management Committee shall have the power to appoint an Executive Committee from amongst its members. The Chairman, Secretary and Treasurer shall be members of the Executive Committee ex

- (iii) The Management Committee, at the inauguration of the Fund, shall consist of the persons whose names are set out in the Schedule 1 hereto. (No Schedule attached).
- (iv) The Management Committee shall have the power to co-opt members to the Committee and to any Sub-Committees it may establish and to fill any vacancies which might occur on the Management Committee or any Sub-Committee.

5. Powers of the Management Committee:

- (i) To raise funds by various means, including appeals, campaigns and functions of any nature.
- (ii) To expend such monies in any manner which will, in its sole discretion, in any respect further the objects of the Fund as set out in Paragraph (2).
- (iii) (a) To open offices, establish Sub-committees and Branch committees anywhere within the Union of South Africa and South West Africa.  
(b) To employ persons, hold meetings and issue publicity material and other literature in furtherance of the objects.
- (iv) To co-operate to any extent and upon any conditions which it deems desirable in its sole discretion in furtherance of its objects, with any person, body, organisation, committee, association or institution, whether presently existing or established subsequent to this Constitution.
- (v) To do all such things as are reasonably necessary or incidental to further the objects.

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6. Sub-Committees:

- (i) The Management Committee may establish the following sub-committees and shall appoint the convenors thereof:

Law Sub-committee,  
Welfare Sub-committee,  
Bail Sub-committee,  
Fund-Raising Sub-committee,  
Publicity Sub-committee,

and any other Sub-committees which may from time to time be necessary for such purposes as the Management Committee may decide.

- (ii) The Office Bearers of the Management Committee shall be ex-officio members of all Sub-committees.

7. Power to disestablish Sub-committees:

The Management Committee is hereby empowered in its sole discretion to disestablish any sub-committee.

8. Management Committee and Annual General Meetings:

- (a) The Management Committee shall meet at least once in every three months and seven days written notice of such Meeting shall be given.

- (b) Quorum. The Quorum at any Meeting of the Management Committee shall be FIVE (5) Persons and at any sub-committee meeting the quorum shall be three persons.

- (c) Annual General Meeting: The Annual General Meeting shall be held within 60 days after the end of each financial year and fourteen days written notice of such Annual General Meeting shall be given. The business to be transacted at

such Annual Meeting shall include:

- (i) Annual Report of Chairman;
- (ii) Report on Balance Sheet and Financial Accounts;
- (iii) Election of Office Bearers and Executive Committee.

9. Amendment of this Constitution:

The Management Committee shall have the power to amend this Constitution in such manner as may in its opinion be necessary to enable the objects or functions of the Fund to be carried out.

10. Monies and Legal Proceedings:

- (i) All monies collected and all assets shall be vested in the Management Committee who may represent the Fund in any legal proceedings.
- (ii) The control and use of the monies and assets of the Fund shall be vested in the Management Committee which shall be entitled to use such monies and assets for or in connection with the objects, functions and work of the Fund in any manner in which the Management Committee, in its sole discretion, may deem fit.
- (iii) All cheques and other negotiable instruments shall be signed by any two of the following members of the Executive Committee: The Chairman, Treasurer, Secretary and Convenors of the Law and Welfare Committees.

11. Accounts:

Proper accounts shall be kept in respect of the finances of the Fund and shall be properly audited. The Auditors of the Fund shall be:



Ronald G. Creecy and Co., Accountants and  
Auditors,  
510 Corporation Buildings, Commissioner St.,  
Johannesburg.

Each financial year shall commence on the first day of JULY  
of each and every year and shall terminate on the 30th  
day of JUNE of each and every following year.

12. Branches:

- (i) The Management Committee may in its sole and absolute discretion establish or constitute branches anywhere within the Union of South Africa and South West Africa as it may deem necessary.
- (ii) The Management Committee shall have the right on application by such organisation to take over and/or absorb any organisation having any of the same or similar objects to that of the Fund and to continue operating such organisation as a branch of or subsidiary to this Fund.
- (iii) Any branch or subsidiary established in terms of (i) hereof or taken over in terms of (ii) hereof shall be administered by such persons as may be appointed or elected in any local area provided that such branch or subsidiary shall:
  - (a) undertake to carry out the objects of this Fund and such policy as may be laid down from time to time by the Management Committee;
  - (b) account for and be responsible to the Management Committee for the expenditure of any monies received by it from the Fund as also any funds raised by such branch in the name of the Fund.

- (iv) The Management Committee shall have the right to nominate a representative to the Executive Committee of any branch or subsidiary.

13. Dissolution:

- (a) The Fund shall be dissolved if at least two-thirds of the members present and voting at a Meeting of the Management Committee, especially convened for the purpose of considering the question of dissolution, vote in favour of dissolution. Fourteen clear days notice of such a special meeting shall be given and the notice shall state the purpose of such meeting.
- (b) If at such a special meeting it is decided to dissolve the Fund the assets of the Fund, after payment of all liabilities of the Fund, shall be paid or handed to such other organisation or organisations as the Committee may determine.
- (c) If the Committee fails to dispose of the assets within six months of the date on which the decision to dissolve was taken the assets shall be dissolved of in a manner to be determined by the National Welfare Organisation Board.

14. Trustees:

The Fund shall have not less than three and not more than seven Trustees whose function shall be to ensure that the funds are used and applied in accordance with the objects of the Fund.

The Management Committee shall appoint the Trustees and may replace any Trustee as deemed necessary in the interest of the Fund."

Gelyktydig met die totstandkoming van die "Fund" is aansoek gedoen om dit as Welsynsorganisasie te laat registreer by die Welsynsraad. Inmiddels het die "Fund" 'n permit verkry van die plaaslike landdros om fondse in te samel. Johannesburg-tak het op sulke permitte gefunksioneer vanaf Junie 1960 tot 14 Junie 1961 toe dit ontdek is dat die Fund nie onder die Welsyns Organisasie Wet sou ressorteer nie indien 'n klein wysiging in die konstitusie sou aangebring word. Die wysiging is toe aangebring, om dit buite die bepaling van regulasie 2(4) van die Regulasies van die Wet op Welsynsorganisasies 1947 te plass. Artikel 2(b) van die Konstitusie is gewysig om soos volg te lei: "To grant relief and assistance to compensate men and women (and their dependents) who suffer as a result of the loss of any of the said rights and liberties whether by process of law or otherwise. Thus the Fund does not require registration under the Welfare Act to collect from the public".

Die aansoek om registrasie was toe ook teruggetrek. In 'n memorandum wat deur die Johannesburg-tak versprei is, moet die volgende vertolking aan die konstitusie gegee word:

"Defence and Aid Fund renders neither legal assistance nor advice but merely provides funds to enable legal assistance and advice to be given by other persons. Defence and Aid Fund is not a legal aid bureau and so does not render legal advice or assistance. It does not assist persons essentially as a matter of philanthropy but in furtherance of its main object - to defend civil rights and liberties. The Fund is prepared to assist without distinction of race, colour, creed or opinion - it is concerned only with the object laid down by it's constitution and

civil liberties, and not with the policies of any organization, body or group of persons".

Uit die notules van die verskillende takke het dit telkens geblyk dat die konstitusie gewysig is maar wat die wysigings presies behels het kan nie duidelik vasgestel word nie. So byvoorbeeld lees die notules van die Kaapse Tak van 18 Augustus 1965 onder andere:

"The Constitution was read and amended in a number of places". Dit word nie aangedui ten opsigte van watter artikels wysigings aangebring was nie of wat die wysigings behels het nie. Die ander takke was ook nie van die wysigings in kennis gestel nie. Dit wil voorkom of die takke na willekeur kon wysig aan die Konstitusie soos dit op daardie stadium dié besondere tak gepas het.

Die Konstitusie het onder andere voorsiening gemaak vir nie minder as drie en nie meer as 7 Trustees nie. Die funksies van die Trustees was soos volg omskryf: "The function of the Trustees shall be to ensure that the funds are used and applied in accordance with the objects of the Fund.

Aansienlike moeilikhede was egter ondervind omdat Suid-Afrika so 'n uitgestrekte gebied is en of die Rhodesies en Nyasaland ingesluit moet word.

Die volgende name was deur Domheer Collins voorgestel as moontlike lede: A. Paton, Joost de Blank, Ellen Helman, Luthuli, John Wilson, Z.K. Matthews, Schreiner (oudregter).

Die volgende persone het hulle die aanstellings laat welgeval:

A. Paton, Dr. Edgar Brooks, Joost de Blank, Prof. Z.K. Matthews, Eerw. A.A. Xulu.

Domheer Collins was baie besorg oor wie die trustees moet wees soos duidelik blyk uit 'n brief van hom aan Alex Hepple, Johannesburg:-

"Christian Action is concerned that if their monies are invested in South Africa with persons who are engaged in political movements which clearly are unacceptable to the Government such monies may be liable to confiscation. Trustees must not be engaged directly with political work".

Dit is opmerklik hoe veelrassig al die Komitees saamgestel was en hoe min die Trustees geraadpleeg was in verband met die besteding van fondse. Inteendeel kon uit die dokumente nie 'n enkele geleentheid opgespoor word waar die Trustees geraadpleeg was met wysigings aan die Konstitusie of beleidsverandering nie. Veranderings wat die beleid van die Fund ondergaan het sal later getoon word.

Op 23 Maart 1962 skryf Peter Hjul van die Kaapse-tak aan Johannesburg-tak:-

"... At a meeting we had in Johannesburg a year ago, we decided that the Defence and Aid Fund should re-organise itself as a representative national body. Ways of achieving this were discussed and it was agreed that we should have a national committee in which all branches would be represented and which would meet periodically in different Centres of South Africa ... We should like to know when this committee will meet and where".

Op 3 April 1962 het Johannesburg hierop geantwoord:

"National Committee.

The principle of a National Committee is fully supported but its establishment has been delayed because of practical difficulties ...".

Op 3 Oktober 1962 het Kaapstad-tak die Johannesburg

gestig is met die volgende lede: Donald Molteno,  
Eerw. Wood, Thomas Ngwenya, Albie Sachs en Peter Hjul.  
Hierdie Sekretariaat sou aandag skenk aan die verskuiwing  
van die hoofkantoor vanaf Johannesburg na Kaapstad en sekere  
wysigings in die Konstitusie. Dit het egter nooit funksioneer  
nie en die voorstelle het nooit materialiseer nie.

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4. Beleidsverandering.

Vanaf die totstandkoming van Defence and Aid Fund in 1960 was dit deur die afsonderlike takke van die Fund as 'n beleid aanvaar dat geen verdediging sal voorsien word in sake van geweld nie. Sedert die begin van die Hoogverraadsaak in 1956 kan die gebeure in Suid-Afrika as 'n skaakspel gesien word. Vir elke set was daar 'n teëset en dit het onverbiddelek voortgegaan.

Na die ontslag van die beskuldigdes in die Hoogverraadsaak het Sharpsville gevolg, die resultaat waarvan was die onwettig verklaring van die P.A.C. en A.N.C. organisasies. 'n Noodtoestand was afgekondig en die 90-dae en later die 180-dae aanhoudings was promulgeer. Sabotasie het nou sporadies voorgekom en hierop het gevolg Wet No. 76 van 1962, die Sabotasie Wet.

Voor die Sabotasiewet van 1962 het die Fund meesal die volgende tipe sake verdedig:

- (1) Lede van verbode organisasies.
- (2) Verbreking van Inperkingsbevele.
- (3) Bevordering van verbode organisasies.
- (4) Fondse insamel vir verbode organisasies.
- (5) Enige sake met 'n politieke kleur waar geen geweld voorkom nie.

In 'n brief van 8 Augustus 1960 vermoedelik afkomstig van die P.A.C. of A.N.C. hoofkwartiere nadat beide organisasies in die ban gedoen was, word die volgende gevind:

"... Sons of Africa.

Philip Kgosana was subsequently arrested in very treacherous circumstances. He had been promised safe conduct by the Police and when he went to the city for negotiations with a highly placed official in the department of Justice, he was arrested. I suppose that was the Boer's way of

of avenging Piet Retief ... Peter Brown was among a number of white Liberals who were locked in for well over three months.

... Some people are of course thinking of Sabotage ... I am against violence ... I have been told sabotage is the cheapest in terms of manpower form of effective opposition now that the ban has sent political organisations underground .."

Die aanvanklike beleid van die Fund blyk duidelik uit die volgende:

Op 14 Augustus 1962 skryf Alex Hepple, Voorsitter van die Johannesburgse tak van die Fund aan J.D.F. Martin, Amnesty International, Londen, Engeland wie begerig is om finansiële steun te verleen aan B. Turok wat in 1962 vir sabotasie veroordeel is:

"For various reasons the Defence and Aid Fund decided not to handle cases involving Sabotage, so we have given no financial or other aid in this case. I would gladly act as intermediary on your behalf in handling money raised to assist the Turok family".

Op 5 Februarie 1962 besluit die Johannesburgse Uitvoerende Komitee van die "Fund" dat in alle sake van sabotasie waarin om hulp by die "Fund" aansoek gedoen word, sulke sake eers na die volle Uitvoerende Komitee verwysal word. Johannesburg was op hierdie stadium nog beskou as die hoofkantoor van die "Fund" wat die beleid moes neer lê.

Op 15 September 1963 skryf Dr. Ellen Hellman, later voorsitter van die Johannesburg-tak aan mevr. J. Hill, sekretaresse van die Durbanse tak:

"The objects of the Fund (in so far as they affect the question of who should or should not be given legal assistance) read as follows: 'To uphold, defend and protect



by all lawful means Human rights and Civil Liberties, especially the right to hold and express opinions. To collect money to pay for the rendering of legal advice and assistance to persons in need thereof as a result of the loss of any of the said civil Rights and/or liberties whether by process of law or otherwise .....

The application of this formula presents certain difficulties in certain border-line cases, specially these relating to 'conspiring to promote the objects of an unlawful organisation', when it is not clear to what conspiring refers. In others there is no difficulty: e.g. membership of an unlawful organisation or of communism (in its broad definition as laid down in the 1950 Suppression of Communism Act) are matters falling within the purview of D.A. as they result directly from the curtailment of what are generally agreed to be civil rights. On the other hand, the Johannesburg Defence and Aid Legal Committee had before it an application from 6 people charged with undergoing military training outside South Africa and it turned down this application. I, myself, lacking any legal training, find that I have always to put the simple question, 'Is X or Y a civil right', and that usually the answer to this delivers the answer to the basic question ... What is quite clear is that we do not assist in the defence of Sabotage itself."

Op 14 Mei 1962 besluit Johannesburg se Uitvoerende Komitee:

"In terms of our constitution we do not handle cases under the explosives Act". Tog het Suliman Vallie voorgestaan op 'n aanklag van besit van plofstowwe en was hy verdedig deur bemiddeling van die "Fund".

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Op 20 September 1963 besluit die Uitvoerende Komitee van die Durban-tak van die "Fund":-

"... We were asked to base our decision whether or not to defend on the question of whether or not the infringement of a civil right was involved ... Sabotage did not fall within this definition".

Op 5 November 1963 word die Sekretaresse van die Durban-tak opdrag gegee deur die Uitvoerende Komitee om van die Johannesburg-tak vas te stel wat Johannesburg se beleid gaan wees in verband met die Rivonia-verhoor.

Op 12 November 1963 skryf Sekretaresse van "Defence and Aid" in Johannesburg aan Dr. Clem Goodfellow, Grahamstown:

"I was very pleased to hear via Peter that you were interested in forming a Defence and Aid Fund Committee in Grahamstown if it were possible ... I think Peter told you that we do not take cases involving violence because our constitution binds us on this matter. But we take any cases of a political nature, in which we feel that people will get a better defence that way".

Op 12 November 1963 skryf E. Lewin, sekretaresse van die Johannesburg-tak aan die Voorsitter van die Port Elizabeth-tak:

"The enclose cheque is for defence cases only. Not for any aid to families. ... But I want to make it clear that this money is not to be used for the Grahamstown cases as this is a case we cannot take because of our constitution. The money is to be used for political cases only, and only for political cases which do not involve violence

In die Oos-Londen Komitee van die Fund was daar verdeeldheid in verband met die verdediging van Sabotasie-sake. So skryf een van die Komitee-lede (B.I.U. Amen) aan die voorsitter (Dr. Russel) van die Oos-Londen tak:

" I want to say first of all that I have always found myself to be in complete harmony with the members of the local committee. I emphasise this because I have felt that our approach differs somewhat to that of the main organization. It is difficult to be precise about such a matter but I have got the impression that the Johannesburg office is prepared to assist in the defence of anyone brought before our courts provided only the charge has some political connotation. This attitude may be right. I do not set myself up as a model judge but this is one I cannot agree with. Because of this approval to the problem I would not like to accept the responsibility of administering funds placed at our disposal by the Johannesburg Committee. I would prefer therefore to resign from the local committee if it was decided to administer such funds" ..

In 'n brief van die Sekretaresse van die "Fund", Johannesburg, skryf sy op 17 September 1963 aan Matthews Makhalina p/a Die Pretoria Tronk:

"I confirm our telegram sent to you today informing you that the Defence and Aid Fund is unable to provide legal defence in the case which is being brought against you and six others on 23 September on allegations of having undergone training of a military nature in Ethiopia during the period 27th July, 1962 to 18th January, 1963. The Constitution of our fund does not permit us to assist in cases of this kind".

In 'n Uitvoerende Komitee verslag van die Durbânse tak van die Fund oor die P.A.C.-verhore te Durban is die volgende gerapporteer:

"In accordance with a ruling from Headquarters

(Johannesburg) that Defence and Aid Fund could only handle cases where there was a possibility of civil rights being infringed, and that sabotage did not come within this definition we gave no financial assistance through Defence and Aid".

Uit die voorgaande briefwisseling is dit baie duidelik dat al die takke van die "Fund" in Suid-Afrika dit eens was dat sake waarin geweld 'n element was nie deur die "Fund" verdedig mag word nie omdat dit buite die bestek van die konstitusie sou val.

As gevolg van die onsekerheid skryf Domheer Collins aan die Johannesburg-tak van die Fund op 17 Oktober 1963:-

"Has your Defence and Aid Committee out there yet been able to settle the question of whether it will take on defence of those involved in Sabotage cases? I would be very grateful if you would let me know as quickly as possible, because we are now planning an urgent appeal for money for the new trial shortly to start in Pretoria of eleven accused under the 'Sabotage Act'. It is therefore, very important that we should know whether we can transmit money for this case through your committee or whether we should find some other way of helping them".

Dit is dus duidelik dat die domheer alreeds besluit het dat sabotasiesake moet verdedig word en as die plaaslike komitees nie te vinde was om geld vir die doel te administreer nie, sal die geld nogtans gestuur word om deur ander persone of liggeme vir die doel administreer te word.

In antwoord op die brief van die domheer skryf die Johannesburg-tak as volg:

"The problem of assisting in cases involving sabotage and violence has not yet been resolved. You will

remember that it was decided some time ago that as a matter of principle our Fund could not undertake the defence of persons who embarked upon open acts of violence to compel political changes in this country. Since that decision was taken, it has become apparent that in the very nature of the various laws against political opposition and the large scale arrests and prosecutions. Some members of our committee believe that it should be our responsibility to take an interest in sabotage cases i.e. where the charge is sabotage under the Sabotage Act, the Rivonia trial being a case in point. However, there are numerous difficulties technical and legal, apart from other objections. ... A sub-committee has been appointed to draw up a set of guiding principles in making decisions on applications ... Meanwhile all are agreed that your best course in regard to the Rivonia Trial would be to send funds directly to the instructing attorney, Mr. Joel Joffe, 204 Provident Assurance House, Commissioner Street, Johannesburg. I should also tell you that other mass trials of members of the banned A.N.C. and other Congress groups are pending in East London (106 accused), Port Elizabeth (35 accused) and Durban (19 accused) ... It is possible that you will be asked to give direct assistance in those cases too."

In 'n skrywe aan die "Defence and Aid Fund" te Kaapstad het gelyste kommunist E.S. Sachs as organiserende sekretaris van "Christian Action" hom as volg uitgelaat ten opsigte van die beleid van "Christian Action":

"The Aims of our Defence and Aid Fund are to provide effective legal aid to victims of apartheid who are brought to court or deprived of their liberty by administrative action and also to help their families. Our Fund is pledged to a policy of non-violence but in

deciding whether we should provide defence and aid in any particular case, we are concerned with the motives and not so much with the acts or omissions; nor are we concerned with the political, religious or other beliefs of the person concerned. If the motive is not self gain, but to further the interests of African freedom, he becomes entitled to our support even if the method employed by him, or the political beliefs he holds do not meet with our approval ...".

Op 22 April 1963 antwoord John Blundell vir Sachs as volg:-

"... By now it will be clear to you that we are only too anxious to do all we can to find defence wherever and whenever it is required, even if some of us may not be motivated by quite such an unique intepretation of our constitution as you set out in your fourth paragraph".  
(Fourth paragraph quoted above).

Op 10 Junie 1963 skryf die sekretaris van die International Confederation of Free Trade Unions England, aan Defence and Aid Fund in Johannesburg soos volg:

"... There is another matter on which we should like to have your advice. Further repressive legislation has been enacted in South-Africa, such as the General Law Amendment Act (known as the Anti-Sabotage Act) and subsequent refinements of this oppressive law. We should like to know whether the Defence and Aid Fund also comes to the assistance of victims charged under these latest pieces of legislation. It is of some importance to us to know this at your earliest convenience, since it has been suggested to us that the South African Defence and Aid Fund is unable or has decided against, coming to the aid of those charged under the Anti-Sabotage Act, and we should naturally like to be clear about this aspect of

of the matter".

Met die bepalings van die konstitusie van die "Fund" en vorige besluite dat sake van geweld nie mag verdedig word nie, het die kontensieuse navrae van die buiteland die plaaslike komitees in die war gejaag. Die plaaslike komitees het maar te goed besef hoe absoluut afhanklik hulle was van buitelandse fondse en om die buitelandse bron nie te laat opdroog nie is die bepalings van die konstitusie en vorige besluite oor boord gegooi en alle sake van geweld met politieke agtergrond is verdedig.

In 'n "memorandum on Defence and Aid Fund" wat deur die Johannesburg tak opgestel was in Januarie 1964 word die volgende gevind:

"Before the Sabotage Acts of 1962 and 1963 and above all before the activities of underground organizations like Poqo and the Spear of the Nation (Umkonto we Sizwe) became manifest, no particular difficulty was experienced in deciding which cases fell within the competence of Defence and Aid. Until mid 1963 Defence and Aid, Johannesburg took pride in the knowledge that despite its limited resources, it had not refused assistance in a single case in which an application for help had been made ... Charges involving violence against persons are in general not regarded as falling within the definition of restrictions on civil rights. The Fund did not accordingly, take up the Rivonia case (quite apart from the fact that it did not have funds to do so). Canon Collins of Christian Action is, however, assisting in that case on the grounds that adequate legal defence should be made available to all accused".

"Until the beginning of 1963 a great deal, though

was done pro amico by attorneys and advocates. Since the second quarter of 1963, after a series of acts of sabotage had been committed and allegations of a wide spread "Poqo" conspiracy aimed at the take-over of the country, the number of arrests snow-balled".

Op 10 Oktober 1964 word op 'n spesiale vergadering van die "Fund" te Durban besluit dat sake van sabotasie nie verdedig sal word nie. Daar word egter opgemerk dat: "The Station Court case had not been defended by Defence and Aid but arrangements had been made from overseas for lawyer to be paid retainer to enable her to deal with the case". Ruth Hayman is die "her" na wie verwys word.

Aanvanklik was die Port Elizabeth-tak gekant teen die verdediging van sabotasie-sake. Hulle siening was dat persone wat willens en wetens dade van sabotasie gepleeg het nie geregtig is op verdediging nie veral nie uit publieke fondse nie. Dit was ook gevoel dat as sabotasie sake verdedig word die bestaande konstitusie gewysig sou moet word en die gevaar dan bestaan dat die owerheid dit kan gebruik as verskoning vir optrede teen Defence and Aid en sy lede. Nogtans sonder formele wysigings van die konstitusie is sabotasie-sake deurgaans verdedig met publieke fondse.

Op 20 Julie 1964 besluit die Johannesburg-tak van die "Fund" die volgende:

"General. The Committee agreed that the Constitution should be changed to include consideration of all types of cases which fell under laws like the Criminal Laws Amendment Act, the Suppression of Communism Act, the General Laws Amendment Act and others of a similar nature. Mr. Maisels would be asked to redraft the constitution and failing him Mr. Kentridge would be asked



to do it. Mr. Maisels reports that he is experiencing difficulties with the redrafting. Miss Ruth Hayman now undertakes to do it".

Daar kon geen bewyse opgespoor word by enige van die takke dat die konstitusie inderdaad gewysig was nie. Al die takke het doodluiters voortgegaan om sake van sabotasie tesame met ander sake te verdedig. So skryf die Johannesburg-tak aan die World Council of Churches op 29 Oktober 1964:-

"A decision has been reached by the Committee to assist financially in the defence of the sabotage cases ... Very considerable sums of money will be involved as the cases are complex and it has been necessary to brief Senior Counsel. Further there will be the State versus Fischer and others. This case involves 14 other people and will involve a large amount of money over and above the ability of any accused to contribute.

Op 20 Oktober 1964 laat die Johannesburg-tak hom as volg uit teenoor Kaapstad-tak:

"It has been decided in principle that Defence and Aid should assist financially in the defence of the 2 sabotage trials in Cape Town ...".

Op 30 Oktober 1964 rapporteer die Johannesburg-tak aan Christian Action, Londen as volg:-

"Now that sabotage trials are starting at various centres in South Africa, there has been considerable discussion about the attitude of Defence and Aid. It has been decided that those cases should not be excluded, but each application would be treated on its merits, having regard to all the circumstances and to the availability of Funds". Met ander woorde as "Christian Action" toesien dat daar fondse is sal sabotasie sake verdedig word. Hierna was alle sabotasie

sake verdedig deur die verskillende takke.

Met die kondisionering van die "Defence and Aid"-takke in Suid-Afrika deur die buitelandse donateurs, onder andere "Christian Action", "World Council of Churches", "International Confederation of Free Trade Unions" en andere dat sabotasie sake verdedig moet word, het domheer Collins sy gewraakte toespraak gemaak by die V.V.O. Die domheer was versterk in sy siening, want, het die "Defence and Aid" in Suid-Afrika dit dan nie duidelik laat blyk dat ten spyte van die doelstellings van organisasies soos die P.A.C., A.N.C., Umkonto we Sizwe en Pogo, om die Suid-Afrikaanse regering omver te werp, die "Defence and Aid" in Suid-Afrika die oortreders ten alle koste moet verdedig nie?

Enkele uittreksels uit die domheer se toespraak voor die V.V.O. lui soos volg:

"To put matters right in South Africa requires political action on a big scale ... there is little if any likelihood of effecting the necessary political changes, by normal democratic, internal political processes. In such a situation it seems probable that only external pressures and the threat of execution of internal revolution will bring about the desired result ...".

"I believe it would be wrong to suppose that the work done by the Defence and Aid Fund is no more than a palliative. I think that, as well as bringing to the persecuted victims of unjust legislation and oppressive and arbitrary procedures, and relief to their families and dependents - and that thoroughly worth-while job we have done now for many years, - and will continue to do until the non-Whites in South Africa are politically, socially

and economically free men and women - the Defence and Aid has played, and continues to play, a vital role in bringing about these political changes so desired by all the people of goodwill. And of much importance, in my opinion, is the fact that the contribution of Defence and Aid in this respect fosters the morale of the Internal resistance, for, if the necessary political changes are to be brought about with the minimum of violence, and no sane person could wish otherwise - it is the resistance movement inside South-Africa, the front line of the struggle for freedom, which alone can give South-Africa the ability to become a non-racial society based upon a free democratic way of life".

"... The Government had planned to use the trial (Rivonia trial) as a propaganda platform for its attempt to make the world believe it was up against a communist plot. This very largely failed. It was in fact Nelson Mandela and his fellow accused who were able, from the dock, to state their political aims to the entire world, and to reveal the true nature and integrity of the resistance movement. The convicted men went to gaol, knowing that as far as was humanly possible, their families would be cared for.

... By caring for their families we build their morale in gaol".

Hoe sterk hierdie moraal gebou was blyk uit 'n brief van die Sekretaris van die Durban-tak aan Allan Paton op 8 Februarie 1966:-

"... Mrs. Zulu came over to see me at last. Mind you she had written to me. I did want her to give an acknowledgement of the R24.00. This I send to you. She is beside herself now that she has seen her husband.

She says her husband went into jail a frightened man, he is now a tiger! Somebody should tell this story to Vorster. Maybe he'll change his mind about keeping Sobukwe in jail".

Die domheer het voortgegaan:

"... I have explained one aspect of the welfare work of Defence and Aid, namely, that the morale of the man in gaol is kept up when they know that their families are cared for".

"... I have given only a bare outline of all the needs. Nor have I touched upon the necessity to provide for the families and dependants of the underground resistance. ... But what man or woman can happily or easily undertake such dangerous work if he or she knows that, by doing so, the well-being of the children and other dependents is at stake".

Uit die voorgaande is dit baie duidelik dat die fondse wat deur die domheer ingesamel en na Suid-Afrika gestuur was gebruik moes word om saboteurs, moordenaars, brandstigters, meineders en dies meer, in hulle kwaadwillige optredes te sterk, nie alleen om hulle verdediging te waarborg nie, maar om ook die familie onderhoud in al sy fasette te onderneem. Met ander woorde om nie alleen 'n politieke, industriële, sosiale of ekonomiese verandering teweeg te bring nie, maar dit met geweld te bewerkstellig en die domheer sal die nodige fondse verskaf, as die persoon net gekry kan word om die misdade te pleeg, of dit lewens en bloedvergieting in sy spore laat, tel by die domheer weinig meer as niks - die oortreders en naasbestaendes moet goed versorg en na omgesien word. Die aanmoediging tot die pleeg van die misdade kon die domheer nie duideliker gestel het nie. Die Uitvoerende Komitees van die Fund in Suid-Afrika was goed bewus van die toedrag van sake,

maar het voortgegaan met die verdediging van die oortreders wat somtyds duisende rand beloop het. In die saak van die Staat teen Mkalipi en andere is 'n bedrag van amper dertien duisend rand betaal vir die verdediging van die beskuldiges. Mkalipi en drie ander was aangekla dat hulle die land onwettig verlaat het, militêre opleiding buite die grense van Suid-Afrika ontvang het; dat hulle na Suid-Afrika teruggekeer het en rekrute gewerf het vir buitelandse militêre en sabotasie-opleiding. Vonnisse van 20, 17 en 11 jaar gevangenisstraf was opgelê terwyl een beskuldigde onskuldig bevind en vrygespreek was.

Dit is 'n welbekende feit dat die verbode Kommunistiese Party alleenlik lede aanvaar wat alreeds lede is van 'n ander organisasie. Defence and Aid in Suid-Afrika was ook welbewus van die feit, maar het deurgaans P.A.C., A.N.C. Poqo en Umkonto we Sizwe sake verdedig. Tereg het Sy Edele Regter Snyman in die Paarl Onluste Onderzoek opgemerk:

"... South Africa's greatest danger is the Communist led African National Conference which is already gaining strength from the decline of Poqo. The acts of sabotage in South Africa are done largely under the guidance of Communists. They use the A.N.C. and Poqo and other bodies for this purpose".

Die uitlatings van domheer Collins by die V.V.O. het 'n stortvloed van proteste uitgelok. Hy was behoorlik voor stok gekry deur die "Defence and Aid" Komitees van Suid-Afrika en niemand minder nie as die redakteur van die "Sunday Times".

So skryf die domheer aan die redakteur van die "Sunday Times":-

"I wish to state categorically that no money from Defence and Aid Fund of which I am the Chairman ever has been or ever will be allocated to foster violence ... You ought to know - Dr. Verwoerd certainly does - that to defend in the Courts persons accused of violence is not the same thing as to incite to violence" ... Die redakteur merk egter op:- "It is significant that Canon Collins avoids all reference to his astonishing statement at the U.N. that he was collecting funds "to support the underground resistance movement in South-Africa".

Die redakteur van die "Sunday Times" het later vervolg:-

"We are not prepared to retract in any way our condemnation of Canon Collins for this campaign to raise funds for promoting violence, sabotage and subversion in South Africa. This is not the way we intend to solve our political problems, and this type of incitement will not be tolerated by the Government or the Opposition. Whoever proposes to resort to violence as a political weapon will find all South-Africa firmly united against it".

Op 10 Junie 1965 skryf die Voorsitter van "Defence and Aid", Port Elizabeth, aan Johannesburg-tak:-

"You have no doubt read Canon Collin's latest address at U.N.O. with his ill-advised statements about 'underground resistance'. For my part I have no desire to receive further funds from Defence and Aid, London if it is thought that the money is used for this purpose ... Please advise me as soon as possible what action you intend taking to refute this rubbish as the position is difficult enough already without the Canon making statements

of this nature".

Selfs private donateurs hier te lande het beswaar gemaak teen die verdediging van beskuldigdes wat gewelddadig opgetree het. So skryf G.E. Bevan van Pretoria aan "Defence and Aid", Johannesburg, op 27 Junie 1963:-

"... I should be glad to make another contribution to the help of such unfortunates as you list but should like just to be assured that you discriminate between the violent and the non-violent. Although sympathetic, for they have been consistently provoked, I am not prepared to help defend such as those three-members of the P.A.C. who were given life-sentences recently for sabotage and planning the murder of whites, the poisoning of black servants of their employees - I have no wish to assist in the promotion of an imitation Mau-Mau in South Africa".

Hierop antwoord "Defence and Aid", Johannesburg soos volg:-

"We would like to inform you that as a matter of principle the Defence and Aid does not give aid to persons who are charged with acts of violence. ... We are not in a position to judge on the merits of any case and facts may emerge at trials which were not known to us when appeals for assistance were made".

Hoe flou en oneerlik die verskoning is blyk uit die feit dat die advokaat of prokureurs wat optree namens beskuldigdes deurgaans van 'n klagtestaat voorsien word geruime tyd voor die verhoor. Wat die Staat beweër in die klagtestaat moet immers bewys word voor 'n skuldig-bevinding kan volg. Die advokate en prokureurs het gereeld die beskuldigdes konsulteer en Staatsaanklaers was deurgaans geraadpleeg. Met al hierdie feite bekend is dit nie

moontlik om onkundigheid te pleit nie.

Wat egter gebeur het is dat alle aansoeke aanvaar was die oomblik as aansoek gedoen was. Opdragte was dan aan prokureurs en advokate gegee en dan eers was die feite van die saak vasgestel. As dit volgens "Defence and Aid" 'n politieke saak was, was dit aanvaar of dit geweldadige optrede was al dan nie. Die sake van Dr. Alexander en andere, Fred Carneson en baie ander, word in hierdie verband in gedagte geroep.

In die saak waarin Lynette van der Riet saam met Edward Joseph Daniels, David Guy de Keller, Anthony Andrew Trew, Allan Keith Brooks en Stephanie Kemp op klagtes van sabotasie verskyn het voor Sy Edele Regter Beyers in die C.P.D. in November 1964 het van der Riet erken dat "explosive charges were prepared in her flat and that at one stage the feasibility of using bacteria for sabotage was discussed".

In genoemde saak het Adrian Leftwich, 'n staatsgetuie wat eintlik 'n medepligtige was, en 'n vorige president van NUSAS was, erken dat teen die end van 1963 het hulle kollegas in Londen 'n geskenk aan hulle gestuur. "It was a crate marked 'Glass'. Under a false bottom it contained sticks of plastic explosives. Hierdie 'sticks' of 'plastic explosives' was vir 'n tyd in die woonstel van van der Riet gehou.

Indien die optredes van hierdie groep sou slaag sou die gevolge iets skrikwekkend en ramspoedig gewees het.

Met hierdie feite bekend het "Defence and Aid" in Kaapstad die beskuldigdes laat verdedig deur die beste beskikbare talent. Dit strook natuurlik ook met die uitslatings van die domheer in sy toespraak by die V.V.O.



Dit kan egter nie in lyn gebring word nie met die konstitusie van die "Fund" wat lui dat alleenlik gekyk word na "the protection and upholding of by all lawful means Human rights and civil liberties".

Dat "Defence and Aid Fund" gebruik was bo en behalwe "Human Rights and Civil Liberties" blyk uit die volgende brief wat deur A.K. Ganyile van Bizana in die Transkei gerig was aan "Defence and Aid", Johannesburg:

"A 'Golden City Post' reporter has recommended your firm to my people (Pondos) who are faced with arson cases. But before committing ourselves, we would like your firm, if possible, to give an indication as to what its charges are per sitting, per week and any other relevant information. At present we feel that we are painfully paying skyhigh charges, and if this continues the whole campaign against the Bantu Authorities Act will be a flop. We are now paying to our two attorneys £120 a week with the result that four cases have nearly cost us about £1000. This does not include £200 which we have used for bailing out some of our men. Last Friday four accused were nearly not defended because our attorneys demanded £60 a day. After a long discussion they reduced this to £40. This case has been on for three days and has already cost us £120. I have been confidentially informed that these cases will take about four to six months. There are still cases for incitement coming. We would very much appreciate your co-operation".

Sonder uitsondering was alle beskuldigdes wat die land onwettig verlaat en waer binnegekom het, militêre opleiding, en opleiding in sabotasie buite die landsgrense ondergaan het deur die "Fund" verdedig. Dit was uitdruklik beklemtoon dat hierdie tye sake van uiterste belang is en

ten alle koste moet verdedig word deur Senior Advokate, die bestes wat beskikbaar is.

Dit is net nodig om na die manifestos van die A.N.C. en P.A.C. te kyk ten einde die eintlike doel van die "Fund" te bepaal. In die saak die Staat teen Maika (1962) verhoor in die Johannesburg Streekhof, was die manifesto van die P.A.C. ingebandig as bewysstuk. Nie alleen is die dokumente nie, maar ook die hele hofrekord met bevindings van die landdros by die "Fund" kantore gekry. Nieteenstaande die feit dat die "Fund" geweet het wat die P.A.C. se doel is, het die "Fund" nogtans ywerig voortgegaan om diesulkes te verdedig.

Die doel van die P.A.C. was onder andere:

"(1) The first task is to consolidate the underground organisation of the P.A.C. This means that each region or branch must resort to cell organization. (Vgl. Kommunistiese metodes). Each and every cell in a branch or area must be in touch through its leaders, with a small branch. Executive Committee which is itself a cell unit --- The cell must meet frequently under conditions of extreme secrecy. Iron discipline must be instilled among members.

(2) The second task is just as vital. The fact that P.A.C. went into positive action in order to have all Pass Laws removed from the Statute Book. (Vgl. Sharpeville).

(3) The final decisive phase will be a call by P.A.C. for nation wide Mass Action with P.A.C. membership constituting a militant spear head or vanguard ... The call will come from Central Headquarters. P.A.C. leaders of all grades and strata forward now to Action, to consolidation

and preparation. Now."

Sedert 18 Maart 1966 is sake van sabotasie, A.N.C. en P.A.C. bedrywighede, land onwettig verlaat vir militêre en sabotasie-opleiding, besit van plofstowwe, inteedeel enige sake van geweld, tot 'n minimum beperk. Dit moet onteenseglik toegeskryf word aan die feit dat daar nie meer 'n "Defence and Aid" fonds was nie. Die feit dat die Staat in sekere gevalle verdediging van genoemde tipe sake pro deo verskaf het in gevalle waar die doodstraf opgelê kan word het nie algemene byval gevind nie. Inteedeel het sake voorgekom waar beskuldigdes staatsverdediging summier van die hand gewys het. Soos blyk uit die hofverrigtinge soos hieronder weergegee in die saak Die Staat teen Julius Mtalaha en 2 ander voor sy Edele Regterpresident Jennett op 27 Oktober 1965 in die Oos-Kaapse Afdeling :

"Counsel for the defence informs the court that the accused do not wish him to defend them. Counsel was appointed pro deo.

By the Court: Tell the Accused Mr. Intepreter that I understand that they refused to have Counsel? --- That is correct.

Can I ask why? --- We want one appointed by the Defence and Aid.

Why? -- We don't know the gentleman who was supposed to Defend us.

Do you know these people at the Defence and Aid? -- Yes we do.

Which of them do you know? -- I have just momentarily forgotten his name.

Now you know one? -- Yes.

From where? -- From Port Elizabeth.

