

DIREKTORAAT VAN VEILIGHEIDSWETGEWING
DIRECTORATE OF SECURITY LEGISLATION

LÉER NR. 214213
FILE NO. 214213

LÉER NR. 214213
FILE NO. 214213

HOOFREKES
MAIN SERIES DEFENCE AND AID FUND

ONDERWERP
SUBJECT

LÉER
FILE

LÉER GEOPEN OP
FILE OPENED ON 5.4.66

LÉER GESLUIT OP
FILE CLOSED ON 6.6.66

BESKIKKINGSVOORSKRIFTE
DISPOSAL DIRECTIONS

SUBLEER OF GEVAL
SUBFILE OR CASE

LÉER NR. 214213
FILE NO. 214213

DEEL
PART 3

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between :-

THE SOUTH AFRICAN DEFENCE AND AID FUND

First Applicant

and

RAYMOND HOFFENBERG

Second Applicant

and

THE MINISTER OF JUSTICE

Respondent

RESPONDENT'S ANSWERING AFFIDAVIT

I,

BALTHAZAR JOHANNES VORSTER,

do hereby make oath and say :

1.

I am the Minister of Justice for the Republic of South Africa, and as such the Respondent in these proceedings.

I have read the First and Second Applicants' NOTICE OF MOTION herein, as well as the supporting affidavit of the Second Applicant, and the Annexure "A" thereto.

I wish to make answer as follows.

2.

AD PARAGRAPH 1 OF SECOND APPLICANTS AFFIDAVIT :

I say that the First Applicant is "THE DEFENCE AND AID FUND", an organisation within the Republic of South Africa which had offices at 314 C.T.O. Building, Plein Street, Cape Town, and also at various places within cities such as

Johannesburg/...

2.

Johannesburg, Durban and Port Elizabeth. I state that the First Applicant has at various times been known as -

"THE DEFENCE AND AID FUND"

"DEFENCE AND AID (CAPE DIVISION)"

"DEFENCE AND AID FUND (CAPE WESTERN REGION)"

"DEFENCE AND AID",

and, more latterly (since or about August 1965) the First Applicant has been known also - but not exclusively- as :

"THE SOUTH AFRICAN DEFENCE AND AID FUND".

I say that each and every one of the above appellations refers solely and exclusively to one and the same organisation, namely, the South African organisation generally and commonly known within the Republic of South Africa (and elsewhere) as "THE DEFENCE AND AID FUND" and the organisation referred to in Proclamation No. R77, 1966 (hereinafter called "the said Proclamation").

I admit that the First Applicant is an Association within the meaning of the Rules regulating the proceedings of the Provincial and Local Divisions of the Supreme Court of South Africa, but I say that only the Management Committee of the First Applicant has locus standi in judicio to bring an application in the present proceedings.

Save as above I deny each and every averment in this paragraph set forth.

3.

Save for repeating that only the Management Committee of the First Applicant has locus standi in judicio to bring the present application I admit the averments set forth in paragraphs 2 and 3 of the Second Applicant's affidavit.

4:AD/...

4.

AD PARAGRAPH 4 OF SECOND APPLICANT'S AFFIDAVIT:

- (a) I repeat what I have said in paragraph 2 above.
- (b) I admit that the Second Applicant is (or was) a member of the Executive Committee of the First Applicant. I have no knowledge of the further matters herein averred, but I do not admit them.

5.

I admit the averments set forth in paragraph 5 of the Second Applicant's Affidavit. I say that the said Proclamation refers to and is applicable to the First Applicant.

6.

AD PARAGRAPH 6 OF SECOND APPLICANT'S AFFIDAVIT:

I say that the said Proclamation was in fact and in law issued in terms of section 2(2) of Act No. 44 of 1950, as amended (hereinafter called "the Act").

7.

save for saying that in the penultimate sentence of sub-paragraph 7(a) of the phrase "of which" should be replaced by the phrase "of whom", I admit the averments set forth in paragraph 7 of the Second Applicant's Affidavit.

8. AD/...

4.

8.

AD PARAGRAPHS 8 AND 9 OF SECOND APPLICANT'S AFFIDAVIT :

I have been advised (and verily believe) that inasmuch as the First Applicant has in terms of Section 2(2) of the Act duly been declared an unlawful organisation, the averments herein are not relevant to the present proceedings, and call for no answer by me.

9.

AD PARAGRAPHS 10 AND 11 OF SECOND APPLICANT'S AFFIDAVIT :

I deny that the First Applicant at no time fell within the purview of section 2(2) of the Act. I have been advised (and verily believe) that the further matter in this paragraph set forth is merely argumentative, and that I need not answer it.

10.

AD PARAGRAPH 12 OF SECOND APPLICANT'S AFFIDAVIT :

- (1) I say that on the 13th day of September 1965 I duly appointed a Committee in terms of Section 17 of the Act to prepare a factual report in relation to the organisation known as "THE DEFENCE AND AID FUND" referred to in the said Proclamation.
- (2) I say that the said Committee duly prepared a factual report in terms of section 17 of the Act in relation to the said organisation, which said report was duly considered by me before the powers conferred by the Act in relation to the said organisation were duly exercised by the State President.

(3) I/...

-
- (3) I admit that the appointment of the said Committee was not notified in the Government Gazette, but I submit that no such notification is required by law.
- (4) I admit the averments set forth in sub-paragraph (b) and (c) hereof, but I say that in terms of the Act there is no legal obligation upon me or anybody else to notify the First or Second Applicant, or indeed any other person, of the appointment or functioning of such Committee.
- (5) Save as above I deny each and every averment herein set forth.

11.

AD PARAGRAPH 13 OF SECOND APPLICANT'S AFFIDAVIT :

- (a) Save for admitting that there exist documents relating to the appointment of the said Committee, and affording proof that the said Committee in fact functioned as aforesaid, I deny each and every averment herein set forth, and in particular I deny that the interests of justice would be served by the making of such discovery by me.
- (b) In addition, and upon grounds of public policy, I resist the Order of discovery here sought. As the Minister of State involved I state that after careful consideration of all the relevant facts I have formed the view (and I respectfully urge upon this Honourable Court) that public policy requires me to disclose nothing more than the existence and authorship of those documents to which reference will hereinafter (necessarily and unavoidably) be made in support/....

support of this Answering Affidavit. I say that to make discovery in the terms required by the Applicants would be prejudicial to public interest and inimical to the national security.

12.

AD PARAGRAPH 14 OF SECOND APPLICANT'S AFFIDAVIT :

- (1) I repeat what has been said in paragraph 10(1) and (2) of this Answering Affidavit.
- (2) I say that the said Committee duly and properly discharged all its duties and functions in terms of the Act.
- (3) I have been advised (and verily believe) that the matters canvassed in sub-paragraph (c) and (d) hereof are argumentative and irrelevant, and that they call for no answer by me.

Issues of relevancy apart, I decline to furnish answers hereto on the grounds of public policy. As the responsible Minister of State I have given the matter due and careful consideration and have formed the opinion that my answers to the said averments would be prejudicial to the public interest and inimical to the national security.

13.

AD PARAGRAPH 15 OF SECOND APPLICANT'S AFFIDAVIT :

I admit that the said Committee did not afford the First Applicant an opportunity of making representations to it, or of controverting any prejudicial informatic

concerning/...

7.

concerning the First Applicant gained by the said Committee. I deny that the said Committee was in law obliged to afford such an opportunity to the First Applicant. I repeat that the said Committee fulfilled its functions duly and properly, and in accordance with the Act.

14.

AD PARAGRAPH 16 OF SECOND APPLICANT'S AFFIDAVIT :

I say that the State President was duly and properly advised in accordance with constitutional law and practice as to the advisability or otherwise of issuing the said Proclamation. I admit that the First Applicant was not afforded an opportunity of making any statement as alleged, either to me or to any officer in my Department. I deny that it was in law necessary for me to have afforded the First Applicant an opportunity for making such representations. I have no knowledge as to the time or nature of the first intimation received by the First Applicant to the effect that its proscription was either imminent or an accomplished fact.

15.

Save for admitting that on the 11th March, 1966, the First Applicant addressed to the said J.H. Liebenberg a letter in the terms set forth in Annexure "A" to the Second Applicant's Affidavit. I am unable to admit or deny the averments set forth in paragraph 17 of the Second Applicant's Affidavit. Further reference to the significance of this letter in relation to the name or

names/...

8.

names distinguishing the First Applicant is made in paragraph 31 hereafter.

16.

AD PARAGRAPH 18 OF SECOND APPLICANT'S AFFIDAVIT :

I deny that the said prohibition order is bad in law, or of no force and effect, or that it should be set aside by this Court.

17.

AD PARAGRAPH 19 OF SECOND APPLICANT'S AFFIDAVIT :

- ^h
- (a) I admit that the said Proclamation declares unlawful an organisation known as "THE DEFENCE AND AID FUND".
 - (b) I admit that it is notorious that in England there exists a "DEFENCE AND AID FUND".
 - (c) I have been advised (and verily believe) that for the purpose of the present proceedings the precise relationship or connection subsisting between the First Applicant and the English organisation known as "DEFENCE AND AID FUND" is not a relevant issue, and that it is not necessary for me to deal in any detail with Second Applicant's averments in this regard. I say, however, that I deny these averments

18.

