

contact

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POLITICAL TRIALS

COMMUNIST TRIALS

Mr Fred Carneson, a former editor of the banned publication New Age, is appearing in the Supreme Court, Cape Town on five charges. (1)

On the charge of sabotage the indictment alleges that he was unlawfully in possession of explosives between October 1 and December 13 last year.

It alleges that he kept explosives on the premises of Pickfords (Pty) Ltd and that he "procured, incited, instigated, aided or advised" a former University of Cape Town student, Alan Keith Brooks, who is at present serving a sentence for sabotage, to possess, store, or transfer explosives.

The second charge alleges that Mr Carneson was an office bearer of the

South African Communist Party from April 8 to December 8 1960.

The third charge relates to Mr Carneson's alleged Party activities during this period. He is charged with serving on the central committee of the Communist Party, attending, advising and addressing meetings of the committee.

The indictment alleges that he encouraged Jean de Crespigny, Alan Brooks and Gillian Jewell to join the Communist Party and/or attended meetings of the Communist Party at which Jean de Crespigny, Alan Brooks and Alex La Guma, Bernard Gosschalk and Albert Louis Sachs were present.

This charge also alleges that Mr Carneson procured or encouraged Alan Brooks to form a Communist Party cell at the University of Cape Town.

It is alleged that while

serving on the central committee of the Communist Party he helped to plan the activities of Umkonto we Sizwe as well as planning acts of violence against Government installations in the Transkei.

The fourth charge alleges that Mr Carneson allowed premises at Saint Mungo Court, Clifton, to be used in connection with the offences of which he is accused in the previous two charges.

The final charge alleges that Mr Carneson had five copies of the "African Communist" unlawfully in his possession.

During the trial the defence said that Mr Carneson had no bed to sleep on or anything to sit on in his 8ft by 7ft cell at Pollsmoor jail. (2)

The trial of Mr Abram Fischer has been adjourned to May 4. He has been appearing on fifteen charges under the Sabotage Act and the Suppression of Communism Act. He has pleaded not guilty to all the charges.

In September, 1964, just two months after the Rivonia trial, Mr Fischer was arrested and charged with 13 others on three counts of being a Communist.

On January 23, 1965 he

vanished, leaving a letter saying he would continue with his political work. In November 1965 Mr Fischer was arrested and in February of this year was committed for trial on the charges he now faces. (3)

Two members of the Transkei Opposition Democratic Party appeared in the Umtata Magistrate's Court on a charge of incitement to assassinate the Bantustan Chief Minister, Chief Kaizer Matanzima. They are Jackson Bali-sile Nkosiyanane and Citibunga Nogcantsi. Both are sitting members of the Transkei Legislative Assembly.

The magistrate remanded the men in custody for summary trial by the Supreme Court in Grahamstown on April 20.

Bail was refused.

Their appearance yesterday follows the detention under Proclamation 400 of 1960 - the Transkei's "emergency regulations" - of seven men, five of them Opposition members of the Legislative Assembly, on February 21 and 22.

It is understood that certain of the Democrats detained have turned State Evidence. As far as can be established they are still being detained.

In terms of the charge

sheet Mr Nkosiyaane and Mr Nogcantsi incited a witch-doctor, two unnamed people and three Democratic Party members of the Legislative Assembly, Mr L.Z. Majija, Chief D.D.P. Ndamase and Mr C.N. Diko, to assassinate Chief Matanzima.

The indictment lists four counts, one of them an alternate charge. (4)

POQO TRIALS

Five alleged African members of Poqo who were sentenced to a total of 35 years by a Welkom magistrate were recently acquitted on appeal in the Free State Supreme Court.

Messrs Amos Ndoni, Reginald Mbenya, Desmond Ncamane, Discipline Nkoyane and Vulindlela Manakaza were each sentenced to seven years for allegedly being members of the illegal Pan-Africanist Congress, making and obtaining contributions for the PAC and taking part in the organization's activities. (5)

Thirty men from the Gamkaspoot Prison are appearing at a summary trial on charges of sabotage, alternatively of belonging to and furthering the aims of Poqo or the banned Pan-Africanist Congress. A further charge

is that they conspired to murder other prisoners suspected of giving information to warders. (6)

The appeal of Miss Sylvia Neame against her conviction and sentence under the Suppression of Communism Act was allowed recently in the Supreme Court, Grahamstown.