Let me tell them that the Attorney General and the Registrar have been to great pains over the last fortnight. They have been in direct contact with the Defence and Aid on a number of occasions. The Defence and Aid said that they were not defending anyone of the Accused in this series of trials and I think that one of the reasons is because the Court was prepared to offer Counsel to you. It seems to me in the result that the Defence and Aid have had the extraordinary affect of creating in your minds the outlook that the only Counsel you could trust would be the Defence and Aid Counsel. And if that is so, I can only say, and I say it deliberately that they would have done a great disservice. In due course I might have other comments to offer, and I finally understand from you that you wish to defend yourselves? -- If we cannot obtain Counsel from Port Elizabeth, we will then defend ourselves.

You will not obtain Counsel from Port Elizabeth, that I can assure you, unless you pay for Counsel yourselves? -- Under the circumstances I wish the trial to continue and I shall defend myself.

Yes. You can inform your colleagues the Defence and Aid in none of the cases being tried in this series right throughout until the end of next week, will receive the Defence and Aid Counsel."

In een geval was 'n advokaat deur beide die Staat en Defence and Aid vergoed.

5. Gebruik van Fondse en Vorderingsmetodes.

Dit was oor en oor beklemtoon dat die fondse van die "Fund" uitsluitlik gebruik was vir "to pay for the legal representatives of people facing political charges and where possible to aid families who are left destitute".

In 'n memo was dit as volg omskryf:

"The Fund does not assist persons essentially as philanthropy but in furtherance of its main object - to defend civil rights and liberties. Accordingly no means test on the economic position of the applicant is applied as a condition of a grant or a loan".

Die invorderings hier te lande het nooit noemenswaardige syfers behaal nie. Gereëlde donateurs het net nie bestaan nie en die plaaslike takke het deur middel van etes, danse, konserte bedelbriewe, en dies meer die stywing van die "Fund" probeer aanhelp. As dit nie was vir buitenlandse bydraes nie, kon die "Fund" nooit in Suid-Afrika behoorlik funksioneer nie en sou dit 'n vroeë dood gesterf het.

Daar is egter afdoende bewyse dat die "Fund" in baie opsigte buite die bepalings van die konstitusie opgetree het. As 'n persoon vir 'n politieke oortreding aangekla was het die "Fund" al sy belange en verpligtinge oorgeneem en hom in 'n beter posisie gestel as wat hy voorheen was. Die "Fund" het in alle opsigte as die Universele Barmhartige Samaritaan opgetree, bloot omdat so 'n persoon 'n politieke oortreding begaan het. Die volgende is 'n paar gevalle waarvoor fondse onder anderé ook gebruik was:

(1) Prokureur L. Mtshizana, 'n lid van die Uitvoerende Komitee, Oos-Londen, wat in verskeie sake opgetree het

namens "Defence and Aid Fund" was later aangekla op verskeie klagtes van regsvertydeling. Die "Fund" het R918 spandeer om die saak te verdedig. Hy is egter skuldig bevind en van die rol van prokureurs geskrap wat "Defence and Aid" 'n verdere R300 gekos het.

(2) Dit het geen verskil gemaak watter oortreding gepleeg was nie, maar as die oortreder 'n politieke agitator was, was hy verdedig. So is daar onder andere, die oortreder se hofopgelegde boete betaal, kapitaal verskaf om 'n besigheid te begin, versekerings betaal, sakgeld verskaf tydens aanhouding en daarna, vervoerkoste van meubels, natuurlike-belasting, begrafniskoste. Hierdie bedrae word in die boekhouding aangetoon as "sundry advances" en word later afgeskryf of dit word teen die welsyns fondse gedebiteer.

(3) Die volgende sake wat seker nie noodwendig as politieke sake kan beskou word nie, was ook deur die "Fund" verdedig. Betreding, meened, moord, brandstigting, oortredings in gevangnisse, aanranding op bewaarders, bedrog, weier om getuienis te gee, kwaadwillige saakbeskadiging, openbare geweld. Ook hier was die deurslaggewende faktor wie die persoon is wat die oortreding gepleeg het. Waar soortgelyke oortredings gepleeg was en waar daar nie 'n politieke agtergrond was nie, het die "Fund" geweier om op te tree.

(4) Robert Sobukwe was spesiaal uitgesonder om voordele aan te verskaf. So besluit die Kaapse Komitee om R10 per maand opsy te sit vir die aankoop van grammofoon plate tabak en sigarette, groente en blomsaad vir Sobukwe op Robbeneiland. Plate wat alleen 'n kenner van musiek kan waardeer was gestuur. Geen wonder dat Benjamin Pogrund later aan die "Fund" Kaapstad die volgende skryf nie:- /10

"In any event he (Sobukwe) says that the cigarettes etc. are reaching him regularly and he expresses his appreciation. He said that you could spare yourself sending him records. My own feeling however, is that if it is not proving any burden to you, it would be a good idea to continue sending him records".

Ook aan Sonia Bunting was met haar vertrek uit Kaapstad 'n "handwoven Moroccan bedspread" as geskenk deur die "Fund", Kaapstad aangebied.

(5) Op 4 Oktober 1965 skryf Dennis Scar voorsitter van die Port Elizabeth-tak aan Allan Paton:

"... As you know I am endeavouring to start a library of court records to assist Counsel in the trials being held here in the Eastern Cape. I believe you have some money available which could be used for the purchase of these records. If this is so could you let me have say R500 for this?". Hierop antwoord Allan Paton op 14 Oktober 1965:-

"Enclosed you will find a cheque for R500. Will you please write to me acknowledging the gift and ask for your thanks to be conveyed to the Presbyterian Church in America for their help. Please indicate briefly what the money is being used for but I think we should give some more human and immediate reason than the need for Court records".

Op 27 Oktober 1965 skryf Scarr and Paton:

"... Thank you very much for the cheque. Please convey the very sincere thanks of Defence and Aid Fund, Port Elizabeth, to the Presbyterian Church in America.

We intend to use these funds solely for furthering the welfare of awaiting trial prisoners, many of whom, as you know are held for many months before appearing in Court"

Van die biblioteek is niks gevind nie - ook nie wat van die geld geword het nie.

(6) Looksmart Solwandhla Ngudle was 'n 90-dae aangehoudene en tydens aanhouding het hy selfmoord gepleeg deur homself in sy sel op te hang. Met die nadoodse ondersoek was regsverteenwoordigers vir die familie verskaf deur die "Fund". 'n Bedrag van R3004 was bestee hieraan.

Die onderstaande is 'n uittreksel uit 'n beëdigde verklaring gemaak deur Elijah Loza op 19 September 1963:-

"... Looksmart Ngudle was responsible for sending men over the borders for military training he was the regional Chief of Mkonto We Sizwe - I do not know where the money came from for their fares. Our region did not pay for it i.e. Cape Western Region of A.N.C.

As far as I remember Looksmart mentioned that his unit was responsible for the following acts of sabotage:-

- (1) Cutting of telephone cables at Nyanga Railway Station.
- (2) Cutting of telephone cables on Cape Flats.
- (3) Cutting of telephone cables in Oak Street, Cape Town.
- (4) Throwing petrol bombs into house where the delegates of Kaizer Matanzima were housed.
- (5) Cutting telephone cables between Langa and Cape Flats.
- (6) Cutting telephone cables in Chappel Street, Cape Town.
- (7) Cutting electric cables in Settlers Way.
- (8) Throwing petrol bomb at the Nyanga Administration Offices".

Met die insameling van fondse in Brittanje is gebruik gemaak van metodes wat nie anders as skokkend kan beskryf word nie. Domheer Collins is welbekend met die gebruik van "human interest" verhale wat hy so maklik kon uitbuit deur die werklike feite onjuis weer te gee.



In die saak van die Staat teen Vuyisile en andere was Vuyisile skuldig bevind aan moord en ter dood veroordeel. In 'n bedeladvertensie beweer die domheer dat Vuyisile gehang is omdat hy nie teen sy boesemvriend Wilton Mkwai wou getuig nie, maar Wilson Mkwai het toe alreeds gevlug na Basoetoland. So verwronge was die feite in "The Observer" in Londen weergegee dat hy deur Suid-Afrika Huis tereg gewys was en sy bedeladvertensie moes onttrek.

So skryf Patrick van Rensburg van Christian Action, Londen aan die "Fund" in Johannesburg op 24 April 1961:-

"... I am assuming that something is being done about Canon Collin's request for a new set of priorities and anticipating that the letter you said you are writing today (Monday) will deal with it. Can you do something further about this, incorporating the new priorities in a letter to the Editor of "The Observer". To carry on collecting we must use every trick in the book".

In Mei van 1964 skryf dr. Bill Hoffenberg toe Voorsitter van die Kaapse-tak van die Fund, uit Londen aan die Kaapse-tak:-

"An interim report from the land of the free. Have spent many hours making myself very unpopular at the Defence and Aid offices here.

1. Money. They sent £1,000 to Johannesburg on 8th May. I told them about our misunderstanding re the £750 earmarked for the Alexander trial. They have agreed to send this amount straight to C.T. More important is that their prospects look good - money is pouring in - over the past two months - largely the result of the Observer appeal. Some of this is earmarked for Rivonia, but there should be

a lot due to us. Their allocations committee only meets in about 2 weeks time, but we will get a reasonable chunk. If we don't, we must make a big fuss, as I know what they've got in (spies!). Dr. Hellman must write, and John must write, stressing that we are turning down cases, while we believe that money is available in London. Do this soon and make it string. Stress urgent need for money now - we can't wait for committee meetings. Can't they short-circuit things to make something available? Etc., etc.

They are considering (at my request) a scheme whereby they will underwrite an unspecified amount (£500?) at C.T. and JHB. so that we can get into debt to this amount and know that they will help us out.

I've used all the pressure I can. Collins is away, unfortunately, but John and Dr. Hellman must keep at them - give them details (harrowing) of cases turned down - make them up, if they don't exist! Ask Ruth Hayman to push the same line with them. Lang is doing his best, incidentally, but is himself tied down.

2. The Williams Case ... a sore point! They say that they couldn't help themselves - money and phone calls and help of all sorts poured in - what were they to do? Further, they helped him through C.A., not D. & A. which is a subsidiary. They are furious about Bloomberg, who was recommended to them by someone here. I've created a lot of fuss about this, so perhaps play it down a bit from now on.

That's about all, except that we must not turn down cases, but take on all we can and throw the expense back at them. We're in quite a strong position vis-a-vis C.A., as D & A. is wagging the whole concern at the moment and I think they need us quite badly."

Op 28 Junie 1961 skryf prof. Leo Kuper, voorsitter van die Durbanse-tak aan die "Fund" in Johannesburg:-

"... I should say that we do not have any special lawyers for the Fund, and so far as I can see one of our difficulties may be that no matter how much money we collect it will always be insufficient to meet the requests of Messrs. Arenstein & Fehler and Mr. Naicker. Personally I find it a bit frustrating to be merely a fund raising agency for two firms of lawyers".

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6. Boekhouding.

Aan die firma Crafford, Du Toit en Vennote, ge-oktrooieerde Rekenmeesters van Pretoria was dit opgedra om uit die beskikbare boeke en dokumente 'n verslag voor te lê ten opsigte van die boekhouding van die "Fund". 'n Afskrif van die verslag word hierby aangeheg. Van die amptenare wat belas was met die beslaglegging op 18 Maart 1966 was die versekering verkry dat alle beskikbare dokumente oorhandig was.

Die sisteem van boekhouding wat die "Fund" gevolg het was een van ontvangste en uitbetalings. Johannesburg was veronderstel om die hoofkantoor te wees waar alle buitelandse skenkings ontvang sou word en vanwaar die verdeling na die onderskeie takke sou gemaak word. Die ander takke behalwe Johannesburg het egter baie dikwels skenkings uit die buiteland direk ontvang en dan Johannesburg net daarvan kennis gegee. Hierdie bedrae was dan in rekening gebring met die daaropvolgende toekenning van Johannesburg.

Nie een van die takke, ingesluit Johannesburg, het 'n deurlopende rekening gehou van ontvangste en uitbetalings nie. Daar was deurgaans gebruik gemaak van die balanse soos deur die onderskeie banke verstrek. Uit die boekhouding van die onderskeie takke kon dit op geen stadium bepaal word wat die totale ontvangste en uitbetalings was nie. Die bank moes die informasie verskaf of

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die rekening in debiet of krediet is.

Die totale ontvangste van die "Fund" in Suid-Afrika kan dus nie bepaal word nie asook nie die uitbetalings nie. Die enigste aanduidings van ontvangste en uitbetalings word verkry uit sekere dokumente wat besonderhede verstrek vir sekere periodes. As gevolg van die gebrekkige boekhouding is hierdie syfers dan ook geensins betroubaar nie.

'n Ander groot leemte in die administrasie van die fondse is die feit dat aan niemand eintlik verantwoording moes gedoen word nie. Die fondse het die land ingestroom in duisende rand wat distribueer was aan die takke. 'n Globale syfer was dan verstrek deur die takke aan Johannesburg in party gevalle, wat 'n bedrag vir verdedigingskoste en welsynswerk aantoon. Daar was gereeld aan Christian Action Londen, rapporteer wat die beraamde uitgawes vir sekere tydperke sal beloop, maar nooit was spesifieke besonderhede verstrek van hoe die fondse gebruik is nie. Dit het 'n vrye hand aan die Administrateurs van die fondse in Suid-Afrika gegee.

Die inskrywings in die boeke van die takke was nie bygehou nie soos blyk uit die boeke waarop beslag gelê was.

Die inhoud van die brief van "Defence and Aid" , Port Elizabeth, aan Johannesburg op 8 Julie 1964 bewys die bostaande bewering:

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"..... How do the financial wizards feel?

From our unkept books our past commitments are not clear. My predecessor thought we owed some people R500, but he also implied we have this in the bank which we have not ...".

Ook uit die volgende brief blyk die gebreke in die boekhouding. "Defence and Aid", Port Elizabeth aan Kaapstad, kantoor:

"..... I have a letter from Dot Clemenshaw enquiring about the costs of the above appeal (Mrwetyana) as evidently she promised to provide funds to cover it. I am rather in the dark as to how much we have already had towards this case and I wondered if you could clarify this point. As far as I can make out we have already had R120 from Mrs. Clemenshaw, 20 rand from Dr. Bromberger and an unknown amount from London University. Can you let me know what we have had then I can let Mrs. Cleminshaw know what remains to be paid".

Die Kaapstad tak skryf hierop aan "Defence and Aid" Londen, op 17 Maart 1966:-

"... Livingstone Mrwetyana. I do not know what his original sentence was ... Could you please tell us the exact amount earmarked for his trial? Port Elizabeth do not have a record of it and would like to know".

In Junie 1963 skryf D. Craighead, Voorsitter van Johannesburg-tak aan Jomheer Collins:

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".... In regard to your suggestion that we advise the Society of Friends as to the amount of money received from 'Defence and Aid' London, since the Treason Trial, there is some difficulty as we do not have records of monies that have been sent direct for certain cases, nor do we have in Johannesburg full records of monies which have at times been sent to other centres".

In 'n memorandum van die "Fund" in 1963 kom die volgende onder andere voor:-

"... Because the records were not kept in a way to facilitate an analysis of all the cases handled total figures cannot be given...."

Uit die "Interim Financial Report" van die "Fund" te Johannesburg op 17 Februarie 1964 kom die volgende:

"... Tabled are the unaudited Income and Expenditure Accounts and Balance Sheets for the years ended June 30th 1962 and June 30th, 1963".

Vir die jaar eindigende 30 Junie 1965 was die "Fund" se inkomste R68,321.00 waarvan R32,000 van "Defence and Aid", Londen, gekom het en R4621.00 plaaslik ge-in was. Die balans het van ander instansies vanaf die buiteland gekom.

Die Kleinkas Boek van die Kaapse tak was net tot 11 November 1965 opgeskryf sonder dat Novembermaand behoorlik afgesluit was. Daar was ongetwyfeld nog uitbetalings maar geen inskrywings was gedoen nie. Die Johannesburg tak se kasboek is opgeskryf tot gedeelte

Oktober 1965 en alhoewel baie uitbetalings daarna gedoen is, is dit nie aangeteken nie. Vanaf Julie 1965 is geen maand se inskrywings behoorlik afgereken nie. Vir die bedrae ontvang vanaf "Defence and Aid", Londen, en in Suid-Afrika ge-in was behoorlike kwitansies uitgereik. Ten opsigte van die ander bedrae is in party gevalle kwitansies uitgereik, maar in baie gevalle is die ontvangs net per brief erken. Of die bedrae almal behoorlik in rekening gebring was kon nie vasgestel word nie.

Domheer Collins was op verskeie geleenthede versoek om alle aansoeke om hulp uit Suid-Afrika na die "Fund" in Suid-Afrika te verwys. Nieteenstaande die versoeke het domheer Collins op baie geleenthede geld direk aan die aplikante of prokureurs versend.

Enkele gevalle is die volgende:

- (a) 'n Bedrag van R1997.50 word deur Christian Action direk aan prokureurs Ress, Richman & Co. Kaapstad gestuur vir die Alexander appèlsaak.
- (b) R500 direk na prokureurs in Kaapstad vir Isaac & Others saak.
- (c) 'n Bedrag van R1397.75 is direk oorbetaal aan Ruth Hayman vir die Harris saak.
- (d) Die Rivonia verhoor het die "Fund" R34,000 gekos. Christian Action wat aanspreeklikheid aanvaar het vir die verdedigingskoste het dit voorsien deur dit direk aan prokureur Joel Joffe te versend.



- (e) Aan prokureur J.N. Singh van Durban is 'n bedrag van R1,000 direk gestuur.
- (f) Aan prokureurs Joach en Jankelewitz van Port Elizabeth is R1,000 direk gestuur.
- (g) Aan prokureur H. Festenstein van Johannesburg is R1,156 direk gestuur.
- (h) Benjamin J. Bottenwiser van Amerika het op 17 Januarie 1964 500 dollars direk aan Leo Marquard, van die "Fund", Kaapstad, gestuur.
- (i) George M. Hauser van Amerika het op 6 Februarie 1964, 500 dollars aan dr. E. Helman van die "Fund" in Johannesburg gestuur.

In bogenoemde gevalle is daar geen kontrole oor die geld wat op die wyses ontvang is nie. Die bewering wil geensins gemaak word dat enige van die geld verduister is nie, maar die beheer en te boekstelling was so onbevredigend dat baie onreëlmatighede gepleeg kon word het.

Daar was deur die "Fund" ook nie afsonderlike rekeninge gehou van prokureurs aan wie voorskotte gemaak was nie. As 'n prokureur sy beraming voorgelê het was die bedrag of ten dele of ten volle aan hom betaal mits die fondse in die bank beskikbaar was.

Met die aansoek van die "Fund" in 1961 om as Welsynsorganisasie registreer te word meld die Registrateur van Welsynorganisasies in 'n brief aan die "Fund" die volgende:

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".... The auditor of the statements states that he only examined some records. Kindly advise me why all records were not made available to the auditor. He also states that he has not been able to verify the items of income and expenditure beyond checking them with Bank statements for the period and examining some paid cheques and vouchers submitted. He also states that no records from branches were available, and accordingly the payments shown merely represent the amounts advanced to the branches shown from the head office account. It will be appreciated if further information concerning the amounts advanced to branches can be furnished".

Dit is duidelik dat reg van die begin af was geen behoorlike kontrole oor die spandering uitgeoefen nie.

Selfs in Engeland was dit deur die pers aan domheer Collins gevra om volledige state te publiseer in verband met die invorderings vir "Defence and Aid", Londen. Dit was beweer dat R600,000 alreeds gevorder was en dat die geld gebruik was vir doeleindes andersins as aangedui. Een van die doelstellings was "to aid victims of unjust legislation, oppressive and arbitrary procedures". Die skrywer gaan voort:

"... The advertisement portrayed the case of a man who was convicted of murder and whose appeal was dismissed ... There was the case of the Williams family in April 64, when Christian Action collected £2000, to aid the case of a 'victim of apartheid'. Their own representative i.e. 'Defence and Aid' in South Africa said there

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was nothing political about the Williams' affair and neither the Williams family nor I would be associated with any attempt to distort the facts of this matter and reflect adversely on South-Africa".

Uit die wyse waarop die boekhouding gedoen was is dit duidelik dat verskeie aspekte van die doen en late van die "Fund" nie kan omskryf en bepaal word nie, naamlik:

- (1) Dit is onmoontlik om te bepaal of al die geld deur die "Fund" ontvang in berekening gebring is.
- (2) Dit is onmoontlik om te bepaal of die gelde wat beslag op gelê was al die beskikbare fondse van die "Fund" verteenwoordig.
- (3) Die eise wat teen die "Fund" ingestel is vir verdediging van sake kan nie behoorlik kontroleer word nie. Daar kon nog krediete bestaan het by die prokureurs waarvan net die prokureurs bewus was veral gesien in die lig van die boekhouding wat gestaak was na Oktober/November 1965. Sien ook opmerking van rekenmeestersverslag - paragraaf 5 op bladsy 2.

So vroeg as 1960 het domheer Collins al die vrees uitgespreek dat "Defence and Aid" geld moontlik beslag op gelê kan word in Suid-Afrika en het dus die grootste gedeelte geld in Brittanje gehou vanwaar periodiek geld gestuur was na Suid-Afrika.

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7. Skeiding van "Defence and Aid", Naamsverandering en Verskuiwing van Hoofkantoor.

Vanaf die totstandkoming van die "Fund" in Suid-Afrika het dit welsynswerk tesame met die verdediging van politieke oortreders onderneem. Met die fondse was egter so rojaal gewerk dat daar kronies 'n tekort was om al die verpligtinge na te kom. Dit was dan al in 1961 deur Komiteelede gevoel dat die "Fund" hom meer moet toelê op verdediging van politieke oortreders as op welsynswerk.

Die Johannesburg-tak het hierop vir "Christian Action" in Londen laat weet dat dit die gevoel is en dat indien geld beskikbaar gestel word dit lefs vir verdediging moet gebruik word. "Christian Action" het egter laat weet dat indien geen welsynswerk verrig word deur die "Fund" in Suid-Afrika nie, invorderings bitter moeilik in Brittanje sal wees. Desnieteenstaande het die "Fund" al minder welsynswerk gedoen totdat in 1963 dit geheel en al gestaak was. Verskeie bedrae geld was aan ander organisasies betaal om met welsynswerk voort te gaan. So is in 1961, R500 betaal aan die Quakers vir welsynswerk.

Op 20 November 1963 skryf die Johannesburg-tak aan Kaapstad-tak:

"... It seems to me a much better idea for the welfare side to be handled separately from the Defence side. Here we do not handle welfare at all at present, as it is handled here by the Quakers".

En op 28 Augustus 1964 skryf Johannesburg weer aan Kaapstad:

"... It now seems to me that one of the main purposes of the conference would be (talking on the welfare side only) to try to establish similar machinery in other centres e.g. Durban and East London where it apparently

is not working ... to me it seems that legal defence and welfare will - and probably should be dealt with separately as you do in Cape Town and as we, in fact, do in Johannesburg".

Op 6 November 1964 versoek domheer Collins, mnr. D. Craighead van die Johannesburg-tak om "defence " and "aid" te skei. Hierop het Craighead geantwoord dat dit alreeds gedoen word en dat 'n organisasie gestig is wat alleenlik welsynwerk sou doen. Die volgende lede is benoem: Dr. Oscar Wolheim, voorsitter van S.A.B.R.A., Eerw. Brown, Sekretaris van S.A.B.R.A., en mnr. Barron van die Quakers. Die Hoofbron van inkomste sou wees "World Council of Churches" en "Oxford Famine and Relief Fund". Die organisasie sou bekend staan as "Christian Council of South Africa".

Op 1 Augustus 1965 was 'n nasionale vergadering gehou te Kaapstad waarby Johannesburg, Durban en Port Elizabeth verteenwoordig was. Die volgende besluite was onder andere, geneem:

"1. It was resolved that because the aims of the Defence and Aid Fund in South Africa differs from the aims of the Defence and Aid in London, the former will henceforward be named 'The South African Defence and Aid Fund'. Letterheads and banking accounts are to be changed accordingly".

2. It was agreed that the sole purpose of the South African Defence and Aid Fund is to provide defence.

3. It was agreed that a central office of the Fund should be retained to receive funds and to distribute them to all the branches.

4. It was resolved that the National Headquarters should be removed from Johannesburg to Cape Town.

Headquarters are to be transferred by either 16th or the 31st of August.

5. It was resolved that all branches are to have their books audited up till the 30th June, 1965.

6. It was agreed that Cape Town and Johannesburg committees should continue without electing a chairman.

7. It was agreed that the Constitution is not to be changed until legal opinion has been taken".

Dit was as gevolg van inperkingsbevele op Komiteelede dat Johannesburg en Kaapstad takke sonder voorsitters was. Veral die Johannesburg-komitee was gevoelig getref deur inperkings en lede wat vertrek het uit die gebied.

So skryf Ruth Hayman een van die oorgeblewene komitee-lede van Johannesburg aan die Kaapse-tak op 24 Februarie 1966:

"... It is with great sadness that I write to inform you and your Committee that at a meeting held last Monday, the Johannesburg Committee took a decision to dissolve itself with immediate effect".

Ten einde uitvoering te gee aan die besluite van die nasionale vergadering gehou op 1 Augustus 1965 te Kaapstad skryf die sekretaresse van die Kaapse-tak aan die bank waar hulle rekening gehou was:

"... The South African Defence and Aid Fund was up till the 1st August, 1965, named the Defence and Aid Fund".

Voornoemde brief het die opdrag bevat dat alle tjeks en bankoordragte wat in die naam van "Defence and Aid Fund" uitgemaak was voortaan gekrediteer moet word teen

die rekening "South African Defence and Aid Fund" en die brief het afgesluit met:

"The South African Defence and Aid Fund, the Defence and Aid Fund and Defence and Aid are all one and the same organisation".

Selfs na Augustus 1965 is die benaming "South African Defence and Aid Fund" nie konsekwent gebruik nie. In briewe tussen takke en selfs met en van "Defence and Aid" in Londen word die benaming "Defence and Aid" baie dikwels gebruik.

Die bewering dus dat proklamasie No. R.77 van 18 Maart 1966 nie na "The South African Defence and Aid Fund" verwys nie, was heeltemal ongegrond.

Aan die besluit dat die hoofkantoor na Kaapstad moes verskuif word is ook gehoor gegee. Ruth Hayman en Hannah Jaff, twee van die Komiteelede van Johannesburg het die werk daar voortgesit.

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8. Verwante Organisasies in Suid-Afrika.

Dit is opvallend hoeveel ander organisasies in Suid-Afrika met die "Fund" geskakel het. Nie alleen het die ander organisasies fondse van die "Fund" bekom nie, maar dikwels het hulle ook hul gewig ingegooi by die "Fund" om politieke oortreders te laat verdedig of te laat help verdedig.

Die doelstellings van die organisasies het baie punte van ooreenkoms gehad met die van die "Fund" en die deurslaggewende faktor was altyd - die verdediging van politieke oortreders en die omsien na die families.

Die ontstaan van baie van die organisasies kan nie bepaal word nie en dit is duidelik dat van die organisasies vandag nog met sommige doelstellinge van die "Fund" voortgaan. Onder andere, het die volgende organisasies na vore getree tydens die bestaan van die "Fund":

(1) Human Rights Welfare Committee.

Op 10 Februarie 1961 het die "Fund" te Johannesburg 'n bedrag van R600 geskenk aan die organisasie waarvan Helen Joseph toe die sekretaresse was en op 2 April 1962 was 'n verdere bedrag van R100 deur die "Fund" geskenk. Die fondse was geskenk vir hulp aan bannelinge.

Later in 1962 het die organisasie weer om hulp aangeklop by die "Fund" en was die volgende antwoord verstrekk:

"... as far as it is within the capacity of the Defence and Aid Fund we shall endeavour to provide assistance in obtaining legal advice and guidance ... the assistance we render could not be extended in cases where the legal problems are not a consequence of banishment".

Op 21 Januarie 1963 het die Uitvoerende Komitee van die "Fund" te Johannesburg besluit om R200 per maand



vir die volgende drie maande aan die organisasie te betaal.

Op 25 Januarie 1963 skryf Collins aan A. Nepple, Voorsitter van Johannesburg-tak van die "Fund":

"... We have had a telephone call ... telling us that the Human Rights Committee for banished people are very urgently in need of money. I am therefore sending you by cable £100, as a token of our concern and goodwill ...".

(ii) Suid-Afrikaanse Instituut vir Rasse Verhoudings (S.A.I.R.V)

Hierdie organisasie is welbekend in Suid-Afrika. Met die besluit van die "Fund" om geen welsynswerk meer te doen nie het S.A.I.R.V. en die "Christian Council of South Africa" onderneem om al die welsynswerk in Kaapstad oor te neem. Die vernaamste bron van inkomste van S.A.I.R.V. was die "World Council of Churches" en "Oxford Famine Relief Fund".

Op 10 Desember 1962 skryf S.A.I.R.V. aan die "Fund" te Kaapstad as volg:

"... I should like to appeal for assistance to help pay the costs of presenting evidence and watching the interests of Africans before the judicial Commission of Enquiry into the causes of the Paarl Riot on 22nd November, 1962. It is extremely important that the underlying causes of unrest be brought to light and for this purpose it is necessary that legal representation should be available particularly as the Police and the Paarl Municipality are being legally represented".

Die "Fund" het 'n bedrag van R800 bygedra.

Op 18 Desember 1964 skryf S.A.I.R.V. aan D. Craig-head, voorsitter van Johannesburg-tak van die "Fund":

"... I enclose a cheque for the sum of R1383.00 for Defence and Aid. The sum of R2000.00 was sent to Port

Elizabeth Defence and Aid and a further cheque of R500".

Op 24 Augustus 1965 skryf S.A.I.R.V. weer aan Johannesburg-tak van die "Fund":

"... Thank you for your letter of the 17th August, in which you advised us of your intention of arranging to send \$1000 from the American Committee on Africa to us ...".

Uit die notules van 'n Spesiale Vergadering van die Durban-tak van die "Fund" blyk die volgende:

"... Money had come from Canon Collins and Trade Unions; there was now about R5000.00 in hand and Race Relations had been given R2500.00 for defence which it was hoped they would hand over. World Council had promised to raise a further sum - our chairman undertook to write and ask that money be sent through proper channels".

Nadat die "American Committee on Africa" die "Fund" in kennis gestel het dat hulle voornemens is om 'n bedrag van \$1000 aan "Defence and Aid" te skenk vir "prison education" het laasgencemde as volg terug rapporteer:

"... Unfortunately, the South African Defence and Aid Fund has recently taken a decision that monies for purposes other than defence should be sent to a Co-ordinating Committee, c/o S.A. Institute of Race Relations that this money is earmarked for education and can be sent to Miss Hayman.

Uit korrespondensie blyk dit dat daar op 11 Augustus 1965 'n bedrag van R154.00 aan S.A.I.R.V. oorbetaal is deur die "Fund".

(iii) Nasionale Unie van Suid-Afrikaanse Studente, (N.U.S.A.S.).

Ook hierdie organisasie is welbekend in Suid-Afrika en lidmaatskap is beperk tot studente aan plaaslike universiteite. Dit wil egter voorkom of die bedrywighede

van die organisasie nie beperk is tot akademiese aangeleenthede nie soos blyk uit die volgende briewe:-

Op 11 November 1964 skryf die prokureurs-firma Hayman and Aronsohn aan die "Fund" te Johannesburg:

"We beg to advise you that several weeks ago we were instructed by N.U.S.A.S. to act on behalf of these persons (Choabe, Gawe and Saule) who were until recently 90-day detainees in East London. On the 26th October, 1964, these persons were charged under the Suppression of Communism Act, ... We understand from N.U.S.A.S. that they are in a position to provide certain of the funds for the defence of these persons but obviously they will not be able to cover all the fees involved. We therefore make formal application to your committee to handle these matters and to provide such funds for the legal defence of these persons as cannot be met by N.U.S.A.S.--- We have now been advised by N.U.S.A.S. that there are four other students or former students who are being detained in East London, and we have been requested to act for these persons. Their names are: H. Kani, E. Dhlala, Paul Modiba, Stanley Mabizela ... We wish to make formal application for the assistance of Defence and Aid for these persons on the basis that N.U.S.A.S. will be able to provide portion of the fees".

Op 21 Augustus 1965 was die volgende versoek van n Grahamstadse lid van N.U.S.A.S. aan die "Fund" te Port Elizabeth gerig:

"...As the Director of Publications on the Rhodes N.U.S.A.S. local committee, I am interested in publishing a Fact Sheet on Defence and Aid ... one of your staff could help us in this respect by writing an article of between 1000 and 1200 words on Defence and Aid dealing in particular

with:

1. Where Defence and Aid gets its money.
2. N.U.S.A.S. involvement.
3. The number of political prisoners in South Africa, and the number in Eastern Cape.
4. Difficulties facing Defence and Aid".

Op 26 Augustus 1965 het die President van N.U.S.A.S. aan die "Fund" die volgende mededeling gedoen:

"... The following resolution adopted at our recent Student Assembly to you for your information ...".

"That this Student Assembly, noting that useful contact has been maintained between N.U.S.A.S. and the South African Defence and Aid, during the past year, expresses the hope that this will continue in the future, notes the attacks made - upon the South African Defence and Aid Fund during the past year and regards these unfounded, and expresses its support for the South African Defence and Aid".

Op 22 Oktober 1965 skryf die sekretaresse van die "Fund" te Port Elizabeth aan N.U.S.A.S. Grahamstad:

"... I have recently become Secretary of this organisation and one of the projects Mr. Scarr (Voorsitter, Port Elizabeth-tak) has asked me to take over is the article on Defence and Aid aims and objectives. I agree with you that it is very important for N.U.S.A.S. to know as much as possible about Defence and Aid and I have prepared an article under the headings you requested. One thing puzzles me and that is the heading 'Nusas Involvement'. This surely you would know more about than I would and all the information I have included about this is taken from correspondence received from Cape Town University.

If you mean what role should N.U.S.A.S. play in aiding Defence and Aid with its objectives, this again I feel is up to you not to me to suggest".

Die Universiteit van die Witwatersrand het R200 betaal ten opsigte van borg vir ene John Mokene 'n politieke oortreder. Hy het die land uitgevlug en die borgtog is verbeur. Die vermoede bestaan dat die R200 eintlik betaal is deur N.U.S.A.S.

(iv) 90 Day Protest Committee (Kaapstad).

Hierdie organisasie het funksioneer tydens die geldigheid van die 90-dae aanhoudingsklousule onder voorsitterskap van J. Hamilton Russel. Na die herroeping van die 90-dae klousule het die organisasie ophou bestaan en terselfdertyd 'n bedrag van R1534.50 aan die "Fund" oorbetaal.

(v) Community of the Resurrection - Alice, Cape.

(vi) The Pretoria Action Council for Human Rights (A.B.A. Brink, P.O. Box 1291, Pretoria).

(vii) National Committee for Liberation, for sabotage for political purposes. Rubin was die toonaangewende persoon in die organisasie maar het die land uitgevlug in 1963. Die "Fund" het Sedrich Isaacs, Achmed Cassem en James March verdedig wat Matroosfontein Poskantoor en sub-stasie op de Waal rylaan saboteer het. Hulle was lede van die organisasie.

(viii) Detainees Relief Fund (Durban).

Voordat die "Defence and Aid Fund" behoorlik funksioneer het in Durban was dié organisasie aldaar in werking. Met die "Defence and Aid Fund" se inwerkingtreding het hierdie organisasie verdwyn en was R634.42 aan die "Fund" oorbetaal.

(ix) African Relief Fund, Johannesburg.

Hierdie organisasie was beperk tot Johannesburg en omgewing. Die doelstellings was:

"1. To raise funds by donations, parties, concerts, membership fees, collections and grants with a view to assist children in need of care, families in poverty and individuals who are dependants of breadwinners arrested and convicted or killed as a result of political strife.

2. Membership shall be open to all people of African origin by payment of an annual membership of 10/-. Life members will pay £5. No person will serve on the Committee unless his membership fee is paid.

(x) Dependants Conference, Kaapstad.

Met die besluit van die "Fund" om na 1963 geen welsynswerk meer te doen nie, het daar veral in Kaapstad verskeie organisasies ontstaan wat die welsynswerk wou voortsit. Daar was nie minder as sestiensulke liggame waaronder "Dependant's Conference", "Dependant's Committee", "National Co-ordinating Committee", "Social Services, Cape Town", "Society of Friends", "National Welfare Committee", "Black Sash" en "Quakers".

Omdat daar dikwels oorvleueling was, was 'n vergadering byeengeroep in Augustus 1964 om 'n poging aan te wend om die verskillende organisasies te laat amalgameer. Onderlinge geskille en wantroue het dit laat misluk. Tog was weekliks 'n vergadering gehou met verteenwoordigers van drie verskillende liggame.

Die "Dependants Conference" bestaan vandag nog, en gedurende die jare 1964 en 1965 was 'n bedrag van R20,000 ontvang vanaf die "Defence and Aid International".

(xi) Die Liberale Party.

Dit is opvallend hoeveel van die lede van die Liberale Party as lede van die Uitvoerende Komitee van die "Fund" opgetree het. Vergaderings van beide die Liberale Party en die "Fund" was ook gereël om saam te val. Die Liberale Party het ook in die optrede van die "Fund" 'n gulde geleentheid gesien om hulle doelstellings te bevorder met rassegelykheid. Die volgende persone het prominent na vore getree in beide organisasies:

Peter Hjul, David Craighead, Alan Paton, John Laredo, Ruth Hayman, Alex Hepple.

Aanvanklik was daar probleme met die stigting van 'n tak van die "Fund" te Oos-Londen. Op 13 Junie 1960 besluit die Liberale Party te Oos-Londen om 'n Komitee te stig om "Defence and Aid" werksaamhede aldaar voort te sit.

Beide David Craighead en Ruth Hayman was ondertekenaars vir die "Multi Racial Conference of South Africa" en by die geleentheid was 'n tjek aangebied aan die Liberale Party wat onderteken was deur beide Craighead en Hayman.

(xii) State of Emergency Relief Fund. (S.E.R.F.).

Hierdie organisasie was in die lewe geroep tydens die noodtoestand van 1960 en direk na Sharpville gebeur. In 'n verslag deur die organisasie word die volgende opgemerk:

"... Defence and Aid: The experience of S.E.R.F. emphasises the need for a permanent organisation of this type in the Western Cape. Our offices and organisation are already well known among the people in this area ... at the October meeting of the committee it was agreed in principle that S.E.R.F. should be wound up by the end of November and replaced by a Western Cape Branch or Division of the

Defence and Aid Fund. The office-bearers of S.E.R.F. have been instructed by the Committee to start negotiations with the Defence and Aid Fund in Johannesburg ...".

Op 19 Desember 1960 skryf Peter Hjul aan "Defence and Aid", Johannesburg, dat S.E.R.F. in Kaapstad ontbind het en dat al die bates van S.E.R.F. oorgegaan het op die "Cape Division of the Defence and Aid Fund". Verder dat die eertydse bestuurskomitee van S.E.R.F. aanvaar het om te dien op "Defence and Aid", Kaapstad.

Aan die end van 1960 was 'n bedrag van R300,000 deur S.E.R.F. spandeer en was nog R60,000 benodig om die uitstaande ondernemings te finaliseer.

Die feit dat die organisasie S.E.R.F. al die beskuldigdes, aangehoudenes en die families so goed versorg het was die stimulus agter die leiers van die verbanne organisasies om tot gewelddadige optredes oor te gaan. As gevolg hiervan het die Sabotasiewet gevolg om die gewelddadige optredes die hoof te bied.

In Kaapstad onder andere het S.E.R.F. ook verdediging van beskuldigdes onderneem afgesien van hulle welsynswerk. In Julie 1960 was 'n bedrag van R750 aan S.E.R.F. geskenk deur die Aartsbiskop van Kaapstad en later was 'n bedrag van R500 deur "Defence and Aid", Johannesburg aan S.E.R.F. Kaapstad geskenk.

Gedurende 1960 is 'n bedrag van R2800,00 aan S.E.R.F. deur die "Fund" betaal.

(xiii) Religious Society of Friends (Quakers).

Hierdie is 'n ou welbekende organisasie wat welsynswerk verrig. Of hulle altyd beperk is tot welsynswerk is nie so duidelik nie.

Uit briewe van die Quaker organisasie aan die "Fund" blyk dit dat hulle 'n bedrag geld gevorder het en



aan die "Fund" oorbetaal het vir verdediging van 'n politieke oortreder, John Hlekani wat verhoor was op 4 Desember 1963.

In 'n verslag vir 1961 het die "Quaker Service" hulle as volg uitgelaat:

"... Discussions were held with Defence and Aid Fund who were already experiencing some difficulty in providing sufficient welfare funds for the regular support of families dependent on men then imprisoned for political offences ... Quaker Services agreed to take over some of these families completely and to assist with the problem-solving and workseeking aspects of the welfare work for these and those remaining in Defence and Aid".