AD PARAGRAPH 20 OF SECOND APPLICANT'S AFFIDAVIT :

- (1) I deny that the Second Applicant is not aware whether or not there exists in South African any counterpart or branch of the Defence and Aid Fund in England. I say that the Second Applicant

is/...

is fully and acutely alive to the true position.

- (2) I deny that "THE SOUTH AFRICAN DEFENCE AND AID FUND" is not the same as, or has an existence or identity in any way differing from, "THE DEFENCE AND AID FUND" in South Africa, and I further deny that the said Proclamation has no application to the First Applicant. I repeat what has been said in paragraph 2 of this Answering Affidavit. In support and amplification of my statement that the abovementioned two names refer and relate to one and the same organisation I respectfully invite attention to the facts set forth hereunder.

19.

I say that on the 12th November 1965 the First Applicant had a banking account at the Adderley Street, Cape Town, Branch of Barclays Bank D.C.O., and that on that date a letter was written by First Applicant to the said branch of the Bank. The letter was signed by two of the First Applicant's office-bearers whose names are listed on Annexure "A2" to the Applicants' Reply to Respondent's Notice in terms of Rule 14 : the Secretary, Miss S. Urdang and the Honorary Treasurer, Mr. M. Mittag. In the said letter the First Applicant informed the Bank that :

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

The/...

The said letter contained a request that all cheques and bank transfers made out to the Defence and Aid Fund and Defence and Aid should thereafter be credited to the account of the South African Defence and Aid Fund, and the letter concluded with the following statement :

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

In support of the above I refer to the affidavit of WILLIAM SHELLY MOODY in his capacity as the Sub-Accountant of the Adderley Street, Cape Town, Branch, of Barclays Bank D.C.O., hereunto annexed, marked "A".

Despite Second Applicant's denial that First Applicant is THE DEFENCE AND AID FUND I say that even subsequent to the date on which it was apparently decided to add to the First Applicant's name the prefix "THE SOUTH AFRICAN", Second Applicant personally recognised that the First Applicant was still known also by the name "DEFENCE AND AID FUND"; and I say that Second Applicant himself used this very appellation in connection with the First Applicant. I say that as late as January 1966 Second Applicant signed cheques in favour of an entity called "DEFENCE AND AID FUND".

In support hereof I refer to the Affidavit of WILLIAM SHELLY MOODY, hereunto annexed, marked "A".

11.

21.

I say that occupation of the premises known as office No. 314, O.T.C. Building, Plain Street, Cape Town, was governed during the period 1st July 1964 to the 30th June 1965 by a written Memorandum of Lease between Royal Hotel (1906) Limited as the lessor and "DEFENCE AND AID FUND (CAPE WESTERN REGION)" as the lessee, and that after the 30th June 1965 occupation of the said premises was retained by "DEFENCE AND AID FUND (CAPE WESTERN REGION)" on a monthly basis at a rental of R17-97 per month, subject to all the other terms and conditions appearing in the lease previously current. In support hereof I refer to the affidavit of Captain D.K. Genis, of the South African Police, Security Branch, Cape Town, hereunto annexed marked "B", and the affidavit of DAVID PETRUS WILCOOKS, the liquidator of First Applicant, hereunto annexed, marked "B1".

22.

I say that the said rent of R17-97 per month mentioned in paragraph 21 above was paid, as late as February 1966, by a cheque apparently signed by the aforesaid S. Urdang and Second Applicant for and on behalf of "DEFENCE AND AID (CAPE DIVISION)" in favour of the lessor; and that such cheque when deposited by the lessor was met out of funds from the account in the name of "DEFENCE AND AID FUND (CAPE DIVISION)" at the A.B.C. CAPE TOWN, Branch, of the Standard Bank. In support hereof I refer to the affidavit of KENNETH NUTTALL in his capacity as Assistant Accountant of the Standard Bank, A.B.C. Branch, Cape Town, hereunto annexed, marked "C".

23. I/...

12.

23.

I say that even after August 1965 correspondence was addressed by the English organisation "Defence and Aid Fund" in London to the Secretary of "DEFENCE AND AID FUND" in South Africa, at the First Respondent's address, 314 C.T.C. Building, Plein Street, Cape Town; and that large sums of money were transmitted by or on behalf of the said fund in England to the First Applicant in Cape-Town in favour of "DEFENCE AND AID FUND." I say that such amounts were deposited to the favour of First Applicant's banking account at the Adderley Street, Cape Town, Branch, of Barclays Bank D.C.O. In support hereof I refer to the affidavit of the said GENIS, hereunto annexed marked "B", and the affidavit of the said WILCOCKS, hereunto annexed marked "B1".

24.

I say, moreover, that even after August, 1965 the First Applicant's inter-branch correspondence, or correspondence between Cape Town and other centres such as Johannesburg, Durban and Port Elizabeth, reflects not merely the use of the name "THE SOUTH AFRICAN DEFENCE AND AID FUND" but also the use simply of the name "DEFENCE AND AID FUND" with respect to the First Applicant within its own organisation and administration. In support hereof I refer to the affidavit of the said GENIS, hereunto annexed, marked "B", and the affidavit of the said WILCOCKS hereunto annexed, marked "B1".

25. Furthermore/..

13.

25.

Furthermore, I say that at all relevant times, and even after August 1965, the First Applicant was known within the Republic of South Africa to the public at large and to its own members and supporters in particular, as "THE DEFENCE AND AID FUND"; and I say that the First Applicant freely and without apparent objection accepted contributions made to it in that name. In support hereof I refer to the affidavit of the said GENIS, hereunto annexed marked "B", and the affidavit of the said WILCOCKS, hereunto annexed, marked "B1."

26.

I further respectfully invite attention to the fact that the document which the Applicants have in these proceedings furnished in terms of Rule 14 as being the Constitution of the First Applicant as at the 18th March, 1966, upon comparison with an earlier constitution of the First Applicant in the name of "DEFENCE AND AID FUND", would appear to reveal essentially no more than a change of name. In support hereof I refer to the affidavit of the said GENIS, hereunto annexed and marked "B", and the affidavit of the said WILCOCKS, hereunto annexed and marked "B1."

27.

I attach hereto, marked "D", an affidavit by HOSEA UYS in his capacity as an Assistant Telephone Manager in Cape Town in the Department of Posts and Telegraphs, from which it appears that even up to and including the publication of the latest Cape telephone directory in January, 1966, the First Applicant was a subscriber under the name of "DEFENCE AND AID FUND";
that/...

14.

that such name was at no stage changed to "THE SOUTH AFRICAN DEFENCE AND AID FUND", and that there was no independent subscriber in the latter name.

28.

I attach hereto marked "E" an affidavit by ANDRIES MENSU HORAK NORVAL in his capacity as Unemployment Insurance Commissioner of the Department of Labour from which it appears that the South African Defence and Aid Fund was not a registered employer with the Unemployment Insurance Fund, but that "DEFENCE AND AID FUND (CAPE WESTERN)" was in fact so registered and made compulsory contributions to the said Fund as late as the 2nd, March, 1965.

29.

AD PARAGRAPH 21 OF SECOND APPLICANT'S AFFIDAVIT :

I admit that at the date of the said Proclamation I was the responsible Minister administering the Department of the South African Police. I further admit that immediately after the publication of the said Proclamation members of the Security Division proceeded to various offices of the First Applicant throughout the Republic; that such offices were informed that the First Applicant had been declared an unlawful organisation in terms of the Act, that the said police ordered them to close down and took possession of documents and assets at such offices. Save as above this paragraph is denied.

30 AD/...

15.

30.

AD PARAGRAPH 22 OF SSECOND APPLICANT'S AFFIDAVIT :

I deny that any dispute as alleged exists. Insofar as the Second Applicant has sought to create the semblance of a dispute on these papers by his categorical and unqualified statement that the First Applicant is not "THE DEFENCE AND AID FUND", I say that no real or bona fide dispute exists, and that insofar as his affidavit deals with the name (or names) and the identity of the First Applicant, I submit with respect that the Second Applicant has been less than frank and candid in his statements to this Honourable Court. Apart from the matters to which reference has been made in paragraph 19 to 28 above, it is also a matter for comment that as recently as the 11th March, 1966, and on the Second Applicant's own showing (see Annexure "A" to Second Applicant's Affidav. the Second Applicant claimed that an alleged reference in open Court simly to "Defence and Aid" was defamatory of what Second Applicant called "our fund".

31.

AD PARAGRAPHS 23 AND 24 OF SECCND APPLICANT'S AFFIDAVIT :

"I admit that as a result of the said Proclamation the First Applicant has been legally obliged to close down all its offices in the Republic, and that a liquidator has been appointed to liquidate the First Applicant and is presently proceeding to do so.

I do not oppose the Applicants' application for condonation and I have been advised (and verily believe) that it is therefore unnecessary for the purposes of the present proceedings to deal with the further matters in these paragraphs.

32. I/..

16.

32.

I admit that the further facts and matters of law set forth in paragraph 25 of the Second Applicant's Affidavit render the application an urgent one.

33.

Insofar as the Applicants seek an Order declaring that the said Proclamation has no application to the South African Defence and Aid Fund (see relief claimed under (a) in their Notice of Motion) I say that the whole trend and purport of the Second Applicant's Affidavit is to show that the organisation with which the Second Applicant was associated in an executive position was neither at the date of the said Proclamation nor indeed at any other time known as "THE DEFENCE AND AID FUND". I respectfully submit that insofar as the Second Applicant's affidavit is framed on these lines he has trifled with this Honourable Court, and that his affidavit is an attempt to set up a case which to the knowledge of the Second Applicant is lacking in foundation.