The three counts on which she was found guilty and sentenced to four years' imprisonment were: (1) Becoming or continuing to be an office-bearer of the A.N.C. (African National Congress) in Grahamstown from April 8, 1960 to March 31, 1961; (2) advising and encouraging activities that furthered the aims of the A.N.C. or alternatively participating in the activities of the A.N.C. and (3) contributing funds to the A.N.C. (7)

Mr Benjamin January was found guilty of a charge under the Suppression of Communism Act in the Cape Town Regional Court recently.

Mr January, who in 1955 was listed as a communist, pleaded guilty to the charge of illegal membership of an organisation. He was sentenced to six months, conditionally suspended for three years.

Captain D. Genis said that Mr January, being a banned person, was barred in terms of the Suppression of Communism Act from membership of any organisation. He had been secretary of the National Union of Laundry Workers.

Mr January told the court that he had not been aware that it was illegal for him to belong to the organisation, of which he had been secretary since 1941. At the beginning of the year, when he was told of the illegality of his position, he resigned immediately.

He had since applied for his name to be struck from the list of communists and this was now being looked into. He was no longer interested in communism. (8)

Mr John Gomas was found not guilty of being in possession of a banned publication in the Cape Town Regional Court recently.

He was charged with being in possession of a supplement entitled 'New Age Map of Africa'. The map was dated June 6, 1961 and attached to a calendar which was hanging on the wall facing the room. New Age was a banned publication. (9)

An appeal by Mr Willem Bock against a sentence of

nine months for contravening his banning order was dismissed in the Supreme Court, Cape Town. (10)

BANNINGS

Mr J.C.A. Mbata, field officer of the South African Institute of Race Relations and secretary of the Bantu Welfare Trust, has been banned under the Suppression of Communism Act.

He was served with two banning orders at his home in Kwa Thema township, Springs, according to a statement issued by the Institute. In terms of these, until February 28, 1971, he may not leave the magisterial districts of Springs, Brakpan, Benoni, Germiston, Alberton and Johannesburg, and he may not enter any African area except Kwa Thema.

He must report to the Kwa Thema police every first Saturday of each month.

Mr Mbata is seeking an interview with the Chief Magistrate of Springs asking for an exception to be made to the banning order so that he may continue to work for the Institute of Race Relations. (11)

A banning order was served on Mr Charles Channon, a representative of an international television news-

film. Mr Channon is restricted to his home between 5 p.m. and 8 a.m. on weekdays and throughout all weekends and public holidays for five years. He may not receive a visitor other than a doctor and he has to report to the police daily. (12)

Others banned are:

Ahmad Osman, Dennis Wessels, Babazi Joseph, Joseph Cele, John Mavuso, Isaac Ndhlovu, Bafana Butelezi, Hoseman Ceba, Miss Heather Morkill, secretary of the Maritzburg branch of the Liberal Party, and Mr C.K. Hill, a prominent member of the Liberal Party in Durban. (13)

On April 22 Miss Ruth Hayman was served with banning and house arrest orders. (14)

180-DAY DETENTIONS

Many people continue to be arrested and held under the 180-day clause of the Criminal Procedure Amendment Act.

On March 20th, Lieut. General J.M. Keevy confirmed that seven men had been detained at the week-end under the clause. The detainees were: Victor Finkelstein, Charles Katz, Norman Kessel (who has been released af-

ter spending 18 days in detention), Mellville Fletcher, David Ernst, David Barkham and Godfrey Rudin. (15)

Miss Jean Cohen was detained on March 22; Mr S. Friedlander and Mr D. Bramski were also detained. (16)

Miss Pat Lendrum was detained by the Security Police on or about March 26. (17)

The Security Police detained three Africans in Langa, Cape Town. (18)

Two men held since November 1965 were released on April 1. They were: Mr Issy Dinath and Mr Moothi Naidoo. (19)

References:

1. Cape Times, March 29
2. Cape Argus, March 31
3. Cape Argus, March 23
4. Cape Times, March 23
5. Cape Argus, April 5
6. Cape Argus, April 18
7. Cape Argus, March 31
8. Cape Times, March 30
9. Cape Times, March 11
10. Cape Times, March 24
11. Cape Times, March 29
12. Cape Argus, April 18
13. Cape Times, March 19
14. Cape Times, April 16
14. Cape Times, April 22.