Op 9 September 1963 skryf Dr. Ellen Helmann van die Johannesburgse-tak van die "Fund" aan die Durbanse-tak:

"... I had a longish talk with Miss Gibson about welfare. In Johannesburg the position is that all welfare is done by Quakers Service, which does not, of course, confine itself to Defence and Aid cases. We give them (i.e. Quakers service) certain grants of money. We have as you likewise have, to be careful not to overstep our function which is to give compensation to people who are in difficulties by reason of the curtailment of the civil rights. Otherwise there is always the possibility of coming within the confines of the Welfare Organisation Act ...".

(xiv) Treason Trial Defence Fund (T.T.D.F.).

Hierdie fonds was in die lewe geroep met die begin van die hoogverraadsaak in 1956. Met die afhandeling van die saak in 1960 het die fonds voortbestaan omdat die fonds gereken het dat sekere welsynswerk nog aandag verg.

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Die fonds het nog fungeer met die totstandkoming van die "Defence and Aid Fund" en vir 'n rukkie het die twee saam opgetree.

So skryf die Kaapse-tak aan Johannesburg-tak van die "Fund" op 29 September 1961.

"... We have had discussions with members of the Treason Trial Fund - Raising Committee who have agreed to co-operate with us in fund-raising in the future, and I have been asked by the Executive Committee to write to you about this. We would like to know whether or not steps have been taken on a national level to amalgamate the two funds, or rather, their fund raising ...

"In smaller fund raising events, such as rummage sales, parties, and so on, I assume we would keep whatever we manage to raise but T.T.D.F. raise funds on a far larger scale. They cannot, of course, raise funds for us under their Welfare Registration, but their committee is willing to form itself into a Defence and Aid Fund-raising committee, subject to the decision of our Management Committee....".

Op 'n Uitvoerende Komitee Vergadering van die Johannesburg-tak van "Defence and Aid" lees die notules onder andere:

"... It was decided that the Treason Trial Defence Fund was now in a position to repay the R500 loan to Defence and Aid".

Op 10 Julie 1963 skryf die Johannesburg-tak van die "Fund" aan Port Elizabeth-tak:

"... will you please instruct the Standard Bank of South Africa to transfer the balance standing to the credit of the Treason Trial Defence Fund, to our account ...".

Op 30 Desember 1963 skryf Johannesburg-tak van

die "Fund" aan Johannesburg T.T.D.F.: -

"... To your share of rent, telephone etc. for period October 1961 to December 1963 i.e. 27 months @ R6.00 per month ... R162.00.

To clerical assistance, postage, and other service rendered during the period July, 1961 to December, 1963 i.e. 30 months @ R30.00 per month ... R900.00.  
Total - R1062.00."

Op 22 Januarie 1964 skryf Johannesburg-tak van die "Fund" aan Johannesburg T.T.D.F.: -

"... This serves to place on record that the Defence and Aid Fund agrees to accept the amount of R994.21 in full payment of the account for R1062.00 submitted to you for services and facilities supplied. We acknowledge receipt of the amount of R602.00 paid to us in September and will be glad to have your further cheque for R392.21 in full and final settlement ...".

(xv) South African Congress of Trade Unions (S.A.C.T.U.).

Op 16 November 1961 het S.A.C.T.U. per brief die "Fund" bedank vir 'n bedrag van R100. Hierdie bedrag is vir die volgende doeleindes aangewend:

"... (a) R60.00 has been paid to ... as part payment for extremely heavy legal expenses in connection with the strike case at the Natal Dairies ...".

... R40 has been used to refund a loan in connection with legal expenses incurred in the strike case of the workers at the Klipfontein Organic Products ...".

S.A.C.T.U. het hulle ook as volg uitgelaat:

"... We are still anxious to have a meeting with representatives of your Committee and the members of our Management Committee for discussion of the type of cases

your fund handles ...".

Op versoek van S.A.C.T.U. het die "Fund" op 25 September 1962 'n bedrag van R60.00 aan 'n prokureurs-firma te Kimberley betaal. Hierdie uitstaande bedrag was verskuldig nadat ses lede van die "African General Workers Union", Kimberley, daaraan skuldig bevind is dat hulle 'n reservaat sonder toestemming binne gegaan het.

(xvi) Congress of Democrats (C.O.D.).

Hierdie organisasie het tot stand gekom met die uitsluitlike doel om na politieke oortreders en hulle naasbestandes om te sien. Die beleid van die organisasie het egter so radikaal verander dat dit op 7 September 1962 tot 'n verbode organisasie verklaar is.

So skryf die Sekretaresse van die Kaapse-tak van die "Fund" aan die Johannesburgse-tak op 17 November 1961:-

"... I have been approached by some C.O.D. members who are anxious to obtain information on the Pondoland cases ... the main points are:

- (a) which cases are being assisted by Defence and Aid (or Christian Action)?
- (b) which cases are not being assisted owing to lack of funds?
- (c) who are in these cases that have no defence (and what are the charges)?
- (d) could suitable defence be provided if funds were found to assist these cases?

I gained the impression that funds might be raised, or might already be available, but that no one down here knows where the money should go and who needs it ... I myself feel if we could supply the information some

money might be forthcoming.

Gedurende 1961 het geweld en onluste hoogty gevier in Pondoland en omdat die "Fund" op die tydstip nog nie sake van geweld en sabotasie wou verdedig nie, wou die C.O.D. in die bresse tree vir beskuldigdes in Pondoland wat wel sake van geweld en sabotasie gepleeg het.

Dit is duidelik dat fondse reeds by die C.O.D. organisasie beskikbaar was indien daarom gevra sou word - een van die beweegredes waarskynlik waarom die "Fund" later besluit het om wel sake van geweld en sabotasie te verdedig.

Op 29 November 1961 skryf Durbanse-tak aan Johannesburgse-tak van die "Fund":

"... but we feel you should be informed that our Chairman raised with Mr. Arenstein the question of fees, as he felt that the organisation to which the accused belonged should if possible meet the costs, and Mr. Arenstein agreed that the Congress of Democrats would in fact meet the costs". (Pondoland Incitement Trial).

Helen Joseph 'n stigterslid van C.O.D. was baie bedrywig in hierdie organisasie. As lid van die "South African League of Women", 'n hoogverraad beskuldigde, aangehoudene tydens die noodtoestand en eerste vrou wat onder huisarres geplaas was, kon sy respek afdwing by haar enersdenkendes. Die "Fund" wat haar op die huisarres saak verdedig het, het ook verskeie advokaats-opinies bekom alvorens met die saak begin was.

(xvii) The Christian Council of South Africa (C.C. of S.A.).

Op 15 Desember 1961 skryf A. Blaxall, ere-tesourier van C.C. of S.A. aan die "Fund" te Johannesburg:

"... herewith cheque for R1581.05 which represents

/Rn

the balance of a fund held by this council from the time of the 1960 Emergency.

At our Executive Meeting this week, it was resolved to pass this balance to the Defence and Aid Fund ... the original grant which made it possible for this Council to hold an Emergency Fund, came from the Inter Church Aid Department of the World Council of Churches".

Op 14 November 1963 skryf Basil Brown die sekretaris van "Christian Council of South Africa" aan Johannesburgse-tak van die "Fund" dat die volgende skenkings reeds aan "Defence and Aid" deur "Christian Council of South Africa" gemaak was;

R3,000.00 aan Port Elizabeth

R1,000.00 aan Durban.

R1,000.00 aan Kaapstad.

R200.00 aan Oos-Londen.

Op 26 Mei 1964 verwittig die "Christian Council of South Africa", die "Fund" te Johannesburg dat 'n bedrag van \$1,000 ten behoewe van die "Defence and Aid" ontvang is van dr. Z.K. Matthews, Africa Secretary, Division of Inter Church Aid, Refugee and World Service" van die "World Council of Churches". 'n Verdere bedrag van \$7,000 was deur laasgenoemde belowe.

(xviii) South West Africa National Union (S.W.A.N.U.).

Gedurende September 1962 het hierdie organisasie die "Fund" te Kaapstad genader vir finansiële hulp en steun vir sake wat in Suidwes-Afrika teen politieke oortreders aanhangig gemaak is. "Defence and Aid" het egter nooit baie aktief opgetree in Suidwes-Afrika nie behalwe in die saak van dr. Abrahams waarop die "Fund" R330.00 spandeer het.

(xix) Black Sash.

Hierdie organisasie is in die lewe geroep in 1955 met die promulgering van die Senaatswet van daardie jaar.

Behalwe dat hierdie organisasie ook welsynswerk verrig het wat deur die "Fund" na hulle verwys is, het dit geen noemenswaardige rol gespeel in die bestaan van die "Fund" nie. Die "Black Sash" organisasie het baie nou saamgewerk met die "Christian Council for Social Action" en die "Fund" se sekretaresse in Kaapstad was ook 'n veldwerker van "Black Sash".

Uit die Uitvoerende Komitee Vergadering van Kaapstad kom die volgende: (22.9.65).

"... The Fund was asked by the Institute of Race Relations whether R200 of the donation made by the Fund towards the Paarl Riot Commission could be used for legal costs incurred by the Athlone Advice Office (Black Sash). This was agreed to by the Committee".

(xx) Christian Council for Social Action.

Op 12 Augustus 1964 skryf Denis Scarr, voorsitter van die "Fund" tak te Port Elizabeth aan Kaapse-tak:

"... Until November last year the Defence and Aid Fund operated as the name implied, i.e. handling both defence and aid. The Christian Council of South Africa (through Basil Brown) presented the local Christian Council for Social Action with R2,000 to be used for aid only. Following discussions between the Christian Council for Social Action and Defence and Aid it was agreed to set up a sub-committee of the former to handle the 'aid-side' of Defence and Aid and the position is thus similar to that in Cape Town. As I was chairman of this sub-committee,  
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I now find myself running both organisations".

Op 2 April 1965 skryf Sheila Penny, Sekretaresse van die Port Elizabethse-tak van die "Fund" aan B. Mellor, Amnesty International, Londen die volgende:

"... There are two parallel organisations in South Africa working for the dependents of political prisoners and those awaiting trial ... The first named, Christian Council for Social Action, handles aid only in that they pay the house rent of the dependents, distribute food to them and clothing and help explain the complex laws of the country to them and give advice wherever possible and whatever aid we can. The Defence and Aid Fund handles the legal aspect ... I am secretary of both organisations in Port Elizabeth".

(xxi) Die Kommunistiese Party van Suid-Afrika, die Suid-Afrikaanse Kommunistiese Party.

Alhoewel beide hierdie organisasies al geruime tyd in die ban gedoen was tog het hulle nog ondergronds opgetree en in verskeie aangeleenthede hulleself manifesteer.

Die Britse "Defence and Aid Fund" van "Christian Action" maak deel uit van 'n netwerk van ekstremistiese en ineengestremgelde organisasies in Brittanje wat berug is vanweë die vuur waarmee hulle Suid-Afrika beveg. Hierdie organisasies word ondersteun deur die Kommunistiese Party en het in sommige gevalle ampsdraers wat vooraanstaande Kommuniste is. Die "Defence and Aid Fund" in Suid-Afrika was deur die Kommuniste ondersteun en het sy fondse beskikbaar gestel aan die "African National Congress" en die Kommunistiese Party- twee ondermynende organisasies wat kragtens wet in Suid-Afrika verbode organisasies was.

Enkele van die organisasies in Brittanje wat deur die Kommunistiese Party gesteun word en bydraes gemaak



het aan "Defence and Aid", Londen, is die volgende:

1. "Movement for Colonial Freedom".
2. "Anti-Apartheid Movement".
3. "Africa Bureau" (Stigter Michael Scott).
4. "World Campaign for the Release of South African Political Prisoners".
5. "The African Communist". Dit is 'n nuusblad wat die steun van "World Campaign for the Release of South African Political Prisoners" geniet.

Bekende Kommuniste soos Vella Pillay, Rosalynde Ainslee, Abdul Minty, Ronald Segal, Raymond Kunene en Tony O'Dowd dien op die bestuur van die "Anti-Apartheid Movement" wat verbind is met "Christian Action" en die steun geniet van die Britse Kommunistiese Party.

Die nou verband van die Kommunistiese Party in Suid-Afrika en die "Fund" blyk uit die volgende beëdigde verklaring van Bartholomeus Moro Hlapane 'n Bantoelid van die Suid-Afrikaanse Kommunistiese Party:

"... The Defence and Aid Fund which was at this junction already in existence, was extensively used for the purposes of the South African Communist Party. In turn cash advances towards the fund were made by the South African Communist Party. Who the persons were that served on this Fund's Committee I do not know, except that Rica Hodgson who was in fact a member of the Communist Party was also serving on this Fund's Committee".

Hierdie verklaring was gemaak op 1ste Oktober 1964.

Na die gewraakte toespraak van Domheer Collins by die V.V.O. was "Defence and Aid", Londen as 'n goedgekeurde agentskap van die V.V.O. aanvaar. "Defence and Aid"

Londen kon nou geld invorder op internasionale basis en hierdie oproep het ook geld gebring van Sowjet Rusland in die bedrag van R7140.00. Saam met die skenking aan "Defence and Aid" Londen, skryf die Sowjet Regering:

"... The Soviet Government has been guided by its fundamental position with regard to support for the national liberation movements of peoples struggling against colonialism and racism in all their forms and manifestations and the provision to them of moral, political and material assistance in that just struggle".

Hierdie skenking van die Sowjet Unie het veroorsaak dat twee lede van die Uitvoerende Komitee van die Kaapse-tak van die "Fund" bedank het en as volg opmerk:

Mrs. Barbara Wilks:

"... I learn from the Cape Times that a sum of money has been allocated to the South African Defence and Aid Fund by Soviet Russia. If this report is true, and if the money has been, or is going to be accepted by the Fund I hereby resign, both from the Management Committee and the Defence and Aid Fund itself.

Should, of course, the report be untrue or the money refused out of hand, I shall be happy to continue serving on the committee...".

"... Collins appears in his statement to have seriously misrepresented the work of Defence and Aid in this country. Soviet money was granted to assist the Anti-colonial struggle in this country. It might not be too strong therefore to say the money has been acquired by false means for false ends".

Adv. Donald Molteno:

"

me regret that the reported donation by the U.S.S.R. to the London "Defence and Aid International" for the South African Defence and Aid makes it impossible for me to have even such indirect connection with the administration of moneys from such a source as membership of the Cape Town Committee entials".

Ook vanuit die publieke oogpunt was ontevredenheid uitgespreek oor die skenking. R.F.C. Struben, Commander R.N. (retired) skryf soos volg aan die Kaapse tak van die "Fund":

"... I enclose a subscription to your Fund ...  
If I believed that Defence and Aid is financed in any part by communists with the intention of furthering the aims of Communism, I most certainly would not support it".

Dit is opmerklik hoeveel gelyste en bekende Kommuniste gemoeid was met die administrasie van die "Fund".

Solly Sachs 'n gelyste kommunist, wat hom in Londen bevind, het opgetree as die invorderingssekretaris van "Defence and Aid" in Brittanje. In die hoedanigheid het hy Australië besoek, met nie veel sukses nie omdat hy as kommunist ook in Australië bekend was. Hy was nogtans deur Domheer Collins gestuur. Sy giftige uitlatings teen Suid-Afrika is welbekend.

Hier te lande het ons die volgende in verskillende Komitees van die "Fund" aangetref:

Mev. Ruth Slovo (gebore First) - 'n gelyste kommunist het op die Komitee van die "Fund" te Johannesburg as tesouriere gedien. Sy was arrester op 10 Augustus 1963 en moes haar pos toe ontruim.

Mev. Rica Hodgson - 'n gelyste Kommunist dien op die Komitee van die "Fund" te Kaapstad vanaf 18 September

1961.

Mev. Violet Weinberg 'n gelyste kommunist was in 1964 as sekretaris van die Fund te Johannesburg, die destydse hoofkantoor, van die "Fund" aangestel.

Uit hoofde van haar amp was sy in 'n sleutelposisie om die verspreiding van die fonsse in Suid-Afrika te beheer.

Gerhard Ernst Mittag, 'n gelyste kommunist was lank voorsitter van die Kaapse tak van die "Fund".

Albert Thomas 'n lid van die Uitvoerende Komitee van die Kaapse-tak van die "Fund" was arrester op 12 Augustus 1965 en aangekla onder Wet Nr. 44 van 1950. (Wet op die Onderdrukking van Kommunisme).

Adrian Leftwich een van die beskuldigdes in die saak, Die Staat teen Daniels, De Keller en andere, het Staatsgetuie geword en het erken dat hy, terwyl hy lid was van die Kaapse Komitee van die "Fund", verskeie dade van sabotasie gepleeg het. Daarna het hy opgehou om lid van die Komitee te wees.

Bob Hepple, Albert Louis Sachs en Abram Fischer is van die gelyste persone wat die "Fund" van regsadvies voorsien het. Hulle drie het gedien op die regs-komitee van die "Fund".

Dit is opmerklik hoe die welsyns-afdeling van die "Fund" geleidelik afgeneem het totdat dit geheel en al gestaak was aan die begin van 1964. Met die gelyste kommuniste in die geledere van die Komitees kan ook niks anders verwag word nie. Die doel van die Kommunistiese Party is immers die omverwerping van die bestaande regering en deur welsynswerk te doen kan dit nie bereik word nie. Geweld, sabotasie en ondermynende bedrywighede moet aangeblaas word en boweal word die nodige fondse deur die "Fund" beskikbaar gestel vir die doel.

Die Kommunistiese magtigste wapen is insypeling en deur insypeling in die Komitees van die "Fund" kon die bedrywighede van Kommunisme maklik bevorder word onder die vaandels van die "Fund". Dit het dan ook inderdaad gebeur.

Na die beëindiging van Welsynswerk deur die "Fund" is al die fondse gebruik vir die politieke bedrywighede van die verbode "African National Congress, die "Pan Africanist Congress" en "Kommunistiese Party". Salarisse van amptenare van die Kommunistiese Party is ook uit hierdie fondse gedek.

In 'n beëdigde verklaring op 9 Januarie 1966 erken Fred Carneson dat hy onlangs 'n bedrag van R4,000 van Alf Arenstam gekry het vir gebruik deur die Kommunistiese Party. Hierdie geld was deur bemiddeling van Eric Flegg by die firma Frank, Bernadt & Joffe, Kaapstad in trust geplaas. Carneson meld verder:

"... All the money so withdrawn I used for purposes of the Communist Party also to pay bail money at Defence and Aid and for relieving purposes of dependants of political prisoners".

Die "Fund" het ook nie gekroom om gelyste Kommuniste vir oortredings onder Wet No. 44 van 1950 te verdedig nie. Twee uitstaande persone in hierdie verband is Fred Carneson en Bras Fischer. Die koste wat die "Fund" in die onderskeie sake verantwoordelik voor was beloop R6229.68 en R17669.00 onderskeidelik.

Op 14 Januarie 1966 is die volgende besluit genotuleer in die Kaapse-tak van die "Fund":

"... Lately we have taken on the trial of Fred Carneson who has been charged under the Suppression of

Communism Act. We have been told by his attorneys that the trial is going to be a long and costly one. Fred Carneson who is a named Communist and is a former member of the Provincial Council. He was also at one time editor of "New Age" which has since been banned ...".

Die nou verband van die "Fund" en die Kommunistiese Party in Suid-Afrika blyk uit die volgende brief van "Defence and Aid" Londen aan Dr. Hellman voorsitster van die Johannesburg-tak van die "Fund":-

"... I am writing to tell you that we have been strongly advised by Mr. Joel Joffe and also by Bram Fischer that in the present situation it would be wise to retain a lawyer to deal with all the political cases in Johannesburg. We have therefore agreed to retain Miss Ruth Hayman as the lawyer and have offered a fee of R600 (£300), per month commencing on 1st October, 1964. In the first instance for a trial period of six months ...".

Op 6 Augustus 1964 het Domheer Collins hom as volg aan Bram Fischer per brief uitgelaat:-

"... Enclosed is a copy of an account in respect of legal fees in the case of James Kantor who has appealed to Defence and Aid for a refund of this amount which he states he borrowed to pay the lawyers ... in view of the present grave situation and the many new demands which I anticipate will be made on the Fund it is important to get your opinion on this matter to know whether you think that this is our responsibility, and should be paid by us? In part? or in full? ...".

Bram Fischer die gelyste kommunis het die Fund beide in Suid-Afrika en in Brittanje van raad bedien wat sekerlik nie kommunisme sou beveg nie.

9. Buitelandse Organisasies.

In die buiteland was daar ook verskeie organisasie wat met Defence and Aid in Suid-Afrika direk geskakel het. Omdat hierdie geld direk na Suid-Afrika gestuur was, was bloot net 'n kwitansie uitgereik vir die ontvangs daarvan. Die werklike besteding was geen kontrole oor nie. Die ondergenoemde organisasies het bydraes gelewer:

(i) American Committee on Africa:

Hierdie instansie het 'n bedrag van £5500 aan Defence and Aid in Suid-Afrika gestuur met die versoek dat 'n verduideliking gegee word waarvoor die geld gebruik is. Op 17 Januarie 1966 skryf die Sekretaris van Port Elizabethse-tak van die "Fund" aan Mary Louis Hooper in die verband as volg:

"... I will try to explain what we are using the money for at the moment and will follow up some 'human interest' stories tomorrow.

... One of the 24 accused's from Port Elizabeth who have been awaiting trial since June, 1965. They are mostly young boys, who as far as we know had no particular part in any political movement. They probably belonged to the A.N.C. as did any African with any initiative and remained members after it was banned in 1961 ...".

(ii) Scottish Council for African Questions.

Alhoewel geen bewyse kon gevind word dat fondse uit hierdie bron ontvang is nie, het die organisasie te kenne gegee dat sabotasie-sake spesiale aandag moet kry en verdedig moet word.

(iii) World Council of Churches.

Hierdie organisasie het grotendeels sy bydraes

gestort deur die Christian Council of South Africa (Basil Brown) maar het tog gespesifiseer dat sekere bedrae vir verdediging aangewend moet word. Die volgende bedrae is met tussenposes deur die "Fund" in Suid-Afrika ontvang:

Kaapstad .....	£8000
.....	R4993.75
.....	£2500
Port Elizabeth .....	R1790.67
.....	£5000
.....	£5000

(iv) Amnesty International.

Hierdie organisasie wat wêreldwyd optree verkry die name van politieke gevangenes en voorsien dan fondse om die gevangenes se lot te verlig. Die fondse was dikwels deur bemiddeling van die "Fund" administreer. Die organisasie "Amnesty International" weier egter om op te tree waar gevangenes van gewelddadige optrede veroordeel is. Indien navrae by die "Fund" gedoen was deur "Amnesty International" in verband met 'n gevangene was die feit dat die gevangene van geweld gebruik gemaak het sonder meer verswyg.

(v) World Campaign for the Release of South African Political Prisoners - London.

Navrae oor die finansiële toestand van Anne Harris (vrou van Harris wie gehang was vir gooi van die bom op Johannesburgtasia) aan die "Fund" in Suid-Afrika het die volgende antwoord ontlok:

"... Anne Harris has shown fantastic courage throughout her ordeal and recently issued a statement that her political beliefs remained unchanged and she would continue to be active ...".



- (vi) Trades Union Congress (London) het R13515 direk aan die "Fund" in Suid-Afrika betaal terwyl
- (vii) National Executive Committee of the Labour Party (Engeland) 'n bedrag van R800 aan die "Fund" betaal het.
- (viii) Christian Action London.

Met die totstandkoming van die "Fund" in Suid-Afrika het Domheer Collins voorsitter van bogemelde organisasie hom as volg uitgelaat:

"... The management Committee and Trustees seem to be an admirable lot and should carry full confidence this end with the people from whom we are extracting money. It looks as though the terms of reference you have cover roughly the same as those we are working under this end so we ought to have no difficulty in passing money on to you for all the purposes for which we collect it ... the people are generally coming to regard the Defence and Aid Fund administered by Christian Action as the one National Fund for all purposes in regard to South Africa ... In the past I think there has been money sent from various people and organisations direct to South Africa in response to appeals not coming directly from the Treason Trial Committee or your new set up. I hope that this has now stopped and that in future money will be channelled through us ... Alan Paton some time ago told me that he thought it essential for the bulk of the money to be kept here in case at any point the South African Government should pass legislation by means of which they could take over any Fund held out there ... I understood from Ambrose Reeves that we had left over £6000, which we had sent out previously earmarked for the Treason

Trial defence ...".

Op 2 November 1960 skryf Alex Hepple, Voorsitter van die Johannesburg Tak van die "Fund" aan Domheer Collins:

"... On his return from London Mr. Lang delivered your verbal message in regard to the administration of the Defence and Aid Fund ... As we understand the message, certain difficulties have arisen in London and because of this you wish us to (i) radically amend our constitution and (ii) abolish our management Committee and replace it with a Board of five trustees."

"We are not clear in what respects objects should be changed ... If in addition to the present Management Committee, you know of other prominent people in South Africa who are willing to share in our work we would welcome their assistance ...".

Die aartsbiskop van Kaapstad was op 1 April 1961 genader om as President en Trustee van die "Fund" in Suid-Afrika op te tree. Hy laat hom as volg uit:

"... When we discussed the matter of Trustees this year it was agreed that reference should be made to Canon Collins to discover his wishes in the matter, in the hope that his ideas and those of Defence and Aid would coincide.

It is not quite clear whether this has been done and should like to be re-assured on this point before consenting to accept the invitation ...".

Op 10 April 1961 het die "Fund" die aartsbiskop as volg meegedeel:

"... We have had a good deal of correspondence with Canon Collins in connection with Trustees. It eventually

became clear that he had two different ideas in mind. One was the appointment of a board of Trustees to handle all Christian Action money sent to this country and virtually to act as his agents".

"... This was discussed by the management Committee and it was decided that it was not a matter for Defence and Aid, but for Christian Action alone to resolve ...".

Dr. E. Helmann van die Johannesburg tak laat haar as volg uit teenoor Kaapstad op 6 Julie 1961:-

"... By the way Collins again stressed the great need for simple, human stories. He said that you sent him once an account of a man who had been in the same job for 17 years and lost it because he came up before the Courts on some charge. And this was a money wizard, money spinner ...

Die finansiële posisie van die "Fund" word as volg in 'n skrywe vanaf Johannesburg aan die Kaapse tak beskryf (19.10.61):-

"... The fact of the matter is that Defence and Aid leaned too heavily upon Christian Action with the result that when C.A. sends nothing finances become desperate. Although Canon Collins undertook to provide £6000 over 4 months (May to August) only £2000 has been forthcoming and you have had a fair share of that ...".

Die volgende is 'n aanhaling uit 'n notule van 'n vergadering gehou deur die Uitvoerende Komitee. (5.2.1962).

"... We received a letter from Christian Action which said that it was difficult to raise money if we did not provide welfare grants ...".

As voorsitter van Christian Action het Domheer

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Collins hom soos volg uitgelaat teenoor die "Fund".

(8.6.63):

"... Realising how desperate and enormous the needs for defence and Aid in South Africa are, we have been planning a number of campaigns on a national and international scale devoting special attention to the trade union in Britain (including national and branches), the U.S.A., Canada, Australia, New Zealand and possibly other countries. I recently had a chat with Harold Wilson, and he readily agreed to sign an appeal to British, U.S.A., and Commonwealth trade unions to donate generously to our Defence and Aid Fund ... there is of course not the slightest objection to the Defence and Aid Fund in South Africa receiving moneys direct and not through us ... my only concern is that you should get the maximum possible and I believe that this can best be achieved if the Trade Union movement this end is complimentary to our general which is now both national and international. It also seems to me that it is better for money to be held in London and sent to you as and when you request it than to give you the problem of holding large balances which at any time the Government might decide to confiscate. I was wondering therefore whether your committee would consider writing to the General Council of the T.U.C. pointing out the benefits which would result for the folks in South Africa if all moneys went through our Defence and Aid Fund here in London ...".

Die vrees om die Domheer se wense nie na te kom nie spreek uit 'n brief van die Kaapse tak aan Johannesburg.

(7.8.63).

"... At our Management Committee Meeting on the 6th instant it was suggested that an appeal be made in

America for funds. It was pointed out that Christian Action might be upset by such fund raising ...".

Op 18 Junie 1964 skryf die Kaapse-tak aan Johannesburg-tak van die "Fund":

"... I received a letter from Mrs. Nuell, Secretary of Christian Action. She tells me that London has forwarded a further amount to you of which £750 is earmarked for the Alexander appeal ... I must explain that we are more or less acting as a conduit pipe between C.A. and the Friends of the accused as we did not make any appeals to C.A. for this case. The £750 was promised as a result of a private appeal, made to C.A."

Domheer Collins het hom op 12 November 1964 as volg teen Leo Marquard van Kaapstad uitgelaat:

"... As you may be aware, the Defence and Aid Fund (International) has recently been approved as an agency of the United Nations ...".

"Three agencies have been chosen namely the Defence and Aid (International), Amnesty International and the Joint Committee for the High Commission Territories. We feel we are best suited to administer such moneys ... We work through the South African Defence and Aid Committees and we have already collected and distributed an amount of £300,000 ...".

Op 16 Augustus 1965 deel Johannesburg die Kaapse-tak as volg mee:

"... London has informed us that they will be sending money at intervals and that R4,000 will be sent at a time. This has been coming through at more or less fortnightly intervals, and one can only presume that they have reason for this ...".

Mary-Louise Hooper van die "American Committee on Africa" het haar as volg uitgelaat teenoor die "Fund"

Port Elizabeth:

"... You will soon, if you have not perhaps already, receive the sum of 1000 dollars from the International Defence and Aid, London, which was earmarked by us for your office, for relief of the families ... Our office is now affiliated with the International Defence and Aid so we will send money through them, from time to time ...".

Volgens 'n publikasie wat deur die "forum World Features" uitgegee is op 26 Februarie 1966 het C.A. alreeds 'n bedrag van R1,000,000 in die Republiek van Suid-Afrika laat spandeer op politieke gevangenes en hulle gesinne

In die uitgawe van die publikasie "Christian Action" wat in die somer van 1964 verskyn het, lewer Aartsbiskop Joost de Blank 'n oorsig van die bedrywighede van "Defence and Aid" in Suid-Afrika en merk onder andere op:

"... Dit is onmoontlik om te hoër lof toe te swaai aan die Plaaslike Komitee in Suid-Afrika".

Op 'n Uitvoerende Komitee Vergadering gehou te Kaapstad op 11 Augustus 1965 word die volgende besluit geneem:

"... It was resolved that the Secretary should write to Johannesburg asking them to ask London to send sufficient money at one time to cover our immediate commitments".

In die notules van 'n Uitvoerende Komitee vergadering te Kaapstad op 30 September 1964 is besluit om Londen as volg in te lig:

"... (a) that when making statements appealing for money and also when allocating money direct from England for defence costs in specific cases in South Africa, the name Defence and Aid should not be used.

(b) that as far as possible the local committees of Defence and Aid be entrusted with the allocation of money for cases in South Africa".

Die grondwet van die Suid-Afrikaanse "Fund" het deurgaans probeer die indruk skep dat dit 'n onafhanklike organisasie is. Uit briewewisseling soos hierbo aangehaal is dit egter baie duidelik dat dit niks anders was as 'n tak van die "Defence and Aid Fund" van "Christian Action" nie. Nie alleen was die geld vanaf Londen gereeld "earmarked" nie, maar die "Fund" moes beramings maandeliks aan Londen voorlê waarin die sake uiteengesit is en waarvoor toekennings dan deur Londen gemaak is. "Christian Action" het dan ook nie gekroom om spesifieke fooie vir sekere sake voor te skryf nie.

(ix) International Confederation of Free Trade Unions.  
(I.C.F.T.U.).

Hierdie organisasie van vakbonde met sy hoofkwartiere in Brittanje het 'n internasionale ledetal wat hulle beywer vir die bevordering van die vakbondwese. Dit het 'n geweldige aanhang veral in Brittanje waar sosialisme sterk ondersteuning geniet. Om hierdie rede het I.C.F.T.U. ook belang gestel in die vakbondwese in Suid-Afrika en deur bemiddelling van die "Fund" geldelike bydraes gelewer. Die bedrag van R600 wat deur die "Fund" op 10 Februarie 1961 aan "Human Rights Welfare Committee" geskenk was is deur I.C.F.T.U. aan die "Fund" vergoed. (Sien Human Rights Welfare Committee).

In 'n skrywe van die I.C.F.T.U. laat die Algemene Sekretaris hom as volg uit teenoor die "Fund" op 10 Junie 1963:-

"... it was in October last year that we made

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our last contribution to the South African Defence and Aid Fund. We feel that in view of the increasingly critical situation in South Africa, the time has come for the I.C.F.T.U. to show again in a tangible way its sympathy with the victims of the South African regime. It therefore gives me pleasure to announce that we have transferred ... a further sum of £750, with the request that as much as possible the claims of trade unionist's should be taken into consideration ...".

Op 16 Desember 1964 skenk I.C.F.T.U. 'n verdere bedrag van £1000 aan Johannesburg vir die "Fund".

As gevolg van die vrygewigheid van I.C.F.T.U. het die "Fund" op 30 September 1965 die organisasie in kennis gestel dat hulle R15000 benodig om hulle verpligtinge na te kom.

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10. Borgstellings.

'n Lastige probleem waarmee die "Fund" dikwels te kampe gehad het was borgstellings. Aanvanklik het die verskeie takke elk so 'n borgstellingfonds gestig deur lenings van privaat persone renteloos te bekom. Dit het egter gou geblyk dat beskuldigdes misbruik maak van die voorreg om nie aangehou te word nie deur die land uit te vlug en die "Fund" moes dan instaan vir die terugbetalings aan die leners. Hierna het die "Fund" self die voorskotte gedoen.

Die toenemende ontvlugting uit die land deur geborgdes het die "Fund" genoop om alle borgstellings in te trek nadat R1150 op die manier verbeur was. Dit was reeds in 1961.

Selfs Domheer Collins was ook gekant teen 'n borgfonds en laat hom soos volg uit:

"... one or two people to jump their bail and there will be a lot of dirty press against us".

Desnieteenstaande het die "Fund" nog voortgegaan om fondse te gebruik vir die doel selfs nadat Mathew Nkoana die land uitgevlug het en die "Fund" 'n bedrag van R500 verbeur het.

Die "Fund" was baie trots op die feit dat hulle nie borggeld voorsien het aan of Bram Fischer of Walter Sisulu of Nelson Mandela nie. Dit was by herhaling in briewe en die pers beklemtoon. Die verdediging het hulle egter waargeneem.

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11. Appèlsake.

Die "Fund" het 'n baie eienaardige benadering openbaar ten opsigte van sake waarin appèl aangeteken was. Dit het geensins gegaan oor die regsbeginsels of feite van die saak nie, maar alleenlik of fondse beskikbaar was.

Die beginsel was bykans deurgaans gehuldig dat op 'n skuldigbevinding moet appèl aangeteken word. Dit is een van die redes waarom sulke enorme bedrae geld verorber was vir verdediging van politieke misdade. Elke saak was as uiters belangrik beskou en die vryspreking van 'n beskuldigde was as 'n triomf beskou wat die koste ook gewees het.

In die saak van die Staat teen Livingstone Mrwetyana het beide die advokaat en prokureurs teen 'n appèl geadviseer. Dit ten spyt het die "Fund" opdrag gegee om appèl aan te teken. Die appèl was van die hand gewys en vonnis van 4 jaar gevangenisstraf bekragtig. Die appèl kos die "Fund" R500.

Frank, Bernadt & Joffe, prokureurs van Kaapstad skryf op 15 November 1965 aan die Kaapse-tak van die "Fund" onder andere:-

"... We feel that the prospects of success in such an appeal (to have portion of the sentence suspended) must be regarded as something less than 50% and the decision regarding appeal must largely depend on the availability of funds ...".

George Poonen het die land verlaat terwyl hy op borg uit was en daar gewag was vir die uitslag van sy saak waarin appelleer was. Tenspyte van sy ontvlugting en verbeuring van borgakke besluit die "Fund" dat met die appèl voortgegaan word.

12. Rivonia Verhoor.

Alhoewel die "Fund" gedurende sy bestaan etlike duisende sake laat verdedig het tog is daar enkele sake van besondere belang in soverre dit die "Fund" raak..

Nog voor die Rivoniasaak 'n aanvang geneem het, het die "Fund" hier ter plaatse besluit om geensins daarmee gemoeid te wees nie. In die eerste plek, so het hulle argumenteer, is dit 'n tipe saak wat buite die bestek en bepalinge van die konstitusie val en tweedens was fondse ook nie beskikbaar nie vir so 'n groot saak op daardie stadium.

Domheer Collins wou ten alle koste die saak laat verdedig en het ook die nodige fondse beskikbaar gestel deur die geld aan prokureur Joel Joffe van Johannesburg te stuur. Op hierdie wyse is R34,000 beskikbaar gestel vir die verdediging van beskuldigdes in die Rivonia verhoor. Hierdie geld was direk aan Joel Joffe gestuur en of die geld alles gebruik en behoorlik verantwoordig voor gedoen was is onmoontlik om vas te stel. Domheer Collins was hieroor nie begaan nie en daarom was dit selfs vir hom ook onmoontlik om behoorlike state van "Defence and Aid" in Londen te publiseer. Daar is onteenseglik baie geld van behoeftiges in Brittanje gevorder of liever "extracted" soos die Domheer dit self genoem het en dan was dit op die wyse spandeer soos blyk in die Rivonia verhoor.

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13. Fischer and Anders - Verhoor.

Die Fischer en andere verhoor het 'n wêreldwye opskudding veroorsaak veral nadat Fischer sy borg verbeur het en ondergronds gegaan het. Die Voorsitter van die "Fund" te Port Elizabeth het sy Komitee meegedeel dat die "Fund" nie betrokke is by die Fischer verhoor nie. Uit die volgende uittreksels uit briewe is dit duidelik dat die "Fund" van die begin af wel met die saak gemoeid was.

Op 31 Maart 1964 skryf die Johannesburg-tak van die "Fund" aan Hayman & Aronsohn soos volg:

"... We have pleasure in enclosing two cheques. The first R4,000 is made up of R3,750 for the Fischer Trial and R250 for the trial of Naidoo ...".

Op 16 Desember 1964 skryf Domheer Collins aan die "Fund" te Johannesburg:

"... This letter also confirms that we will guarantee the sum of £3,000 in the case of Advocate Fischer and co-accused. We understand that Mr. Joel Joffe, the lawyer who originally handled the case, had already briefed counsel and is now leaving South Africa ...".

Op 22 Januarie 1965 skryf Defence and Aid, Londen aan David Craighead, Voorsitter, Johannesburg-tak van die "Fund":

"... The reason for our delay in replying is that Canon Collins is away from London for two months and was waiting for him to come up to London yesterday to discuss the whole question of costs with particular regard to the case of Bram Fischer and thirteen others ...".

Op 7 April 1965 skryf "Defence and Aid", Londen aan David Craighead as volg:

"We would like to know from you the total costs in the Fischer case as we have to meet all these ..."

the costs of Mr. Fischer's defence Counsels".

Sover nagespoor kan word het die "Fund" 'n bedrag van R17,669 betaal aan Hayman and Aronsohn ten opsigte van die Fischer saak. Die beraamde koste het R17,000 beloop.

In antwoord op die navraag van "Christian Action" skryf die Johannesburg-tak op 15 April 1965:-

"... To date we have paid out an amount of R17,669,00 for the Fischer trial. This includes costs of Mr. Fischer's defence counsels and all expenses to date. However, some more will be needed and it is certain to be taken on appeal ...".

Die doelstellings van die beskuldiges in beide die Rivonia en Fischer verhore laat nie die minste twyfel nie - die omverwerping van die bestaande regeringstelsel deur geweld en bloedstorting en die daarstelling van 'n despotiese regeringstelsel gebaseer op die diktatorskap van die proletariaat. Om genoemde sake in die bestek van die Konstitusie van die "Fund" te bring sal ook 'n unieke vertolking vereis soos John Blundell tereg opgemerk het in sy brief aan Solly Sachs.

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14. Uitstaande Persoonlikhede.

Om die rol van elke afsonderlike lid te bepaal in die funksionering van "Defence and Aid Fund" beide in Engeland en Suid-Afrika sou 'n onbegonne taak wees. Dit is egter insiggewend om die hooffigure in Engeland en Suid-Afrika van naderby te beskou.

(i) Domheer Collins.

In Engeland het domheer Collins nie alleen as voorsitter van "Christian Action" en "Defence and Aid" opgetree nie, maar was hy ook alleenheerser oor al die fondse wat ingesamel was. Die verbittering waarmee al sy aanvalle op Suid-Afrika gepaard gegaan het, het geen perke geken nie. Die Anglikaanse domheer het in sy bitsige aanvalle op Suid-Afrika so ver gegaan dat hy by sy Biskop aangekla was dat "The political activities of Canon Collins has become a serious scandal in the Church". Hierop het die Right Reverend Robert Stopford, Biskop van Londen geantwoord dat hy niks daaraan kan doen nie en die domheer het onverpoosd en ongehinderd voortgegaan.