34.

In view of the haste with which this application has been set down for hearing it has not been possible to give the Applicants notice in advance of the intended use by the Respondent of such entries in bankers' books to which reference is made by the deponents in the Affidavits Annexures "A" and "C" hereto. Insofar as may be necessary application will be made at the hearing hereof for an Order declaring that service of this Answering Affidavit, together with its Annexures, be deemed sufficient notice.

In/...

In view of the urgency of the application and the brief period of time left for the completion of this Answering Affidavit after compliance by Applicants of Respondents request in terms of Rule 14, I further respectfully ask that any other defects of procedure as may be evidenced by this Answering Affidavit and the Annexure thereto be condoned.

35.

IN THE PREMISES AFORESTATED I respectfully pray that (save insofar as the Applicants seek condonation for short service) the Application (including the request for discovery of documents) be dismissed with costs against First Applicant and Second Applicant, jointly and severally, the one paying the other to be absolved; and that the costs occasioned by the adjudication upon the first claim for relief aforementioned be awarded to Respondent on the attorney and client scale.

THUS SIGNED and SWORN to before me at JOHANNESBURG this 28th day of APRIL 1966 and I certify that the deponent has acknowledged that he knows and understands the contents of this Affidavit.

COMMISSIONER OF OATHS.

Area:

Designation:

"A"

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between :-

THE SOUTH AFRICAN DEFENCE AND AID FUND First applicant
and
RAYMOND HOFFENBERG Second Applicant
and
THE MINISTER OF JUSTICE Respondent.

AFFIDAVIT.

I, the undersigned, WILLIAM SHELLEY MOODY,
do hereby make oath and say as follows -

1. I am sub accountant of the Adderley Street,
Cape Town Branch of Barclays Bank D.C.O.
2. I have custody and control of and access to all
books, documents, ledgers and entries relating
to the various accounts at the said branch of
the bank. I have authority to produce such
documents or certified copies thereof for
judicial purposes.
3. The South African Defence and Aid Fund opened
a banking account with the aforesaid branch
of the said Bank and all documents, ledgers

and entries in respect of such account were kept in the normal course. I attach hereto marked 1, 2, 3 and 4 photostatic copies which I certify to be correct copies of the originals forming part of the Bank records, relative to the opening of the said account and subsequent mandate form.

4. After the opening of the said account it was sought to deposit thereto monies on the face thereof intended for the Defence and Aid Fund and I was not satisfied that the said monies were in fact intended for the said account. The South African Defence and Aid Fund was informed that proof to that effect would be required and in the mean time the said monies were paid into a suspense account.

5. On or about the 12th November, 1965, the Secretary and a Member of the Executive Committee of the South African Defence and Aid Fund wrote to the said branch of the said Bank in terms of the copy of the letter hereunto annexed, marked "5" together with the attached extract from a resolution of the South African Defence and Aid Fund, marked "6". I certify that the photostatic copies of the said documents are true and correct copies of the originals forming part of the Bank's records.

...3/-

W. J. G. J.

6. I also attach hereto marked respectively "7",
"8" and "9" photostatic copies of cheques
in favour of DEFENCE AND AID FUND dated
respectively the 14th January, the 21st January
and the 25th January, 1966. The said cheques
bore the apparent signatures of S. Urdang
and R. Hoffenberg, and were paid out and
debited against the account of the South
African Defence and Aid Fund.

W. S. Moody

Sworn to and signed before me this 27th day of
April, 1966, at CAPE TOWN, the Declarer having
acknowledged that he knows and understands the
contents of this affidavit.

E. J. Stert
.....
COMMISSIONER OF OATHS

EX OFFICIO : ADMINISTRATIVE OFFICER
DEPARTMENT OF POSTS AND TELEGRAPHS.

AREA: REPUBLIC OF SOUTH AFRICA.

DRM No. 153 - INDIVIDUALS, FIRMS & COMPANIES.
DRM No. 153 - INDIVIDUE, FIRMAS EN MAATSKAPPE.

DATE ACCOUNT OPENED 15-9-1965
DATUM WAAROP REKENING OOPGEMAAK

NAME (VOLNAAM) SOUTH AFRICAN DEFENCE AND AID FUND

A/C CLASSIFICATION No. 853
REK. INDELING No. 145
(REFER/VERWYS PAR 145 ONDERSOEK)

OCCUPATION/BEROEP *Signe Aid Organisation*

NAME AND ADDRESS OF EMPLOYER
NAAM EN ADRES VAN WERKGEWER

CORRESPONDENCE TO BE IN / BRIEFWISSELING IN - ENGLISH - AFRIKAANS

BUSINESS ADDRESS/BESIGHEIDSADRES

PRIVATE ADDRESS/PRIVÉEADRES

314 C.T.C. BUILDINGS
HEIN STREET,
CAPE TOWN

TELEPHONE/TELEFOON 32672

TELEPHONE/TELEFOON

BANK APPOINTED EXECUTOR/BANK AANGESTEL AS EKSEKUTIEUR
In the case of married women kindly furnish the following information
In die geval van 'n getroude vrou geliewe die volgende inligting te verskaf

FULL NAME OF HUSBAND/VOLLE NAAM VAN EGGENOOR

OCCUPATION & NAME & ADDRESS OF EMPLOYER

BEROEP EN NAAM EN ADRES VAN WERKGEWER

NAMES OF PERSONS AUTHORISED TO OPERATE
NAME VAN PERSONE GEMAGTIG OM TE TEKEN

EXECUTIVE COMMITTEE MEMBERS

MR. MICHAEL MITTAG

MRS. MARY STOY

MISS STEPHANIE URDANG

DR. RICHARD HOFFENBERG

U.T. Uittag

Mary B. Stoy

R. Hoffenberg

S. Urdang

FULL NAMES AND SURNAMES
VOLLE NAAM EN HANTSENAAMSE

MANDATE FORM No. 10-1-1965-25-25-25-25

NATURE OF MANDATE ANY TWO MEMBER

OF THE EXECUTIVE COMMITTEE

PERIOD/TYDPERK

CALLED FOR/AFHAAL

POSTED/POS

DELIVERED/AFGELEWER

Letter + Res. - (use change of name)

FUNDS RECEIVED IN THE NAME OF "DEFENCE + AID FUND" OR "DEFENCE AND AID"

MAY BE CREDITED TO THIS AC

STATEMENT

DEGAAF

DELETE WHERE NECESSARY/SKRAP WAAR NODIG

Gesertifiseer n fotostatiese afdruk van die oorspronklike.

KAAPSTAD.
19.4.1966.

D.K. Genis
.....Kaptein.
D.K. GENIS.

REPUBLIC OF SOUTH AFRICA
POLICE
SECURITY FORCE
CAPE TOWN

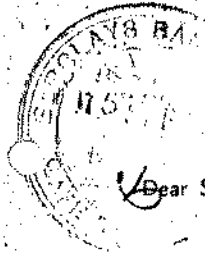
The Manager,

BARCLAYS BANK D.C.O.

WITH WHICH IS AMALGAMATED

THE NATIONAL BANK OF SOUTH AFRICA LIMITED

CAPE TOWN, Cape Province Branch.



Dear Sir,

With reference to Bank's Form 25 dated 8.9.1965

we give below the names of the persons at present authorised to sign under the resolution contained in that form and enclose specimens of their respective signatures.

Name of company/public body THE SOUTH AFRICAN DEFENCE AND AID FUND

NAME SIGNING CAPACITY (i.e., Director, President, Secretary, etc.)

EXECUTIVE COMMITTEE MEMBERS

- MR. MICHAEL MITTAG
MRS MARY STOY
MISS STEPHANIE URDANG

We certify that the above is a correct list and is in terms of a resolution passed at a meeting held at Cape Town on 1st September 1965

Yours faithfully,

Handwritten signatures of M.T. Mittag (Executive Committee Member) and S. Urdang (Secretary)

Dated 8-9-1965

FORM 25 SUPPLEMENTARY, 11/63

S.P.C.T.-0101

Gesertifiseer n fotostatiese afdruk van die oorspronklike.

KAAPSTAD. 19.4.1966

D.K. GENIS, Kaptein.



OWN NO.
1/1

TO
BARCLAYS BANK D.C.O.



CAPE TOWN, Cape Province
Branch.

SIR,

We beg to inform you that at a Meeting of the EXECUTIVE COMMITTEE of the
THE SOUTH AFRICAN DEFENCE AND AID FUND
held at Cape Town on the 1st day of September 1965

it was resolved "That an account be opened at the Cape Town Branch of
"Barclays Bank D.C.O., and that the said Bank be hereby authorised and requested to pay all Cheques,

"Bills of Exchange, Promissory Notes and other negotiable instruments purporting to be signed,
"made or accepted on behalf of the said fund, and to debit the

"same to the account to be kept with them by the said fund
"whether such account be in credit or otherwise; to hold the said fund

"liable on all Cheques, Bills of Exchange, Promissory Notes, other negotiable instruments and all agree-
"ments, indemnities and documents in connection with all the usual banking transactions, including amongst

"others the lodging and withdrawal of moneys on Fixed Deposit or on Savings Account, the pledging
"by the said fund of any of its property, the issue of Letters of Credit,

"Drafts and Telegraphic Transfers, provided that such Cheques, Bills, Promissory Notes, or other documents
"are signed by* ANY TWO MEMBERS OF THE EXECUTIVE COMMITTEE

"for the time being of the said fund and countersigned by the Secy.