References (cont.):

15. Cape Times, March 21
 16. Cape Times, March 23
Cape Argus, March 21
 17. Cape Times, March 28
 18. Cape Argus, March 31
 19. Cape Times, April 2
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DEFENCE AND AID FUND
BANNED

The Defence and Aid Fund has been declared an unlawful organisation under the Suppression of Communism Act.

The Fund had been founded in Johannesburg to take over and expand the activities of the Treason Trial Defence Fund, originally established to cover the costs of defending a group of people who appeared on charges of treason.

It had as its purpose the granting of relief and assistance to persons who suffered as a result of loss of human rights and civil liberties whether by process of law or otherwise.

Branches were established in Johannesburg, Cape Town, Port Elizabeth, East London and Durban. Among its sponsors were ex-Chief Albert Lutuli and Mr Alan Paton, President of the Liberal Party of South Africa.

In a statement on the proclamation banning the Defence

and Aid Fund, the Minister of Justice, Mr Vorster, said that the Fund had made funds available to the African National Congress and the Communist Party of South Africa, that in a sworn statement a member of the South African Communist Party had said that the Fund was extensively used for the purposes of the South African Communist Party, that the largest 'slice' had been used for the political activities of the banned African National Congress and the Communist Party.

However, five prominent Cape Town citizens associated at one time or another with the Fund denied that the Fund had given money to the African National Congress or the Communist Party.

"It has assisted in the defence of persons charged with criminal offences of a political nature.

"In so doing, the Fund has operated on the fundamental principles of Roman Dutch law that a person must be assumed innocent until guilt has been proved.

"The Fund has never been concerned with the alleged political affiliations of the people it has helped to defend. Its primary and

(continued on page 9)

long view by

ALAN PATON

THE TRIAL

Kafka's story THE TRIAL gives a frightening picture of the insignificance of man when he is confronted with the power of a cruel State. A man believing himself to be innocent is visited by the security police, taken to the court, tried by a judge who thunders at him, all this in such an atmosphere of fantasy and inexplicability that one realises that one needs much more than innocence to save one from malignant authority.

This year another trial has taken place which may well become famous in history. In February two Russian writers were sentenced, Andrei Sinyavsky to seven years, Yuli Daniel to five years, for undermining and traducing the Soviet Union by their writings. This trial is well worth examining.

Before the trial began Radio Moscow discussed it fully, telling its listeners that these writers had li-

belled a country of 200 million people, and saying "their punishment will undoubtedly have the backing of the Soviet people". The commentator thought it astonishing that eminent writers elsewhere had come to the defence of Sinyavsky and Daniel. How dared they do this before the trial had even taken place?

Also before the trial had started, IZVESTIA stated that the two writers were guilty of double-dealing, shamelessness, and moral degradation. IZVESTIA also published several letters condemning the two writers. Whether there is such a thing as sub judice in the USSR, I do not know, but even if there were not, these writers were showing their contempt for the President of the Supreme Court, who had a year before condemned those newspapers which prejudged accused persons, and who called for severe punishment before even a witness had been heard.

On January 30 IZVESTIA, which had accused the authors of double-dealing, published a stirring defence of the rule of law, warning that any retreat from that meant "the direct road to arbitrary rule". Let us see what happened next.

The trial opened on February 10. Although both writers pleaded not guilty, TASS declared that the court was trying to establish the degree of their guilt. IZVESTIA, using a phrase well known in our own country, called the trial "The Unmasking". Radio Moscow commented that the accused tried to deny evidence, but "they were put with their backs to the wall by the prosecution". On February 12 IZVESTIA asked "how low can a man fall to write in this way about a people that is amazing and delighting the world with its achievements!"

The trial was not without its noble moments. After the prosecutor had asked for a seven-year sentence, Sinyavsky delivered an uncompromising address that was certainly not calculated to shorten it. He condemned those who wanted to judge art by propagandistic criteria, and

who wanted literature to be a form of agitation and propaganda.

He said he could not share the view that literature is Soviet or anti-Soviet.

"At certain times - in revolution, war, civil war - this logic may even be just. But it is very dangerous in times of peace, particularly when it is applied to literature".