Die domheer het ook nie geskroom om sy gevoelens en cortuigings luidkeels die wêreld in te stuur nie en so goed was dit ontvang dat selfs Rusland daarop geantwoord het met 'n skenking van R7140 aan "Defence and Aid" te Londen! Dit is van die fondse wat die "Fund" in Suid-Afrika gebruik het vir die "liberation movement".

So skryf die domheer aan Walter Sisulu met die Rivonia-verhoor:

"... We shall certainly do everything we can to go on helping until the liberation movement succeeds in its purpose ...".

Om die uitkyk van die domheer oor aangeleenthede

in Suid-Afrika goed te begryp sal enkele uittreksels uit sy toespraak voor die V.V.O. weergegee word:

"... The policy of Apartheid, certainly as it is practised in South Africa, is clearly quite incompatible with the Charter of the United Nations and the Universal Declaration of Human Rights. To put matters right in South-Africa requires political action on a big scale ... there is little if any likelihood of effecting the necessary political changes by normal, democratic, internal political processes. In such a situation it seems probable that only external pressures and the threat or execution of internal revolution will bring about the desired result:

I believe it would be wrong to suppose that the work done by the Defence and Aid Fund is no more than a palliative. I think that, as well as bringing to the persecuted victims of unjust legislation and oppression and arbitrary procedures ... the Defence and Aid Fund has played and continues to play a vital role in bringing about those political changes so desired by all the people of good will ... the contribution of Defence and Aid in this respect fosters the morale of the internal resistance; for if the necessary political changes are to be brought about with the minimum of violence - and no sane person could wish otherwise - it is the resistance movement inside South Africa, the front line of the struggle for freedom, which alone can give to South Africa the ability to become a non-racial society based upon a free democratic way of life...

... Legal defence achieves far more, I think, than a bare recital of the statistics of those defended would indicate. First and foremost it builds and sustains the

morale of the people in the face of deliberate government policy to break their spirit...

...The Government had planned to use the trial (Rivonia) as a propaganda platform for its attempt to make the world believe it was up against a communist plot. This very largely failed ...

... The convicted men went to gaol, knowing that as far as humanly possible, their families would be cared for ... By caring for their families we build morale in gaol.

... I have explained one aspect of the welfare work of Defence and Aid, namely that the morale of the men in gaol is kept up when they know that their families are cared for ...

I have given only a bare outline of all the needs. Nor have I touched upon the necessity to provide for the families and dependants of the underground resistance ... no political organisation which seeks to change South Africa's racial policies can function properly in the open ... Those who wish to continue the struggle have to go underground.

But what man or woman can happily or easily undertake such dangerous work if he or she knows that, by doing so, the wellbeing of the children and other dependants is at stake".

As dit nie 'n uitnodiging tot geweld en bloedvergieting is nie dan sal 'n unieke vertolking ook hieraan toegeskryf moet word.

Kort na die toespraak van die domheer het Alan Paton vermoedelik hom tereg gewys en toe hy geen antwoord van hom kry nie skryf Paton op 14 Oktober 1965 aan

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Dennis Scarr, Voorsitter van die Port Elizabeth-tak as volg:

"... Not a word from our friend yet. No money either, I believe. He was deeply hurt by our letter. I have now received the U.N. transcript and the tricky passages are these - 'Nor have I touched upon the necessity to provide for the families and dependants of the underground resistance. But what man or woman can happily or easily undertake such dangerous work if he or she knows that, by so doing, the well being of the children and other dependants is at stake!

As I read this it means that Defence and Aid (South Africa) is deliberately helping dependants so that the underground fighters can go on happily with their work. I think it was an incredibly stupid speech to make. You might like to know that the Christian Action version of Collin's speech in respect of the above quoted remarks is the same as the U.N.O. version".

Die domheer het ontken dat hy die gewraakte woorde gebesig het en die bewyse dat dit wel gebruik was word in die laaste sin bevat.

(ii) Ruth Hayman.

Die persoon wat in Suid-Afrika die grootste rol gespeel het in die "Fund" is sonder twyfel Ruth Hayman van die firma Hayman & Aronsohn, prokureurs van Johannesburg. Sy het 'n leeu aandeel van die fondse beheer en hanteer. Sy het in vele hoedanighede opgetree en was die stukrag agter die administrasie van die "Fund".

Met die ontstaan van die "Fund" het die verskeie takke regskomitees aangestel om die Uitvoerende Komitees van regsraad te bedien. Die regskomitees het bestaan uit praktiserende prokureurs en advokate.

Vir die Johannesburg-tak van die "Fund" het

Die laaste drie getekende en uitgereikte tjeks bevat geen aanduiding watter dienste gelewer was nie en dit verskyn ook nie in die uitbetalingsregister nie want inskrywings was gestaak sedert Oktober 1965. Geen rekening kan van hierdie geld opgespoor word nie.

Ook uit notules kom ietwat eienaardige besluite van die Komitee. Op 20 September 1965 is die notule van die "Management Committee" van Johannesburg onderteken deur Ruth Hayman en onder andere die volgende besluit:

"S. Neame case. It was decided that the balance held by Hayman and Aronsohn for this account should be retained against costs of the appeal ...".

Geen syfers word aangegee of deur die "Fund" of deur Hayman and Aronsohn nie, en dit kon maklik gedoen geword het, want Ruth Hayman was voorsitter by die spesifieke vergadering en ook die opdraggewende prokureur. Die saak van Sylvia Neame het die "Fund" uiteindelik R5500.00 gekos.

Uit die notules van die "Management Committee" blyk dit dat H. Jaff die vergaderings van 9 Augustus 1965 en 14 Januarie 1966 as voorsitster onderteken het. Uit bogenoemde vergadering se notules kom onder andere die volgende voor:

"... It was accepted in principle that when there was a credit balance at the end of a case handled by Miss Hayman's office that amount should be transferred to the allocation already passed for any other case being handled by her ...".

Dit is inderdaad 'n toegewing wat, gepaard met die feit dat Ruth Hayman en H. Jaff die enigste twee gemagtigde ondertekenaars van tjeks vir die "Fund" is, as uiters ongewens en onreëlmatig moet bestempel word.

Ruth Hayman was volgens die toewyng nie verplig om die balans indien enige te verstrek nie en al sou sy ook 'n balans verstrek het kon die "Fund" dit nie kontroleer nie as gevolg van gebrekkige boekhouding.

Ruth Hayman was ook die algemene raadgever van die "Fund" oor die hele land. So was sy genader om 'n vraelys op te stel wat gebruik sou word vir nadere besonderhede in verband met alle politieke sake. Memoranda oor die A.N.C. en die Wet op Onderdrukking van Kommunisme het die vraelys vergesel. Sy was dan ook gebruik as tussenganger vir versending van fondse in verskeie politieke verhore.

Op 17 Maart 1967 het die beredderaar beslag gaan lê op die boeke van Ruth Hayman wat op daardie tydstryk by 'n ouditeursfirma was. Geen onreëlmatighede kon gevind word nie.

Uit die rekening "Defence and Aid General" word verskeie groot bedrae oorbetal. Rekenings word egter nie afsonderlik vir kliënte gehou nie met die gevolg dat niemand weet of fooie bedoel vir kliënte almal uitbetaal is nie.

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15. Algemeen.

(i) Op 15 Mei 1967 het die Veiligheidstakke te Durban, Port Elizabeth en Kaapstad in oorleg met die beredderaar, die prokureurs wie eise ingedien het, se boeke nagegaan vir enige onreëlmatighede. Van hierdie metode was gebruik gemaak omdat dit die enigste wyse was waarop gelyktydig toegeslaan kon word. Daar was geen onreëlmatighede gevind nie.

By verskeie geleenthede het mev. Helen Suzman vrae gestel in die Huis in verband met politieke verhore. Sy het hierdie vrae gestel in opdrag van die "Fund". Toe sy deur Sy Edele Minister Vorster beskuldig was dat sy as agent optree vir die "Fund" was haar toorn billik ontstoke. Die inligting wat die "Fund" benodig het vir "Christian Action" was op hierdie taktiese wyse verkry.

(ii) Huidige Versending van Fondse.

Uit die notule van die Uitvoerende Komitee van die "Fund" van Kaapstad kom die volgende voor (8.9.65):

"... Correspondents. It has been decided that the proposal to establish correspondents in London, through whom our legal fees could be paid to attorneys in South Africa, is not satisfactory, as the Fund would not have control over these funds. However, it may be advantageous to receive its own funds via a firm of attorneys in London".

Uit 'n delikate bron is dit vasgestel dat hierdie metode nou wel gebruik word om fondse na Suid-Afrika te versend. Fondse wat Christian Action na Suid-Afrika wil stuur word aan 'n Londense prokureursfirma oorbetal en op hulle beurt word die fondse direk aan die prokureurs in Suid-Afrika versend. Domheer Collins het by meer as een

geleentheid gesê dat indien die Suid-Afrikaanse regering teen die "Fund" sou optree hy ander prosedures het wat hy sou volg, maar dat die geld nog na Suid-Afrika sou versend word.

Die gedaantewisseling wat die "Fund" deur die jare in wese ondergaan het kom duidelik na vore in die woorde van die skrywers van "The Puppeteers":-

"... The Communists have for a long time recognised that emotional 'do-gooder' organisations have soft underbellies which can easily be penetrated. Many such organisations travel long distances before it dawns upon them that they are unconsciously being used as fellow-travellers".

Die veranderings in wese en die infiltrasie van kommuniste in die administrasie van die "Fund" het duidelik bewyse gelever dat deur hulle optrede dit beoog was om 'n politieke, industriële, sosiale of ekonomiese verandering te bewerkstellig. Die "Fund" is maar nog net een van die fasette van die Kommuniste.

*D.P. Wilcocks*

D.P. Wilcocks,  
Beredderraar - Defence and Aid  
6 September 1967.

2/2/13.

F1 -9- 1967

Registered

Messrs. Arderne & Flynn,  
P.O. Box 457,  
PORT ELIZABETH.

Gentlemen,

RE : CLAIMS AGAINST DEFENCE AND AID FUND.

Receipt of your letter (Mr. Arderne) of the  
24th August, 1967, together with your cheque for the  
amount of R100 is hereby acknowledged.

The brief that accompanied your letter is  
attached.

Yours faithfully,

D. P. WILCOCKS

LIQUIDATOR : DEFENCE AND AID FUND

2/2/13.

AANGE TEKEN.

EJ -9- 1967

Die Sekretaris Generaal,  
Die Vereniging van Wetsgenoot-  
skappe van die Republiek van Suid-  
Afrika,  
Centenarygebou,  
Bureaulaan,  
PRETORIA.

Waarde Heer,

BATES VAN DIE DEFENCE AND AID FUND.

Met verwysing na u brief No. 49 van 11 Augustus  
1967 is dit vir my 'n genoeë om skatkisorder No. V.41179  
van 29 Augustus 1967 ten bedrae van R4355.59 hierby  
aan te heg.

Die uwe,

G. M. J. SWART

SEKRETARIS VAN JUSTISIE.

9031/8/67

G.P.-S.35257787-1965-66-12,000-100. S.

6198269

82/6648 (Z. 263A).

REPUBLIEK VANSUID-AFRIKA.

REPUBLIC OF SOUTH AFRICA.

UITGAWEKWITANSIE.



EXPENDITURE RECEIPT.

Datumstempel.  
Date Stamp.

vang van *The Registrar*  
received from *Defence + Dist Fund* die bedrag van  
the sum of *One hundred* RAND

sent. Vir *Payment by*  
costs. Being *Anderson + Steyn*



No. R100-00



JOHN ALVANLEY ARDERNE  
BRIAN PEARSE FLYNN

ATTORNEYS, NOTARIES  
AND  
CONVEYANCERS

ADMINISTRATORS OF ESTATES

**ARDERNE & FLYNN**

(formerly ALLAN SOLOMON, ARDERNE & FLYNN)

P.O. Box 457

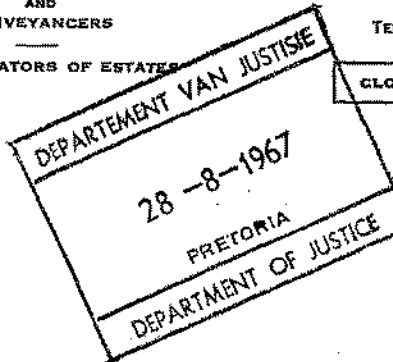
TELEGRAMS: "GUINSEY"

TELEPHONES: MR. ARDERNE 2-4258  
MR. FLYNN 2-4257

*4th Floor, Southern House*

*29, Main Street*

*Port Elizabeth*



CLOSED ON SATURDAYS

AIRMAIL

OUR REF. Mr. Arderne

24th August 1967

YOUR REF. 2/2/13

The Liquidator,  
Defence & Aid Fund,  
Private Bag 81,  
PRETORIA.

Dear Sir,

re: CLAIMS AGAINST DEFENCE AND AID FUND

We are in receipt of your letter of the 16th instant together with enclosure for which we thank you.

We have to advise that in making payment of Counsel's fees in the matter of State vs Mountain Mgalonkulu counsel has informed us that he has already received payment of such fees from the firm of Hayman & Aronsohn. For your records we enclose a photostat copy of counsel Adv. P. Hare's letter to that effect. We do not know why payment of counsel's fees should have been made by the aforesaid firm as it is quite clear that Counsel's brief came from ourselves and was thereafter returned to us duly marked by counsel in a fee of R100. For your consideration and return we enclose the brief in question.

In this situation we enclose our cheque in your favour for the sum of R100 being in refund of the aforesaid amount. Kindly acknowledge receipt.

Yours faithfully,

  
ARDERNE & FLYNN

Telephones 23-3111  
23-0506  
Group Tol Address: Raysona

836. Innes Chambers,  
Ditchard Street,  
Johannesburg.

REGISTERED POST.

21st August, 1967.

Messrs. Ardenne & Flynn,  
P.O. Box 457,  
PORT ELIZABETH.

Dear John,

Re : STATE v. MOUNTAIN MAGOLONKULU.

I am in receipt of your letter of the 11th instant together with your cheque made out to me for R100.00. being fees in the above matter.

According to my fee book, I appeared in the above matter in the Supreme Court of South Africa, Eastern Cape Division on the 3rd March, 1966 and I subsequently received payment thereof from Miss. Ruth Hayman from the firm Hayman and Aronsohn of Johannesburg. In the circumstances as I have already received payment in the above matter, I return your cheque.

Kindly acknowledge receipt of this letter.

Yours sincerely,  
*Philip Howard*

IN THE SUPREME COURT  
OF SOUTH AFRICA

EASTERN CAPS  
DIVISION

On the 3rd day of MARCH 1966

IN RE

MOUNTAIN MGAZONKULU

F. S. Olliv

Plaintiff  
Applicant

versus

STATE

Defendant  
Respondent

Brief

TO ARGUE  
APPEAL

COUNSEL:

Mr. Adv. P. HARE

with you

Mr.

Fees R 50+50 & 100

Memorandum: Comm.

James P. Olliv R.S.

Appeal dismissed

Hare

3/3/66

SOLOMON ARJANAK T. PRINZ  
Attorney for

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MOUNTAIN MAGAZONKUA

& 8 Olliv

Plaintiff  
Applicant

versus

STATE

Defendant  
Respondent

Brief

TO ARGUE  
APPEAL

COUNSEL:

Mr. Adv. P. HARR

with you

Mr.

Fee R 50 + 50 \$ 100

Memorandum: Comm

Janned Nelson Ref:

Appeal dismissed

H/Plave

3/31/66

SOMON ARJANAK-TANNA  
Attorney for

205 National Mutual Bldg 25/2/66  
411 Kiskik Street

Published under Government Printer's Copyright Authority for the year 1966  
Printed by Harbors.

*Die Burger*  
24/8/67

# Fund se oorskot van R4.000 na hulpfonds

Van Ons Politieke Berigower

PHILIPPA

**D**IE bedrag van reeds R4.000 wat pogentweke het as dat al die verpligtinge van die Dorpsraad Aid Fund aagekom is, is aan die Vereniging van Wetspreekers van die Republiek oorgeleë. Die vereniging sal die geld aanwend vir 'n reguleringsfonds wat hulle nodig.

## AANGEWYS

Die Vereniging van Wetspreekers van die Republiek het 'n besluit geneem om 'n reguleringsfonds te stig. Die bedrag van reeds R4.000 wat pogentweke het as dat al die verpligtinge van die Dorpsraad Aid Fund aagekom is, is aan die Vereniging van Wetspreekers van die Republiek oorgeleë. Die vereniging sal die geld aanwend vir 'n reguleringsfonds wat hulle nodig.

Die Burger



MIN. P. D. S.

# Minister Sé Wat Word van D.A.F.-Geld

Van Des Parlementêre Groep  
PRETORIA

Die bedrag van meer as R4000 wat oorgebly het nadat al die geldelike verpligings van die Defence and Aid Fund nagekom was is aan die Vereniging van Wetenskaplikes oorgee. Die verandering sal die geld aanwend vir 'n reseriefonds wat in proses is.

Hierdie aankondiging is gemaak deur die Minister van Justisie, Mr. P. C. Pelser, gedurende 'n parlementêre vraag.

Die Defence and Aid Fund is op 15 Maart 1966 tot onwetige organisasie verklaar. Ambassadeur van die Verenigde State het 'n verslag oor hierdie saak aan die regering voorgelê. Hierdie verslag het 'n grondse nuwe tegelinge gemaak en 'n geldelike verpligting nagekom. Daarna het daar 'n oorkoep van R423,50 gebeur.

Die Reseriefonds is geskep in 'n gebied wat Wetenskaplike Onderzoek van die Kommunistiese Beweging van Wetenskaplikes betref. Hierdie organisasie het 'n aantal maatskappye en individue as lidde aangewys. Hierdie voorstel is in 'n verslag aan die regering voorgelê.

Die veranderinge in die onderneem om die geld aan die reseriefonds te oorgaan, is 'n poging om meer Wetenskaplikes te betrek in die geldsaak. Hierdie maatskappye is 'n poging om 'n reseriefonds te skep wat die verpligings van die D.A.F. nagekom kan word.

*R.D. Mank*  
**Funds of  
banned  
legal  
aid go  
to trust**

Staff Reporter

THE BALANCE OF R4,225 standing to the credit of the liquidated Defence and Aid Fund will be kept in trust by the Association of Law Societies of South Africa pending the implementation of a nation-wide legal aid system.

This was said yesterday by Mr. G. W. Cook, a member of the association's executive committee.

The Minister of Justice, Mr. Peiser, announced yesterday that the balance would be paid to the association, which had undertaken to deposit the amount into a legal aid fund which it proposes to establish in due course.

In this way the money will be used for the purpose for which the original contributors intended—namely, the provision of legal aid to indigent persons, Mr. Peiser said.

**SPIRIT**

Mr. Cook said details of the legal aid system were being discussed between the Government, the provincial law societies, the Association of Law Societies and the General Bar Council.

He said the spirit of the arrangements concerning the Defence and Aid Fund balance was that, despite what eventually happened, the money would be used to assist poor people who needed legal assistance.

The Defence and Aid Fund was declared to be an unlawful organisation in 1966.

*Pretoria News 23/8/67*

# Aid Fund Money For Law Body

The Minister of Justice, Mr. Peiser, announced today that the balance of R4255.50 owing to the credit of the Indigent Defence and Aid Fund would be paid to the Association of Law Societies which would use it for legal aid to indigent people. In this way the money would be used for the purpose for which the contributors intended it, the Minister said.

The Defence and Aid Fund was declared an unlawful organisation in 1966.

A statement by the Minister said the Defence and Aid Fund was declared to be an unlawful organisation on March 18, 1966, by proclamation No. R 77 of 1966. An officer was designated as liquidator of the fund's assets. He has liquidated all the fund's assets and settled its financial obligations. Thereafter a balance of R4255.50 remained.

In terms of Section 4(3) of the Suppression of Communism Act, 1950 (Act No. 49 of 1950) I have designated the Association of Law Societies of the Republic of South Africa as the organisation to which that balance must be paid.

The association has undertaken to deposit the amount into a legal aid fund which proposes to establish an indigent clinic.

In this way the money will be used for the purpose for which the original contributions intended it to be used, namely the provision of legal aid to indigent persons.





# AID FUND SY GELD KWYT

Die Volksblad 23/8/67

Politieke Berigower

PRETORIA

Die meer as R4000 wat oorsake het omdat al die geldlike verpligings van die Defence and Aid Fund nagekom is, is aan die Vereniging van Wetenskaplikes van die Republiek van Suid-Afrika oorbetal. Die vereniging sal die geld aanwend vir 'n regsuitvoers wat hy beoog.

Hiernaankondigings vandag hier deur die Minister van Justisie, mr. P. C. Pelser, gedoen.

Die Defence and Aid Fund is op 18 Maart 1966 tot 'n onwettige organisasiewerkzaamheid amptenaas is as beredderaar van die organisasie se hares aangewys. Hiërher al die Fund se bates te geldig gemaak en sy geldlike verpligings vereffen. Daarna het R4755,59 oorbetal.

Maar Pelser het te die by ingedien die Wet op die Onderdrukking van Kommunistiese Verenigings van Wetenskaplikes aangewys het is die organisasie aan vier maatskappye oorbetal moet word.

Die vereniging het ongetuise om die geld in te betaal by 'n regsuitvoers wat hy beoog om in te stig.

Sodoende sal die geld aangewend word vir die doel waarvoor die oorspronklike bydraers dit beoog het, naamlik die versiening van regsuitvoers aan behoeftige mense.

24120

2/2/13

23 -8- 1967

PER HAND.

Die Sekretaris van Inligting,  
PRETORIA.

BATES VAN DIE DEFENCE AND AID FUND.

Vier afskrifte van n persverklaring (in Afrikaans en Engels) deur Sy Edele die Minister van Justisie is aangeheg vir onmiddellike vrystelling asseblief.

G. M. J. SWART

SEKRETARIS VAN JUSTISIE.

20 22/8/67  
Secun 22/8/67

Maj. De Villiers  
Kamer 526  
Ad Astra Gebou

PRESS STATEMENT BY THE HONOURABLE THE MINISTER OF  
JUSTICE : MR. P.C. PELSER.

(For immediate release)

The Defence and Aid Fund was declared to be an unlawful organization on the 18th March, 1966, by Proclamation No. R.77 of 1966. An officer was designated as liquidator of the Fund's assets. He has liquidated all the Fund's assets and settled its financial obligations. Thereafter a balance of R4255-59 remained.

In terms of section 4(3) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), I have designated the Association of Law Societies of the Republic of South Africa as the organization to which this balance must be paid. The Association has undertaken to deposit the amount into a legal aid fund which it proposes to establish in due course. In this way the money will be used for the purpose for which the original contributors intended it to be used namely the provision of legal aid to indigent persons.

Released by:

Department of Information,  
PRETORIA.

PERSVERKLARING DEUR SY EDELE DIE MINISTER VAN JUSTISIE :  
MNR. P.C. PELSER.

(Vir onmiddellike vrystelling)

Die Defence and Aid Fund is op 18 Maart 1966 by Proklamasie No. R.77 van 1966 tot 'n onwettige organisasie verklaar. 'n Beampte is as beredderaar van die organisasie se bates aangewys. Hy het al die Fund se bates te gelde gemaak en sy geldelike verpligtinge vereffen. Daarna het daar 'n oorskot van R4255-59 gebly.

Kragtens artikel 4(3) van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), het ek die Vereniging van Wetsgenootskappe van die Republiek van Suid-Afrika aangewys as die organisasie waaraan hierdie oorskot oorbetaal moet word. Die Vereniging het onderneem om die geld by 'n regshulpfonds wat hy beoog om mettertyd te stig in te betaal. Sodoende sal die geld aangewend word vir die doel waarvoor die oorspronklike bydraers dit beoog het, naamlik die verlening van regshulp aan behoeftige persone.

Uitgereik deur:

Departement van Inligting,  
PRETORIA.

*Handwritten note:*  
R4255.59  
28/3/66.

GEHEIM.

DECLASSIFIED

2/2/13

MINISTER VAN JUSTISIE EN VAN GEVANGENISSE

21 -8- 1967

MINISTER OF JUSTICE AND OF PRISONS

DIE SEKRETARIS/MINISTER.

DEPARTMENT OF JUSTICE

BATES VAN DIE DEFENCE AND AID FUND.

*Memo van R 4355.57  
20/8/67*

1. Die Minister het op 19 Julie 1967 goedgekeur dat daar van die Vereniging van Wetsgenootskappe verneem word of hy belangstel om die oorskot van R3673 - 59 te bekom om dit vir die verlening van regshulp te gebruik. (Memo). Die bedrag het sedertdien vermeerder na R 4255 - 59 daar ene Bugwandeem, 'n Indiërprokureur van Durban, se rekening van R 582 - 00 deur 'n "group of well wishers" vanuit Engeland betaal is. Die Vereniging het die aanbod met dank aanvaar en het aangedui dat hy bereid is om die bedrag mettertyd aan die beoogde regshulpfonds oor te betaal.

(11.8.67).

2. Die nodige persverklaring (Afrikaans en Engels) is opgestel en in die omslag geplaas vir goedkeuring deur die Minister asseblief, indien by saamstem.

*30/5/8/67  
Schr 17/8/67  
17/8/67  
Dno 18.8.67*

DIE SEKRETARIS.

Persverklaring GOEDGEKEUR / NIS GOEDGEKEUR NIE.

MINISTER

*[Handwritten signature]*  
*21/8/67*

DECLASSIFIED

# Defence and Aid stuur R4,000 vir terroriste

Deur JACK VIVIERS

**D**IE Defence and Aid Fund in samewerking met die Anti Apartheid Movement betaal vir die verdediging van die 37 Bantoes wat ingevolge die terroriste wet aangekla word.

In Bedrag van R4 000 is reeds uit Londen aan 'n Johannesburgse prokureursfirma gestuur.

Of die advokate en prokureursfirma weet wie die eintlike afsenders is, is nie duidelik nie, aangesien die Defence and Aid Fund se aandeel in die geld agter 'n "frontnaam" verskuil word.

Die selfde geheime bronne het bekend gemaak dat meer geld binnekort onder 'n ander naam gestuur sal word.

Die eerste bedrag is net om die voorlopige koste te dek.

Meer geld sal nodig wees om die vier advokate onder wie adv. M. Phillips SC vir die verdediging van die Bantoes te betaal. Almal is vooraanstaande regskenner van hul rekening sal waarskynlik meer wees as wat baie private mense kan betaal.

## HUL PROBLEEM

Die advokate, die beskuldiges, en die Defence and Aid Fund kan heel waarskynlik teen spoed kry met die geld. Indien die polisie afdoende bewyse kan vind om te bewys dat die Defence and Aid Fund vir die geld verantwoordelik is, kan die beredderaar wat aangestel is toe die Defence and Aid Fund tot onwettige organisasie verklaar is, heel erg op die geld.

Die volgende kromp geld kan waarskynlik eers kom nadat die saak lars gehandel is, want dit is net moontlik dat die verbeurd verklaar sal word. Hoe die Defence and Aid Fund dit aan gaan reg kry om die advokate se rekening te betaal, sal hul probleem wees.

Die Vereniging van Wetsgenootskappe  
van die Republiek van Suid-Afrika

2/2/13

Sekretaris Generaal:  
Eben Louw

Centenarygebou,  
Bureaulaan,  
Pretoria.

Tel. & Kabeladres:  
„Unionlaw“  
Foon 3-7957

Verw. No. 49.

11 Augustus 1967.

Die Sekretaris van Justisie,  
Privaatsak 81,  
PRETORIA.

U verw. nr. 2/2/13.

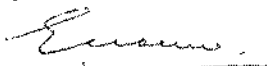
Waarde heer,

BATES VAN DIE DEFENCE AND AID FUND.

U word vriendelik verwys na my brief van 1 Augustus en ons daaropvolgende telefoongesprek.

Die Vereniging van Wetsgenootskappe wil graag Sy Edele die Minister van Justisie bedank vir die vertroue in die Vereniging deur aan te bied om die bates van die Defence and Aid Fund aan hom oor te dra. Die aanbod word dan ook aanvaar met die verstandhouding dat dit mettertyd oorgedra sal word aan die beoogde regshulpfonds. Indien dit later om welke rede ookal sou blyk dat dit nie moontlik is nie sal die bedrag aangewend word vir 'n dergelike doel, of na 'n ander fonds oorgedra word na oorlegpleging met u Departement.

Die uwe,



SEKRETARIS GENERAAL.



*Die v. behandel van 2/11/2136*



DEPARTEMENT VAN JUSTISIE  
 PRETORIA  
 ONTVAINGRECEIVED  
 9 8 1967  
 DEURSCHEIDING ONTVAINGRECEIVED  
 9. 8. 67  
 REPUBLIEK VAN SUID-AFRIKA - REPUBLIC OF SOUTH AFRICA

*2014/8/67*

*By beantwoording meld asb. In reply please quote*

MJ. 21.

Ministerie van Justisie,  
Ministry of Justice,

Uniegebou,  
Union Buildings,

PRETORIA.

8 -8- 1967

THE SECRETARY FOR JUSTICE.

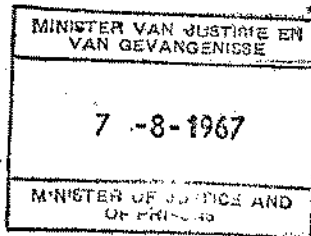
RE: DEFENCE AND AID FUND.

The attached letter dated the 3rd August, 1967, which was received from Mrs. A. Brusse is forwarded by direction of the Honourable the Minister with specific reference to his personal endorsement thereon, please.

*SR, HWA AK. Queen*  
 PRIVATE SECRETARY.  
*Ans 11.8.67*  
*W78767*

3rd August, 1967

The Minister of Justice,  
Department of Justice,  
Union Buildings  
PRETORIA



Your Excellency,

Whilst I am unable to fathom why the list of Officials and Contributors to the Defence and Aid Fund has not yet been published and the persons appearing thereon been banned, I take this opportunity, in connection with the banning of Dr. Hoffenberg, to insist that at least I, as a contributor to the Defence and Aid Fund, be banned in accordance with the relevant provisions of the Act.

Your obedient servant,

*A. Brusse*  
Mrs. A. Brusse

12 Dunbez Court,  
102 Dunbar Street,  
Bellevue, Johannesburg.

cc. Rand Daily Mail.

*Sekretaris*  
*Wat is geval*  
*met postende*  
*in hanties?*

*P 7/8/67*

Die Vereniging van Wetgenootskappe  
van die Republiek van Suid-Afrika

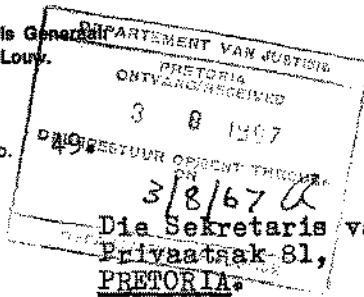
2/2/13.  
RK

Sekretaris Generaal  
Eben Louw.

Centenarygebou,  
Bureaulaan,  
Pretoria.

Tel. & Kabeladres:  
„Unionlaw”  
Foon 3-7957

Verw. No.



1 Augustus 1967.

Die Sekretaris van Justisie,  
Privaatsak-81,  
PRETORIA.

U verwys nr. 2/2/13.

Waarde heer,

BATES VAN DIE DEFENCE AND AID FUND.

Baie dankie vir u brief van 27 Julie 1967.

Ek verwys die aangeleentheid na die Uitvoerende Komitee van die Vereniging en sal weer so spoedig moontlik met u in verbinding tree.

Die uwe,

SEKRETARIS GENERAAL.

*Om te sien arb.*  
*304/8/67*  
*H/R. Louw*  
*4/8/67*

*Bere*  
*304/8/67*



*afskrif van brief*

2/2/13.

*en memo aan*

*Mrs. Wilcocks* 27-7-1967  
*1/1/67*

Die Sekretaris-generaal,  
Vereniging van Wetsgenootskappe  
van die Republiek van Suid-Afrika,  
Centenary Gebou 407,  
Barolaan,  
PRETORIA.

Waarde Heer,

BATES VAN DIE DEFENCE AND AID FUND.

1. Die bovermelde organisasie is op 18 Maart 1966 tot 'n onwettige organisasie verklaar. Die Beredderaar van die bates van die organisasie het aangedui dat hy 'n oorskot van R3673-59 sal hê nadat al die verpligte uitbetalings gemaak is. Ingevolge artikel 4(3) van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950) moet die oorskot aan een of meer liefdadigheids- of wetenskaplike organisasies deur Sy Edele die Minister van Justisie aangewys, oorbetaal word.

2. Die Minister oorweeg dit nou om u Vereniging aan te wys as die organisasie waaraan die oorskot oorbetaal moet word; met die verstandhouding dat die bedrag mettertyd oorgedra word aan die beoogde regshulpfonds. Tegnies gesproke is u Vereniging nie 'n liefdadigheids- of wetenskaplike organisasie nie. Die verlening van regshulp aan behoeftiges kom egter tog op liefdadigheid neer en daar die geld dan ook aangewend sal word vir die doel waarvoor dit oorspronklik bedoel was, kan daar geen beswaar teen so 'n stap voorsien word nie. Die Departement verneem graag of u Vereniging bereid is om die oorbetalings te aanvaar.

3. Dit sal waardeer word indien die aangeleentheid as vertroulik behandel sal word tot tyd en wyl die Minister 'n aankondiging gedoen het.

**G. P. J. COETZER**  
**SEKRETARIS VAN JUSTISIE**

*h. a. m. 2/2/67*

DECLASSIFIED

MINISTER VAN JUSTISIE EN  
2/2/43-7-1957

GEHEIM.

DIE WAARNEMENDE SEKRETARIS/MINISTER

VERSLAG : DEFENCE AND AID FUND.

1. Die Beredderaar deel mee dat al die bates van bovermelde onwettige organisasie (hierna die "Fund" genoem) nou te gelde gemaak is en dat alle eise teen die "Fund" ontvang is. Die posisie sien soos volg daaruit:

Bates van die "Fund"	RI4575	-	97
Eise teen die "Fund"	RI0902	-	38
	<hr/>		
Balans .....	R3673	-	59

2. Kragtens artikel 3(3) van die Wet word die Beredderaar aangestel op die voorwaardes, en kan hy uit die bates van die "Fund" die besoldiging vir sy dienste betaal word, wat die Minister bepaal. Die Departement het dus oorweeg of hy nie by die Minister moet aanbeveel dat die Beredderaar vir sy dienste vergoed moet word nie. Daar is egter besluit om dit nie te doen nie en wel om die volgende redes:-

- (a) Mnr. D.P. Wilcocks, 'n senior landdros, is as Beredderaar aangestel en hy word reeds deur die Staat vir sy dienste besoldig.
- (b) Dit wil voorkom asof die kwessie van besoldiging betrekking het op die geval waar die Minister 'n privaat persoon as beredderaar aanstel en dat daar dan alreeds ten tyde van so 'n aanstelling 'n bepaling in diè verband gemaak moet word.
- (c) Indien die Beredderaar se salaris uit die "Fund" se bates betaal word, sal die "Fund" waarskynlik insolvent wees. Die Beredderaar sal dan die "Fund" moet administreer asof

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- 2 -

dit 'n insolvente boedel of maatskappy is. Dit sal allerlei probleme oplewer.

- (d) As die Minister in hierdie stadium sou besluit om die Beredderaar se salaris uit die "Fund"-bates te laat betaal, kan hy daarvan beskuldig word dat hy dit doen ten einde te verhoed dat die regspraktisyns se rekenings ten volle vereffen word.

3. In die lig van al die omstandighede wil die Departement voorstel dat daar van die Vereniging van Wetsgenootskappe verneem word of hy belangstel om die oorskot van R3673-59 te bekom om dit vir die verlening van regshulp te gebruik. Ingevolge artikel 4(3) van die Wet moet die oorskot aan een of meer liefdadigheids- of wetenskaplike organisasies deur die Minister aangewys, oorbetaal word. Tegnies gesproke is die Vereniging van Wetsgenootskappe nie 'n liefdadigheids- of wetenskaplike organisasie nie. Die verlening van regshulp aan behoeftiges kom egter tog op liefdadigheid neer en aangesien die geld oorspronklik vir diè doel bestem was, sal daar waarskynlik uit geen oord beswaar geopper word indien *die gees van die bepaling sal dan ten volle ingetrok word.* dit nou weer daarvoor aangewend word nie. Indien die Minister saamstem sal die Vereniging van Wetsgenootskappe genader word en as die skenking aanvaarbaar is, sal 'n persverklaring mettertyd aan die Minister voorgelê word.

/3...

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DECLASSIFIED

- 3 -

4. Die Beredderaar sal mettertyd 'n volledige verslag in verband met sy administrasie van die "Fund" voorlê.

90 28/6/67

Adm 28.6.67.


29/6/67 28.6.67

28.6.67

On 30.6.67.

DIE SEKRETARIS.

Paragraaf 3 GOEDGEKEUR / ~~NIE GOEDGEKEUR NIE.~~

  
MINISTRE.  
19/7/67

OSR.

Respon.

On 17.7.67

HVR  
Soo bespreek om.  
19.7.67

DECLASSIFIED





## DEFENCE FUND ACCUSATIONS

# S.A. jail conditions report in London

From Our Correspondent

London, Friday

COPIES of the International Defence and Aid Fund's report on South African Prisons and the Red Cross investigation were handed to British and South African pressmen today at a pre-publication conference in London.

The report, which compares the Red Cross findings with the South African Government's official comments and the testimony of former political prisoners, purports to show that the 1964 investigation was "well prepared for" by South African prison authorities.

The preface to the report states: "There is evidence both from prisoners who spoke to Mr. Hoffman, the Delegate General of Red Cross, and from prisoners and lawyers known to the Defence and Aid Fund that just prior to his visits there were sudden dramatic improvements in material facilities in the prisons about to be visited."

The Defence and Aid Fund also questioned the statement by the Minister for Justice, Mr. Pelser, that there were no political prisoners in South Africa.

The Defence and Aid Fund knows all too well that the majority of the serious crimes — the category in which Mr.

Pelser said a number of people had been tried, convicted and sentenced in order to maintain the security of the state — consisted of belonging to banned organizations, attending a meeting, distributing a pamphlet, painting a slogan or contributing a few pence. The Defence and Aid Fund has defended these cases.

The preface continues: "This latest attempt to deny the existence of political prisoners appears to reject the international penal principle urged by the International Red Cross, that political prisoners should be recognized as a distinctive group of prisoners requiring special treatment in any prison system."

The report, which is due to go on sale here tomorrow, will be sent to all members of the Human Rights Commission of the United Nations, and will

form the basis for Canon Collins's representation to the United Nations seminar on apartheid, racial discrimination and colonialism in South Africa to be held in Lusaka at the end of the month.

A spokesman for the Fund said the organization also hoped to send copies of the report to South Africa.

The report comprises three sections. The first gives the Red Cross report, the second, the South African Government's official statement and the third, political prisoners' comments.

A number of former political prisoners, including Mr. Dennis Bantjes, Miss Stephanie Kemp and Mrs. Raul Trewhella, attended the conference and several added verbal testimony to the written statements on conditions in South African prisons contained in the 63-page pamphlet.

*Defence and Aid Fund*



DECLASSIFIED

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2/2/13

114 -7- 1967

CONFIDENTIAL.

The Secretary for  
Foreign Affairs,  
Private Bag 141,  
PRETORIA.

LETTER FROM DEFENCE AND AID FUND IN NEW ZEALAND :  
YOUR NO. 126/53/1 : THE STATE VERSUS :  
(1) BADEN KOBOKA, (2) EDWARD SIKUNDLA, (3) JONAS  
JABAVU NZONDI, (4) NICOLAS GQIBILE HANS,  
(5) MACDONALD NGWEBE, (6) MAQADAZA MAGUSHE,  
(7) GODUKA GELEM, (8) LIVINGSTONE PATYELA,  
(9) NSIMASI WELLINGTON TYOBOKA : M U R D E R.

1. The nine prisoners, (not eight as stated in the letter received from the Wellington Branch of the Defence and Aid Fund), all of whom are Bantu adults, and two other Bantu stood trial in the Cape of Good Hope Provincial Division of the Supreme Court of South Africa on the 14th December, 1966, for the murder of one Maurice Berger (a White male), at Newtown in the district of Wellington on the 22nd September, 1962. Two of the accused were acquitted but the nine prisoners were convicted and, after the Court had found that there were no extenuating circumstances, were sentenced to death. The prisoners did not apply for leave to appeal.