"for the time being of the said _____ that a list of the names and
"specimen signatures of the persons at present authorised to sign under this resolution be furnished to the

"said Bank at the said Branch and that they be advised in writing of all changes that may take place
"in the same from time to time; that a copy of this resolution be furnished to the said Bank at the said

"Branch; and that it remain in force until the receipt by the said Bank at the said Branch of a copy of a
"resolution passed by the said fund rescinding the same." We beg

to hand you herewith:-

(1) Copy of our Constitution

(2) A full list of the present _____ with their respective signatures

Dated 8-9-1965

M.T. Wittay
S. Uday

CHAIRMAN OF
Executive Committee
Member
Secretary.

* Insert "Chairman," "one," "two," Committee mem-
bers as the case may be.
† Insert "Treasurer," "Secretary," as appropriate.
‡ Insert "Constitution," "Regulations," etc.

Gesertifiseer n Fotostatiese afdruk van die oorspronklike.
D.K. GENIS.
19.4.1966
KAAPOSTAD.

The Manager,

BARCLAYS BANK D.C.O.

WITH WHICH IS AMALGAMATED

THE NATIONAL BANK OF SOUTH AFRICA LIMITED

CAPE TOWN, Cape Province Branch.

RECEIVED
1-14 CAPE TOWN, C.P.
18 NOV 1965
ANSWERED

Dear Sir,

BARCLAYS BANK
18 NOV 1965
CAPE TOWN

With reference to Bank's Form 25 dated 8-9-65

we give below the names of the persons at present authorised to sign under the resolution contained in that form and enclose specimens of their respective signatures.

Name of company/public body The South African Defence and Aid Fund

NAME

SIGNING CAPACITY

(i.e., Director, President, Secretary, etc.)

(Mrs) Mary Stoy

Executive Committee member

Michael T. Mittag

" " "

(Miss) Stephanie Urdang

("secretary")

Dr Richard Hoffenberg

Executive Committee member

We certify that the above is a correct list and is in terms of a resolution passed at a meeting held at 314 CTC Bldg, Plein on 5th November 1965 St, Cape Town

Yours faithfully,

M T Mittag Chairman
S Urdang Secretary

Dated 11th November, 1965

FORM 25 SUPPLEMENTARY, 11/65

S.P.C.T.-222

Gesertifiseer n fotostatiese afdruk van die oorspronklike.

KAAPSTAD.
19.4.1966.

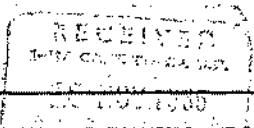
D.K. Genis Kaptein.
D.K. GENIS.

SUID-AFRIKAANSE POLISIE
VEILIGHEIDSPOLISIE
KAAPSTAD
19-4-1966
CAPE TOWN
SECURITY POLICE

THE SOUTH AFRICAN
Defence and Aid Fund

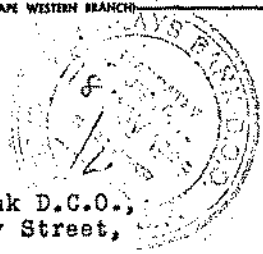
CAPE WESTERN BRANCH

TELEPHONE 3-2672



~~312 PARLIAMENT CHAMBERS 47 PARLIAMENT STREET CAPE TOWN~~
314 C.T.C. Building, Plein St, Cape Town.

12th November, 1965



Barclay Bank D.C.O.,
82 Adderley Street,
Cape Town.

Dear Sirs,

As you will see per attached resolution, the South African Defence and Aid Fund was up till the 1st August, 1965 named the Defence and Aid Fund. We should therefore be pleased if all cheques and bank transfers made out to the Defence and Aid Fund and Defence and Aid are in future credited to the account of the South African Defence and Aid Fund. The South African Defence and Aid Fund, the Defence and Aid Fund and Defence and Aid are all one and the same organisation.

Yours faithfully,

S. Uday

Secretary

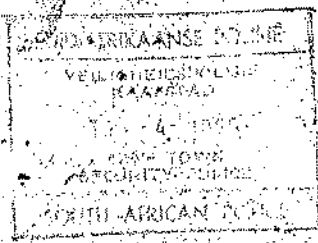
W.T. Villegas

Member of Executive Committee

Gesertifiseer n fotostatiese afdruk van die oorspronklike.

KAAPSTAD.
19.4.1966.

D.K. Genis
.....Kaptein.
D.K. GENIS.



(1-614) ² 96


BARCLAYS BANK D.C.O.
(REGISTERED COMMERCIAL BANK)
WITH WHICH IS AMALGAMATED

THE NATIONAL BANK OF SOUTH AFRICA LIMITED
 ADDERLEY STREET, 82-84, CAPE TOWN, C.P. (1-614)

25-1-1966
 C 776370
 B14

Pay DEFENCE and AID FUNDS or Bearer

the sum of Five hundred R500-00


S. Underup
R. Hoffenberg

FOR DEFENCE AND AID FUNDS.

(1-614) 8

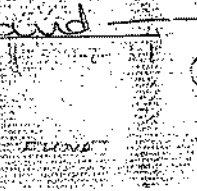
BARCLAYS BANK D.C.O.
(REGISTERED COMMERCIAL BANK)
WITH WHICH IS AMALGAMATED

THE NATIONAL BANK OF SOUTH AFRICA LIMITED
 ADDERLEY STREET, 82-84, CAPE TOWN, C.P. (1-614)

25-1-1966
 C 776368
 B14

Pay DEFENCE and AID FUNDS or Bearer

the sum of One thousand five hundred R1500-00


S. Underup
R. Hoffenberg

FOR DEFENCE AND AID FUNDS.

(1-614) 7


BARCLAYS BANK D.C.O.
(REGISTERED COMMERCIAL BANK)
WITH WHICH IS AMALGAMATED

THE NATIONAL BANK OF SOUTH AFRICA LIMITED
 ADDERLEY STREET, 82-84, CAPE TOWN, C.P. (1-614)

25-1-1966
 C 776367
 B14

Pay DEFENCE and AID FUNDS or Bearer

the sum of one thousand R1000-00


S. Underup
R. Hoffenberg

FOR DEFENCE AND AID FUNDS.

Genertifiseer a fotostasione afdrak van die oorspronlike.
KAAPSTAD.
19.4.1966.

.....Kaptein.
D.K. GENIS.

"B"

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between :-

THE SOUTH AFRICAN DEFENCE AND AID FUND First Applicant
and
RAYMOND HOFFENBERG Second Applicant
and
THE MINISTER OF JUSTICE Respondent.

AFFIDAVIT

I, the undersigned, DIRK KOTZE GENIS,
do hereby make oath and state as follows :-

1. I am a captain in the South African Police, attached to the Security Branch, and stationed at Cape Town.
2. On the 18th day of March 1966, after the publication of Proclamation R77/1966, and acting in the course of my official duties, I went to the Cape Town offices of the First Applicant, being certain premises known as 314 C.T.C. Building, Plein Street, Cape Town.
3. The said premises were before, and on, the 18th day of March 1966, occupied and used by the First Applicant and by the following person in her capacity as office bearer or officer of the First Applicant, to wit
STEPHANIE URDANG.

Dirk Kotze Genis
DK Genis

4. I found, attached and removed from the said premises certain documents, books, records, pamphlets, and other publications and written instruments on the 18th day of March, 1966, and thereafter, at Pretoria, I handed same to DAVID PETRUS WILCOCKS, the person designated by the Respondent as the liquidator of the assets of the First Applicant, who took charge and possession thereof. The said documents were the only ones handed by me to the said WILCOCKS.

5. The said books, records, pamphlets and other publications and written instruments were all found in, attached and removed from the possession, custody and control of the First Applicant and the said STEPHANIE URDANG, and were all found in, attached and removed from the aforesaid premises, occupied as aforesaid.

DK Genisbapt

Sworn to and signed before me this 27th day of April 1966, at CAPE TOWN, the Declarer having acknowledged that he knows and understands the contents of this affidavit.

E. J. J. J.

EX OFFICIO COMMISSIONER OF OATHS.
 DEPARTMENT OF LEGAL AND PUBLIC AFFAIRS - ADMINISTRATIVE OFFICER.



B 1

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between:-

THE SOUTH AFRICAN DEFENCE AND AID FUND

First Applicant

and

RAYMOND HOFFENBERG

Second Applicant

and

THE MINISTER OF JUSTICE

Respondent

AFFIDAVIT.

I, the undersigned,

DAVID PETRUS WILCOCKS

do hereby make oath and state as follows:-

1.

I am the person designated by the Respondent, in terms of Section 3 of Act No. 44/1950, as the liquidator of the assets of the DEFENCE AND AID FUND.

2.

On or about the 4th day of APRIL 1966 and at Pretoria, certain Captain DIRK KOTZE GENIS handed to me, in my aforesaid capacity, certain documents, books, records, pamphlets and other publications and written instruments. The said documents were the only ones handed to me by the said GENIS.

3.

Included among the said documents, books, records, pamphlets, publications and written instruments were the documents described in the schedule hereto attached marked "A", and of which true photostatic copies are also attached hereto, numbered as described in the said schedule.

4. The/...

2.

4.