After Yuli Daniel had delivered his address, both accused were sentenced, and the sentence was applauded in court. It was publicly approved by the professors of literature at Moscow University, and the Soviet Writers' Union expelled Sinyavsky. Outside of China, Albania, and the pro-Chinese Belgian Communists, the trial and sentence were overwhelmingly condemned, even by the British DAILY WORKER.

The Soviet authorities called it an "open public trial". The aptest comment on this was made by a friend of the accused who said to the police keeping watch on the crowd outside the court, "Of course it is an open trial. Are we not here in the open?" Public comment, outside the court, was extraordinarily free. I quote

from the British United Press.
 A Youth - We should be allowed
 inside, as in any other court.
 A Communist - We have our repre-
 sentatives - Communist Party mem-
 bers - inside.

The crowd jeers.

The Communist - Look, it's all
 reported in the papers.

A Man - Who can believe that?

A Girl - No one knows what is
 going on in there. Why must
 we listen to the BBC to hear
 the facts?

The Communist - The foreign
 press is distorting the facts.

The Youth - How do you know?

Have you read the foreign
 press?

The Communist - No, but I
 know.

* * * * *

It makes you think, doesn't
 it?

(The writer acknowledges
 his indebtedness to the
 article "The Trial in
 Moscow" in ENCOUNTER,
 April 1966.)

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Defence and Aid Fund
 Banned (cont. from p.6)

only concern has been the
 provision of adequate i
 legal defence, and hence
 the implementation of jus-
 tice."

Furthermore, they knew
 of no information to show
 that the Fund was exten-
 sively used for the pur-
 poses of the South Afri-
 can Communist Party.

"If the Minister's depart-
 ment really had this in-
 formation ... we are very
 surprised that his offi-
 cials failed to draw our
 attention to it so that
 the matter could have been
 properly investigated.

"We wish to state that
 as far as we know not a
 single penny of Defence
 and Aid (SA) funds went
 for any purpose other than
 the legitimate defence and
 assistance of accused per-
 sons and incidental admi-
 nistrative expense.

"Audited accounts have
 always been kept and are
 available for inspection.

"We categorically deny
 the Minister's statement
 that ... 'the largest
 slice', or any 'slice' at
 all of these funds was
 used for the political
 activities of the outlawed
 African National Congress
 and the Communist Party.

"We are shocked by the suggestion that salaries of officials of the Communist Party have been paid from these funds."

Following the banning of Defence and Aid reports from Johannesburg, Durban, East London, Port Elizabeth and elsewhere of widespread police raids and searches of homes and offices were received.

QUOTES FROM NATIONALISTS

If the Progressives ever came into power, South Africa would look like Brazil in 50 to 100 years' time. Brazil was "a horrible coffee-coloured mixture of races" and he wanted nothing to do with that sort of thing himself, nor did he want it for his children. - Mr Achie Snyman, National Party candidate for the Musgrave constituency in Durban. Extract from speech reported in Natal Mercury, March 10, 1966.

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The only kind of white justice on this continent that has proved its worth, and will continue to do so, is that of our present Government, under that brilliant statesman, Dr Verwoerd. Extract from letter from reader in Natal Mercury, March 10, 1966.

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Where do these apostles of Progressive Party policy live? Do they live next door to the Black where they can get that adorable smell? - Mr Marais Viljoen, Deputy Minister of the Interior.

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United Party constitutional policy will result in all the smells and colours and kerries sitting in Parliament. - Mr Marais Viljoen, Deputy Minister of the Interior.

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The heat and conditions of Africa have made the Whites of Rhodesia and South Africa the toughest people in the world. - Mr Marais Viljoen, Deputy Minister of the Interior.

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Quotes from Nationalists (continued)

Bantustans are not created. They are evolved. The Nationalists do not run around creating them.
- Mr Ben Pienaar, Nationalist candidate.

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Mr P.M.K. le Roux, Minister of Agricultural Technical Services said, speaking of Dr Verwoerd: "I make bold to say that whether we like him or not, we should go on our knees to thank God for the man of the hour."
The Daily News, March 23, 1966.

It was the United Party which had provoked the violence. It had started by lumping Dr Verwoerd together with the Sobukwes and the Mandelas. This alone was sufficient to rouse the blood of ardent young patriots. - Mr Marais Viljoen, Deputy Minister of the Interior.
Daily News, March 23, 1966.