2. It was established by the evidence that Baden Koboka, (Prisoner No. 1), Edward Sikundla (Prisoner No. 2) and Jonas Jabavu Nzondi (Prisoner No. 3) were high ranking officers of the Poqo organization. At a meeting they planned the murder and instructed the other accused, who were also members of Poqo to carry out the murder. It was first suggested that another shopkeeper, Ferreira, should be murdered and robbed, but it was decided that Berger should be the victim because he had more money and because they knew that Ferreira was armed with a revolver.

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- 2 -

3. The motive for the murder was to obtain funds for the Poqo organization and to terrorise non-members of Poqo.

4. The Paarl riots only started on the 22nd November, 1962, two months after the murder of Maurice Berger. The only connection this murder had with the riots, was that it was planned and executed by the same organization. For the purpose of murdering Berger the accused even acquired a revolver with which Berger's assistant was badly wounded. Berger himself was also wounded by shots from this revolver but the fatal injuries were inflicted by means of a panga.

5. The Commission appointed to inquire into the events on the 20th to 22nd November, 1962, at Paarl and the causes which gave rise thereto did find that there were causes for grievances. There are, however, channels available through which these grievances could be aired. If the actions of any official amounted to criminal offences then of course charges could be brought in the normal way. The grievances were not such as to justify armed revolt and murder. People in countries all over the world are dissatisfied with some or other aspect of their Government's administration. This does not serve as justification for murder, especially the wanton murder of innocent men, women and children. The fact is that the real or imagined grievances were used by communistic agitators who wished to create disorder; a state of affairs in which International Communism finds it easy to effect a foothold.

6. The two prisoners Edward Sikundla and Msimaai Wellington Tyobeka were never tried or convicted for any offence in connection with their Poqo activities prior to their trial for the murder of Berger. The others had been tried and sentenced for such activities as set out in the attached schedule.

7. The reason why the accused were charged only during 1966, is that there was not sufficient evidence available prior to 1966. While the Poqo organization was still very strong, witnesses refused to talk as they were frightened. In fact a number of Bantu were murdered during 1962 by members of the Poqo organization because they were suspected of giving information to the Police. The murders were usually carried out with savage brutality and many of the bodies were horribly mutilated. The desired effect with the mutilation was to strike terror into the hearts of the Bantu people. Bantu witnesses, who appeared before the commission appointed to inquire into the Paarl riots, showed greater horror and dread of the mutilation than of the killing.

DECLASSIFIED /3...

DECLASSIFIED

- 3 -

8. The State President decided not to grant a pardon to or reprieve or otherwise to exercise his power of extending mercy in respect of the prisoners and they were all executed on the 30th May, 1967.

G. M. J. SWABY

SECRETARY FOR JUSTICE.

407/7/67

DECLASSIFIED

Name of Prisoner.	Date of sentence.	Court and place of trial.	Sentence.	Offence.
Baden Kebeka	31.7.63	Regional Court, Paarl	3 years imprisonment on each count	(1) Member of an unlawful organization (Poqo). (2) Carrying on the activities of an unlawful organization.
Jonas Jabavu Nzondi	22.6.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Poqo).
Nicolas Gqibile Nana	24.7.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Poqo).
MacDonald Mwehu	22.5.63	Circuit Court, Paarl	18 years imprisonment	Sabotage
Magadama Magusha	5.3.63	Circuit Court, Queenstown	15 years imprisonment	Sabotage
Goduka Geles	5.6.63	Circuit Court, Paarl	8 years imprisonment	Sabotage
Livingstone Patyela	23.8.63	Circuit Court, Paarl	5 years imprisonment	Member of an unlawful organization.

Name of Prisoner.	Date of sentence.	Court and place of trial.	Sentence.	Offence.
Baden Kobeka	31.7.63	Regional Court, Paarl	3 years imprisonment on each count	(1) Member of an unlawful organization (Pogo). (2) Carrying on the activities of an unlawful organization.
Jonas Jabavu Mxondi	22.6.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Pogo).
Nicolas Gqibile Hans	24.7.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Pogo).
MacDonald Ngwebu	22.5.63	Circuit Court, Paarl	18 years imprisonment	Sabotage
Maqadama Mgusha	5.3.63	Circuit Court, Queenstown	15 years imprisonment	Sabotage
Geduka Gelem	5.6.63	Circuit Court, Paarl	8 years imprisonment	Sabotage
Livingstone Patyela	23.8.63	Circuit Court, Paarl	5 years imprisonment	Member of an unlawful organization.

Name of Prisoner.	Date of sentence.	Court and place of trial.	Sentence.	Offence.
Baden Kobeka	31.7.63	Regional Court, Paarl	3 years imprisonment on each count	(1) Member of an unlawful organization (Pogo).  (2) Carrying on the activities of an unlawful organization.
Jonas Jabavu Mzondi	22.6.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Pogo).
Nicolas Gqibile Hans	24.7.63	Regional Court, Paarl	3 years imprisonment	Member of an unlawful organization (Pogo).
MacDonald Kgwebu	22.5.63	Circuit Court, Paarl	18 years imprisonment	Sabotage
Maqadaza Magucho	5.3.63	Circuit Court, Queenstown	15 years imprisonment	Sabotage
Geduka Gelem	5.6.63	Circuit Court, Paarl	8 years imprisonment	Sabotage
Livingstone Patyela	23.8.63	Circuit Court, Paarl	5 years imprisonment	Member of an unlawful organization.





126/53/1

DEPARTMENT OF JUSTICE  
 REPUBLIC VAN SUID-AFRIKA  
 REPUBLIC OF SOUTH AFRICA  
 30 -6- 1967  
 DEURLOOFTREK  
 30 -6- 67  
 DEPARTMENT OF JUSTICE

DEPARTEMENT VAN BUITELANDSE SAKE  
DEPARTMENT OF FOREIGN AFFAIRS

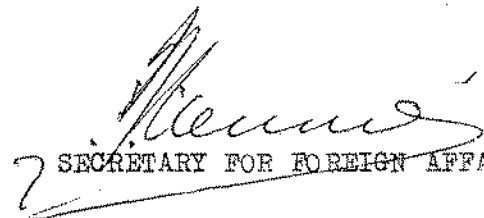
PRETORIA.

29 -6- 1967

THE SECRETARY FOR JUSTICE

Letter from Defence and Aid Fund in  
New Zealand.

With reference to my evenly numbered minute of the 23rd May, 1967, I wish to enquire whether circumstances now permit of a reply.

  
 SECRETARY FOR FOREIGN AFFAIRS.

21/2/12 F.A. 42 RIK

126/53/1

DEPARTMENT VAN JUSTISIE  
25 5 1967  
DEPARTMENT OF JUSTICE THROUGH  
DEPARTMENT OF JUSTICE



REPUBLIEK VAN SUID-AFRIKA  
REPUBLIC OF SOUTH AFRICA

DEPARTEMENT VAN BUITELANDSE SAKE  
DEPARTMENT OF FOREIGN AFFAIRS  
PRIVATE BAG 141,  
PRETORIA.  
23 -5- 1967

THE SECRETARY FOR JUSTICE.

Letter from Defence and Aid Fund in  
New Zealand

I attach for your comments please a copy  
of a letter received by the South African Consul-General  
in New Zealand from the Wellington Branch of the  
Defence and Aid Fund in regard to the incidents  
arising out of disturbances in Paarl in 1962.

The letter has not been acknowledged.

*[Handwritten Signature]*  
7. SECRETARY FOR FOREIGN AFFAIRS.

*First na balju op 23/5/67  
SW 29/5/67*

(COPY)

327 The Terrace,  
Wellington, C.2.

April 17th, 1967

Mr A.J.Oxley,  
Consul-General for South Africa,  
36 Wadestown Road,  
WELLINGTON, N.I.

Dear Sir,

There has recently come into our hands an account of a case in South Africa in which a group of African men were sentenced to death in 1966 for complicity in the murder of a white shop-keeper during disturbances in Paarl, Western Cape, in 1962. We understand that in one night's disturbances two whites were murdered and others injured, and that five Africans were shot dead and a number of others seriously wounded. We further understand that 107 people were charged, 8 being sentenced to death and others receiving various prison sentences.

Our information is that four years later, in 1966, another group of African men (already serving prison sentences for their role in the 1962 riots) were charged with complicity, convicted and sentenced to death. Their names are given as

- |                      |                                  |                         |
|----------------------|----------------------------------|-------------------------|
| <i>64/1919</i>       | <i>Bantsemans</i>                |                         |
| <i>Moord op</i>      | (1) Baden Koboka ✓               | (3) Jonas Jabavu Mzondi |
| <i>in Blanke man</i> | (2) Edward Sikundla ✓            |                         |
| <i>gevoenis</i>      | (5) Macdonald Mgweba ✓           | <i>Magadaza Magushe</i> |
| <i>14.12.66</i>      | (6) Mgqadaza Magushe ✓           |                         |
| <i>Kaapstad</i>      | (7) Goduka Galem ✓               |                         |
|                      | (8) Livingstone Fatyela ✓        |                         |
|                      | (4) Nicholas Gqibile Hans ✓      |                         |
|                      | (9) Msimase Wellington Tyobeka ✓ |                         |
|                      | <i>Msimasi</i>                   |                         |

We do not know whether the sentences have been carried out. If not, we urge that they be commuted. But in any case we are moved to protest, and for two chief reasons.

*Taeggestel op 30/5/67*  
*Nie een best appel*  
*aangekomen nie 30 29/5/67*  
*of aansoek geboen om verlig om*  
*appellatien nie*

First, we understand that a Commission of Inquiry pointed to the grievances of the non-whites in Paarl as:-

- (a) the tyranny of the then white housing manager;
- (b) the frustration caused by married men having to live in bachelor quarters without their wives and families; and
- (c) the corruption of white officials dealing with non-whites.

It also stated that the unrest was "caused" by a militant group of Africans. We would respectfully suggest that the Commission would seem to have established the basic causes of the unrest very clearly, and that to punish men with death for reacting violently against an intolerable situation can hardly, in the wider perspective, be called justice.

Second, we wonder why the capital charges against the second group of men were not brought immediately after the riots, when events and incidents would have been far clearer in the memory of witnesses than they could be four years later. Here again, it is hard to see that justice has been done.

You may not be aware that earlier this year 76 members of the British Parliament protested against these sentences to the South African Ambassador in London. We wish to add our protest to theirs and, if it is not too late, to urge that the sentences be commuted.

Yours sincerely,

(SGD) G.E.A. Wilson

(Rev.) G. E. A. WILSON  
Chairman, N.Z. Defence and Aid Fund  
for Southern Africa

for the Trustees:

Messrs. D. Roebuck, A. Hall  
A.J. Todd, Mrs T. Sidwell

2/2/13.  
J. 402.

Telefoon 2-1112  
Telephone No. ....



By beantwoording meld  
in reply please quote

No. S.V. 14/66

DEPARTEMENT VAN JUSTISIE  
ONTVANGSTAMP  
22-6-1967  
DEURGESTUUR DE WETENSKAPPELIJKE  
22-6-67  
DEPARTMENT OF JUSTICE

REPUBLIEK VAN SUID-AFRIKA.  
REPUBLIC OF SOUTH AFRICA.

KANTOOR VAN DIE PROKUREUR-GENERAAL,  
OFFICE OF THE ATTORNEY-GENERAL,

Private Bag 9003,  
CAPE TOWN.

19-6-1967

The Secretary for Justice,  
Veritas Building,  
Private Bag 81,  
PRETORIA.

LETTER FROM DEFENCE AND AID IN NEW ZEALAND:  
THE STATE VERSUS 1. BADEN KOBOKA 2. EDWARD SIKUNDLA  
3. JONAS MABAVU MZONDI 4. NICOLAS GOBIBILE HANS  
5. MAC DONALD MGWEBE 6. MAQODAZA MAGUSHE 7. GODUKA  
GELEM 8. LIVINGSTONE PATYELA 9. MSIMASI WELLINGTON  
TYOBEKA : MURDER.

In reply to your minute No. 2/2/13 of the 9th June, 1967 I wish to inform you that eleven accused were tried in the Supreme Court, Cape Town during the period 7th November, 1966 to 14th December, 1966 for the murder of Maurice Berger, a shopkeeper of Newtown, Wellington on the 22nd September, 1962.

On the 14th December, 1966 the abovenamed nine accused were convicted and sentenced to death while the two co-accused, Phumelele Scoutshaka and Jacob Xhali Mandindi, were acquitted. In your minute No. 64/1919 of 23rd May, 1967 you advised me that the State President had decided not to grant a pardon to or reprieve or otherwise to exercise his power of extending mercy to these nine accused. It was established by the evidence that Baden Koboka, Edward Sikundla and Jonas Mabavu Mzondi were high ranking officers of the Poqo organization and in a committee discussed and planned the murder and instructed the other accused who were also members of the Poqo organization to carry out the murder. It was first suggested that another shopkeeper, Ferreira, should be murdered and robbed, but after discussion it was decided that Berger should be the victim as they decided that he had more money and they knew Ferreira was armed with a revolver.

The motive for the murder was to rob the victim to obtain funds for the Poqo organization and to terrorise non-members of the Poqo organization. In interviews with some of the accomplices they were of the opinion that the murder was also an experiment to see whether the task force of the Poqo organization was effective and brave enough to kill a white man, but in giving evidence they did not express this opinion.

2/2/62

cf.

The Paarl riots only started on the 22nd November 1962, two months after the murder of Maurice Berger. The only connection this murder had with the riots, was that it was planned and executed by the same organization, and the general aim of this organization was to fight and kill all the whites and take over the country. For the purpose of murdering Berger the accused even acquired a revolver with which Berger's coloured assistant was badly wounded. Maurice Berger was also shot but his fatal injuries were inflicted by means of a panga.

The two accused Edward Sekundla and Msimasi Wellington Tyobeka were never tried or convicted for any offence in connection with their Fogo activities prior to their trial for the murder of Maurice Berger. The others had been tried and sentenced for such activities, either during the Paarl riots, or as members of the Fogo organization as listed on the attached forms S.A.P.69.

The reason why the accused were charged only during 1966 is that there was not sufficient evidence available prior to 1966. While the Fogo organization was still very strong witnesses refused to talk as they were frightened. It may mention that a number of bantu were murdered during 1962 by members of the Fogo organization because they were suspected of giving information to the Police. In most of these cases the murderers have since been arrested, tried and convicted.

  
S.E. Terblanche  
Ag. ATTORNEY-GENERAL.

/RH

planned the murder and were responsible for sending the "task force" to carry it out. Prisoners Nos. 4, 5, 6, 7, 8 and 9 were all proved to have been members of the "task force". All the prisoners, therefore, had a common purpose to murder the deceased and each of them is responsible for the acts of the others whether or not he, personally, inflicted a fatal wound or struck a blow.

15. Although the murder can be said to have had a political background and not to have been motivated by any personal animosity against the deceased it appears from the evidence that a subsidiary reason for the murder was the expectation or hope that money would be obtained from the store to use in furtherance of Poqo's activities.

16. The State President decided not to grant a pardon to or relieve or otherwise to exercise his power of extending mercy in respect of the prisoners and they were all executed on the 30th May, 1967.

SECRETARY FOR JUSTICE.

90 30/5/67

DECLASSIFIED

34203 (Swart)

2/2/13.

BY AIR MAIL.

19-6-1967

CONFIDENTIAL.

The Attorney-General,  
CAPE TOWN.

LETTER FROM DEFENCE AND AID FUND IN NEW ZEALAND  
THE STATE VERSUS : (1) BADEN KOBOKA, (2) EDWARD  
SIKUNDLA, (3) JONAS JABAVU MZONDI, (4) NICOLAS  
GQIBILE HANS, (5) MACDONALD MGWEBE, (6) MAQADAZA MAGUSHE,  
(7) GODUKA GELEM, (8) LIVINGSTONE PATYELA,  
(9) MSIMASI WELLINGTON TYOBOKA : MURDER.

The attached copy of minute No. 126/53/1  
dated the 23rd May, 1967, together with the annexure  
thereto, received from the Secretary for Foreign  
Affairs, is enclosed for favour of your early comments  
inter alia, regarding the allegation that the above-  
named persons were sentenced to death while already  
serving prison sentences for their role in the 1962  
riots and the question why the capital charges  
against them were not brought immediately after  
the riots, but only four years later, to enable the  
Department to suitably advise the Department of  
Foreign Affairs.

G. M. J. SWART

SECRETARY FOR JUSTICE.

209/4/67

DECLASSIFIED



34203 (Swart).

2/2/13

2 -6- 1967

The Commissioner of the  
South African Police,  
Private Bag 94,302  
PRETORIA.

LETTER FROM DEFENCE AND AID FUND IN  
NEW ZEALAND: THE STATE VERSUS:

- (1) BADEN KOBOKA
- (2) EDWARD SIKUNDLA
- (3) JONAS JABAVU MZONDI
- (4) NICOLAS GOBILE HANS
- (5) MACDONALD MOWEHA
- (6) MAQADAEA MACUSHE
- (7) GODUKA GELEM
- (8) LIVINGSTONE PATYELE
- (9) MSIHASI WELLINGTON TYOBOKA: MURDER.

The attached copy of minute No. 126/53/1 dated the 23rd May, 1967, together with the annexure thereto, received from the Secretary for Foreign Affairs, is enclosed for favour of your early comment, regarding the allegation that the abovesaid persons were sentenced to death while already serving prison sentences for their role in the 1962 riots and the question why the capital charges against them were not brought immediately after the riots, but only four years later, to enable the Department to suitably reply thereto.

G. M. J. SWART

The Secretary for  
Foreign Affairs,  
Private Bag 141,  
PRETORIA.

SECRETARY FOR JUSTICE.

2/6/67 52 -6- 1967

Copy for your information.

G. M. J. SWART

SECRETARY FOR JUSTICE.

Tel. nomadras: "JUSTISIE"  
Telegraphic Address: "JUSTICE"

Ale briewe geadresseer te word aan  
SEKRETARIS VAN JUSTISIE.

All Communications to be addressed to  
SECRETARY FOR JUSTICE.

Telefoon  
Telephone

REPUBLIEK VAN  
SUID-AFRIKA



REPUBLIC OF  
SOUTH AFRICA

By hand/voornedig gestuur  
In reply please quote

No. 2/2/13

DEPARTEMENT VAN JUSTISIE,  
DEPARTMENT OF JUSTICE,

VERITASGEBOU,  
VERITAS BUILDING,

PRIVAATSAK 81,  
PRIVATE BAG 81,  
PRETORIA.

The Secretary for  
Foreign Affairs,  
Private Bag 141,  
PRETORIA.

23.5.67 "

LETTER FROM DEFENCE AND AID FUND IN NEW  
ZEALAND: YOUR NO. 126/53/1: THE STATE  
VERSUS :

- (1) BADEN KOBOKA
- (2) EDWARD SIKUNDLA
- (3) JONAS JABAYU MZONDI
- (4) NICOLAS GOUBILE HANS
- (5) MACDONALD/MGWEBE
- (6) MAQADAZA MAGUSHE
- (7) GODUKA GELEM
- (8) LIVINGSTONE FATYELE
- (9) MSIMASI WELLINGTON TYOBKA: MURDER.

1. The nine prisoners, (not eight as stated in the letter received from the Wellington Branch of the Defence and Aid Fund), all of whom are Bantu adults, and two other Bantu were tried by Mr. Justice Corbett and assessors in the Cape of Good Hope Provincial Division of the Supreme Court of South Africa held at Cape Town on the 14th December, 1966, on an indictment alleging that on the 22nd September, 1962, they murdered a shopkeeper named Maurice Berger (a White male), at Newtown in the district of Wellington. Two of the accused persons, who appeared at the trial as Accused No. 4 and Accused No. 11 respectively, were acquitted but the nine prisoners were convicted and, after the Court had found that there were no extenuating circumstances, were sentenced to death. The prisoners did not apply for leave to appeal.

2. All the prisoners and certain of the witnesses were members of Poqo, an illegal subversive Bantu organisation which was active in the Cape Province at the time of the murder and which resorted to various acts of violence in the furtherance of its object of overthrowing the "white" government and replacing it with a Bantu government. Prisoner No. 1 was the chief organiser of Poqo in the Mbekweni Bantu location at Paarl where all the prisoners lived; Prisoner No. 2 was the leader of the "task force"; Prisoner No. 3 was a committee member and all the other prisoners were members of

2/...

planned the murder and were responsible for sending the "task force" to carry it out. Prisoners Nos. 4, 5, 6, 7, 8 and 9 were all proved to have been members of the "task force". All the prisoners, therefore, had a common purpose to murder the deceased and each of them is responsible for the acts of the others whether or not he, personally, inflicted a fatal wound or struck a blow.

15. Although the murder can be said to have had a political background and not to have been motivated by any personal animosity against the deceased it appears from the evidence that a subsidiary reason for the murder was the expectation or hope that money would be obtained from the store to use in furtherance of Poqo's activities.

16. The State President decided not to grant a pardon to or reprieve or otherwise to exercise his power of extending mercy in respect of the prisoners and they were all executed on the 30th May, 1967.

SECRETARY FOR JUSTICE.

20 30/5/67

Varkwelle

2/2/13

The Secretary for Foreign Affairs,  
Private Bag 141,  
Pretoria



~~DEPARTMENT OF JUSTICE,  
CAPE TOWN.~~

~~The State President,~~

Letter from Defence and Aid Fund  
in New Zealand: Your No. 126/53/1

- THE STATE VERSUS :
- (1) BADEN KOBOKA
  - (2) EDWARD SIKUNDLA
  - (3) JONAS JABAVU MZONDI
  - (4) NICOLAS GQIBILE HANS
  - (5) MACDONALD MGWEBE
  - (6) MAQADAZA MAGUSHE
  - (7) GODUKA GELEM
  - (8) LIVINGSTONE FATYELA
  - (9) MSIMASI WELLINGTON TYOBEKA :

MURDER.

~~I have the honour to submit herewith for your consideration  
the following papers in connection with the above case:~~

1. Report of the Acting Attorney-General, Cape Town.
2. Report of the Prosecuting Counsel and annexure.
3. Report of the Presiding Judge.
4. Transcription of the record of the Court proceedings.

~~The nine prisoners, all of whom are Bantu adults, and two  
other Bantu were <sup>tried by</sup> Mr. Justice Corbett and assessors,~~

~~on an indictment alleging that on the 22nd September, 1962, they~~

~~attended to death by hanging of  
Shad Hope Pirovincial Division  
of the Supreme Court of South  
Africa held at Cape Town on  
the 14th December, 1966.~~

In the case of Good Hope Provincial Division  
of the Supr. and Court of South Africa, held at  
Cape Town on the 14th December, 1966,

(a white male) of Newtown in the district of - Wellington.

murdered a shopkeeper named Maurice Berger. Two of the accused persons, who appeared at the trial as Accused No. 4 and Accused No. 11 respectively, were acquitted but the nine prisoners were convicted and, after the Court had found that there were no extenuating circumstances, were sentenced to death. *The prisoners did not apply for leave to appeal.*

All the prisoners and certain of the witnesses were members of Poqo, an illegal subversive Bantu organisation which was active in the Cape Province at the time of the murder and which resorted to various acts of violence in the furtherance of its object of overthrowing the "white" government and replacing it with a Bantu government. Prisoner No. 1 was the chief organiser of Poqo in the Mbekweni Bantu location at Paarl where all the prisoners lived; Prisoner No. 2 was the leader of the "task force"; Prisoner No. 3 was a committee member and all the other prisoners were members of the "task force".

The deceased, Maurice Berger, carried on a general dealer's business in a shop on the road between Paarl and Wellington, not very far from Mbekweni. He was 49 years of age and he lived with his wife and children in a house adjoining the shop.

Evidence was given of several meetings of the committee of Poqo at which Poqo affairs were discussed. At one of these meetings, held on a Saturday night early in September, 1962, in a room or building in which Prisoner No. 3 and

3/.....

others lived in the single quarters of the Mbekweni location, Prisoner No. 1 suggested that they should embark upon a campaign of terrorism to show that Poqo was active, and he suggested that a shopkeeper named Ferreira should be killed. Prisoner No. 2 pointed out that Ferreira was always armed and suggested that the deceased should be killed instead.

On the following Saturday night the committee again met in the same place and decided that the deceased should be killed. Ten persons who were members of the "task force", including Prisoners Nos. 4, 5, 6, 7, 8 and 9, were nominated to carry out the murder and Prisoner No. 2 and another were instructed to inform them.

On a subsequent Saturday evening, presumably on the 15th September, 1962, another meeting was held at which all the prisoners and other members of the committee and "task force" were present. The members of the "task force" were told what they had to do and thereafter they took part in some sort of ceremony or ritual which included the production of all their weapons, the burning of a white powder and the saying of a prayer. Prisoner No. 1 produced a revolver which he handed to Prisoner No. 4 who, in order to prove that he knew how to use it, fired a shot into a wall of the room.

The ten members of the "task force", all of whom wore overcoats and balaclava caps, which they could pull down to hide their faces, then set out in pairs for the deceased's shop. Before they reached there they were overtaken by a

4/.....

messenger who had been sent by the committee to tell them to return as it was then too late and the shop would be closed. They returned to the location.

At about sunset on the 22nd September, 1962, the "task force" and committee members again met in a room in the single quarters of the location and, after a ceremony similar to that performed on the previous occasion, the ten members of the "task force" set out for the deceased's shop. They again wore overcoats and balaclava caps and again walked in pairs and not in a group so as not to attract attention.

When the "task force" reached the deceased's store they entered in small groups and four of them approached the deceased and asked to see some shoes. They pointed to some shoes on a high shelf and the deceased climbed a ladder to reach them. They then pointed to some on a lower shelf and the deceased came down the ladder and bent down to get them. As he did so one of the Bantu hit him on the head with a small axe. The other Bantu crowded round and attacked the deceased, who was pushed into some blankets which were stacked in the corner of the shop. A shop-assistant appeared from the back of the shop and shouted for help. One of the Bantu struck at him with a panga but he warded off the blow and ran out of the shop. Another Bantu, probably Prisoner No. 443, fired three shots at him as he ran out, hitting him in his face, his arm and his side. Those members of the

5/.....

"task force" who up till then had not entered the shop then entered and assisted the others in an attempt to open the safe and the two cash registers to get the money out. They failed to open the safe.

The "task force" then returned to Mbekweni where they reported to the committee, including Prisoners Nos. 1, 2 and 3.

The police were called to the deceased's shop where they found the body of the deceased lying in a corner near a pile of blankets. It was partly covered by some of the blankets which had fallen from the pile. The deceased had a six-inch wound on top of his head above his left eye which passed through his skull and into his brain. On the left side of his neck was a cut five inches long which went deeply into the neck and severed the spinal column. Either of these wounds by itself would have been fatal. In addition to these two major wounds the deceased had a bullet wound in his left forearm and eight stab-wounds. The bullet which caused the wound in the deceased's forearm had damaged his wrist-watch which had stopped with the hands showing twenty minutes past seven.

The evidence connecting the prisoners with the murder was mainly that of four accomplices who were members of Poqo and who attended the meetings when the murder was planned or took part in the attack. The Court was fully alive to the danger of convicting on the evidence of accomplices but nevertheless came to the conclusion that there was ample corroboration of the evidence and that there was no doubt that each

6/.....



of the prisoners was properly identified and was guilty.

The defence of each of the prisoners consisted of a denial of the allegations but the Court had no hesitation in rejecting the denials.

The evidence clearly establishes that Prisoners Nos. 1, 2 and 3, who were leaders of the Poqo movement at Mbekweni, planned the murder and were responsible for sending the "task force" to carry it out. Prisoners Nos. 4, 5, 6, 7, 8 and 9 were all proved to have been members of the "task force". All the prisoners, therefore, had a common purpose to murder the deceased and each of them is responsible for the acts of the others whether or not he, personally, inflicted a fatal wound or struck a blow.

Although the murder can be said to have had a political background and not to have been motivated by any personal animosity against the deceased it appears from the evidence that a subsidiary reason for the murder was the expectation or hope that money would be obtained from the store to use in furtherance of Poqo's activities. <sup>None</sup> ~~The~~ ~~of the prisoners has applied for leave to~~ ~~absence of any personal animosity or the presence of a~~ ~~political~~ ~~background does not reduce the heinousness of the~~ ~~murder of an innocent man and it is accordingly recommended~~ ~~that the law be allowed to take its course.~~

The State President <sup>of</sup> decided not to grant a pardon to or reprieve or otherwise to exercise his power of extending mercy in respect of the prisoners and they were all executed on the 30th May, 1967

~~P.C. PELSER.~~  
MINISTER OF JUSTICE.

S J S

DECLASSIFIED

Telegramadres: „JUSTISIE.”  
Telegraphic Address: "JUSTICE"

Alle briewe geadresseer to word aan  
SEKRETARIS VAN JUSTISIE.

All Communications to be addressed to  
SECRETARY FOR JUSTICE.

Telefoon  
Telephone 31940

CONFIDENTIAL.

The Attorney-General,  
CAPE TOWN.

REPUBLIEK VAN  
SUID-AFRIKA



REPUBLIC OF  
SOUTH AFRICA

By Beantwoording gee op  
in reply please quote

64/1919

DEPARTEMENT VAN JUSTISIE,  
DEPARTMENT OF JUSTICE,

VERITASGEBOU,  
VERITAS BUILDING,

PRIVAATSAK 81,  
PRIVATE BAG 81,

PRETORIA.

23.5.1967

- THE STATE VERSUS :
- (1) BADEN KOBOKA
  - (2) EDWARD SIKUNDLA
  - (3) JONAS JABAVU MZONDI
  - (4) NICOLAS GQIBILE HANS
  - (5) MACDONALD MGWEBE
  - (6) MAQADAZA MAGUSHE
  - (7) GODUKA GELEM
  - (8) LIVINGSTONE FATYELA
  - (9) MSIMASI WELLINGTON TYOBOKA :

M U R D E R.

The abovenamed prisoners were sentenced to death by the Cape of Good Hope Provincial Division of the Supreme Court of South Africa held at Cape Town, on the 14th December, 1966, for the murder of Maurice Berger, a White male, committed on the 22nd September, 1962, at Newtown in the district of Wellington. The State President has decided not to grant a pardon to or reprieve or otherwise to exercise his power of extending mercy in respect of the prisoners.

*The prisoners did not  
apply for leave to appeal*  
H.C. J. Richardt  
SECRETARY FOR JUSTICE.

DECLASSIFIED

R D M  
3 6  
**REPORT ON  
S.A. JAILS  
BY FUND**

Own Correspondent

D.O.M.D.O.S. - Allegations about conditions in South African prisons were published on the front page of the London "Sunday Times" yesterday.

These are taken from a report drawn up by the International Defence and Aid Fund in reply to the findings of the International Red Cross investigation conducted in 1964 by Dr. George Hoffman.

Dr. Hoffman's report was published 21 years later with comments by the South African Government.

The "Sunday Times" article quotes Mr. Thami Mblambiso and Mr. Dennis Brutus.

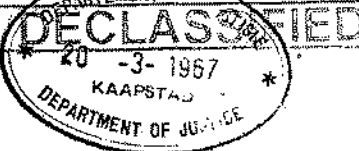
The Defence and Aid Fund intends to send its report to governments, the International Red Cross, and the United Nations Human Rights Commission.

*Just for*

CAPE TOWN

SECRET.

THE SECRETARY/MINISTER.



2/2/13.

DEFENCE AND AID FUND : REQUEST BY ADVOCATE

1. Advocate [REDACTED] of the English Bar has requested the Liquidator of the Defence and Aid Fund to make a copy of the record in the proceedings instituted by the Defence and Aid Fund against the State as well as two files available to him, by sending it to the South African Embassy in London. He needs these documents for the purpose of an enquiry which he is making. ([REDACTED]).
2. The enquiry referred to relates to a civil action for damages instituted by the organization "Christian Action" against the authors of the book "The Puppeteers" mainly for making the statement that funds collected by "Christian Action" in England are "ear-marked" to be used to promote violence in the Republic. (The Director of Military Intelligence has indicated that both the Minister and the Minister of Defence are fully aware of the background of the publication "The Puppeteers").
3. Advocate [REDACTED] was introduced to officials of the Department by an official on the staff of the Director of Military Intelligence, as well as officials of the Department of Foreign Affairs. These officials were all completely satisfied as to the bona fides of Advocate [REDACTED] and stated that their departments were anxious to assist him in whatever way they could. The matter was discussed with Compol who felt that Advocate [REDACTED] should be given as much assistance as possible. The Department thereafter gave him the opportunity of perusing the documents referred to by him in his letter.

DECLASSIFIED

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4. "Files 39 and 41" referred to by the applicant contain documents found in the offices of the Defence and Aid Fund at the time when it was declared to be an unlawful organization. These documents are at present in the custody of the Liquidator.

5.1. There can be no objection to making a copy of the record referred to in the letter available to Advocate [redacted] as this is a public document.

5.2. As the purpose of Advocate [redacted] enquiry is to expose Christian Action (and therefore the Defence and Aid Fund) as an organization which supports the commission of acts of violence in order to obtain "political freedom" for the non-Whites in the Republic, it is suggested that Advocate [redacted] request in regard to files 39 and 41, be acceded to and that photostatic copies of the relevant documents be forwarded to the South African Embassy in London with the request that he be allowed to study these documents under proper supervision on the premises of the Embassy.

*Handwritten notes:*  
16.3.67.  
16.3.67.  
21.3.67.  
21.3.67.

THE SECRETARY.

Paragraph 5.2 APPROVED / NOT APPROVED.

*Handwritten notes:*  
L/K  
28/6/67  
1. A/S (A.) Kema  
2. A/S (A.)  
21.3.67  
21.3.67

MINISTER.

*Handwritten signature and date:*  
21/3/67

DECLASSIFIED

7/7/13

F.A. 36.

LUGPOS.  
AIRMAIL

DEPARTEMENT VAN JUSTISIE  
24 -5-1967  
PRETORIA  
DEPARTMENT OF JUSTICE



REPUBLIEK VAN SUID-AFRIKA  
REPUBLIC OF SOUTH AFRICA.

126/53/1

DEPARTEMENT VAN BUITELANDSE SAKE,  
DEPARTMENT OF FOREIGN AFFAIRS,

PRIVATE BAG 141,  
PRETORIA.

SECRET

23 -5-1967

→ THE SECRETARY FOR JUSTICE

THE COMMISSIONER OF THE SOUTH AFRICAN POLICE

Appeal by Defence and Aid Fund for Funds

For your information I attach a copy of a letter addressed by Canon John Collins to those Members of the United Nations which have not contributed to the International Defence and Aid Fund.

The letter in question was addressed to the Chairman of the Apartheid Committee for his information, but was delivered in error to our Permanent Mission at the United Nations.

*H. Franklin*

7 SECRETARY FOR FOREIGN AFFAIRS

To see please

H/R 24/5/67.

qf(R)

SECRET

7024/5/67

DECLASSIFIED



## DEFENCE AND AID FUND

CHRISTIAN ACTION

2 AMEN COURT, LONDON, E.C.4  
Telephone: CITY 3747/6169

Chairman: THE REVEREND  
CANON L. JOHN COLLINS

2nd March, 1967

*Your Excellency,*

I have pleasure in enclosing, for your information,  
a copy of the letter which we are sending to the U.N.  
Representatives of Member States which have not donated to  
the International Defence and Aid Fund.

*Yours sincerely,*

*Elizabeth Taylor.*

P.P. L. J. COLLINS.

His Excellency Achkar Haref,  
Chairman United Nations Special  
Committee on the Apartheid Policies  
of the Government of the Republic of  
South Africa.  
UNITED NATIONS,  
New York,  
N.Y. U.S.A.

# Defence and Aid Fund

(Limited by Guarantee under the Companies Act of 1948)

2 AMEN COURT LONDON EC4  
Telephone MONarch 9381/2 or CITY 6869

Chairman: THE REVEREND CANON L JOHN COLLINS

1st March, 1967.

Your Excellency,

To be a refugee in the country of one's birth is perhaps a fate which is not the experience of many people. Yet this is what is happening on an increasing scale to the people of South Africa; to those who oppose Apartheid and are then subjected to the punitive extra-judicial decrees of bans or house arrest or both.

It is this group of people whose dependants are among those we aid. Recently, however, the International Defence and Aid Fund has been asked to assist a number of these people to emigrate. They are so severely restricted that they cannot support their families, carry on political activities or live as human beings, and we feel that we cannot reject their pleas.

One such person was Mr. Alex la Guma, the South African writer whose 'vital statistics' read as follows:-

- |      |  |
|------|--|
| 1956 | Among the 156 on the charge of High Treason but found not guilty four and a half years later.                                  |
| 1960 | Detained for five months during the State of Emergency after the Sharpeville massacre but no charges were brought against him. |
| 1961 | Held in May for twelve days without charge.  |
| 1961 | July - served with banning orders.   |
| 1962 | Placed under twentyfour hour house arrest.   |
| 1963 | Detained without trial under the 90 day No-Trial Law.  |

Cont'd....



- 1964 Charged with being in possession of banned literature but sentence quashed on appeal.
- 1965 Detained under the 180 day No-Trial Law and again charged with being in possession of banned literature but found not guilty.

Mr. la Guma spent four years under continuous 24 hour house arrest (from 1961 to 1965). During this period he could not walk out of his front gate, visit a barber or buy a suit of clothes. Police permission had to be obtained for him to visit a dentist or doctor. He could not earn money by writing as nothing he wrote could be published. His wife, a midwife, supported the entire family - there are two young sons. She herself was placed under banning orders which restricted the area in which she could work.

As will be seen, in a ten year period from 1956 to 1966, Mr. la Guma was not found guilty of any offence against the State. What, therefore, were the crimes which he had to expiate in this continuous arrest in his own home where he was denied the right to live as a human being? The State could bring no evidence against him of sabotage, treason or even of disobeying the laws of the land, yet he was subjected to this imprisonment. The answer is that as a leading member of the Coloured People's Congress, he opposed Apartheid. This punishment was meted out to him in order to teach him that he did not have the right to oppose Apartheid.

Late in 1966 when even more severe restrictions were threatened, he realised that he could no longer live in South Africa. He had in fact been driven from the country of his birth. Reluctantly and unwillingly he decided to emigrate. The International Defence and Aid Fund paid the fares of the entire family from South Africa to the United Kingdom and helped them to establish themselves here. Now, Mr. la Guma can use his many talents in the struggle for freedom and justice in South Africa. He has been saved from the twilight existence of a 'non-person'.

Cont'd....

The priorities of International Defence and Aid Fund remain the provision of money for legal defence and welfare for families inside South Africa. However, we feel that to save such people as Mr. la Guma is equally important and we have in the past year had to spend over £5,000 in saving such 'refugees' by bringing them out of South Africa to places abroad and in caring for their dependants.

This has resulted in an ever spiralling need to raise funds and our appeal for assistance is accordingly intensified. We are confident that this appeal will receive the sympathetic consideration of your Government.

Yours sincerely,

*L. John Collins*

L. John Collins.

# New Yorker Skenk R57.000 teen S.A.

NEW YORK  
AANDELE in die General Motors Corporation, waarde van \$0.000, doordat (R57.120) is deur 'n New Yorker geskenk aan 'n fonds vir menslike wat deur apartheid in Suid-Afrika betref word. Die skenking het gesaai om te doen die Suid-Afrikaanse General Motors, meedoer aan die rassiese beleid.  
Hy sou die handeelaars van die korporasie seker van skenking verwag het. As P. Humes sê: "Hy het reeds in 'n geskied aan die ondersoek van General Motors om beswaai te maak teen die toekommende beleggings van die kor-

porasie in Suid-Afrika. Kapital-uitbreiding in Suid-Afrika versterk die apartheidstelsel en die korporasie maak geld daartoe met hy gesê.  
Die African Aid and Legal Defence Fund wat die aandeelhouers as geaffilieer by die Amerikaanse Komitee vir Afrika-Transp. help die slagoffers van apartheid om renskoste vir vervolgdes en hulle vir gesame asook deur veldtog opvoeding en uitreksel.  
Humes voel hy kan nie langer in General Motors se deelname waardeur die wêreld deelstaat Suid-Afrika kom nie. — (Sapa-A.P.)

# Defence Fund

*Winnings*  
**kry R57.000**  
*20/5/64*

NEW YORK (AP) — A fund set up to help the African National Congress (ANC) in its struggle against apartheid in South Africa has received a boost from the sale of a painting by a South African artist.

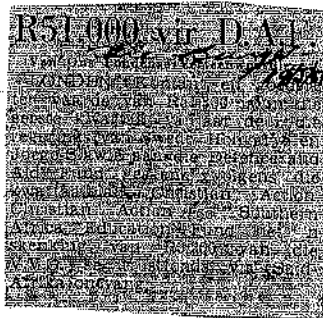
The painting, titled "The ANC," was sold for \$57,000 at an auction in New York City. The proceeds from the sale will go to the ANC's Defence Fund, which was established to provide financial support for the organization's activities.