The said documents, books, records, pamphlets and other publications and written instruments, have, on the face thereof, been compiled, kept, maintained, used, issued or published by or on behalf of the First Applicant.

D. P. WILCOCKS.

I certify that this Affidavit was signed and sworn to before me at PRETORIA this 28th day of APRIL 1966, the Deponent having acknowledged that he knows and understands the contents thereof.

D. W. Weideman

COMMISSIONER OF OATHS.

CAPACITY : DEPUTY SECRETARY, DEPARTMENT OF IMMIGRATION.

AREA: REPUBLIC OF SOUTH AFRICA.

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between:-

THE SOUTH AFRICAN DEFENCE AND AID FUND

First Applicant

and

RAYMOND HOFFENBERG

Second Applicant

and

THE MINISTER OF JUSTICE

Respondent

SCHEDULE.

(A) DOCUMENTS RELATING TO THE LEASE BETWEEN
ROYAL HOTEL (1906) LIMITED AND DEFENCE
AND AID FUND (CAPE WESTERN REGION).

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
A1	Letter dated 22/6/1965	Original
A2	Memorandum of Agreement of Lease	Duplicate Original

(B) DOCUMENTS RELATING TO CORRESPONDENCE BETWEEN
FIRST APPLICANT'S CAPE TOWN BRANCH AND DURBAN
BRANCH.

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
B1	Letter dated August 31st	Original
B2	Letter dated 14/9/1965	Copy
B3	Letter dated 29/9/1965	Copy
B4	Letter dated 30/9/1965	Original
B5	Financial statement dated 13.11.1965	Original

(C) DOCUMENTS/...

(C) DOCUMENTS RELATING TO CORRESPONDENCE BETWEEN
FIRST APPLICANT'S CAPE TOWN BRANCH AND
PORT ELIZABETH BRANCH:

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
C1	Telegram	Original
C2	Letter dated 29/9/1965	Copy
C3	Letter dated 7/9/1965	Original

(D) DOCUMENTS RELATING TO CORRESPONDENCE BETWEEN
FIRST APPLICANT'S CAPE TOWN BRANCH AND
JOHANNESBURG BRANCH:

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
D1	Letter dated 9/9/1965	Original
D2	Letter dated 12/8/1965	Copy
D3	Letter dated 2/9/1965	Copy
D4	Letter dated 29/9/1965	Copy
D5	Letter dated 9th November	Original
D6	Letter dated 24/11/1965	Copy

(E) DOCUMENTS RELATING TO CORRESPONDENCE BETWEEN
FIRST APPLICANT AND DEFENCE AND AID, LONDON:

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
E1	Letter dated 12/11/1964,	Original
E2	Letter dated 17/9/1965	Original
E3	Letter dated 14/10/1965	Original
E4	Letter dated 29/10/1965	Copy
E5	Letter dated 18/11/1965	Original
E6	Letter dated 4/2/1966	Original

E7/...

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COP.</u>
E7	Bank Deposit slip dated 10/2/1966.	Original
E8	Letter dated 29/10/1965	Copy
E9	Letter dated 19/11/1965	Copy

(F) DOCUMENTS RELATING TO CORRESPONDENCE BETWEEN FIRST APPLICANT AND CERTAIN OF ITS MEMBERS AND MEMBERS OF THE POLICE.

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
F1	Letter dated 6th November	Original
F2	Letter dated 18/11/1965	Copy
F3	Letter dated 27/10/1965	Original
F4	Letter dated 2/11/1965	Copy
F5	Letter dated 22/10/1965	Original
F6	Letter dated 28/10/1965	Copy
F7	Letter dated 26/8/1965	Original
F8	Letter dated 2/9/1965	Copy
F9	Letter dated 18/12/1965	Original
F10	Letter dated 12/1/1966	Copy

(G) DOCUMENTS RELATING TO CONSTITUTIONS AND MINUTES OF THE FIRST APPLICANT:

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ORIGINAL OR COPY</u>
G1	Minutes of Executive Committee Meeting held on 5/11/1965	Original
G2	Constitution	Copy
G3	Constitution	Copy

THE SOUTH AFRICAN

314 CTC Building, Plain Street,
Cape Town.

29th October, 1965.

Defence and Aid Fund,
2 Amen Court,
London E.C.4.

Dear Miss Taylor,

Thank you for your letter dated 14th
October. I hope that you have received mine of the 15th
October by now.

We have just been informed that the sum of R3995-00
has been transferred to us. Thank you very much. In
future, could the cheques please be made out to the
SOUTH AFRICAN DEFENCE AND AID FUND? This is the
name under which we opened our account at Barclays Bank.
Each time funds have arrived for us we have had to trans-
fer the money to our other account and back again, before
we could draw on it. I shall send you a receipt as soon
as the money is credited to our account.

re: Livingstone Mrwetyana.

Mr. Mrwetyana's appeal has not yet been heard. It
seems to be taking an uncommonly long time. I shall in-
form you of its outcome as soon as I hear.

re: Mrs. Ngudle

The Institute of Race Relations is giving Mrs. Ngudle
assistance. This only began recently.

Yours sincerely,

Stephanie Urdang.

THE SOUTH AFRICAN

E9

314 C.T.C. Bldg. Plein Street,
Cape Town.

19th November, 1965.

No. 1

Defence and Aid,
2 Amen Court,
London E.C4.

Dear Mrs. Altman,

I hope that my last letter dated 29th October has been received at your end. I enclose our receipt for the last sum received. Once again, thank you.

In future I shall be numbering my letters to you, so that those that go astray can be easily detected.

After discussion with Mrs. Collins it was decided to send you a monthly report on our national commitments with as much detail about each case as possible. If funds are needed particularly urgently in the interim I shall send you an urgent appeal. This is such an appeal.

At the moment our national commitments stand at R12375-00 (£6200). This includes a sum of R1000-00 which the Port Elizabeth branch requires immediately. I quote from a letter I received from Mrs Gibbs this morning:

"At short notice we have had to arrange for defence of approximately 70 people to be charged in Cradock for membership of P.A.C. on 22nd November. ... The instructing attorneys, who are proving invaluable in many ways, require cover for Counsel and this R1000-00 must be paid to them immediately".

The Cape Town branch borrowed R1100-00 from its Bail Fund some time ago to pay for legal fees. This sum was loaned to us by private persons. We have had a number of requests for bail money during the past week and urgently require to pay the loan to the Bail Fund.

Thank you in anticipation.

With best wishes,

Your sincerely,

O.K. BAZAARS *A1*
(1929) LIMITED

510

P.O. Box 1281

TELEPHONE 2-9833

TELEGRAPHIC ADDRESS:
"OKBAZ" CAPE TOWN

REGISTERED OFFICE:
O.K. BUILDINGS
ELOFF, PRITCHARD AND
PRESIDENT STR.
JOHANNESBURG

IN REPLY PLEASE QUOTE
HMB/RB

CAPE REGIONAL OFFICE,
(Seventh Floor),
GRAND PARADE CENTRE,
CAPE TOWN.

22nd June, 1965.

Defence and Aid Fund (Cape Western Region),
314, C.T.C. Building,
Plein Street,
CAPE TOWN.

Dear Sirs,

C.T.C. BUILDING: OFFICE NO. 314.

Further to your recent enquiry regarding further occupation of the abovementioned office, when the Lease terminates on 30th June, 1965, we confirm that you may remain in occupation on a monthly basis at a rental of R17.97 per month, subject to all the other terms and conditions appearing in the current Lease.

Yours faithfully,
for ROYAL HOTEL (1906) LIMITED.

H.M. Block
H.M. BLOCK.
SECRETARY (CAPE).

DIRECTORATE / DIRECTORAAT: S. COHEN, M. MILLER, STANLEY COHEN, LEONARD M. MILLER, J. CRANKO, A. SCHWARTZ, V. J. HUGHES, J. A. HARBEL, R.G. (ADY. A. PINE)

201091

MEMORANDUM
OF
AGREEMENT OF LEASE

made, entered into and concluded by and between

ROYAL HOTEL (1906) LIMITED

a Company with limited liability, duly registered
in terms of the Company Laws of South Africa, and
having its registered offices at O.K. Buildings,
corner of Eloff, Pritchard and President Streets,
Johannesburg

(hereinafter referred to as "the Lessor")

of the one part;

and

DEFENCE AND AID FUND (CAPE WESTERN REGION),

(hereinafter referred to as "the Lessee")

of the other part.



WITNESSETH:

1. The Lessor hereby lets and the Lessee hereby hires Office No. 314, in the building known as C.T.C. Building, Plain St., Cape Town., as pointed out by the Lessor to the Lessee.
2. The subject matter of this lease is, in this agreement, referred to as "the premises", and this shall include the floor space, the partitions and all fixtures and fittings; and the word "building" shall mean the whole of the said building.
3. The rental payable by the Lessee to the Lessor shall be the sum of R15.30 (Fifteen rand and thirty cents) per month, without deduction, and shall be payable in advance on the first day of each and every month ensuing until the termination hereof, at such place as the Lessor may from time to time determine.
4. Notwithstanding anything herein contained the Lessee agrees that, in the event of the rates or taxes payable to any authority in respect of the building being increased at any time during the currency of this lease, then a share of such increase shall be added to the rental payable by the Lessee in terms of Clause 3 hereof, which share shall bear the same proportional relation to the total increase as does the rental payable by the Lessee to the total amount of rental payable to the Lessor by the sundry persons who are in occupation of premises in the building at the time of the increase or decrease; provided that, should any portion of the building which is normally leased not be leased at the time of the increase then, for the purposes of this clause, such premises shall be deemed to be leased at the rental which was payable in respect of such premises when they were last occupied.
5. (a) This lease shall commence on 1st day of July, 1964 and shall terminate on the 30th day of June, 1965.

(b) In the event of the date of commencement in terms of sub-clause (a) hereof being fixed for a day other than the first day of the month, the Lessee shall pay to the Lessor a pro rata share of the rental as stipulated in Clause 3 hereof for that portion of the month between the date of commencement and the end of the month in which the Lease commences, which pro rata share shall be due and payable upon the date of commencement.

[Handwritten signatures and initials]

6. The Lessee shall have the use, in common with the Lessor and the tenants and occupiers of other parts of the building and other persons entitled to use the same, of the entrance doors, staircases and passages of the said building leading to the said premises, and of those lifts provided for service to the floor on which is the Lessee's premises, and of the lavatories and conveniences on that floor of the building on which the premises are situated, reserving, nevertheless, unto the Lessor all gas pipes, water pipes, electric and other wires, flues and drains, now or hereafter to be laid or constructed by the Lessor in, through or under the premises, and the free and uninterrupted use of the same.

It is further agreed that no lift other than a goods lift shall be used for the conveyance of goods, save with the consent of the Lessor, and that such consent may be given subject to any limitations as to weight and class of goods to be conveyed, and may be withdrawn at any time without any reason being assigned therefor.

Such lifts as may have been installed in the Building for the purpose of serving that part of the Building in which the premises are situated shall be used by the Lessee in such manner and at such times, and subject to such conditions, stipulations and limitations as the Lessor shall from time to time direct, anything to the contrary in this lease contained or implied notwithstanding.

7. Should the Lessee, upon taking possession of the said premises, discover that any of the keys, locks, doors, windows, sewerage pans, basins and fittings, electrical installations and fittings, or water taps are in a defective state, he shall within 3 (THREE) days from the date of such possession notify to the Lessor the details of any such defect, and the failure to do so on the part of the Lessee shall be an acknowledgement on the part of the Lessee that the whole of the said keys, locks, doors, windows, sewerage pans, basins and fittings, electrical installations and fittings, or water taps are in a good state of repair and condition.
8. The Lessee shall use the premises only for the purpose of carrying on the business of an Administration Office, and shall not allow the same to be used by any other person, firm, company or concern, gratuitously or otherwise, for any purpose whatever. Nothing in this clause shall restrict the Lessor from leasing premises for similar purposes to other tenants of the Building.
9. The Lessee shall not do or permit to be done upon the said premises, or in the Building, anything which in the opinion of the Lessor may be a nuisance or annoyance to, or which may in any way interfere with, the quiet and comfort of the other occupants of the Building, nor allow any conduct on the premises or in the Building in contravention of any law or regulation (Municipal or otherwise).

[Handwritten signatures and initials]
JWS; K6.
ET

10. The Lessee shall not attach to, or exhibit upon, any part of the premises or the Building or the windows, doors, blinds, staircases or passages thereof any legend, sign, notice or advertisement, except his name and an indication of his business in a form and character and in a position in the premises, and in the name tablet in the entrance of the Building on the Ground Floor, to be approved by the Lessor. The Lessee shall remove every such inscription from the Building on the termination of this lease, and make good any damage caused by such removal.

11. (a) The Lessee shall not make any alterations in, or additions to, the said premises without the Lessor's written consent, and he shall keep every part of the premises with the fixtures and fittings thereof, including all locks and keys, window panes and other glass and electrical fittings in good and substantial repair (reasonable wear and tear excepted) and shall be liable for any damage thereto, and upon termination of the lease shall re-deliver the leased premises and all fixtures and fittings in such good and substantial repair.

(b) Within one calendar month after the Lessor shall have given to the Lessee, or left on the premises, notice in writing of any defects, decays or wants of reparation found upon the premises for which the Lessee is liable under sub-paragraph (a) above, the Lessee shall well and substantially repair and make good the same, and in default thereof the Lessor may repair and make good the same at the expense of the Lessee, and such expense shall be repaid by the Lessee to the Lessor on demand and be recoverable by the Lessor as rent in arrear.

12. The Lessee shall not do, or suffer to be done, anything whereby the insurance of the premises or the Building may be rendered void or voidable, or the premiums thereof increased.

13. The Lessee shall not sub-let or part with possession of the premises or any portion thereof without the prior written consent of the Lessor, nor shall he cede or assign this lease without the written consent of the Lessor, and the Lessor may withhold its consent to such sub-letting, parting with possession or assignment as the case may be, without assigning any reason therefor.

14. The Lessor shall install such electrical fittings in the premises as it may deem necessary and sufficient. It is expressly agreed that the Lessor shall not be required to supply any globes. The Lessee shall not connect any equipment to lighting and power points which shall exceed the reasonable and normal requirements for office equipment and heating apparatus, save with the prior written consent of the Lessor.


[Handwritten signatures and initials]
AT
JWA
H
Rk.

15. In addition to the rental payable in terms of Clause 3 hereof, the Lessee shall pay to the Lessor the sum of R0.63 (Sixty-three cents.) per month in consideration of the supply of electricity to the premises.

The Lessor shall pay for whatever water may be reasonably consumed by the Lessee in connection with the conduct of his business in the premises, but neither the Lessee nor his servants shall waste any electricity or water, and they shall use only such electricity and water as may be reasonably required by the Lessee.

16. The Lessor shall use its best endeavours to keep the premises and the lifts, stairs and passages well and sufficiently cleaned and lighted, and the Lessee shall not throw any rubbish in the passages or corridors and shall not block up, darken, obstruct or obscure any doorways, passage, window, light, grating or opening belonging to the premises or to the Lessor, or to bring upon any part of the Building and allow to remain in any of the passages, staircases, lifts or landings any goods, packages, packing cases or any other material or thing of any kind.
17. The Lessor shall keep the conveniences intended for the common use of the occupants of the Building at all times in good and sufficient repair and in proper sanitary and clean condition, and the Lessee shall not use the water closets and other water apparatus for any purposes other than those for which they were constructed, and no sweepings, rubbish, rags, ashes, chemicals or other substances shall be thrown therein.
18. The Lessor shall not be responsible for any interruption in the supply of water or electricity to the premises, but the Lessee shall notify the Lessor immediately in the event of any accident to, or defect in, the water system or electrical installation.
19. The Lessee shall not deface the walls of the premises or the Building or drive nails, screws or hooks into any part thereof in such a manner as may be calculated to damage the walls of the premises or Building.
20. No auction sale shall be held in the premises or in the Building without the prior written consent of the Lessor, nor shall the Lessee permit any person to sleep therein, nor place or store on the premises any safe or heavy article, unless with the consent in writing of the Lessor first had and obtained, nor shall the Lessee lay down any floor covering which shall or might subject the floors to injury or rot or any risk thereof.


ET
T


AUB - 16

21. The Lessor shall not be responsible to the Lessee for the non-observance or violation of any terms of any lease which may be in force from time to time between the Lessor and the Lessee of any other part of the Building.
22. (a) The Lessor shall not be liable for any injury to the Lessee, his employees, servants or visitors or any damage to any of their property resulting from any defects in the structure of the premises or the Building, or from the condition of the floors, stairs, corridors or any other part of the premises or Building, from the insufficient lighting or ventilation of any part thereof or through any defects in any machinery, plant or appliance installed or used in the premises, or the Building, or resulting from leakage from, or breakage of, any water-pipe or connection, or from any faulty electrical wiring connection, fitting or appliance, or from any other cause whatsoever, including any damage resulting from fire, flooding, lightning or other Act of God, war, riots and other civil commotions nor shall any injury which the Lessee may sustain as aforesaid entitle the Lessee to terminate this lease prior to its expiration. The limitation of the Lessor's liability as aforesaid shall apply where any such damage is sustained, either inside or outside the said premises or Building.
- (b) The Lessor shall not be responsible for any injury, accident or damage which may at any time be suffered by the Lessee, his employees, servants or visitors or any of their property by reason of any act, neglect or default of the Lessor or of any servant of the Lessor, or of any other tenant of the Building, and in particular, the Lessor shall not be responsible for any loss which the Lessee may suffer through theft or burglary, whether or not such loss be occasioned by any act, neglect or default of the Lessor or of any servant of the Lessor or any other tenant of the Building.
23. Any lift installed in the Building shall be used by the Lessee at his own risk and without the right to make any claim whatsoever against the Lessor for any damage which may be sustained at any time by reason of any defective tackle, plant or gear in connection with such lift, or through the neglect of any servant of the Lessor operating the same.

just
the fl

[Signature]
ERK
at.