The ANC is a major anti-apartheid organization in South Africa. It has been banned by the South African government for its role in the struggle against apartheid. The Defence Fund is one of several organizations that provide support for the ANC and other anti-apartheid groups.

The sale of the painting is a significant event for the Defence Fund, as it provides a large sum of money for the organization's activities. The painting was created by a South African artist who is known for his work on social and political issues.

The artist, who is based in South Africa, has been critical of the apartheid regime. His work has often been censored or banned by the South African government. The sale of the painting is a testament to the artist's courage and commitment to the struggle against apartheid.

The Defence Fund is grateful for the support of the American people and the art community. The fund will use the proceeds from the sale to provide financial support for the ANC and other anti-apartheid groups. The fund is committed to the goal of ending apartheid in South Africa and achieving a just and equitable society for all.





# Defence and Aid forging new links

By [illegible] Correspondent

[The following text is extremely faint and largely illegible due to the high density of the scan. It appears to be a news article discussing international relations, specifically mentioning the United States, Canada, and the United Kingdom. The text is partially obscured by a dark, textured rectangular area that overlaps the main headline and sub-headline. Legible fragments include: 'the meaning of the term', 'London', 'international', 'United States', 'Canada', 'United Kingdom', 'Sweden', 'Switzerland', and 'Swiss'.]

DECLASSIFIED

2/2/13

22-3-1967

SECRET.

The Secretary for  
Foreign Affairs,  
Union Buildings,  
PRETORIA.

RE: REFERENCE AND AID FUND.

1. Advocate [REDACTED] of the English Bar has requested this Department to make copies of certain documents pertaining to the above organization available to him by forwarding it to the South African Embassy in London.
2. Authority to make the relevant documents available has been granted by the Minister provided that it should be studied under proper supervision on the premises of the South African Embassy in London.
3. The relevant documents are forwarded herewith for transmission to London.

*G.M.T. Smart*  
SECRETARY FOR JUSTICE.

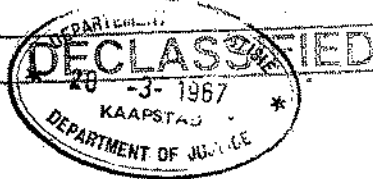
DECLASSIFIED



CAPE TOWN

SECRET.

THE SECRETARY/MINISTER.



2/2/13.

DEFENCE AND AID FUND : REQUEST BY ADVOCATE

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3. Advocate [REDACTED] was introduced to officials of the Department by an official on the staff of the Director of Military Intelligence, as well as officials of the Department of Foreign Affairs. These officials were all completely satisfied as to the bona fides of Advocate [REDACTED] and stated that their departments were anxious to assist him in whatever way they could. The matter was discussed with Compol who felt that Advocate [REDACTED] should be given as much assistance as possible. The Department thereafter gave him the opportunity of perusing the documents referred to by him in his letter.

DECLASSIFIED

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5.1. There can be no objection to making a copy of the record referred to in the letter available to Advocate [redacted] as this is a public document.

5.2. As the purpose of Advocate [redacted] enquiry is to expose Christian Action (and therefore the Defence and Aid Fund) as an organization which supports the commission of acts of violence in order to obtain "political freedom" for the non-Whites in the Republic, it is suggested that Advocate [redacted] request in regard to files 39 and 41, be acceded to and that photostatic copies of the relevant documents be forwarded to the South African Embassy in London with the request that he be allowed to study these documents under proper supervision on the premises of the Embassy.

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THE SECRETARY.

Paragraph 5.2 APPROVED / NOT APPROVED.

MINISTER

*Handwritten notes:*  
L2/K  
28/6/67  
1. AT(SA) / Kema  
2. AT(SA) / Kema  
21.3.67

*Handwritten signature and date:*  
21/3/67

DECLASSIFIED

R. V. HAYMAN, PRACTISING AS HAYMAN AND ARGENTI, ATTORNEYS AND NOTARIES

BALANCE SHEET AT 28TH FEBRUARY, 1967

<u>1966</u>			<u>1966</u>			
R 2,609	<u>CAPITAL ACCOUNT</u>		R 1,225	<u>FIXED ASSETS</u>		81,39
2,222	Balance - 1st March, 1966	22,609	1,567	Furniture and Fixtures - At Cost	21,567	
2,351	Add: Excess of Revenue over Expenditure for the year	3,802	867	<u>Less:</u> Provision for Depreciation	937	R 630
4,573		6,411	700			
1,964	<u>Less:</u> Drawings during the year	3,016	1,656	Law Library - At Cost	1,672	
			851	<u>Less:</u> Provision for Depreciation	916	762
10,576	<u>CURRENT LIABILITIES</u>	3,865	825			
-	Defence and Aid Fund - Accrued Fees Account	1,370	19,660	<u>CURRENT ASSETS</u>		5,01
18,371	Clients' Monies held in Trust	-	606	Sundry Debtors		4,356
205	Sundry Creditors and Accrued Charges	2,495	18	Stock of Revenue Stamps		-
			5	Deposits		-
			19,051	Balances at Bank		1,512
			18,397	Trust Account		-
			654	Business Account	1,512	
	..... R. V. HAYMAN					
<u>221,105</u>		<u>27,260</u>	<u>221,185</u>			<u>27,2</u>

The above Balance Sheet and the attached Revenue and Expenditure Account have been prepared from, and are in accordance with, the books, accounts and vouchers of Miss R.V. Hayman, practising as Hayman and Argenti, Attorneys and Notaries and the explanations given by Miss R.V. Hayman.

  
 A. van der Bijl, Ironside & Co.  
 CHARTERED ACCOUNTANTS (S.A.)  
 AUDITORS

JOHANNESBURG, this 6th day of March, 1967.

B. V. MATMAN, PRACTISING AS BARRISTER AND SOLICITOR, ATTORNEYS AND NOTARIES

REVENUE AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 28TH FEBRUARY, 1967

	1966		1966		1966
		<u>EXPENSES</u>		<u>REVENUE</u>	
	R3,688	Salaries and Wages	R 3,321	Fees	R10,430
	854	Office Rental	842	Bad Debts Recovered	
	494	Telephone	468		
	174	General - As per Schedule 'B'	440		
	300	Entertainment Allowance	300		
	300	Motor Car Allowance	300		
	120	Audit Fees	160		
	177	Postages and Telegrams	159		
	141	Staff Refreshments	132		
	250	Printing and Stationery	126		
	145	Typewriter Hire and Repairs	106		
	72	Bank Charges	76		
	60	Professional Subscriptions	40		
	22	Unemployment Insurance Contributions	18		
	14	Native Service Levy	17		
	4	Revenue Stamps	19		
	18	Donations	12		
	<u>6,845</u>		<u>6,533</u>		
	63	<u>STAFF LOAN</u> - Written Off	-		
	24	<u>BAD DEBTS</u>	-		
	167	<u>DEPRECIATION</u> - As per Schedule 'A'	155		
	78	Furniture and Fixtures @ 10% p.a.	R 70		
	89	Law Library @ 10% p.a.	85		
	<u>7,099</u>		<u>6,688</u>		
		<u>BALANCE</u> - being excess of Revenue over Expenditure For the year transferred to Capital Account	3,802		
	<u>2,351</u>				
	<u>R9,450</u>		<u>R10,430</u>		<u>R10,430</u>

B. V. MATMAN

R.W. HAYMAN, PRACTISING AS HAYMAN AND ARONSOHN, ATTORNEYS AND NOTARIES

SCHEDULE 'A' - FIXED ASSETS AND DEPRECIATION FOR THE YEAR ENDED  
28TH FEBRUARY, 1967

8801

880,28

ADD

104

111

102

102

101

111

111

102

101

11

10

10

11

1

11

108,2

10

10

101

10

10

100,1

102,5

10,08

100,1

	Cost	Depreciation to 28-2-1966	Depreciation 1-3-1966 to 28-2-1967	Balance
<u>Furniture and Fittings - 10% p.a.</u>	<u>R1,567</u>	<u>R 867</u>	<u>R 70</u>	<u>R 630</u>
<u>Law Library - 10% p.a.</u>	<u>1,656</u>	<u>831</u>	<u>83</u>	
<u>Add: Additions during year - Averaged over 6 months</u>	<u>22</u>		<u>2</u>	
	<u>1,678</u>	<u>831</u>	<u>85</u>	<u>762</u>
	<u>R3,245</u>	<u>R1,698</u>	<u>R 155</u>	<u>R 1,392</u>

SCHEDULE 'B' - GENERAL EXPENSES FOR THE YEAR ENDED 28TH FEBRUARY, 1967

Outside Typing and Duplicating	R 205
Staff Wedding Present	100
Christmas Gratuities	41
Cleaning	27
Travelling and Parking	22
Maintenance and Repairs	18
Flowers	10
Workmens Compensation Assurance	7
Overalls	4
Keys	3
Brief Case	2
Newspapers and Periodicals	2
Postal Orders	1
	<u>R 440</u>

JOHANNESBURG, this 6th day of March, 1967.

DECLASSIFIED

Crafford, du Toit & Brundie

TELEFOON 3-3681/2/3/4.

POSBUS 1693.

Geotrooieerde Rekenmeesters (S.A.)

J. A. CRAFFORD, B.COM., C.A. (S.A.)  
P. N. BOTHA, B.COM., C.A. (S.A.)  
P. VAN MEEREN, B.COM., C.A. (S.A.)  
B. O. TRUTER, M.COM., M.B.A., C.A. (S.A.)

OOK TE  
DE RIDDERGEBOU,  
BRITS.

VIGILANSGEBOU 501,  
PRETORIUSSTRAAT 287,  
PRETORIA.

VERTROULIK

8 Maart 1967.

Die Likwidateur,  
Defence and Aid Fund,  
Privaatsak 81,  
PRETORIA.

Meneer,

Boekhouding van die Defence and Aid Fund.

Soos deur u opgedra, het ons die boeke en rekords van die Defence and Aid Fund wat in u besit is, nagegaan en doen graag as volg verslag:

1. Inleidend:

Die boekhouding was klaarblyklik nie gesentraliseer nie en elke area het sy eie boekhouding waargeneem. Boeke en rekords, wat alle stukke is waarop die Polisie ten tye van die inbandoening van die Organisasie beslag gelê het, is ten opsigte van die volgende afdelings aan ons voorgelê:

- a) Kaapstad
- b) Johannesburg
- c) Port Elizabeth
- d) Durban

Die S.A. Defence and Aid Fund is vanaf Augustus 1965 in die lewe geroep. Die dokumente wat deur ons ingesien is, skep egter die indruk dat hierdie fonds maar slegs 'n voortsetting van die Defence and Aid Fund was en vir die doeleindes van ons ondersoeking is die twee fondse as een en dieselfde organisasie beskou.

Die boeke en rekords is op 18 Maart 1966 in beslag geneem en op daardie datum was meeste van die afdelings se boeke slegs tot Oktober/November 1965 opgeskryf.

2. Konstitusie:

Dit was nie moontlik om vanaf die beskikbare rekords presies te bepaal of die konstitusies wat op lêer is, op 'n gegewe tydstip in alle opsigte met betrekking tot wysigings wat van tyd tot tyd aangebring is, aangesuiwer is nie. Die notules is ook nie altyd van waarde in dié opsig nie, bv. Kaapstad vergadering van 18 Augustus 1965 bevat slegs dié woorde "The Constitution was read and amended in a number of places" as aanduiding dat die konstitusie gewysig is.

3. Boeke en rekords:

- (a) Dit is uiters moeilik om uit die boeke en rekords vas te stel of behoorlik rekenskap gegee is van alle gelde wat deur die fonds hanteer is. Dit is hoofsaaklik te wyte aan die feit dat fondse van oorsee nie konsekwent na 'n sentrale punt gestuur is nie, maar aan takke direk.
- (b) Die boeke toon nie 'n oorsigtelike beeld van die bates en laste van die Fonds op die datum toe die organisasie in die ban gedoen is nie.

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- 2 -

- (i) Wat die bates aanbetref, is dit bv. vir u as likwidateur onmoontlik om te bepaal dat die gelde wat u van banke ontvang het, wel alle fondse wat daar moes gewees het, verteenwoordig. U is dus in die posisie dat u die banke se syfers moet aanvaar.
- (ii) Wat die laste aanbetref is dit absoluut onmoontlik om uit die boeke vas te stel wat die fonds se aanspreeklikheid vir hangende hofsake is. Op dieselfde wyse is dit onmoontlik om te bepaal of daar nie dalk krediete by prokureurs bestaan waarvan nog nie behoorlik rekenskap gegee is nie.

Ons beweer dat die boekhouding en rekordstelsel van die Fonds in hierdie opsig gebrekkig is. Veral as in ag geneem word dat die grootste deel van die fonds se uitgawes aan regsaksies bestee is, is dit uiters belangrik dat die boeke sou aantoon hoe die geld bestee is.

Na ons mening sou die minimum vereiste wees dat ten opsigte van elke saak wat verdedig is, die boeke 'n rekening vir die geval sou toon, met die bedrag of bedrae wat in verband met die geval aan die prokureurs betaal is. By ontvangs van die prokureur se staat sal kostes dan teenoor die deposito(s) teboek gestel word om te bepaal wat nog ten opsigte van die transaksie betaalbaar is of tot krediet van die Fonds staan. Op hierdie wyse sou dan kon bepaal word watter sake mee voortgegaan is, afgehandel is of hangende is en wat die totale regskoste beloop het.

In die boeke is betalings aan prokureurs bloot na 'n rekening vir regskoste gedebiteer en is geen verdere inskrywing in verband met die transaksie gedoen nie. Dit is dus vir u as likwidateur onmoontlik om te bepaal of prokureurs behoorlik rekenskap gegee het van alle gelde deur hulle ontvang en of daar nie dalk krediete bestaan ten opsigte van bv. sake waarmee nie voortgegaan is nie. Ook sal u nie kan vasstel of die prokureurs se rekeninge aan u ten opsigte van hangende sake, korrek is nie. Teen die einde van die tydperk is bv, glad nie meer op tjekteenblaai spesifiseer vir welke gevalle deposito's by Prokureurs gemaak word nie - slegs 'n ronde bedrag is oorbetal, wat in meeste gevalle op 'n aantal sake betrekking gehad het.

Uit die stukke kon geen oorsigtelike beeld van die sake wat verdedig is, gevind word nie. Afgesien van die boeke wat nie 'n rekord van bepaalde gevalle aantoon nie, kon ook geen state van prokureurs gevind word waarin 'n volledige oorsig van alle gelde deur hulle ontvang en kostes daarteen gedebiteer, aangetoon word nie.

- (c) Die boeke van die Johannesburgse tak is tot Junie 1965 geouditeer. Andersins is daar geen aanduiding dat boeke van takke aan audit onderwerp was nie.
- (d) Bewysstukke vir betalings is nie in alle gevalle beskikbaar nie.
- (e) Finansiële beheer is in die volgende gevalle wat uit ons toetsoudit na vore gekom het, gebrekkig:
  - (i) 'n Tjek vir R3,500 wat op 28 Desember 1965 vanaf Kaapstad na Johannesburg oorgeplaas is, verskyn nie in die boeke van Johannesburg nie. Die tjek is endosseer deur Mej. Ruth Hayman namens S.A. Defence and Aid en inbetaal in die trustrekening van Hayman en Arohanson op 21 Januarie 1966. Geen inskrywing vir hierdie transaksie kon in die boeke van Defence and Aid, Johannesburg gevind word nie.

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- (ii) 'n Tjekboek van die Johannesburg tak (wat volgens u mededeling deur mej. Ruth Hayman aan u oorhandig is) bevat tjeks wat in blanko deur die een ondertekenaar vooruit geteken is. Mej. Hayman het as komiteelid oor tekenmagte as tweede ondertekenaar beskik, en soos bekend, het sy ook as prokureur vir die fonds opgetree.
- (iii) Slegs in die geval van Johannesburg is van gedrukte kwitansieboeke gebruik gemaak. Selfs hier is daar egter geen beheer oor die voorraad ongebruikte kwitansieboeke uitgeoefen nie. Ingeval van die ander takke is van kommersiële kwitansieboeke gebruik gemaak, wat natuurlik ulters swak beheer daarstel, aangesien enige persoon geredelik 'n dergelike kwitansieboek kan aanskaf.

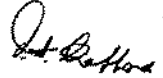
4. Algemeen:

Indien enige sake in hierdie verslag genoem, nie vir u duidelik is nie, sal ons dit met graagte met u bespreek.

Die uwe,

CRAFFORD, DU TOIT & VENNOTE

per:



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[REDACTED]

James [unclear]

The [unclear] [unclear]  
[unclear] [unclear]

[unclear]

details during our meeting with [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

[unclear]

RECEIVED [unclear] [unclear]  
9-3-1967

[unclear]

VERTROULIK

Die Likwidateur,  
Defence and Aid Fund,  
Privaatsak 81,  
PRETORIA.

6 Desember 1966.

Meneer,

Boekhouding van die Defence and Aid Fund.

Soos deur u opgedra, het ons die boeke en rekords van die Defence and Aid Fund wat in u besit is, (ten opsigte van sekere aspekte) nagegaan en doen graag as volg verslag:

1. Inleidend:

Die boekhouding was klaarblyklik nie gesentraliseer nie en elke area het sy eie boekhouding waargeneem. Boeke en rekords, wat egter nie in alle opsigte volledig is nie, is ten opsigte van die volgende afdelings aan ons voorgelê:

- a) Kaapstad
- b) Johannesburg
- c) Port Elizabeth
- d) Durban

Die S.A. Defence and Aid Fund is vanaf Augustus 1965 in die lewe geroep. Die dokumente wat deur ons ingesien is, skep egter die indruk dat hierdie fonds maar slegs 'n voortsetting van die Defence and Aid Fund was en vir die doeleindes van ons ondersoeking is die twee fondse as een en dieselfde organisasie beskou.

Die boeke en rekords is op 18 Maart 1966 in beslag geneem en op daardie datum was meeste van die afdelings se boeke slegs tot Oktober/November 1965 opgeskryf. Die basiese rekords, soos tjekboeke, kwitansieboeke en depositoboeke is egter in meeste gevalle vir die tydperk tot 18 Maart 1966 beskikbaar.

2. Konstitusie:

- (i) Dit is moeilik om vanaf die beskikbare rekords presies te bepaal of die konstitusies wat op lêer is, op 'n gegewe tydstip in alle opsigte ten opsigte van wysigings wat van tyd tot tyd aangebring is, aangesuiwer is. Die notules is ook nie altyd van waarde in dié opsig nie, bv. Kaapstad vergadering van 18 Augustus 1965 bevat slegs dié woorde "The Constitution was read and amended in a number of places" as aanduiding dat die konstitusie gewysig is.

Dit wil egter voorkom of die doelstellings volgens konstitusie deurgaans min of meer as volg was:

Defence and Aid Fund:

- " (a) To uphold, defend and protect by all lawful means Human Rights and Civil Liberties, especially the right to hold and express opinions.
- (b) To grant relief and assistance to compensate men and women (and their dependents) who suffer as a result of the loss of any of the said rights and liberties whether by process of law or otherwise.
- (c) To collect money to pay for the rendering of legal advice and assistance to persons in need thereof as a result of the loss of any of the said civil rights and/or liberties whether by process of law or otherwise".

S.A. Defence and Aid Fund:

- " (a) To uphold, defend and protect by lawful means human rights and civil liberties especially the right to hold and express opinions and to obtain where possible and within the discretion of the controlling bodies, legal defence to ensure a fair and adequate trial.
- (b) To take all such steps as may be necessary to give effect to the above and all ancillary matters relating thereto"

Beide konstitusies bevat die volgende bepaling ten opsigte van wysigings van die Konstitusie:

" The Management Committee shall have the power to amend this Constitution in such manner as may in its opinion be necessary to enable the objects or functions of the fund to be carried out"

Dit wil dus voorkom of die doelstellings self nie aan wysiging onderhewig was nie.

- Reproduksie*
- (ii) ~~Dit is vir ons moeilik om die doelstellings van die Fonds te ~~aan~~ met sommige van die betalings wat deur die fonds gedoen is.~~ <sup>Die ons mening van</sup> ~~interpretasie van die doelstellingsklausule tussende toe is~~ is ons van mening dat die konstitusie nie uitgawes in verband met die verdediging van Sabotasiesake en bv. die geval Fischer, dek nie.

Weliswaar is die uitgawes deur die "Management Committee" ten opsigte van gevalle goedgekeur, maar dit skyn vir ons of die komitee nie in hulle goedkeuring van die uitgawes deur die bepalings van die konstitusie gesteun word nie.

- (iii) Die bepalings van die konstitusie en die interpretasie daarvan, mag ook vir u as likwadeur van belang wees, in soverre dat u, wanneer u betalings maak uit beskikbare fondse ten opsigte van sake wat op 18 Maart 1966 hangende was, moontlik moet oorweeg, of u by magte is om betalings te maak in sake wat dalk in stryd met die bepalings van die Konstitusie, verdedig is.

3. Boeke en rekords:

- (a) Uit die boeke en rekords (wat aan ons voorgelê is), is dit uiters moeilik om vas te stel of behoorlik rekenskap gegee is van alle fondse wat deur die fonds hanteer is. ~~Ons oppervlakkige ondersoek het nie op enige onreëlmatighede gedui nie, maar slegs na 'n grondige ondersoek sal 'n afdoende mening hieroor uitgespreek kan word. So 'n ondersoek sal tydrowend wees aangesien die boeke en rekords moontlik nie volledig is nie en ook nie in alle opsigte selfverduidelikend is nie.~~
- (b) Die boeke wat aan ons voorgelê is, toon nie (in elk geval nie in hul huidige ~~toestand~~) 'n oorsigtelike beeld van die bates en laste van die Fonds op die datum toe die organisasie in die ban gedoen is nie.
  - (i) Wat die bates aanbetref, is dit bv. vir u as likwadeur onmoontlik om te bepaal dat die gelde wat u van banke ontvang het, wel alle fondse wat daar moes gewees het, verteenwoordig. U is dus in die posisie dat u die banke se syfers moet aanvaar. ~~Dit is vir u ook baie moeilik om vas te stel of alle voordragte tussen bankrekening van sake behoorlik verantwoord is.~~
  - (ii) Wat die laste aanbetref is dit absoluut onmoontlik om uit die boeke vas te stel wat die fonds se aanspreeklikheid vir hangende hofsake is. Op dieselfde wyse is dit onmoontlik om te bepaal of daar nie dalk krediete by prokureurs bestaan waarvan nog nie behoorlik rekenskap gegee is nie.

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Ons beweer dat die boekhouding en rekordstelsel van die Fonds in hierdie opsig gebrekkig is. Veral as in ag geneem word dat die grootste deel van die fonds se uitgawes aan regsaksies bestee is, is dit uiters belangrik dat die boeke sou aantoon hoe die geld bestee is.

Na ons mening sou die minimum vereiste wees dat ten opsigte van elke saak wat verdedig is, die boeke 'n rekening vir die geval sou toon, met die bedrag of bedrae wat in verband met die geval aan die prokureurs betaal is. By ontvangs van die prokureur se staat sal kostes dan teenoor die deposito(s) teboek gestel word om te bepaal wat nog ten opsigte van die transaksie betaalbaar is of tot krediet van die Fonds staan. Op hierdie wyse sou dan <sup>kon</sup> bepaal word watter sake mee voortgegaan is, afgehandel is of hangende is en wat die totale regskoste beloop het.

In die boeke ~~aan ons voorgelê~~, is die betalings aan prokureurs bloot na 'n rekening vir regskoste gedebiteer en is geen verdere inskrywing in verband met die transaksie gedoen nie. Dit is dus vir u as likwidateur ~~bevoegde~~ om te bepaal of prokureurs behoorlik rekening gegee het van alle gelde deur hulle ontvang en of daar nie dalk krediete bestaan ten opsigte van bv. sake waarmee nie voortgegaan is nie. Ook sal u ~~moet~~ kan vasstel of die prokureurs se rekeninge aan u ten opsigte van hangende sake, korrek is. Teen die einde van die tydperk is bv. glad nie meer op tjekteenblaai spesifiseer vir welke gevalle deposito's by Prokureurs gemaak word nie - slegs 'n ronde bedrag is oorbetal.

Uit die stukke ~~aan ons voorgelê~~ kon geen oorsigtelike beeld van die sake wat verdedig is gevind word nie. Afgesien van die boeke wat nie 'n rekord van bepaalde gevalle aantoon nie, ~~kon ook geen state~~ van prokureurs ~~gevind word~~ waarin 'n volledige oorsig van alle gelde deur hulle ontvang en kostes daarteen gedebiteer, aangetoon word nie.

- Bevestig* //
- (c) Dit is uiters moeilik om uit die boeke vas te stel wat die totale bedrag ontvang en bestee was.
  - (d) Behalwe in die geval van die Johannesburgse tak, is daar geen aanduiding dat die boeke aan oudit onderwerp was nie.
  - (e) Bewysstukke vir betalings is ~~beskikbaar~~ nie in alle gevalle beskikbaar nie.
  - (f) Dit is duidelik dat finansiële beheer ~~in sommige gevalle~~ ruimte vir verbetering gelaat het, bv.:
    - (i) 'n Tjekboek van die Johannesburg tak (wat volgens u mededeling deur mej. Ruth Hayman aan u oorhandig is) bevat tjeks wat in blanko deur die een ondertekenaar vooruit geteken is. Mej. Hayman het as komiteelid oor tekenmagte as tweede ondertekenaar beskik en, soos bekend, het sy ook as prokureur vir die fonds opgetree.
    - (ii) Slegs in die geval van Johannesburg is van gedrukte kwitansieboeke gebruik gemaak. Selfs hier bestaan daar egter geen aanduiding dat beheer oor die voorraad ongebruikte kwitansieboeke uitgeoefen is nie.
    - (iii) Die rekords van die Port Elizabeth tak is in 'n besonder swak toestand.

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↙

'n Tjek vir R3,500 wat op 28 Desember 1965 vanaf Kaapstad na Johannesburg oorgeplaas is, verskyn nie in die boeke van Johannesburg nie. Die tjek is endosseer deur Mej. Ruth Hayman namens S.A. Defence and Aid en inbetaal in die trustrekening van Hayman en Aromson op 21 Januarie 1966. Geen inskrywing vir hierdie transaksie kon in die boeke van Defence and Aid, Johannesburg gevind word nie.

4. Algemeen:

Indien enige sake in hierdie verslag genoem, nie vir u duidelik is nie, sal ons dit met graagte met u bespreek.

Die uwe,

CRAFFORD, DU TOIT & VENNOTE

per:

*H. Crafford*

DECLASSIFIED

VIGILANSGEROU 501,  
PRETORIUSSTRAAT 287,  
PRETORIA.VERTROULIKDie Likwidateur,  
Defence and Aid Fund,  
Privaatsak 81,  
PRETORIA.

6 Desember 1966.

Meneer,

Boekhouding van die Defence and Aid Fund.

Soos deur u opgedra, het ons die boeke en rekords van die Defence and Aid Fund wat in u besit is, ten opsigte van sekere aspekte nagegaan en doen graag as volg verslag:

1. Inleidend:

Die boekhouding was klaarblyklik nie gesentraliseer nie en elke area het sy eie boekhouding waargeneem. Boeke en rekords, wat egter nie in alle opsigte volledig is nie, is ten opsigte van die volgende afdelings aan ons voorgelê:

- a) Kaapstad
- b) Johannesburg
- c) Port Elizabeth
- d) Durban

Die S.A. Defence and Aid Fund is vanaf Augustus 1965 in die lewe geroep. Die dokumente wat deur ons ingesien is, skep egter die indruk dat hierdie fonds maar slegs 'n voortsetting van die Defence and Aid Fund was en vir die doeleindes van ons ondersoeking is die twee fondse as een en dieselfde organisasie beskou.

Die boeke en rekords is op 18 Maart 1966 in beslag geneem en op daardie datum was meeste van die afdelings se boeke slegs tot Oktober/November 1965 opgeskryf. Die basiese rekords, soos tjekboeke, kwitansieboeke en depositoboeke is egter in meeste gevalle vir die tydperk tot 18 Maart 1966 beskikbaar.

2. Konstitusie:

- (i) Dit is moeilik om vanaf die beskikbare rekords presies te bepaal of die konstitusies wat op lêer is, op 'n gegewe tydstip in alle opsigte ten opsigte van wysigings wat van tyd tot tyd aangebring is, aangesuwer is. Die notules is ook nie altyd van waarde in dié opsig nie, bv. Kaapstad vergadering van 18 Augustus 1965 bevat slegs dié woorde "The Constitution was read and amended in a number of places" as aanduiding dat die konstitusie gewysig is.

Dit wil egter voorkom of die doelstellings volgens konstitusie deurgaans min of meer as volg was:

Defence and Aid Fund:

- " (a) To uphold, defend and protect by all lawful means Human Rights and Civil Liberties, especially the right to hold and express opinions.
- (b) To grant relief and assistance to compensate men and women (and their dependents) who suffer as a result of the loss of any of the said rights and liberties whether by process of law or otherwise.
- (c) To collect money to pay for the rendering of legal advice and assistance to persons in need thereof as a result of the loss of any of the said civil rights and/or liberties whether by process of law or otherwise".

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- 2 -

S.A. Defence and Aid Fund:

- " (a) To uphold, defend and protect by lawful means human rights and civil liberties especially the right to hold and express opinions. and to obtain where possible and within the discretion of the controlling bodies, legal defence to ensure a fair and adequate trial.
- (b) To take all such steps as may be necessary to give effect to the above and all ancillary matters relating thereto"

Beide konstitusies bevat die volgende bepaling ten opsigte van wysigings van die Konstitusie:

" The Management Committee shall have the power to amend this Constitution in such manner as may in its opinion be necessary to enable the objects or functions of the fund to be carried out"

Dit wil dus voorkom of die doelstellings self nie aan wysiging onderhewig was nie.

- (ii) Dit is vir ons moeilik om die doelstellings van die Fonds te rym met sommige van die betalings wat deur die fonds gedoen is. Tensy ons interpretasie van die doelstellingsklousule foutief is, is ons van mening dat die konstitusie nie uitgewas in verband met die verdediging van Sabotasiesake en bv. die geval Fischer, dek nie.
- Weliswaar is die uitgewas deur die "Management Committee" ten opsigte van gevalle goedgekeur, maar dit skyn vir ons of die komitee nie in hulle goedkeuring van die uitgewas deur die betalings van die konstitusie gesteun word nie.
- (iii) Die betalings van die konstitusie en die interpretasie daarvan, mag ook vir u as likwidateur van belang wees, in soverre dat u, wanneer u betalings maak uit beskikbare fondse ten opsigte van sake wat op 18 Maart 1966 hangende was, moontlik moet oorweeg, of u by magte is om betalings te maak in sake wat dalk in stryd met die betalings van die Konstitusie, verdedig is.

3. Boeke en rekords:

- (a) Uit die boeke en rekords wat aan ons voorgelê is, is dit uiters moeilik om vas te stel of behoorlik rekenskap gegee is van alle fondse wat deur die fonds hanteer is. Ons oppervlakkige ondersoek het nie op enige onreëlmatighede gedui nie, maar slegs na 'n grondige ondersoek sal 'n afdoende mening hieroor uitgespreek kan word. So 'n ondersoek sal tydrowend wees aangesien die boeke en rekords moontlik nie volledig is nie en ook nie in alle opsigte selfverduidelikend is nie.
- (b) Die boeke wat aan ons voorgelê is, toon nie (in elk geval nie in hul huidige vorm nie) 'n oorsigtelike beeld van die bates en laste van die Fonds op die datum toe die organisasie in die ban gedoen is nie.
- (i) Wat die bates aanbetref, is dit bv. vir u as likwidateur onmoontlik om te bepaal dat die gelde wat u van banke ontvang het, wel alle fondse wat daar moes gewees het, verteenwoordig. U is dus in die posisie dat u die banke se syfers moet aanvaar. Dit is vir u ook baie moeilik om vas te stel of alle oordragte tussen bankrekeninge van takke behoorlik verantwoord is.
- (ii) Wat die laste aanbetref is dit absoluut onmoontlik om uit die boeke vas te stel wat die fondse se aanspreeklikheid vir hangende hofsake is. Op dieselfde wyse is dit onmoontlik om te bepaal of daar nie dalk krediete by prokureurs bestaan waarvan nog nie behoorlik rekenskap gegee is nie.

3/...

DECLASSIFIED

DECLASSIFIED

- 3 -

Ons beweer dat die boekhouding en rekordstelsel van die Fonds in hierdie opsig gebrekkig is. Veral as in ag geneem word dat die grootste deel van die fonds se uitgawes aan regsaksies bestee is, is dit uiters belangrik dat die boeke sou aantoon hoe die geld bestee is.

Na ons mening sou die minimum vereiste wees dat ten opsigte van elke saak wat verdedig is, die boeke 'n rekening vir die geval sou toon, met die bedrag of bedrae wat in verband met die geval aan die prokureurs betaal is. By ontvangs van die prokureur se staat sal kostes dan teenoor die deposito(s) teboek gestel word om te bepaal wat nog ten opsigte van die transaksie betaalbaar is of tot krediet van die Fonds staan. Op hierdie wyse sou dan <sup>kon</sup> bepaal word watter sake mee voortgegaan is, afgehandel is of hangende is en wat die totale regskoste beloop het.

In die boeke aan ons voorgelê, is die betalings aan prokureurs bloot na 'n rekening vir regskoste gedebiteer en is geen verdere inskrywing in verband met die transaksie gedoen nie. Dit is dus vir u as likwidateur baie moeilik om te bepaal of prokureurs behoorlik rekening gegee het van alle gelde deur hulle ontvang en of daar nie dalk krediete bestaan ten opsigte van bv. sake waarmee nie voortgegaan is nie. Ook sal u moeilik kan vasstel of die prokureurs se rekeninge aan u ten opsigte van hangende sake, korrek is. Teen die einde van die tydperk is bv. glad nie meer op tjekteenblaai spesifiseer vir welke gevalle deposito's by Prokureurs gemaak word nie - slegs 'n ronde bedrag is oorbetaal.

Uit die stukke aan ons voorgelê kon geen oorsigtelike beeld van die sake wat verdedig is gevind word nie. Afgesien van die boeke wat nie 'n rekord van bepaalde gevalle aantoon nie, kon ook geen state van prokureurs gevind word waarin 'n volledige oorsig van alle gelde deur hulle ontvang en kostes daarteen gedebiteer, aangetoon word nie.

- (c) Dit is uiters moeilik om uit die boeke vas te stel wat die totale bedrag ontvang en bestee was.
- (d) Behalwe in die geval van die Johannesburgse tak, is daar geen aanduiding dat die boeke aan oudit onderwerp was nie.
- (e) Bewysstukke vir betalings is klaarblyklik nie in alle gevalle beskikbaar nie.
- (f) Dit is duidelik dat finansiële beheer in sommige gevalle ruimte vir verbetering gelaat het, bv.:
  - (i) 'n Tjekboek van die Johannesburg tak (wat volgens u mededeling deur mej. Ruth Hayman aan u oorhandig is) bevat tjeks wat in blanko deur die een ondertekenaar vooruit geteken is. Mej. Hayman het as komiteelid oor tekenmagte as tweede ondertekenaar beskik en, soos bekend, het sy ook as prokureur vir die fonds opgetree.
  - (ii) Slegs in die geval van Johannesburg is van gedrukte kwitansieboeke gebruik gemaak. Selfs hier bestaan daar egter geen aanduiding dat beheer oor die voorraad ongebruikte kwitansieboeke uitgeoefen is nie.
  - (iii) Die rekords van die Port Elizabeth tak is in 'n besonder swak toestand.

4/...

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- (iv) 'n Tjek vir R3,500 wat op 28 Desember 1965 vanaf Kaapstad na Johannesburg oorgeplaas is, verskyn nie in die boeke van Johannesburg nie. Die tjek is endosseer deur Mej. Ruth Hayman namens S.A. Defence and Aid en 'inbetaal in die trustrekening van Hayman en Aromson op 21 Januarie 1966. Geen inskrywing vir hierdie transaksie kon in die boeke van Defence and Aid, Johannesburg gevind word nie.

4. Algemeen:

Indien enige sake in hierdie verslag genoem, nie vir u duidelik is nie, sal ons dit met graagte met u bespreek.

Die uwe,

CRAFTFORD, DU TOIT & VENNOTE

per:

*J. B. B. B.*

DECLASSIFIED

1) In welke opzichte was die Gebede  
niet volledig? Kan enige afwijkingen  
daarvan gemaakt worden - b.v. te door  
gevoegsamer gezamen en te veel dat die getide  
na het was en via geschieden aangehouden  
aangevoerd is?

2) In welke opzichte was die Gebede niet  
te door enige aanwijzing dat die getide door te  
die Gebede aangevoerd van veranderen is?

3) Konklusie: te door enige aanwijzing van  
afwijkingen? Kan dit gezamenlijk aangevoerd worden  
dat die de konklusie gezamenlijk aangevoerd is?

4) Beide van Richard: te dit met "uiter  
aangevoerd" of is dit in "aangevoerd Gebed"

SAMESPREKINGS GEHOU OP 8 FEBRUARIE 1967 OM 9 VM. IN  
O/S(R) SE KANTOOR.

TEENWOORDIG:

Mnr. J.P.J. Coetzer	O/S(R)
Mnr. G.M.J. Swart	H/R
Mnr. D.P. Wilcocks	Beredderaar
Mnr. J.A. Crafford	Ouditeur
Mnr. T.B. Vorster	R/X

-----oOo-----

O/S(R) deel vergadering mee dat die doel van die byeenkoms in bespreking van ouditeursverslag is. Hy stel voor dat verslag van begin af oorgelees word.

Lees Paragraaf 1.

O/S(R) stel voor dat verklarings van die polisie verkry word dat toe daar beslag gelê is op die boeke, die verteenwoordigers van die Fonds gevra is of die rekords waarop beslag gelê is die enigste rekords van die Fonds op die betrokke plek was en dat hulle in elk geval bevestigend geantwoord het. Verder dat alle rekords so op beslag gelê aan die Beredderaar oorhandig is.

Mnr. Crafford sê dat sulke verklarings as aanvulling gebruik kan word.

Mnr. Wilcocks sê dit kan maklik verkry word en dat hy reëlings sal tref om die nodige verklarings te kry.

O/S(R) stel voor dat die laaste sin in paragraaf 1 gewysig kan word om te lees "alle basiese rekords is nie beskikbaar nie".

Mnr. Crafford stem in.

/2...

H/R stel voor dat meer besonderhede oor onvolledigheid van rekords gegee word.

Mnr. Crafford deel mee dat die feit dat boeke nie opgeskryf is nie, nie 'n baie ernstige oortreding is nie.

R/K wys op die woorde "sekere aspekte" in die eerste sin van die verslag en dui daarop dat dit die indruk kan skep dat die rekords nie behoorlik nagegaan is nie.

Mnr. Crafford stem saam.

O/S(R) lees par. 2 en stel die vraag of die woord "moelik" in par (1) nie met "onmoontlik" vervang kan word nie?

Mnr. Crafford stem saam.

H/R vra of ouditeurs enige afwykings van konstitusie vasgestel het.

Mnr. Crafford verwys na par. 2(ii).

O/S(R) verwys na die woord "moelik" in hierdie paragraaf.

Mnr. Crafford stem saam dat dit vervang kan word met "na ons mening onmoontlik". Mnr. Crafford onderneem om par. (ii) te herbewoord.

O/S(R) meld doelstellings soos in die verslag gegee en vra of die interpretasie daaraan gegee korrek is, en stel voor dat dit na Regsadviseurs vir 'n opinie verwys word.

O/S(R) lees par. 3 verder.

Mnr. Crafford deel mee dat indien die verklarings van die polisie verkry word die woorde "wat aan ons voorgelê is" weggelaat kan word.

Mnr. Crafford stem in om die deel in hakies in paragraaf 3(b) weg te laat.

/3...

O/S(R) wys weer op die woord "moellik" in par. (b)(1).

Mr. Crafford voel dat "onmoontlik" nie gebruik kan word nie en stel voor dat laaste sin weggelaat kan word.

Op voorstel van O/S(R) stem mr. Crafford in om uit te bresl oor tjekteenblaai wat nie voltooi is nie.

R/K stel voor dat par (c) uitgebrei word.

Na bespreking stem mr. Crafford hiermee in.

O/S(R) stel voor dat par. (d) uitgebrei word deur byvoorbeeld datums van oudit in Johannesburg te gee.