24. (a) In the event of the partial destruction of the leased premises by fire, flooding, storms, Act of God or the enemies of the State, or by riot or insurrection, the Lessor shall take steps so soon as may reasonably be possible for the repair thereof, and the Lessee shall be entitled to an abatement of rental during the period that the premises are under repair, the amount of such abatement to be mutually agreed upon or, failing agreement, to be settled by arbitration.
- (b) In the event, however, of the total destruction of the leased premises by any one of the causes aforesaid, or in the event of partial destruction to an extent making the premises substantially untenable, the Lessor shall have the right to terminate this lease, failing which termination this lease shall continue to be of full force and effect, but the Lessee shall in that event be absolved from any obligation to make payment of rental until the premises have been reconstructed and occupation has again been given to the Lessee provided, however, that in the event of the lease so continuing, the Lessee shall be entitled thereafter to cancel the same should the Lessor, within a reasonable period, not complete the reconstruction of the premises.
25. The Lessor and its workmen shall be entitled to access to the leased premises at all reasonable times for the purpose of :-
- (a) Inspecting, repairing or altering any of the pipes, wires, flues and drains, referred to in Clause 6 hereof, or of adding any others thereto; and
- (b) Repairing or altering the structure of the Building or any property adjoining thereto; and
- (c) Fixing, altering or repairing appliances for any of the purposes of the Building or any part thereof; and
- (d) Viewing the condition of the said premises and taking particulars of alterations made by the Lessee, and of dilapidations and making the same good in default by the Lessee; and
- (e) During the last three months of the tenancy of placing and retaining on the said premises a notice of re-letting, and showing the premises to intending or enquiring tenants; and
- (f) For any other purpose connected with the management of the Building.

Handwritten signatures and initials:
JWB
K. H.
E.H.
A.T.

26. The Lessor shall not be responsible for any damage or inconvenience that may be caused to the Lessee by the failure, whole or partial, of any machinery, plant apparatus or fitting, whether in connection with electrical current or water supply, lifts, or otherwise howsoever. The Lessor shall, moreover, have the right at any time to suspend the operation of any such services for the purpose of inspection, cleaning, repair and replacement.
27. Any notice which the Lessor may require to give to the Lessee shall be deemed to have been duly given if sent by prepaid registered letter addressed to the Lessee at the leased premises, or left by the Lessor at such address, and any notice which the Lessee may require to give to the Lessor shall be deemed to have been duly given if sent by prepaid registered letter addressed to the Lessor at its registered offices.
28. In the event of the non-payment of the rent or any portion thereof, within 7 (SEVEN) days after the same shall have become due, as hereinbefore provided, or in the event of the Lessee committing any breach whatsoever of any of the other terms and conditions of this lease, the Lessor shall have the right forthwith to declare this lease cancelled and at an end, without any notice thereof being required, and it shall further have the right immediately to re-enter upon and take possession of the premises hereby let, or to eject the Lessee or any other person or persons therefrom, and any such cancellation, re-entry or ejectment shall in no wise prejudice any claim which the Lessor may then or thereafter have against the Lessee for any rent due, or for damages, or for any breach of any of the terms and conditions thereof, and the Lessor shall in no wise be liable to compensate the Lessee for any damages he may suffer by reason of any such cancellation, re-entry or ejectment. A waiver by the Lessor of its rights under this clause shall not thereafter prejudice or affect the Lessor from enforcing its rights hereunder.
29. In the event of the Lessor's cancelling this lease and, in the event of the Lessee's disputing the right to cancel and remaining in occupation of the premises, the Lessee shall, pending settlement of any dispute either by negotiation or litigation, continue to pay an amount equivalent to the monthly rental payable in terms of this lease, monthly in advance on the first day of each and every month, and the Lessor shall be entitled to accept and recover such payments, and such payments and the acceptance thereof shall be without prejudice to, and shall not in any way whatsoever affect, the Lessor's claim of cancellation then in dispute.

ELB
AK *Q.T.*
JWS
Kb. H

Should the dispute be resolved in favour of the Lessor, the payments made and received in terms of this clause shall be deemed to be amounts paid by the Lessee on account of damages suffered by the Lessor, by reason of the cancellation of the lease and/or the unlawful holding over by the Lessee.

30. It is a further special condition of this Agreement that it shall only have effect and become binding upon the Lessor if and when the same shall have been executed by it, failing which the Lessee shall not have the right to claim the existence of a lease from the Lessor, whether verbal or otherwise, by reason of negotiations having been conducted or concluded in regard thereto, or by reason of this lease having been drafted or executed by the Lessee only.

31. No agreement at variance with the terms and conditions of this Agreement shall be binding on the parties unless contained in writing by the parties hereto, and any indulgence which the Lessor may show to the Lessee and, more particularly, any act of the Lessor in accepting any payments after due date, or in accepting a lesser sum than the amount due, shall not in any way prejudice its rights, or be construed as a waiver of same by the Lessor.

32. The Lessee shall pay to the Lessor the cost of stamping this Agreement in duplicate original according to Law, which cost shall be payable at the time of execution hereof, as well as all stamp duties payable in connection with any renewal of this lease. THUS DONE AND SIGNED AT Cape Town ON THIS

THE 26th DAY OF June 1964

AS WITNESSES:

1. E. L. Batley
2. A. Thelz

for and on behalf of
ROYAL HOTEL (1906) LIMITED

[Signature]
LESSOR

THUS DONE AND SIGNED AT Cape Town ON THIS

THE 24th DAY OF June 1964

AS WITNESSES:

1. [Signature]
2. [Signature]

for and on behalf of
DEFENCE AND AID FUND (CAPE WESTERN REGION.)

[Signature]
LESSEE

S.A. DEFENCE & AID FUND (DURBAN)

B1

27 Mayrick Avenue,
DURBAN.

August 31st.

S.A. Defence & Aid Fund,
314 C.T.C. Building,
Plein Street,
CAPE TOWN.

Dear Miss Urdang,

I understand that the transfer of Headquarters to Cape Town was to be effected not later than the end of this month; and so I am directing our request for further funds to you - I hope this is correct and that we do not fall between two ~~stools~~ stools.

Our situation is that at the time of our meeting together, we had just enough to cover our commitments at that time. Since then we have taken on a couple of new cases as follows:-

Siegfried Bhengu Accused of leaving country for military training.

PMB Supreme Court case. Expected cost R300.

Amelia Gasa & 3 others Accused of furthering aims of banned A.N.C.

Set down for Sept. 27th. They are now out on bail, and I have written to them giving name of lawyer in PMB, but they haven't been to see him yet, so I can't say what the cost will be.

Banned man, whose name I forget - I handed his letter to the lawyer - accused of breaking terms of his banning orders - he was ill at the time, and failed to report. This may never come to court, and won't cost much if it does.

Harold Strachan I understand that the Rand Daily Mail have offered to finance this case, which is likely to prove a very big affair. They hope to have the case referred to Johannesburg; and are in contact with ~~xxxx~~ members of D & A there.

What this amounts to is that we would like some more money, to cover these and other cases which might arise.

Yours sincerely,

Alan Holt

THE SOUTH AFRICAN

Bz

314 C.T.C. Building, Plein St, Cape Town.

14th September, 1965.

The Secretary,
Defence and Aid Fund,
27 Meyrick Avenue,
DURBAN.

Dear Mrs Hill,

Just a short note to acknowledge your letter and to tell you that, as yet, we have not received any funds from London. I believe that R4000 should be coming through shortly.

Yours sincerely,

SH

B3

314 CTC Building, Klein Street, Cape Town.

29th September, 1965.

The Secretary,
S.A. Defence and Aid Fund,
27 Meyrick Avenue,
DURBAN.

Dear Mrs Hill,

I am sorry that it has taken such a long time for funds to reach you. Although the money arrived in Cape Town about 10 days ago, we have been leading an irritating song and dance with our two banks, because the cheque was made out to Defence and Aid and we had opened a new account in the name of South African Defence and Aid! Hence, it was only cleared yesterday. Unfortunately, we can only allocate Durban R2000.00, as only R4000.00 was received. This amount is, according to the letter from D & A, London, the last instalment of the sum of R1600.00 which they undertook to send us, and - I quote - "Owing to the holiday period this is an extremely bad time for raising money but we are doing all that we can to ensure that we will be able to send you more money for legal fees shortly."

It was decided at our last committee meeting that, until we have more favourable news re funds from London, D & A should not take on any more cases at present, as our present commitments are far too great. We urgently require about R8000.00, and future requirements exceed that sum. (By "we" I mean all branches). We realize that this may be very difficult, but could you adhere to the decision until we are assured that funds will be forthcoming.

Yours sincerely,

N. 13

S.A. DEFENCE & AID (DURBAN)

B4

27 Meyrick Avenue,
DURBAN.

September 30th, 1965.

South African
Defence & Aid,
314 CTC Buildings,
Pleain Street,
CAPE TOWN.

Dear Stephanie,

Thank you for your letter and the cheque for R200. I find the contents of your letter alarming. We were told so clearly on a previous occasion that cases must not be turned away, and that money would be forthcoming. I have not had an opportunity to lay your letter before my committee, but at our last committee meeting it was agreed that rather than turn away new cases (we had had three or four the past month) we would prefer to withdraw from the appeal case which we had intended taking to the ~~supra~~ Appellate Division in Bloemfontein. Accordingly, we instructed our lawyers to go ahead with the two Robben Island case, Joshua Zulu and Harry Gwala, which we understand you had refused through shortage of funds. Our experience with Robben Island cases in the past is such as to indicate that if at all possible these should be defended, especially in view of the loss of study privileges which can result from a conviction - I don't know whether this will be the case with Joshua Zulu, who was found guilty of what the court declared to be very petty, and was reprimanded.

I hope that you are making the most urgent representations to London. Arenstein's case is costing far more than we originally anticipated; we have not got the account for this week's hearings, but I understand it will be about R500, whereas we had allocated R400 in our estimated. And it is not finished yet, but has been remanded, to enable defence counsel to prepare his address.