O/S(R) opper die vraag of "ruimte vir verbetering" nie te sag gestel is nie.

Mr. Crafford onderneem om te kyk of hy dit anders kan stel.

Mr. Crafford stel voor dat par. (f)(ii) en (iii) wyer gestel word.

Mr. Crafford stel voor dat hy 'n nuwe konsepverslag vir bespreking sal opstel en sy voorstel word aanvaar.

Die byeenkoms verdaag om 10.40 vm.

Telegrams: „GOVAT“ Kaapstad.  
Telegraphic Address: „GOVAT“ Cape Town.

Alle briewe moet aan die Adjunk-  
Staatsprokureur (Kaap), Privaatsak,  
Kaapstad, gerig word.

All communications should be addressed  
to the Deputy State Attorney (Cape),  
Private Bag, Cape Town.

9001  
Telefoonnommer Telephone Number } 45-3101.

*HAA* *PK*

J. 459.

Gelieve in u antwoord te verwys na  
in reply please quote  
No. 1391/66/CC/1



REPUBLIEK VAN SUID-AFRIKA—REPUBLIC OF SOUTH AFRICA.

LUGPOS - SPOEDPOS.

KANTOOR VAN DIE ADJUNK-STAATSPROKUREUR (KAAP),  
OFFICE OF THE DEPUTY STATE ATTORNEY (CAPE),

7de VERDIEPING, GARMORGEBOU,  
7th FLOOR, GARMOR BUILDING,

PLEINSTRAAT,  
PLEIN STREET,

KAAPSTAD,  
CAPE TOWN.

AANDAG: MNR. SCHULTZ.

16 Januarie 1967.

Die Staatsprokureur,  
(Kamer 214),  
Veritasgebou,  
Fonteinlaan,  
P R E T O R I A.



i/s: AKSIE : S.A. DEFENCE AND AID FUND EN R.  
HOFFENBERG TEEN DIE MINISTER VAN JUSTISIE.

U verwysing is 941/66/B1.

Met verwysing na my telefoongesprek met u Mnr. du  
Toit en die gedeelte van die brief aan Mnr. Schultz se tikster  
gedikteer, sluit ek hierby n afskrif in van die volledige brief  
wat ek vandag van Mre. Frank, Bernadt & Joffe ontvang het.

In n ander brief deel die prokureurs mee dat die  
bepaling van die verhoordatum sal afhang sodra die kwessie van  
blootlegging afgehandel is.

Skrywer sal Woensdag van 9 v.m. tot 1 v.m. op kan-  
toor wees indien u hom miskien wil skakel.

H.J.P. SCHULTZ  
nms: ADJUNK-STAATSPROKUREUR (KAAP)

HJPS/VC

Eylae:

*RJ/BSC*  
*19/1/67*

C O P Y /VC

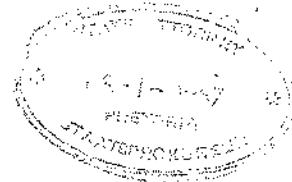
FRANK. BERNADT & JOFFE.

P.O. BOX 252

Solicitors etc.  
Ref.: HB/RL.

Netherlands Bank Building,  
85, St. George's Street,  
C A P E T O W N.  
13th January, 1967.

The Deputy State Attorney (Cape),  
7th Floor,  
Garmor House,  
Plein Street,  
C A P E T O W N.



Dear Sir,

re: S.A. DEFENCE AND AID FUND AND R. HOFFENBERG  
VS. THE MINISTER OF JUSTICE : CASE NO. 658/66

We acknowledge receipt of your letter of the 20th ultimo enclosing a copy of the Defendant's Discovery Affidavit.

We have perused the schedules annexed to the Discovery Affidavit and must point out that with all due respect our clients and we are of the opinion that the bulk, if not all of the most voluminous 2nd Schedule is irrelevant, and our clients fail to see how the items in the 2nd Schedule could be relevant to or affect the issues involved in this action. The disclosure of this 2nd Schedule has only served to delay and increase unnecessarily the arduous work to be attended to by us and our clients in attempting to investigate and prepare for the trial in the limited time allowed to us and our clients, who have instructed us to apply for an appropriate order for costs against the Defendant in respect of this 2nd Schedule at the proper time.

With regard to the Defendant's objection to produce the items in Part 2 of the 1st Schedule our clients have instructed us to state that in regard to item 13 thereof, whilst the letter from the Commissioner S.A. Police to the Secretary for Justice may be a privileged document since it is official, our clients fail to appreciate how the six affidavits themselves which were not official in any sense but merely constituted evidence available to the Authorities, could be privileged. This is particularly the case in as much as the real issue before the Court will be whether there was sufficient evidence to justify the proclamation declaring the 1st Plaintiff an unlawful organisation, and in order to determine this question it is obvious that the evidence available was both material and relevant.

Under the circumstances, our clients have instructed us to call upon the Defendant, as we hereby do, to disclose and produce these six affidavits per return, failing which application will be made to the Supreme Court for appropriate relief with costs.

Yours faithfully,  
FRANK, BERNADT & JOFFE,  
PER: (SGD.)

U BERNADT

D. & A. / 43 a

Christian Action and Defence and Aid Fund Limited

Both of the above are companies incorporated under the Companies Act, 1948, the first-mentioned on 5 July, 1949, and the other on 7 June, 1966. The significant difference between the names of these companies is that Christian Action does not have the word "Limited" at the end of its name, while the other company does. The reason for this difference is that the company named Christian Action is recognised by the Board of Trade (and by the Charity Commission) as a company formed to carry on activities which are charitable activities in law, while Defence and Aid Fund Limited is not regarded as carrying on any charitable activity. Whether Christian Action should be recognised as a charitable organisation is a question which should be investigated at some time in the near future by the Britain and South Africa Forum.

In English law (as in South Africa) the word "charity" does not cover every kind of public activity, nor even every kind of well-meant purpose. For example, anti-vivisection organisations, though they are motivated by dislike of cruelty to animals, are not charities. (The reason is that the English courts consider that the advantage gained in medical knowledge outweighs the other elements involved in vivisection.) An organisation for achieving a political purpose is not a charity. Put very briefly, for an activity to be a charitable activity it must be for the purpose of conferring a benefit on the public, and must be actuated by a spirit of active goodwill towards mankind. An organisation which engages in that kind of activity, but also in non-charitable activities, is not a charity. To be a charity, an organisation must be wholly charitable.

cont/2.



Christian Action has been considered by the Board of Trade and the Charity Commission to be a charity, because, in the past at any rate, it endeavoured to persuade people in public life to act in the spirit of Christianity. But it has always been on the borderline between (legal) charity and non-charity. It participated in the movement for the abolition of capital punishment; and it runs a campaign for providing more homes for very poor people - the Homeless in Britain Campaign. The activities of Christian Action are discussed in Canon Collins' autobiography, "Faith Under Fire," published last year. The impression gained, however, is that Christian Action has been largely used by Canon Collins as a vehicle for propagating his own opinions.

The Defence and Aid Fund is a fund of money which was collected by Christian Action and was spent on financing the defence of so-called political prisoners in Southern Africa, and on maintaining their dependents (both of which are probably charitable purposes in law), and on publishing booklets attacking the racial policy of South Africa (obviously a political purpose and therefore non-charitable), and perhaps in other ways. Documents published at the cost of the Defence and Aid Fund stated, until very recently, that the Defence and Aid Fund was administered by Christian Action; and as Christian Action had been recognised as a charity, as stated above, people subscribing to the Defence and Aid Fund must have thought in many instances that they were subscribing to a charity. In the last two years or so the Forum has been active in proving to the Charity Commission that Defence and Aid Fund money was not being used solely for purposes that were charitable. In particular, it was publishing booklets of the type just mentioned. Moreover, one of the purposes of having the Fund was to change the political system in South Africa.

Eventually, it seems, the Charity Commission was satisfied that the Defence and Aid Fund was not being wholly used for purposes that are charitable purposes in law. If no change had been made, the Charity Commission (and the Board of Trade) would have had to reverse

their view that Christian Action was a charity organisation. But in July last year the Defence and Aid Fund was transferred from the company named Christian Action to a new company, Defence and Aid Fund Limited. The fact that this new company has to include the word "Limited" in its name shows that it is not recognised as a charity company. The other company, Christian Action, continues, for the time being at any rate, to be recognised as a charity company.

As Defence and Aid Fund Limited is not a charity company, it loses the following advantages:-

- (1) It cannot lawfully be described as a charity in the documents it issues.
- (2) People who subscribed to the Defence and Aid Fund because they thought that it was a part of Christian Action's activities can now be shown that that Fund is not a part of Christian Action's activities, and is not a charity fund.
- (3) Future advertisements appealing for contributions to the Defence and Aid Fund could not lawfully use the Christian Action symbol, as was commonly done in the past.
- (4) The statement that the Defence and Aid Fund is "administered by Christian Action" cannot be lawfully made in the future.
- (5) Defence and Aid Fund Limited, not being a charity organisation, cannot obtain exemption from income tax.

It is also possible that the fact that the Defence and Aid Fund had to be transferred to a separate, non-charity company may assist us in The Puppeteers case, because the reference on page 95 of the book, dealing with the collecting of money for obtaining explosives, is a reference to the collecting of money "for charitable purposes," and Defence and Aid Fund money is not (and probably never has been) collected for such purposes. But a great deal of hard thought has still to be given to this aspect of The Puppeteers case.

11 January, 1967.

*Ch. Muntz*

1. Absorption. Reports Accounts attached 436

No. of Company 47052



Stamp: £ 00.25 Price - EIGHT Pence (Exclusive of Particular Tax) COMPANIES REGISTRATION [Form No. 7]

"THE COMPANIES ACT, 1948"

ANNUAL RETURN OF A COMPANY NOT HAVING A SHARE CAPITAL



Pursuant to Sections 125 to 127.

ANNUAL RETURN of CHRISTIAN ACTION

Limited.

Made up to the 27th day of December, 1965 (being the fourteenth day after the date of the Annual General Meeting for the year 1965).

1. Address.

(Address of the registered office of the company.)

2 AMEN COURT LONDON E.C.4

2. Situation of Registers of Members and Debenture-holders.

(a) (Address of place at which the register of members is kept, if other than the registered office of the Company.)

(b) (Address of any place in Great Britain other than the registered office of the company at which is kept any register of holders of debentures of the company or any duplicate of any such register or part of any such register which is kept outside Great Britain.)

Stamp: RECEIVED 14 MAR 1966

3. Particulars of Indebtedness.

Total amount of indebtedness of the company in respect of all mortgages and charges which are required (or, in the case of a company registered in Scotland, which, if the Company had been registered in England, would be required) to be registered with the Registrar of Companies under the Companies Act, 1948, or which would have been required so to be registered if created after 1st July, 1908.

NONE

Delivered for filing by

Signature: Cery

## 4. PARTICULARS OF DIRECTORS

Particulars of the persons who are directors

NAME (In the case of an individual, present Christian name or names and surnames. In the case of a corporation, the corporate name.)	Any former Christian name or names and surname	Nationality
Andrews, Alfred Raymond		British
Carpenter, Edward Frederick		British
Collin, George Edward Gordon		British
Collins, Diana Clavering		British
Collins, Lewis John		British
Conbickley, Thomas		British
Decker, Alfred		British
Drenett, Alfred John		British
Earl, Josephine		British
Goss, Arthur Norman		British
Graham-Jones, Michael John		British
Hamilton, Charles George Harold		British
Herbert, Stephen Austin		British
Hollis, Christopher		British
Kerr, Ann Doran		British
Lambert, Uvedale		British
Longford, Francis Augier		British
McCulloch, Betty Donaldia		British
Neville, John		British
Orr, Mary		British
Pleat, John Henry		British
White, Iain Alexander		British

NOTE—This margin reserved for binding; and must not be written across

### Particulars of the person who is secretary

NAME (In the case of an individual, present Christian name or names and surnames. In the case of a corporation or a Scottish firm, the corporate or firm name.)	Any former Christian name or names and surname
Eleanor Freda Quell	

"Director" includes any person who occupies the position of a director by whatever name called, and any person in partnership with whose directions or instructions the directors of the company are accustomed to act.  
 "Christian name" includes a forename, and "surnames", in the case of a peer or person usually known by a title different from his personal name, means that title.  
 "Former Christian name" and "former surname" do not include—  
 (a) in the case of a peer or person usually known by a title different from his personal name, the name by which he was known previous to the adoption of or assumption of the title; or  
 (b) in the case of any person, a former Christian name or surname which that person was changed or assumed for a period of not less than twelve months;  
 (c) in the case of a married woman the name or surname by which she was known previous to the marriage.

## AND SECRETARIES

of the company at the date of this return.

Usual residential address (In the case of a corporation, the registered or principal office.)	Business occupation and particulars of other directorships	Date of Birth
38 Gt. St. Helens, E.C. 3	Office Manager	
5 Little Cloister, S.W.1	Clerk in Holy Orders	
4 Whitehall Court, S.W.1	University Professor	
2 Amen Court, E.C. 4	Married Woman	
2 Amen Court, E.C. 4	Clerk in Holy Orders	
114 Tottenham Court Road, W.1	R.C. Priest	
St. Margaret's, Vegy, Colindale, E.C. 3	Singer	
1, 1st Court, 201 Leighton Road, N.W. 5	Clerk in Holy Orders	
3, Wilford Rd., N.W. 11	Cum Servant	
10a Conyer Belgrave St. S.W. 1	Newspaper Director	
59 Seagrave Road, Leyton, E. 10	Management Consultant	
47 Cromwell Ave. N. 6	Company Accountant	
Clareys, Mans. Nr. Rye	Accountant	
37 Popes Avenue, Brixton, S.W. 8	Writer	
Berry Hill, Twickenham, Middx	Member of Parliament	
Down Path, Blechnage, Surrey	Farmer	
14 Cheyne Gardens, S.W. 3	Peer	
16 Bow Church, E.C. 2	Married Woman	
24 Sandford Rd., Arnold, Notts	Actor	
18 Highbury Rd. Hampden, Middx	Married Woman	
43 York Road, Reigate, Surrey	Actuarialist	
177 High Street Lane, N. 20	Theological student	

NOTE—This form is reserved for bleeding, and must not be written across.

of the company at the date of this return.

Usual residential address. (In the case of a corporation or Scottish firm, the registered or principal office.)

Kent Lodge, Chatsworth Way, London, S.E. 27

Signed: [Signature] Director.  
Signed: [Signature] Secretary.

The names of all bodies corporate incorporated in Great Britain of which the director is also a director, should be given, except bodies corporate of which the return is made by the wholly-owned subsidiary or bodies corporate which are the wholly-owned subsidiary of the company or of another company of which the company is the wholly-owned subsidiary. A body corporate is deemed to be the wholly-owned subsidiary of another if it has no members other than the other and other wholly-owned subsidiaries and is, in all respects, controlled by the first or indirectly, by persons of either of whom there should be filed up a separate statement attached to this return.  
Bodies corporate which are subject to section 105 of the Companies Act, 1929, namely, a company which is not a company of which, being a foreign company, is the subsidiary of a body corporate incorporated in the United Kingdom which is neither a public company nor a company registered under the law relating to companies for the time being in force in the United Kingdom and having premises in the United Kingdom which would, if it had been incorporated in Great Britain, entitle it to rank as a public company.  
Where of the premises in a firm are taken successive, the name and principal office of the firm may be given.



On the 24th May 1966 Mrs. Sheila Penny, then Regional Secretary of the Institute's Port Elizabeth office, wrote:

TO Mrs. M. Britten,  
S.A. Institute of Race Relations,  
P.O. Box 97,  
JOHANNESBURG:

Dear Marjorie,

I have just received a letter from Mr. Pagden in which he states that he cannot accept the invitation to be co-opted on to the National Executive Committee, as it is quite impossible for him to give time to the meetings when they are held.

I am now busy investigating an alternative.

I enclose a copy of an unsigned letter I have received from U.K. for your comments.

Yours sincerely,

signed (Mrs) Sheila Penny  
REGIONAL SECRETARY.

CONTENTS OF LETTER REFERRED TO:

Dated 19th May, 1966

The Secretary,  
The Ins. of Race Relations,  
Port Elizabeth.

Dear Sheila,

I know you must be up to your ears but I can't think of anyone else to write to. I am still a bit wary of writing to Dennis and anyone else I know will do precisely nothing.

I have been to see Phyllis Altman (D & A and Christian Action) and they are absolutely frantic about the amount of money pouring in this end and the complete lack of response to various messages they claim to have sent to Cape Town and to P.E. and the general air of collapse.

I once before asked Mrs. Crafer for lists of names and addresses with amounts for rents and subsistence but as you know, she wasn't keen so I left it. I feel now, that they really must have these. Sent through me or anybody else they feel like. The money, of course, would not come from Christian Action but would be sent through individuals in the form of registered money orders. They keep being told to wait but if they wait any longer all contact will be lost and they, Christian Action, feel that if nobody takes the initiative nothing will happen.

I was quizzed about Defence, especially in regards to appeals for Ndimba and the other re-trialists but I just couldn't see the answer - can't somebody lodge an appeal on their behalf and somebody, i.e. Garth actually pay the money. Please talk to Dennis seriously about this. I know everyone will pay "wait", but they can't wait any longer this end or the machinery will just seize up. They can't legitimately go on appealing for money that just isn't being used or build up a stockpile without any signs of outlet.

She is also worried about the money for education which she was supplying to Ruth and wants to send it direct to you. Please give me some views about this as well.

Please, Sheila, don't just ignore this. I know it is all very difficult and if you decide not to do anything please just tell me fairly quickly. Diana is away until June 3rd and I do want to have something to tell her.

PLEASE WRITE PRONTO.

Mrs. Penny's letter was shown to Mr. Peter Randall for comment and he wrote the following instruction on it:

"My feeling is that S.P. (Sheila Penny) can help in any way, but entirely in a personal capacity which must be kept completely divorced from her capacity as Regional Secretary. Correspondence such as the enclosed letter should not be kept in the Institute files and should not be addressed to I.R.R., nor replied to on I.R.R. letterheads."

P.R.

Q 213

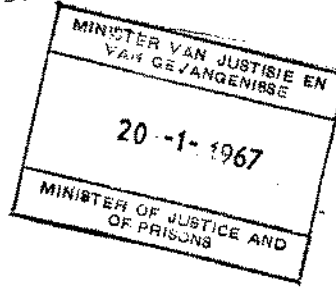
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GEHEIM.



2/2/13.

KAPSTAD.



DIE SEKRETARIS/MINISTER.

- (1) MEMO INSAKE DEFENCE AND AID FUND:
- (2) LYS VAN PERSONE WAT AMPSDRAERS, BEAMPTES, LEDE OF AKTIEWE ONDERSTEUNERS VAN DIE DEFENCE AND AID FUND WAS.

Bovermelde stukke, wat op versoek van die Departement ter insae teruggestuur was, is aangeheg.

30/13/11/67  
 13-1-67  
 11/67 13-1-67  
 No 13-1-67  
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PAK.

TUGROS.  
JUSTISE

2/2/13.

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KAAPSTAD.

GEHEIM.



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29/6/68

DEPARTMENT OF JUSTICE SEKRETARIS/MINISTER.

DEFENCE AND AID FUND.

1. By oorweging van 'n memorandum oor die feite, deur die beredderaar na 'n voorlopige ondersoek na die bates van die organisasie vasgestel, het die Minister as volg opgemerk:

"Ek ontvang graag besonderhede van die verhoordae van die saak waarin Zackon & Birkan R.12870 ontvang het asook ander inligting wat nuttig gebruik kan word met die bespreking van ons Pos, asook 'n afskrif van die inligting hierin vervat".

(██████).

2. Volgens die Griffier, Kaapstad het die betrokke saak ses-en-tagtig verhoordae in beslag geneem. Van die vier beskuldigdes is een tot twintig jaar gevangenisstraf gevonniss, een tot sewentien jaar, een tot elf jaar en een is onskuldig bevind en ontslaan. Twee advokate, S.B. Kriger en G.B. Shapiro het by die verhoor verskyn.

3. Soos blyk uit korrespondensie in verband met die sake teen Isaac Heymann en Phillip Selo, (██████) het sekere prokureursfirmas, (in hierdie geval Hayman en Aronsohn) sonder enige vooraf ooreenkoms in sekere sake opgetree en die organisasie dan later genader vir betaling van die koste. Isaac Heymann en Phillip Selo was albei staatsgetuies in sake van 'n politieke aard en het geweier om getuienis te lewer waarop hulle tot gevangenisstraf gevonniss is.

4. Hoewel die organisasie voorgegee het dat dit nie die doelstellings van kommunisme goedgesind is nie het dit aansienlike bedrae bygedra tot die verdediging



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van die saak waarin die bekende en selferkende kommunist  
Abram Fischer as hoofbeskuldigde verskyn het.

( ), ( ).

5. 'n Afskrif van die memorandum gedateer  
15 Augustus 1966 tesame met afskrifte van die dokumente  
wat dit vergesel het, is in die omslag soos versoek.

23/8/66  
23.8.66  
24/8/66  
26.8.66

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HAYMAN & ARONSOHN  
SOLICITORS

INCORPORATING  
CHARLES LEWIS & LAZAR

RUTH W. HAYMAN B.A., LL.B.

TELEPHONE 838-1496/7

RES. ~~XXXXXXXX~~  
704-3586

OUR REF. MISS HAYMAN/ZA

YOUR REF.

TELEGRAPHIC ADDRESS:  
"LEWCHAS"

P.O. BOX 7390

205 NATIONAL MUTUAL BUILDINGS  
COR. RISSIK & MARKET STREETS  
JOHANNESBURG

6th December, 1965.

The Secretary,  
Defence & Aid Fund,  
P.O. Box 2864,  
JOHANNESBURG.

Dear Madam,

re: APPLICATION FOR LEAVE TO APPEAL :  
ISAAC HEYMANN.

As you will recollect our firm acted for the Accused in the matter of The State versus William Senna and Others which was subsequently heard in Court as The State versus Jackson Fuzili and Others.

At this trial, our client, Isaac Heymann, was called as a State witness and on refusing to give evidence was sentenced to one year's imprisonment.

On the advice of Counsel, an Application for Leave to Appeal was duly drawn and argued before the Supreme Court and Leave to Appeal was granted.

We have no doubt whatsoever that this particular case falls within the scope of the matters normally handled by Defence and Aid and we trust that your Committee will make an allocation towards the costs of this Appeal.

Yours faithfully,

HAYMAN & ARONSOHN.

P.S. It is estimated that the costs of the Appeal including the purchase of the relevant portion of the Record will not exceed R300.00.

*No further  
action*

HAYMAN & ARONSOHN  
SOLICITORS

INCORPORATING  
CHARLES LEWIS & LAZAR

RUTH W. HAYMAN S.A., LL.B.

TELEPHONE 838-1496/7

RES. ~~XOXOX~~  
704-3586

OUR REF. MISS HAYMAN/ZA

YOUR REF.

TELEGRAPHIC ADDRESS:  
"LEWCHAS"

P.O. BOX 7390

205 NATIONAL MUTUAL BUILDINGS  
COR. RISSIK & MARKET STREETS  
JOHANNESBURG

6th December, 1965.

The Secretary,  
Defence & Aid Fund,  
P.O. Box 2864,  
JOHANNESBURG.

Dear Madam,

re: APPLICATION FOR LEAVE TO APPEAL :  
PHILLIP SELLO.

As you will recollect our firm acted for the Accused in the matter of The State versus William Senna and Others which was subsequently heard in Court as The State versus Jackson Fuzili and Others.

At this trial, Phillip Sello was called as a State witness and on refusing to give evidence was sentenced to one year's imprisonment.

On the advice of Counsel, an Application for Leave to Appeal was duly drawn and argued before the Supreme Court and Leave to Appeal was granted.

We have no doubt whatsoever that this particular case falls within the scope of the matters normally handled by Defence and Aid and we trust that your Committee will make an allocation towards the costs of this Appeal.

Yours faithfully,

*No further  
arrangements*  
HAYMAN & ARONSOHN.

P.S. It is estimated that the costs of the Appeal, including the purchase of the relevant portion of the Record will not exceed R300.00.

31st March, 1964.

Messrs. Hayman & Aronson,  
P.O. Box 7390,  
JOHANNESBURG.

Dear Sirs,

We have pleasure in enclosing herewith two cheques.  
The first of R4000 is made up of R3750 for the Fischer trial and  
R250 for the trial of N. Naidoo.

The second cheque of R113.00 is for the matter of  
Andrew Makhado. Would you please ask Miss Hayman to initial the  
alteration on this cheque?

Yours sincerely,

Laura Hitchins  
Acting Secretary

HAYMAN & ARONSOHN  
SOLICITORS  
INCORPORATING  
CHARLES LEWIS & LAZAR

ARTHUR W. HAYMAN B.A., LL.B.  
838-1496  
TELEPHONE ~~838-1496~~  
REF. 42-3170

OUR REF.  
YOUR REF.

MR. JOFFE

TELEGRAPHIC ADDRESS:  
"LEWCHAS"  
P.O. BOX 7390

205 NATIONAL MUTUAL BUILDINGS  
COR. BISSIK & MARKET STREETS  
JOHANNESBURG

BY HAND

9th December 1964

Messrs. Defence and Aid,  
Trades Hall,  
Kerk Street  
JOHANNESBURG.

Dear Sirs,

RE: THE STATE VS A. FISCHER AND 13 OTHERS

When we originally gave you an estimate of the costs in this trial there were fewer accused and the trial itself was of very much lesser dimensions. In fact, it has now grown into a very important and extensive trial and we estimate that the total cost will be not less than R15,000-00. This is on the basis that Counsel's fees are generally kept to an absolute minimum, and even then the cost might be considerably more. Would you please consider this aspect of the matter and advise whether or not you will be able to commit yourself for this sum.

In the meantime, we have already incurred disbursements well in excess of R3,000-00, and we would appreciate it if you would let us have your cheque for the sum of R2,000-00 which you originally allocated for this trial in order that we can attend to payment of these disbursements.

Yours faithfully,

HAYMAN & ARONSOHN

JJ/DM

~~DECLASSIFIED~~

2/2/13.

KAAPSTAD.

GEHEIM.

DIE SEKRETARIS/MINISTER.



DEFENCE AND AID FUND.

1. Mnr. D.P. Wilcocks is deur die Minister aangewys as die beredderaar van die bates van die onwettigverklaarde organisasie bekend as "The Defence and Aid Fund".

2. Uit 'n voorlopige ondersoek na die bates van die organisasie het die beredderaar die volgende feite vasgestel:

2.1. Daar is nie deurgaans behoorlik boek gehou van transaksies nie. In 'n brief gedateer 8 Julie, 1964 skryf die Sekretaris van die Port Elizabeth tak aan die Sekretaris van die tak te Johannesburg as volg:

"How do the financial wizards feel? From our (unkept) books our past commitments are not clear. My predecessor thought that we owed some people R500, but he also implied we had this in the bank (which we have not.)". (8.7.64)

Talle kontant tjeks, die bedrae waarvan gewissel het van R10.00 tot R200 is getrek. Hoewel hierdie bedrae in die boeke in rekening gebring is is daar geen stawende bewysstukke vir die uitgawes nie. Verder is daar ook tjeks uitgeskryf sonder dat die teenblad enige besonderhede van die betaling, behalwe die bedrag bevat. So is daar gedurende April 1965 'n tjeke ten bedrae van R100 uitgereik waar geen verdere besonderhede op die teenblad voorkom nie, en een vir R750 waar daar behalwe vir die datum (17.4.65) geen besonderhede voorkom nie. Die ontledingskasboek van die Kaapstadse tak is net tot November 1965 bygehou.

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2.2. Die fondse van die organisasie is van verskillende instansies verkry. Fondse wat binnelands verkry is, is minimaal, en die oorgrote meerderheid van die fondse het gekom van die organisasie "Christian Action" in London. Die wyse van verkryging van fondse was nie altyd op 'n streng eerlike basis nie. Hoffenberg, die latere voorsitter van die Kaapstadse tak het hom op 22 Mei 1964 vanuit London as volg teenoor die Kaapstadse tak uitgelaat:

".....Have spent many hours making myself very unpopular at D. & A. offices here .... money is pouring in - over the past two months - largely as the result of the Observer appeal. Some of this is earmarked for Rivonia but there should be a lot due to us ..... Collins is away, unfortunately, but John and Dr. Hellmann must keep at them - give them details (harrowing) of cases turned down - make them up, if they don't exist, ask Ruth Hayman to push the same line with them". (22.5.64).

Baie geld is ook verkry van die "World Council of Churches" waarvan Prof. Z.K. Mathews die sekretaris is. Gelde is ook deur bemiddeling van "Christian Action" in London, van Rusland verkry. As gevolg van die geld wat van Rusland ontvang is het sommige van die komiteelede onder andere Adv. D.B. Molteno bedank. Hy het hom op 17 Desember 1965 in 'n brief gerig aan die Sekretaris van die organisasie as volg uitgelaat:

"The reported donation by the U.S.S.R. to the London 'Defence and Aid International' for the South African Defence and Aid Fund makes it impossible for me to have even such indirect connection with the administration of moneys from such a source as membership of the Cape Town management committee entails". (17.12.64).

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2.3. Die enigste oorweging wat by die organisasie gegeld het wanneer besluit moes word of daar vir 'n persoon se verdediging betaal sou word was die aard van die misdaad. Die misdaad moes een gewees het wat gemik was teen die veiligheid van die Staat, of misdade wat in nou verband staan met dusdanige oortredings soos byvoorbeeld, meined in verband met oortredings van 'n politieke kleur. Die grootste gros van persone ten behoewe van wie opgetree is, was lede van onwettige organisasies naamlik die Suid-Afrikaanse Kommunistiese Party, die African National Congress, die Pan Africanist Congress en die Congress of Democrats. Aanklagtes teen hierdie persone het gewissel van lidmaatskap van die onwettige organisasies, verlating van die Republiek met die doel om militêre opleiding te ontvang, tot sabotasie.

2.4. In die sentra waar die meeste van hierdie soort sake gedien het is daar konsekwent van die dienste van sekere prokureurs en advokate gebruik gemaak en groot bedrae is aan hulle uitbetaal. Lyste van prokureurs en advokate wat op die verskillende sentra genader moes word is bygehou. So verskyn daar byvoorbeeld op hierdie lys die volgende name van prokureursfirmas. Volgens inligting saamgestel van die beskikbare teenblaai van tjeks is die volgende bedrae gedurende die tydperke soos aangedui aan hierdie firmas betaal.

<u>Naam.</u>	<u>Tydperk.</u>	<u>Bedrag.</u>
(a) Allan Solomon Merne & Flynn	1.3.65 - 14.2.66	R3,700
(b) Findlay and Tait	29.7.63 - 28.4.64	452 - 18
(c) Frank Bernadit & Joffe.	21.3.63 - 14.12.65	5,524 - 50
(d) Jack Freedman & Co.	4.4.63 - 6.9.63	1,129 - 97
(e) Ress Richman & Co.	23.10.63 - 31.12.64	4,274 - 70

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- (f) Sonnenberg, Hoffman 1.5.64 - 21.5.65 3,257 - 49  
& Galombik.
- (g) Snitcher, Cohen & 15.3.63 - 16.9.64 162 - 51  
Snitcher
- (h) Zackon & Birkan 22.5.63 - 25.8.65 14,722 - 52

Die volgende name van advokate verskyn op hierdie lys:

- (a) Adv. Aaron;
- (b) Adv. Kies;
- (c) Adv. Kriger;
- (d) Adv. Odes;
- (e) Adv. Shapiro;
- (f) Adv. Weincove.

2.5. In Johannesburg, Durban, Kaapstad en Port Elizabeth was daar voltydse kantore van die organisasie. By hierdie sentra het persone of by die kantore van die organisasie of by die prokureursfirmas van wie se dienste die organisasie gebruik gemaak het vir hulp gaan aanklop. Hoe sulke persone geweet het watter firmas namens "Defence and Aid" opgetree het is nie duidelik nie. Indien dusdanige persone vir finansiële bystand gekwalifiseer het, volgens die vereistes in paragraaf 2.3. supra, is daar carte blanche aan die prokureursfirma gegee. Behalwe vir 'n paar uitsonderlike gevalle is daar geen beperking gelê op die bedrae wat op 'n besondere saak gespandeer kon word nie. So is daar byvoorbeeld in die geval van die Staat teen Mkalipi en drie ander, 'n bedrag van R12,870 aan die prokureursfirma Zackon & Birkan oorbetal. Die aanklag teen hierdie vier persone was dat hulle die Republiek verlaat het met die doel om militêre opleiding te ontvang. 'n Ander voorbeeld is die geval van Looksmart Solwandle Ngudle. Ngudle was 'n aangehoudene ingevolge artikel 17(1) van die Algemene Regswysigingswet, 1963 (Wet 37 van 1963), en het

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terwyl hy so aangehou was selfmoord gepleeg. 'n Geregtelike nadoodse ondersoek is ingestel waarin regvertegenwoordigers vir nege dae verskyn het. Hiervoor is daar R3004 uit die fondse van die organisasie betaal.

2.6. Die fondse is nie altyd aangewend in die beste belang van die regspleging nie. So was dit verklaarde beleid dat daar in alle sake wat deur Streekhof verhoor was en waarin daar skuldigbevindings uitgebring was te appelleer bloot op beginsel en nie op die meriete van die saak nie. Die toets of daar 'n redelike kans op sukses met die appèl sou wees is baie selde toegepas. By geleentheid is dit selfs aangevoer dat daar in hierdie sake appèl aangeteken moes word omdat dit die landdroste minder ywerig sou maak om skuldigbevindings in te bring. ("..... to dampen the enthusiasm of magistrates"). (4.3.65). (Die gevlagde dokument is 'n fotostatiese afdruk van 'n koolafskrif van 'n brief wat in besit van D. Clemenshaw, 'n uitvoerende komiteelid van die organisasie, gevind is).

3. As gevolg van die persverklaring deur die Minister dat in sake waarin die "Defence and Aid Fund" reeds aanspreeklikheid aanvaar het, die Beredderaar, mits daar voldoende fondse beskikbaar is en mits die rekenings redelik is, die rekenings sal betaal, is die volgende rekenings van prokureursfirmas ontvang:

(a) Abe Swersky	-	R5,963 - 49
(b) Frank Bernadot & Joffe	-	251 - 30
(c) H.L. Schachat	-	427 - 50
(d) R. Bugwandeem	-	627 - 00
(e) M.S. Frank & Frank	-	260 - 00
(f) Findlay and Tait	-	150 - 00
(g) Kerbel and Borman	-	1,227 - 50
(h) Allan Solomon, Arderne & Flynn	-	780 - 60
(i) Hayman and Aronsohn	-	5,211 - 00

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R14,898 - 39

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Die eis van Hayman en Aronsohn word by benadering aangegee daar verskeie sake waarin hierdie firma opdrag gekry het nog nie gefinaliseer is nie.

4. Die Beredderaar ondervind moeilikheid om die aanspreeklikheid van die "Defence and Aid Fund" teenoor die regsverteenvoerders wat namens die organisasie opgetree het presies te bepaal omdat daar in talle gevalle geen skriftelike bevestiging van ooreenkomste wat moontlik telefonies aangegaan is, tussen die dokumente waarop beslag gelê is, gevind kon word nie. In baie gevalle was die ooreenkoms blykbaar bloot dat 'n persoon verdedig moes word sonder om enige beperking op die koste wat aangegaan kon word te plaas.

5. Omdat daar geen vasgestelde tarief vir werk deur prokureurs in strafsake gelêer bestaan nie, het die beredderaar moeilikheid ondervind om die redelikheid van die rekenings vas te stel. Ten einde hierdie probleem op te los het die beredderaar die Sekretaris van die Wetsgenootskap, Transvaal geraadpleeg. Hierdie beampte het egter aangedui dat hy nie van hulp kan wees nie. Daarna is in oorleg met die verskillende griffiers van die Hooggeregshof op gesag van die beslissings in die sake van Clark teen Hemming, en Hemming 1923 O.P.D. p.315; Menzies, Burse en Chiddy teen Hall 1941 K.P.A. p.297 en Van Harte teen Rabinowitz, Minde en ander 1947(4) S.A. p.366, besluit om die betrokke prokureurs te versoek om hulle rekenings aan hul plaaslike griffiers vir taksasie voor te lê. Hierdie beslissings het almal die strekking dat kosterekenings ten opsigte van strafsake in die Kaapse Afdeling en die Oostelike Provinsie Plaaslike Afdeling van die Hooggeregshof deur die griffiers van daardie Afdelings getakseer kan word. In die Transvaal is die posisie egter dat rekenings nie getakseer kan word nie. Kyk in hierdie verband Du Toit teen Rooiberg Development Company 1954(1) S.A. p.297.

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In Natal en die Oranje-Vrystaat is daar geen gerapporteerde beslissings oor hierdie aangeleentheid nie.

6. Tot dusver is daar R12,894.27 in kontant deur die Beredderaar ingevorder. Die ander bates bestaan hoofsaaklik uit ameublement wat na 18 September, 1966 te gelde gemaak sal word. Dit word nie verwag dat die opbrengs hiervan meer as ongeveer R200 sal beloop nie.

7. Die Minister het kort na die onwettigverklaring van die organisasie opdrag gegee dat daar in verdienstelike gevalle uit staatsfondse vir die verdediging van sogenaamde politieke oortreders betaal word. (25.3.66) Tot dusver is daar slegs in Kaapstad (in een saak) en Grahamstad (in twee sake) regsverteenwoordigers ingevolge die skema in diens geneem. Tot op datum is nog geen rekenings vir betaling ontvang nie.

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11.8.66.  
15.8.66.

*Die ontvangingsgraag bevestigings van die verhoor het van die saak waarin Jochan & Bekker R.12870 ontvang het jare en ander uitlyfing wat nadelig gebruik kan word met die bespreking van ons so, aan die w. of admissie van die uitlyfing kan wees*

*uiters  
A/S(R.) Dimpson arb.*

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19.8.66



KAAPSTAD.

GEHEIM.

DIE SEKRETARIS/MINISTER.

DEFENCE AND AID FUND.

1. By ooreweging van 'n memorandum oor die feite, deur die beredderaar na 'n voorlopige ondersoek na die bates van die organisasie vasgestel, het die Minister as volg opgemerk:

"Ek ontvang graag besonderhede van die verhoordae van die saak waarin Zackon & Birkan R.12870 ontvang het asook ander inligting wat nuttig gebruik kan word met die bespreking van ons Pos, asook 'n afskrif van die inligting hierin vervat".

(██████).

2. Volgens die Griffier, Kaapstad het die betrokke saak ses-en-tagtig verhoordae in beslag geneem. Van die vier beskuldigdes is een tot twintig jaar gevangenisstraf gevonniss, een tot sewentien jaar, een tot elf jaar en een is onskuldig bevind en ontslaan. Twee advokate, S.B. Kriger en G.B. Shapiro het by die verhoor verskyn.

3. Soos blyk uit korrespondensie in verband met die sake teen Isaac Heymann en Phillip Selo, (██████) het sekere prokureursfirmas, (in hierdie geval Hayman en Aronsohn) sonder enige vooraf ooreenkoms in sekere sake opgetree en die organisasie dan later genader vir betaling van die koste. Isaac Heymann en Phillip Selo was albei staatsgetuies in sake van 'n politieke aard en het geweier om getuienis te lewer waarop hulle tot gevangenisstraf gevonniss is.

4. Hoewel die organisasie voorgegee het dat dit nie die doelstellings van kommunisme goedgesind is nie het dit aansienlike bedrae bygedra tot die verdediging

DECLASSIFIED

van die saak waarin die bekende en selferkende kommunist  
Abram Fischer as hoofbeskuldigde verskyn het.

( ), ( ).

5. 'n Afskrif van die memorandum gedateer  
15 Augustus 1966 tesame met afskrifte van die dokumente  
wat dit vergesel het, is in die omslag soos versoek.

DECLASSIFIED

HAYMAN & ARONSOHN  
SOLICITORS

INCORPORATING  
CHARLES LEWIS & LAZAR

RUTH W. HAYMAN B.A., LL.B.

TELEPHONE 636-1496/7

RES. ~~XXXXX~~  
704-3586

OUR REF. MISS HAYMAN/ZA

YOUR REF.

TELEGRAMMIC ADDRESS:  
"LEWCHAS"  
P.O. BOX 7590

205 NATIONAL MUTUAL BUILDINGS  
COR. RISSIK & MARKET STREETS  
JOHANNESBURG

6th December, 1965.

The Secretary,  
Defence & Aid Fund,  
P.O. Box 2864,  
JOHANNESBURG.

Dear Madam,

re: APPLICATION FOR LEAVE TO APPEAL :  
PHILLIP SELLO.

As you will recollect our firm acted for the Accused in the matter of The State versus William Senna and Others which was subsequently heard in Court as The State versus Jackson Fuzili and Others.

At this trial, Phillip Sello was called as a State witness and on refusing to give evidence was sentenced to one year's imprisonment.

On the advice of Counsel, an Application for Leave to Appeal was duly drawn and argued before the Supreme Court and Leave to Appeal was granted.

We have no doubt whatsoever that this particular case falls within the scope of the matters normally handled by Defence and Aid and we trust that your Committee will make an allocation towards the costs of this Appeal.

Yours faithfully,

HAYMAN & ARONSOHN.

P.S. It is estimated that the costs of the Appeal, including the purchase of the relevant portion of the Record will not exceed R300.00.



HAYMAN & ARONSOHN  
SOLICITORS  
INCORPORATING  
CHARLES LEWIS & LAZAR

RUTH W. HAYMAN S.A. LL.B.

TELEPHONE 838-1496/7  
RES. ~~XXXXXX~~  
704-3586

OUR REF. MISS HAYMAN/ZA

YOUR REF.

TELEGRAPHIC ADDRESS:  
"LEWCHAS"  
P.O. BOX 7390

205 NATIONAL MUTUAL BUILDINGS  
COR. RISSIK & MARKET STREETS  
JOHANNESBURG

5th December, 1965.

The Secretary,  
Defence & Aid Fund,  
P.O. Box 2864,  
JOHANNESBURG.

Dear Madam,

re: APPLICATION FOR LEAVE TO APPEAL :  
ISAAC HEYMANN.

As you will recollect our firm acted for the Accused in the matter of The State versus William Senna and Others which was subsequently heard in Court as The State versus Jackson Fuzili and Others.

At this trial, our client, Isaac Heymann, was called as a State witness and on refusing to give evidence was sentenced to one year's imprisonment.

On the advice of Counsel, an Application for Leave to Appeal was duly drawn and argued before the Supreme Court and Leave to Appeal was granted.

We have no doubt whatsoever that this particular case falls within the scope of the matters normally handled by Defence and Aid and we trust that your Committee will make an allocation towards the costs of this Appeal.

Yours faithfully,

HAYMAN & ARONSOHN.

P.S. It is estimated that the costs of the Appeal including the purchase of the relevant portion of the Record will not exceed R300.00.

*No further action*

31st March, 1964.

Messrs. Hayman & Aronsohn,  
P.O. Box 7390,  
JOHANNESBURG.

Dear Sirs,

We have pleasure in enclosing herewith two cheques. The first of R4000 is made up of R3750 for the Fischer trial and R250 for the trial of N. Madoo.

The second cheque of R113.00 is for the matter of Andrew Mashaba. Would you please ask Miss Hayman to initial the alteration on this cheque?

Yours sincerely,

David Hitchens  
Acting Secretary

HAYMAN & ARONSOHN  
SOLICITORS  
INCORPORATING  
CHARLES LEWIS & LAZAR

RUTH W. HAYMAN B.A., LL.B.  
838-1496  
TELEPHONE ~~XXXXXXXX~~  
RES. 42-3170

OUR REF.  
YOUR REF.

MR. JOFFE

TELEGRAPHIC ADDRESS:  
"LEWCHAS"  
P.O. Box 7390

205 NATIONAL MUTUAL BUILDINGS  
COR. RISSIK & MARKET STREETS  
JOHANNESBURG

BY HAND

9th December 1964

Messrs. Defence and Aid,  
Trades Hall,  
Kerk Street  
JOHANNESBURG.

Dear Sirs,

RE: THE STATE VS A. FISCHER AND 13 OTHERS

When we originally gave you an estimate of the costs in this trial there were fewer accused and the trial itself was of very much lesser dimensions. In fact, it has now grown into a very important and extensive trial and we estimate that the total cost will be not less than R15,000-00. This is on the basis that Counsel's fees are generally kept to an absolute minimum, and even then the cost might be considerably more. Would you please consider this aspect of the matter and advise whether or not you will be able to commit yourself for this sum.

In the meantime, we have already incurred disbursements well in excess of R3,000-00, and we would appreciate it if you would let us have your cheque for the sum of R2,000-00 which you originally allocated for this trial in order that we can attend to payment of these disbursements.

Yours faithfully,

HAYMAN & ARONSOHN

JJ/DM

DEFENCE AND AID FUND.

1. Mnr. D.P. Wilcocks is deur die Minister aangewys as die beredderaar van die bates van die onwettigverklaarde organisasie bekend as "The Defence and Aid Fund".

2. Uit 'n voorlopige ondersoek na die bates van die organisasie het die beredderaar die volgende feite vasgestel:

2.1. Daar is nie deurgaans behoorlik boek gehou van transaksies nie. In 'n brief gedateer 8 Julie, 1964 skryf die Sekretaris van die Port Elizabeth tak aan die Sekretaris van die tak te Johannesburg as volg:

"How do the financial wizards feel? From our (unkept) books our past commitments are not clear. My predecessor thought that we owed some people R500, but he also implied we had this in the bank (which we have not.)". (8.7.64).

Talle kontant tjeks, die bedrae waarvan gewissel het van R10.00 tot R200 is getrek. Hoewel hierdie bedrae in die boeke in rekening gebring is is daar geen stawende bewysstukke vir die uitgawes nie. Verder is daar ook tjeks uitgeskryf sonder dat die teenblad enige besonderhede van die betaling, behalwe die bedrag bevat. So is daar gedurende April 1965 'n tjek ten bedrae van R100 uitgereik waar geen verdere besonderhede op die teenblad voorkom nie, en een vir R750 waar daar behalwe vir die datum (17.4.65) geen besonderhede voorkom nie. Die ontledingskasboek van die Kaapstadse tak is net tot November 1965 bygehou.

2.2. Die fondse van die organisasie is van verskillende instansies verkry. Fondse wat binnelands verkry is, is minimaal, en die oorgrote meerderheid van die fondse het gekom van die organisasie "Christian Action" in London. Die wyse van verkryging van fondse was nie altyd op 'n streng eerlike basis nie. Hoffenberg, die latere voorsitter van die Kaapstadse tak het hom op 22 Mei 1964 vanuit London as volg teenoor die Kaapstadse tak uitgelaat:

".....Have spent many hours making myself very unpopular at D. & A. offices here ..... money is pouring in - over the past two months - largely as the result of the Observer appeal. Some of this is earmarked for Rivonia but there should be a lot due to us ..... Collins is away, unfortunately, but John and Dr. Hellmann must keep at them - give them details (harrowing) of cases turned down - make them up, if they don't exist, ask Ruth Hayman to push the same line with them". (22.5.64).

Baie geld is ook verkry van die "World Council of Churches" waarvan Prof. Z.K. Mathews die sekretaris is. Gelde is ook deur bemiddeling van "Christian Action" in London, van Rusland verkry. As gevolg van die geld wat van Rusland ontvang is het sommige van die komitee-lede onder andere Adv. D.B. Molteno bedank. Hy het hom op 17 Desember 1965 in 'n brief gerig aan die Sekretaris van die organisasie as volg uitgelaat:

"The reported donation by the U.S.S.R. to the London 'Defence and Aid International' for the South African Defence and Aid Fund makes it impossible for me to have even such indirect connection with the administration of moneys from such a source as membership of the Cape Town management committee entails". (17.12.64).

2.3. Die enigste oorweging wat by die organisasie gegeld het wanneer besluit moes word of daar vir 'n persoon se verdediging betaal sou word was die aard van die misdaad. Die misdaad moes een gewees het wat gemik was teen die veiligheid van die Staat, of misdade wat in nou verband staan met dusdanige oortredings soos byvoorbeeld, meined in verband met oortredings van 'n politieke kleur. Die grootste gros van persone ten behoeve van wie opgetree is, was lede van onwettige organisasies naamlik die Suid-Afrikaanse Kommunistiese Party, die African National Congress, die Pan Africanist Congress en die Congress of Democrats. Aanklagtes teen hierdie persone het gewissel van lidmaatskap van die onwettige organisasies, verlating van die Republiek met die doel om militêre opleiding te ontvang, tot sabotasie.

2.4. In die sentra waar die meeste van hierdie soort sake gediën het is daar konsekwent van die dienste van sekere prokureurs en advokate gebruik gemaak en groot bedrae is aan hulle uitbetaal. Lyste van prokureurs en advokate wat op die verskillende sentra genader moes word is bygehou. So verskyn daar byvoorbeeld op hierdie lys die volgende name van prokureursfirmas. Volgens inligting saangestel van die beskikbare teenblaaie van tjeks is die volgende bedrae gedurende die tydperke soos aangedui aan hierdie firmas betaal.

	<u>Naam.</u>	<u>Tydperk.</u>	<u>Bedrag.</u>
(a)	Allan Solomon Arderne & Flynn	1.3.65 - 14.2.66	R3,700 - 00
(b)	Findlay & Tait	29.7.63 - 28.4.64	452 - 18
(c)	Frank Bernadt & Joffe.	21.3.63 - 14.12.65	5,524 - 50
(d)	Jack Freedman & Co.	4.4.63 - 6.9.63	1,129 - 97
(e)	Ress Richman & Co.	23.10.63 - 31.12.64	4,274 - 70

/4...

- (f) Sonnenberg, Hoffman & Galombik. 1.5.64 - 21.5.65 3,257 - 49
- (g) Snitcher, Cohen & Snitcher 15.3.63 - 16.9.64 162 - 51
- (h) Zackon & Birkan 22.5.63 - 25.8.65 14,722 - 52

Die volgende name van advokate verskyn op hierdie lys:

- (a) Adv. Aaron;
- (b) Adv. Kies;
- (c) Adv. Kriger;
- (d) Adv. Odes;
- (e) Adv. Shapiro;
- (f) Adv. Weincove.

2.5. In Johannesburg, Durban, Kaapstad en Port Elizabeth was daar voltydse kantore van die organisasie. By hierdie sentra het persone of by die kantore van die organisasie of by die prokureursfirmas van wie se dienste die organisasie gebruik gemaak het vir hulp gaan aanklop. Hoe sulke persone geweet het watter firmas namens "Defence and Aid" opgetree het is nie duidelik nie. Indien dusdanige persone vir finansiële bystand gekwalifiseer het, volgens die vereistes in paragraaf 2.3. supra, is daar carte blanche aan die prokureursfirma gegee. Behalwe vir 'n paar uitsonderlike gevalle is daar geen beperking gelê op die bedrae wat op 'n besondere saak gespandeer kon word nie. So is daar byvoorbeeld in die geval van die Staat teen Mkalipi en drie ander, 'n bedrag van R12,870 aan die prokureursfirma Zackon & Birkan oorbetaal. Die aanklag teen hierdie vier persone was dat hulle die Republiek verlaat het met die doel om militêre opleiding te ontvang. 'n Ander voorbeeld is die geval van Looksmart Solwandle Ngudle. Ngudle was 'n aangehoudene ingevolge artikel 17(1) van die Algemene Regswysigingswet, 1963 (Wet 37 van 1963), en het

terwyl hy so aangehou was selfmoord gepleeg. 'n Geregtelike nadoodse ondersoek is ingestel waarin regsverteenwoordigers vir nege dae verskyn het. Hiervoor is daar R3004 uit die fondse van die organisasie betaal.

2.6. Die fondse is nie altyd aangewend in die beste belang van die regspleging nie. So was dit verklaarde beleid dat daar in alle sake wat deur Streekhowe verhoor was en waarin daar skuldigbevindings uitgebring was te appelleer bloot op beginsel en nie op die meriete van die saak nie. Die toets of daar 'n redelike kans op sukses met die appèl sou wees is baie selde toegepas. By geleentheid is dit selfs aangevoer dat daar in hierdie sake appèl aangeteken moes word omdat dit die landdroste minder ywerig sou maak om skuldigbevindings in te bring. ("..... to dampen the enthusiasm of magistrates"). (4.3.65). (Die gevlagde dokument is 'n fotostatiese afdruk van 'n koolafskrif van 'n brief wat in besit van D. Clemenshaw, 'n uitvoerende komiteelid van die organisasie, gevind is).

3. As gevolg van die persverklaring deur die Minister dat in sake waarin die "Defence and Aid Fund" reeds aanspreeklikheid aanvaar het, die Beredderaar, mits daar voldoende fondse beskikbaar is en mits die rekenings redelik is, die rekenings sal betaal, is die volgende rekenings van prokureursfirmas ontvang:

(a) Abe Swersky	-	R5,963 - 49
(b) Frank Bernadt & Joffe	-	251 - 30
(c) H.L. Schachat	-	427 - 50
(d) R. Bugwandeem	-	627 - 00
(e) M.S. Frank & Frank	-	260 - 00
(f) Findlay and Tait	-	150 - 00
(g) Kerbel and Borman	-	1,227 - 50
(h) Allan Solomon, Arderne & Flynn	-	780 - 60
(i) Hayman and Aronsohn	-	5,211 - 00

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R14,898 - 39

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Die eis van Hayman en Aronsohn word by benadering aangegee daar verskeie sake waarin hierdie firma opdrag gekry het nog nie gefinaliseer is nie.

4. Die Beredderaar ondervind moeilikheid om die aanspreeklikheid van die "Defence and Aid Fund" teenoor die regsverteenwoordigers wat namens die organisasie opgetree het presies te bepaal omdat daar in talle gevalle geen skriftelike bevestiging van ooreenkomste wat moontlik telefonies aangegaan is, tussen die dokumente waarop beslag gelê is, gevind kon word nie. In baie gevalle was die ooreenkoms blykbaar bloot dat 'n persoon verdedig moes word sonder om enige beperking op die koste wat aangegaan kon word te plaas.

5. Omdat daar geen vasgestelde tarief vir werk deur prokureurs in strafsake gelewer bestaan nie, het die beredderaar moeilikheid ondervind om die redelikheid van die rekenings vas te stel. Ten einde hierdie probleem op te los het die beredderaar die Sekretaris van die Wetsgenootskap, Transvaal geraadpleeg. Hierdie beampte het egter aangedui dat hy van hulp kan wees nie. Daarna is in oorleg met die verskillende griffiers van die Hooggeregshof op gesag van die beslissings in die sake van Clark teen Hemming, en Hemming 1923 O.P.D. p.315; Menzies, Burse en Chiddy teen Hall 1941 K.P.A. p.297 en Van Harte teen Rabinowitz, Minde an ander 1947(4) S.A. p.366, besluit om die betrokke prokureurs te versoek om hulle rekenings aan hul plaaslike griffiers vir taksasie voor te lê. Hierdie beslissings het almal die strekking dat kosterekenings ten opsigte van strafsake in die Kaapse Afdeling en die Oostelike Provinsie Plaaslike Afdeling van die Hooggeregshof deur die griffiers van daardie Afdelings getakseer kan word. In die Transvaal is die posisie egter dat rekenings nie getakseer kan word nie. Kyk in hierdie verband Du Toit teen Rooiberg Development Company 1954(1) S.A. p.297.

In Natal en die Oranje-Vrystaat is daar geen gerapporteerde beslissings oor hierdie aangeleentheid nie.

6. Tot dusver is daar R12,894.27 in kontant deur die Beredderaar ingevorder. Die ander bates bestaan hoofsaaklik uit ameublement wat na 18 September, 1966 te gelde gemaak sal word. Dit word nie verwag dat die opbrengs hiervan meer as ongeveer R200 sal beloop nie.

7. Die Minister het kort na die onwettigverklaring van die organisasie opdrag gegee dat daar in verdienstelike gevalle uit staatsfondse vir die verdediging van sogenaamde politieke oortreders betaal word. (25.3.66). Tot dusver is daar slegs in Kaapstad (in een saak) en Grahamstad (in twee sake) regsverteenwoordigers ingevolge die skema in diens geneem. Tot op datum is nog geen rekenings vir betaling ontvang nie.

2, Buchan Road,  
Newlands, Cape.

4th March, 1965.

Mr. J. Blundell,  
Chairman,  
Defence & Aid Fund,  
CAPE TOWN.

My dear John,

I had better give you some of the background to the proposed appeal for Livingstone Mrwetyana, who, though from Uitenhage and tried in Humansdorp, had been a SACHED student in Cape Town and an employee of the Institute of Race Relations in Cape Town (he came here in 1962). This is basically the reason for my great interest.

When his sentence became known to us, I heard from Mrs. Anne Welsh (wife of the Q.C. Rex Welsh, and who runs the SACHED scheme in Johannesburg) that Ruth Hayman had instructed the attorneys to note an appeal and had sent for a copy of the record.

Then I had a letter from Livingstone's Mother in which she said D. & A. P.E. had decided against an appeal because the advocate who defended Livingstone said the evidence against him was strong, and that the only grounds could be against the severity of sentence, but as there were precedents for such sentences, they felt they should not appeal. Mrs. Welsh and I (and others) discussed this thoroughly. I got advice from a Cape Town advocate. I also raised it at the D. & A. Exec. (the meeting before you returned). We came to the conclusion that unless there were other facts known to counsel but unknown to us, an appeal should be noted. I personally felt a lot of P.E.'s diffidence was due to lack of cash, but as I felt sure we (not D. & A.) could raise a substantial portion of the appeal costs, and as I believe in view of the fact that L.M. was a teenage student just out of Matric, at the time, the sentence was very excessive. Further that if appeals succeed this tends to dampen the enthusiasm of Magistrates.

If you will look at the Minutes of the meeting before you returned (I think it is that one) you will find, I believe, that we passed a resolution that we were in favour of an appeal for L.M. and that Sally was to write this to D. & A. P.E., tho' I don't know if she did.

In the meantime I had written something of the above to Ruth Hayman and she replied by express Mail that she fully concurred and had instructed the attorneys accordingly. I subsequently heard from D. & A. P.E. that they had the matter in hand. I asked them for an estimate of costs. They said they

/had ...

had spent R150 on the Magistrate's court case and estimate R500 for the appeal. A local advocate said he thought this excessive, as it would only take a couple of hours in the Supreme Court (the Magistrate's court case only lasted one day).

I have appealed to Anne Welsh (SACHED, JHB.) to raise some of the money and I am 99% sure it will be forthcoming. NUSAS have got some also, as I told you. I have sent R120 to D. & A. P.E. already. They had asked me whether D. & A. Cape Town would be prepared to contribute something. I replied that I did not think we would feel bound in principle to help with the Magistrate's court case, as they were D. & A., P.E. and the case was in Humansdorp. But in regard to the appeal, as we were in favour of it, and as we are "members of the same family", I would ask of D. & A. Cape Town that we move in principle to donate something,

first

I had mentioned something of this at the meeting you attended on your return, and I remember you nodding your head, but no discussion generally. At the meeting on 25th I raised this question. I came away with the distinct impression that my suggestion was agreed to in principle. We made the remark that in fact we had no money at all and were in the red, so it was very much a matter of principle. I hope you will accept my sincerity in this connection.

This was why I raised the matter again at the meeting yesterday, when you very firmly rejected any notion that we had agreed as above. I was very surprised!

Now I am sending you this background information because before yesterday's meeting I wrote to D. & A., P.E. (I handed a copy to Miss Erlank yesterday) in which I told them that "D. & A. Cape Town at its last Executive Committee meeting accepted in principle that it would contribute something towards the costs of Livingstone's appeal. However as their immediate financial position is rather desperate, no actual amount was determined."

If you think it best, perhaps the Committee should discuss this matter again this Thursday. I must say there has hardly been any real discussion of it - just contributions from myself and odd comments from Bill, Barney and your decision yesterday.

Of course, all this will be a waste of time if they are refused leave to appeal. I think I'll send a wire to D. & A., P.E. if I've heard nothing by tomorrow.

Yours sincerely,

P.O. Box 1605,  
PORT ELIZABETH.  
8th July, 1964.

The Secretary,  
P.O. Box 2864,  
JOHANNESBURG.

Dear Liz,

How do the financial wizards feel?

From our (unkept) books our past commitments are not clear. My predecessor thought that we owed some people R500, but he also implied we had this in the bank (which we have not). Our friends are appearing at Graaff-Reinet for 74. We have reaffirmed our guarantee of the costs, which I surmise would be approximately R1,200. We have a number of people in prison (including Stan) who never seem to come to trial. We have a new batch of 84 remanded to 30 July, 15 remanded to 24 August, and approximately 100 waiting to be charged. This will cost us approximately R6,000. Thus far, we need R7,700. We must reckon on arrests continuing here, although the cases are not likely to take place for months. There is the possibility of supreme court case (details and accused not yet available). There is the cost of the office. Need I stress again how deep in need we are?

I am happier about things here than I have been since heaven knows when. I feel sure we will find the cash, the new committee have given a real boost to the work, and the fact that we have interested lawyers makes things feasible, though they are expensive.

It was nice to hear you the other day. Let us know how you are. We worry about you more than you think, and on the personal level it is difficult to rely on the Sunday Times.

Yours,

830

"WILLOWMERE",  
OFF ROSCOMMON ROAD,  
HEATHFIELD, C.P.

17th December, 1965.

Miss S. Urdang,  
Secretary,  
S.A. Defence & Aid Fund,  
314 C.T.C. Building,  
CAPE TOWN.

Dear Miss Urdang,

Although other calls on my time have always prevented my taking a very active part in the work of the S.A. Defence & Aid Fund - save, sometimes, when still in private practice at the Bar, in my professional capacity - no one appreciates more than I do its work in providing for the defence of accused persons, who would otherwise lack defence, and hence actively assisting in the administration of justice.

That very appreciation on my part makes me regret that the reported donation by the U.S.S.R. to the London "Defence and Aid International" for the S.A. Defence and Aid Fund makes it impossible for me to have even such indirect connection with the administration of moneys from such a source as membership of the Cape Town Management Committee entails.

I realise of course that the London organisation is entirely separate from that in South Africa, but it does, from time to time, send funds for our work here, most of the same emanating from unimpeachable sources. I understand now that it is impossible for an assurance to be given to the S.A. Fund that no part of such assistance in the future will include the Soviet donation, which was, indeed, specifically earmarked for South Africa.

According to uncontradicted press reports this donation was given for purposes quite unconnected with the work of the S.A. Defence and Aid Fund as I have known it. Either, therefore, it was given under a grave misapprehension as to the nature of the Services that Fund provides, or it was given in the hope of inducing the Fund to engage in activities that are not only alien to its objects but which the Soviet authorities must

regard...

- 2 -

regard as at least consistent with their own. In either event, I cannot be a party to the appropriation (or, as I see it, ~~the~~ appropriation) of these funds.

I would make it clear that in giving my reasons for resigning from the Management Committee, which I hereby do, I imply no criticism of anyone else who sees this matter in a different light. Issues of this kind must be decided by each individual for himself in the light of his own personal and professional (if any) viewpoint.

I should just add, however, an expression of my further conviction that receipt of a donation from such a source and for such purposes as the Soviet Government express is calculated to damage gravely the work of the S.A. Defence & Aid Fund, if only by lending colour to the hysterical and false allegations made against it by such persons as the South African Prime Minister and Foreign Minister, and certain noisy Dutch immigrants, when the perfectly bona fide promise of a donation by the Netherlands Government was made. Indeed, there already seems to be evidence of Netherlands hesitation about implementing that promise since the Soviet "propaganda gift" was made.

I need hardly say that my assistance (if required) by any professional advice, etc, is always available to the Fund for any particular ad hoc purpose that I know to fall within its true objects.

Furthermore, if I could obtain the assurance that the London "Defence and Aid International" has returned the Soviet donation with an explanation that the South African Defence and Aid Fund does not exist for the purposes for which it was given, I should naturally consider applying to re-join the Management Committee. This does not appear to me to be a very unusual suggestion. One based on a simple assertion of the truth can hardly be such.

Yours faithfully,



x (Donald Molteno)

COPY

(5)  
LONDON, 22nd. May. '64.

Dear Cape Town,

An interim report from the land of the free. Have spent many hours making myself very unpopular at the D.&A. offices here.

1. Money. They sent £1,000 to Joburg on 8th. May. I told them about our misunderstanding re the £750 earmarked for the Alexander trial. They have agreed to send this amount straight to C.T. More important is that their prospects look good - money is pouring in - over the past two months - largely the result of the Observer appeal. Some of this is earmarked for Rivonia, but there should be a lot due to us. Their allocations committee only meets in about 2 weeks time, but we will get a reasonable chunk. If we don't, we must make a big fuss, as I know what they've got in (spies!) Dr. Hellman must write, and John must write, stressing that we are turning down cases, while we believe that money is available in London. Do this soon and make it string. Stress urgent need for money now - we can't wait for committee meetings. Can't they short-circuit things to make something available? Etc, etc.

They are considering (at my request) a scheme whereby they will underwrite an unspecified amount (£500?) at C.T. and JHB.. so that we can get into debt to this amount and know that they will help us out.

I've used all the pressure I can. Collins is away, unfortunately, but John and Dr. Hellman must keep at them - give them details (harrowing) of cases turned down - make them up, if they don't exist! Ask Ruth Hayman to push the same line with them. Lang is doing his best, incidentally, but is himself tied down.

2. The Williams Case.. a sore point! They say that they couldn't help themselves - money and phone calls and help of all sorts poured in - what were they to do? Further, they helped him through C.A., not D.&A., which is a subsidiary. They are furious about Bloomberg, who was recommended to them by someone here. I've created a lot of fuss about this, so perhaps play it down a bit from now on.

That's about all, except that we must not turn down cases, but take on all we can and throw the expense back at them. We're in quite a strong position vis-a-vis C.A., as D.&A. is wagging the whole concern at the moment and I think they need us quite badly.

Yrs. etc.

Bill Hoffenberg.



DECLASSIFIED

1/6/53

REPUBLIEK VAN SUID-AFRIKA.

DEPARTEMENT VAN JUSTISIE,

VERITASGEBOU,

PRIVAATSAK 81,

PRETORIA.

25 -3- 1966

VERTROULIK.

DIE HOOFLANDDROS VAN PRETORIA, JOHANNESBURG, KAAPSTAD,  
DURBAN, PORT ELIZABETH, BLOEMFONTEIN, DURBAN,  
Pretoria, Johannesburg, Kaapstad,  
Durban, Port Elizabeth, Bloemfontein, Durban.

REGSVERTENWOORDIGING IN STRAFSAKE MET 'N  
POLITIEKE AGTERGROND.

1. Luidens n verklaring wat op 18 Maart 1966 namens Sy Edele die Minister van Justisie uitgereik is, is daar bevind dat die "Defence and Aid Fund" (wat op daardie datum by Proklamasie No. R.77 tot n onwettige organisasie verklaar is) aan die Kommunistiese Party verbind was, dat hy daarna gestrewe het om n sosiale, ekonomiese en politieke verandering in die Republiek te bewerkstellig en dat die grootste gedeelte van sy fondse inderdaad vir die politieke bedrywighede van die verbode African National Congress en die Kommunistiese Party gebruik is.

2. Daar is nogtans rede om te glo dat die "Fund" se fondse wel deels vir die verdediging van die sogenaamde "politieke" oortreders aangewend is en aangesien die Staat, soos u weet, geen beswaar daarteen het dat aangeklaagdes verdedig word nie maar dit trouens verwelkom, verlang die Regering dat stappe gedoen word wat sal verseker dat sodanige oortreders nie in n slegter posisie sal wees as wat hulle sou gewees het indien die "Fund" nie as onwettig verklaar is nie. Met hierdie oogmerk voor oë moet die volgende stappe asseblief gedoen word:

(A) ONAFGEHANDELDE SAKE.

(i) Die Minister het op 22 Maart 1966 soos volg in di. verband verklaar:

"Waar die Defence and Aid Fund verpligtinge teenoor advokate en prokureurs aangegaan het, sal dit deur die beredderaar van die organisasie in ag geneem word mits die organisasie se bevrieste bates genoeg is."

(ii) Advokate en prokureurs wat voor 18 Maart 1966 opdragte van of namens die "Fund" ontvang het en dit nog nie uitgevoer het nie of dit slegs gedeeltelik uitgevoer het, kan dus voortgaan asof die "Fund" nie in die ban gedoen is nie en mettertyd hul eise by die Beredderaar (Veritasgebou, Pretoria) indien hulle 'n advokaat of

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- 2 -

prokureur in n deelsverhoorde saak egter nie bereid is om op bostaande basis voort te gaan nie en hom van die saak onttrek, moet die aangeklaagde gevra word of hy n ander regsverteenvoerdiger wil hê en as hy bevestigend antwoord moet sy versoek, op die wyse in (B)(ii) en (iii) hieronder aangedui, uitgevoer word.

(B) NUWE SAKE.

- (i) In die geval van sake waarin daar nie voor 18 Maart 1966 n regspraktisyn opgetree het nie en wat nie deelsverhoor is nie en sake wat na daardie datum vir die eerste maal op die rol geplaas word, moet die Hooflanddros al die omringende omstandighede van die geval met inagneming van die oogmerk vermeld in paragraaf 2 in oorleg met die Senior Staatsaanklaer oorweeg en as dit na sy mening klaarblyklik wenslik is dat n advokaat of prokureur, na gelang die Hooflanddros besluit, aangewys moet word, reik hy die nodige lasgewing uit.
- (ii) Indien die aangeklaagde verlang om van so n regsverteenvoerdiger se dienste gebruik te maak, moet die Hooflanddros se besluit aan die plaaslike Sybalievereniging of die betrokke Balieraad oorgedra word met die versoek om n prokureur of advokaat, na gelang van die geval, aan te wys om namens die aangeklaagde te verskyn.
- (iii) Eise van prokureurs en advokate wat soos voormeld opdrag gegee is moet deur tussenkoms van u kantoor by die Departement ingedien word. Die Departement sal toesien dat sodanige eise betaal word mits hulle billik is.

3. Streeklanddroste op u personeel moet asseblief van die inhoud hiervan verwittig word sodat hulle, veral wanneer hulle elders sitting hou, u kan inlig indien hulle sake teëkom wat deur hierdie diensbrief geraak word.

4. Die Hooflanddros kan die bevoegdhede aan hom verleen ingevolge hierdie diensbrief aan n ander landdros op sy personeel deleger.

5. Die skema is slegs van toepassing op strafsake wat n politieke agtergrond het.]

6. Daar moet asseblief weekliks n opgawe by die Departement ingedien word van regspraktisyns wat ingevolge die skema in diens geneem is. Ander tersaaklike besonderhede omtrent die werking van die skema moet ook verskaf word.

7. In twyfelagtige gevalle is u welkom om Hoofkantoor vir leiding te skakel.

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J. N. OBERHOLZER  
WAARNEMENDE SEKRETARIS VAN JUSTISIE.

*Handwritten signature:* J. N. Oberholzer  
**DECLASSIFIED**  
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*Handwritten:* File # 132/16/86

(13)

"WILLOWHED",  
OFF ROSCOMMON ROAD,  
HEATHFIELD, C.P.

17th December, 1965.

Miss S. Urdang,  
Secretary,  
S.A. Defence & Aid Fund,  
314 C.T.C. Building,  
CAPE TOWN.

Dear Miss Urdang,

Although other calls on my time have always prevented my taking a very active part in the work of the S.A. Defence & Aid Fund - save, sometimes, when still in private practice at the Bar, in my professional capacity - no one appreciates more than I do its work in providing for the defence of accused persons, who would otherwise lack defence, and hence actively assisting in the administration of justice.

That very appreciation on my part makes me regret that the reported donation by the U.S.S.R. to the London "Defence and Aid International" for the S.A. Defence and Aid Fund makes it impossible for me to have even such indirect connection with the administration of moneys from such a source as membership of the Cape Town Management Committee entails.

I realise of course that the London organisation is entirely separate from that in South Africa, but it does, from time to time, send funds for our work here, most of the same emanating from unimpeachable sources. I understand now that it is impossible for an assurance to be given to the S.A. Fund that no part of such assistance in the future will include the Soviet donation, which was, indeed, specifically earmarked for South Africa.

According to uncontradicted press reports this donation was given for purposes quite unconnected with the work of the S.A. Defence and Aid Fund as I have known it. Either, therefore, it was given under a grave misapprehension as to the nature of the Services that Fund provides, or it was given in the hope of inducing the Fund to engage in activities that are not only alien to its objects but which the Soviet authorities must

regard...

regard as at least consistent with their own. In either event, I cannot be a party to the appropriation (or, as I see it, ~~the~~ appropriation) of these funds.

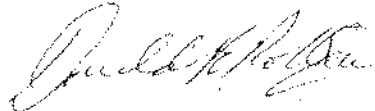
I would make it clear that in giving my reasons for resigning from the Management Committee, which I hereby do, I imply no criticism of anyone else who sees this matter in a different light. Issues of this kind must be decided by each individual for himself in the light of his own personal and professional (if any) viewpoint.

I should just add, however, an expression of my further conviction that receipt of a donation from such a source and for such purposes as the Soviet Government express is calculated to damage gravely the work of the S.A. Defence & Aid Fund, if only by lending colour to the hysterical and false allegations made against it by such persons as the South African Prime Minister and Foreign Minister, and certain noisy Dutch immigrants, when the perfectly bona fide promise of a donation by the Netherlands Government was made. Indeed, there already seems to be evidence of Netherlands hesitation about implementing that promise since the Soviet "propaganda gift" was made.

I need hardly say that my assistance (if required) by any professional advice, etc, is always available to the Fund for any particular ad hoc purpose that I know to fall within its true objects.

Furthermore, if I could obtain the assurance that the London "Defence and Aid International" has returned the Soviet donation with an explanation that the South African Defence and Aid Fund does not exist for the purposes for which it was given, I should naturally consider applying to re-join the Management Committee. This does not appear to me to be a very unusual suggestion. One based on a simple assertion of the truth can hardly be such.

Yours faithfully,



(Donald P. White)

1947

Dear Capt. Tamm,

In the first part of the letter, I mentioned that I  
don't know what you would do about the money I  
mentioned.

1. Money. They want \$1000 to get out of the country. Our attorney is either for the \$1000 or for the \$2000. They have agreed to pay \$1000 and I have agreed to pay \$1000. It is a pretty good deal for me - money I  
will have again - I can't get it out of the country  
if I don't get it out of the country.  
Their conditions are that only \$1000 is available. We will get a reasonable amount. If we don't, we'll lose it. I'm now what they've got in (I'm not sure) and John must write, stressing that we're not sure we believe that money is available in a year. I'm not sure it's spring. Strongly urgent need for cash now - as discussed in committee meetings. Can they get it out of the country available? etc, etc.

They are considering (at my request) a money order which will underwrite an unsecured account (\$5000) at C.A. (2000) at least we can get into debt to C.A. but we know that they will get us out.

I've used all the pressure I can. Collins is away, unfortunately, but John and Dr. Helman must keep at them - give them  
details (harrowing) of cases turned down - make them up, if they  
don't exist! ASK Ruth Hayden to push the same line with them. Lang is doing his best, incidentally, but is himself tied down.

2. The Williams Case.. a sore point! They say that they couldn't help themselves - money and phone calls and help of all sorts poured in - what were they to do? Further, they helped him through C.A., not D.&A., which is a subsidiary. They are furious about Bloembergen, who was recommended to them by someone here. I've created a lot of trouble about this, so perhaps play it down a bit from now on.

That's about all, except that we must not turn down cases, but take on all we can and throw the expense back at them. We're in quite a strong position vis-a-vis C.A., as D.&A. is wagging the whole concern at the moment and I think they need us quite badly.

Yrs. etc.

Bill Hoffmanberg.

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1/6/53.

REPUBLIEK VAN SUID-APRIKA.

DEPARTEMENT VAN JUSTISIE,

VERITASGEBOU,

PRIVAATSAK 81,

PRETORIA.

25 -3- 1966

VERTROULIK.

DIE HOOFLANDDROS VAN PRETORIA, JOHANNESBURG, KAAPSTAD,  
PORT ELIZABETH, DURBAN, DURBAN,  
PIETERMARITZBURG.  
REGSVERTENWOORDIGING IN STRAFSAKE MET 'N  
POLITIEKE AGTERGROND.

1. Luidens 'n verklaring wat op 18 Maart 1966 namens Sy Edele die Minister van Justisie uitgereik is, is daar bevind dat die "Defence and Aid Fund" (wat op daardie datum by Proklamasie No. R.77 tot 'n onwettige organisasie verklaar is) aan die Kommunistiese Party verbind was, dat hy daarna gestrewe het om 'n sosiale, ekonomiese en politieke verandering in die Republiek te bewerkstellig en dat die grootste gedeelte van sy fondse inderdaad vir die politieke bedrywighede van die verbode African National Congress en die Kommunistiese Party gebruik is.

2. Daar is nogtans rede om te glo dat die "Fund" se fondse wel deels vir die verdediging van die sogenaamde "politieke" oortreders aangewend is en gesien die Staat, soos u weet, geen beswaar daarteen het dat aangeklaagdes verdedig word nie maar dit trouens verwelkom, verlang die Regering dat stappe gedoen word wat sal verseker dat sodanige oortreders nie in 'n slegter posisie sal wees as wat hulle sou gewees het indien die "Fund" nie as onwettig verklaar is nie. Met hierdie oogmerk voor oë moet die volgende stappe asseblief gedoen word:

(A) ONAFGEHANDELDE SAKE.

- (1) Die Minister het op 22 Maart 1966 soos volg in die verband verklaar:

"Waar die Defence and Aid Fund verpligtinge teenoor advokate en prokureurs aangegaan het, sal dit deur die beredderaar van die organisasie in ag geneem word mits die organisasie se bevrugte bates genoeg is."

- (2) Advokate en prokureurs wat voor 18 Maart 1966 opdragte van of namens die "Fund" ontvang het en dit nog nie uitgevoer het nie of dit slegs gedeeltelik uitgevoer het, kan dus voortgaan met die "Fund" nie in die ban gedoen is nie en wettig hul sake by die beredderaar (Veritas-gebou, Voortrekkerlaan) waar 'n advokaat of

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prokureur in n deelsverhoorde saak egter nie bereid is om op bostaande basis voort te gaan nie en hom van die saak onttrek, moet die aangeklaagde gevra word of hy n ander regsverteenvoerder wil hê en as hy bevestigend antwoord moet sy versoek, op die wyse in (B)(ii) en (iii) hieronder aangedui, uitgevoer word.

(B) NUWE SAKE.

- (i) In die geval van sake waarin daar nie voor 18 Maart 1966 n regspraktisyn opgetree het nie en wat nie deelsverhoor is nie en sake wat na daardie datum vir die eerste maal op die rol geplaas word, moet die Hooflanddros al die ooringende omstandighede van die geval met inagneming van die oogmerk vermeld in paragraaf 2 in oorleg met die Senior Staatsaanklaer oorweeg en as dit na sy mening klaarblyklik wenslik is dat n advokaat of prokureur, na gelang die Hooflanddros besluit, aangewys moet word, reik hy die nodige lasgewing uit.
- (ii) Indien die aangeklaagde verlang om van so n regsverteenvoerder se dienste gebruik te maak, moet die Hooflanddros se besluit aan die plaaslike Sybalievereniging of die betrokke Balieraad oorgedra word met die versoek om n prokureur of advokaat, na gelang van die geval, aan te wys om namens die aangeklaagde te verskyn.
- (iii) Eise van prokureurs en advokate wat soos voormeld opdrag gegee is moet deur tussenkoms van u Kantoor by die Departement ingedien word. Die Departement sal toesien dat sodanige eise betaal word mits hulle billik is.

3. Streeklanddroste op u personeel moet asseblief van die inhoud hiervan verwittig word sodat hulle, veral wanneer hulle elders sitting hou, u kan inlig indien hulle sake teëkom wat deur hierdie diensbrief geraak word.

4. Die Hooflanddros kan die bevoegdhede aan hom verleen ingevolge hierdie diensbrief aan n ander landdros of sy personeel deleger.

5. Die skema is slegs van toepassing op strafsake wat n politieke agtergrond het.]

6. Daar moet asseblief weekliks n opgawe by die Departement ingedien word van regspraktisyns wat ingevolge die skema in diens geneem is. Ander tersaaklike besonderhede omtrent die werking van die skema moet ook verskaf word.

7. In twyfelagtige gevalle is u welkom om Hoofkantoor vir leiding te skakel.

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J. N. OBERHOLZER  
WAARNEMENDE SEKRETARIS VAN JUSTISIE.

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DEPARTEMENT VAN JUSTISIE  
DEPARTMENT OF JUSTICE.

MEMO.

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Soos bespreek was in die vorige verslag van die Oplegting, voorgelê word waarin voorgelê word dat 'n Rekenmeester aangestel word om die boeke en ander stappe na te gaan. Die man is vandag met die Hoofkantoor, na Port, beproef en hy is van mening dat so 'n Rekenmeester se posisie met die "Fund" se funksie ooreenstem kan word.

Die Breddebaas sal so 'n stap van verwelkome. Hy is nie 'n deskundige op die gebied van boekhouding nie.

*[Handwritten signature]*  
24.8.66