Yours sincerely,

Gene Hill

P.S. *I hope we don't have the panel of people you had over name - because we've also charges.*

Bank says charges.

C1 Referred to P.E. per teleph
T. 27.

POST OFFICE TELEGRAPHS.—POSKANTOORTELEGRAMMEDIENS.
This form and envelope should accompany any enquiry.
Hierdie vorm en koevert moet alle navrae vergesel.

No. *C101*

G.P.-S.

RECEIVED LLW6 WESTBANK 26 2 1220 =
ONTVANG N M12 57

ELK98

CT SW

SECRETARY DEFENCE AND AID
PARLIAMENTSTREET CAPETOWN

OFFICE STAMP
KANTOORSTEMPEL
SENT.
DOORGESEND.
APR 1 11

= SEND TWO LAWYERS IMMEDIATELY TO ADVISE PRISONERS MBUZP KOMSANA AND

SOYIZAPHI X CONFIRM PLEASE = J P MBUZP C/O SUPER EASTLONDON +

ELW98 ← CT 666

C2

314 CTC Building, Plein Street, Cape Town

29th September, 1965.

The Chairman,
S.A. Defence and Aid Fund,
P.O. Box 1605,
PORT ELIZABETH.

Dear Dennis,

I am so sorry it has taken such a long time for funds to reach you. Although the money arrived in Cape Town about 10 days ago, we have been leading an irritating song and dance with our two banks, because the cheque was made out to Defence and Aid and we had opened a new account in the name of South African Defence and Aid! Unfortunately we only allocate P.E. R1000-00. The R4000-00 just received is, according to a letter from D & A, London, the last instalment of the sum of R16000-00 which they undertook to send us, and - I quote - "owing to the holiday period this is an extremely bad time for raising money but we are doing all that we can to ensure that we will be able to send you more money for legal fee shortly."

It was decided at our last committee meeting, that until we have more favourable news re funds from London, that D & A should not take on any more cases at present as our present commitments are far too great. We urgently require about R8000-00, and future requirements exceed that sum. (By 'we' I mean all branches) We realize that this may be very difficult, but could you adhere to the decision until we are assured that funds will be forthcoming?

Best regards,

Yours,

DEFENCE & AID FUND

EASTERN CAPE

10 COURT CHAMBERS
129 ADDERLEY STREET
P.O. Box 1685
PHONE 46576
PORT ELIZABETH

7th September, 1965

The Secretary,
Defence & Aid Fund,
314, C.F.C. Building,
Plein Street,
CAPE TOWN.

Dear Stephanie,

Thank you for your two letters.

I have already set machinery in motion to obtain from U.N.O. the report of the worthy Canon's speech, and will pass it on as soon as it arrives.

No, I am not in the happy position of having a secretary, so you will NOT be plagued with letters from P.E.

Yours,



DEFENCE AND AID FUND

5 TRADES HALL
30 KERK STREET
P.O. BOX 2864
JOHANNESBURG

Dr.
33-5960
33-5901

9th September, 1965.

The Secretary,
S.A. Defence and Aid Fund,
314 C.T.C. Buildings,
Plein St.,
CAPE TOWN.

Dear Stephanie,

Re: General Funds

I have not as yet sent any of the files down to you for two reasons. One, the audit is not yet complete and there may be queries. Two, I understood that Mickey would be coming up to take delivery. Is this so or has his illness interfered with his plans. Will you please let me know whether you wish me to post the files, etc. to you or will it be possible for someone to fetch them? It won't be too bulky a parcel. I understand that Dr. Hoffenberg will be passing through in a couple of weeks' time, but you may not want to wait so long.

We will have no funds to transfer to Headquarters as our policy lately has been to pass any monies on immediately they have arrived. The Christian Action file is about the most important one for Headquarters to have, but I will give you quickly an idea of what they require. They have asked us to keep them informed weekly of the situation in regard to funds, and to give as full as possible details of all cases. Charges, how long held, costs, etc., and any other details which help them in their appeals for funds. Where people are charged with breaking banning orders, they would like as full details as possible of the circumstances as these cases arouse tremendous interest. Since the beginning of July, we have received R20,000 from Christian Action and R6,000 from T.U.C. Of this, Cape Town has had 8, Port Elizabeth Branch 4, and Johannesburg about 14. Over ten thousand has been paid by Johannesburg for cases in the Eastern Province in the last few months. (four months). This does not include the Neame case at Humansdorp which cost the Fund about three thousand. Durban has not had any allocation for sometime as they received a donation from America which helped them up until now.

I am enclosing a statement from which you will see that we urgently require R5000 to cover present commitments.

With regards to all,

[Signature]
Yours sincerely,

Thank you for the amount sent.

D2

314 C.T.C. Buildings, Plein Street
12th August, 1965.

The Secretary,
Defence and Aid Fund,
P.O. Box 2864,
Johannesburg.

Dear Laura,

men
I heard just now that 6 Coloured men were arrested in the early hours of the morning, including Albert Thomas, who is a member of our executive committee. We think that they are being detained under this new clause.

I have enclosed a press cutting from the Burger, which the committee feels should be answered. No doubt you have known about it?

We were all perturbed to see the fact that we are moving headquarters released in the Sunday Chronicle, as we thought that it had been decided not to say anything as yet? Do you perhaps know how it came about?

Would it be possible to ask London to send enough money at one time - about R4000-00 for us - so that we can pay off our present commitments immediately, especially to B. Zackon. We will then be able to take on new cases with a freer conscience. Some members of the committee feel that we should not take on any cases until our commitments are met.

Best regards,

South African

03

314 C.T.C. Building, Plein St, Cape Town.

2nd Sept, 1965.

The Secretary,
S.A. African Defence and Aid Fund,
P.O. Box 2864,
JOHANNESBURG.

Dear Laura,

Many thanks for your two letters, of 23rd and
26th August.

Bank Accounts: It has been decided that we will open a
separate banking account at a different bank. to prevent
confusion. This is to be opened at Barclays Bank,
82 Adderley Street, Cape Town, as the South African Defence
and Aid Fund.

Transfer: It was agreed yesterday by the committee that
the books you propose sending, should be sent. It seems
far wiser to keep the correspondence between you and East
London going from your end.

Receipts: Sorry, but we would prefer not to have your
old receipts. To have to continually change the address
and R & c, is more trouble than it is worth.

Constitutions: I shall be sending under separate cover
a few copies of our amended constitution, which was a-
mended as a result of discussions with an attorney.

All for now,
Regards,

L. K. ...

84

314 CTC Building, Plein Street, Cape Town.

29th September, 1965.

The Secretary,
S.A. Defence and Aid Fund,
P.O. Box 1605,
JOHANNESBURG.

Dear Laura,

At last! I'm terribly sorry that it has taken such a long time, but it took over 10 days for a cheque to be transferred from one bank to the other and back again, although they are about two blocks away from one another.

As I told you over the telephone, it was decided at our last committee meeting that D & A should not take on any more cases at present as our present commitments are so great. We realize that this may be very difficult, but could you adhere to the decision until we have more favourable news from London? The letter we received from London informed us that the amount of R4000-00 just received is the final instalment of R16000-00 that they undertook to send us and that "owing to the holiday period this is an extremely bad time for raising money but we are doing all that we can to ensure that we will be able to send you more money for legal fees shortly".

Love,

A. Phillips

DEFENCE AND AID FUND

CAMBRIDGE,
59 Sauer Street.

5 TRADES HALL
30 KERRY STREET
P.O. BOX 2864
JOHANNESBURG

DS
33-5960

33-5901

9th November.

The Secretary,
Defence and Aid Fund,
314 C.T.C. Buildings,
CAPETOWN.

Dear Madam,

I am enclosing receipts for the cheque for R1250 sent on Oct. 13th and the cheque for R2700 delivered by hand on Nov. 6th. I apologise for the delay in acknowledging the first cheque, but, as you know, there is no-one permanently in the office and I am filling in whenever possible.

The first cheque was returned to me by the Bank as there was no stamp on it to indicate the Account. I have redeposited it, having written in "S.A. Defence and Aid Fund" in ink on the bottom, and hope that the Bank will accept it. However, please will you stamp all cheques in future, as commission has to be paid each time the cheque is deposited.

I have paid Hayman & Aronsohn R2900 on account, but cannot send you any details until Miss Hayman returns from overseas at the end of this week.

I don't know whether Laura answered your query about Madikezila, but I can find no record of him in our files. What do you suggest we do about sending the files down to you?

Regards,

Hanna Joff

314 C.T.C. Building, Plain St, Cape Town.

24th Nov., 1965.

S.A. Defence and Aid Fund,
P.O. Box 2864,
JOHANNESBURG.

Dear Mrs Jaff,

Thank you very much very much for your letter of
24th November, 1965.

I am sorry to have you such a song and dance by not stating
the name of our account on the cheques. I have now ordered a
rubber stamp and hope that it will not happen in the future.

Files:

I have written to a friend of mine who lectures at Wits. in
the Archaeology and who is most probably coming down to Cape
Town by car during December. I have asked him to contact
Miss Hayman. If he is unable to bring down the files we
shall try and make other arrangements. If you know anybody
who is coming down to Cape Town by car, perhaps they could
bring them down?

Reports to London:

As a result of discussions with Mrs Collins, it has been de-
cided to send full monthly reports to London. These will be
sent at the end of each month. All the branches are asked
to send us financial statements before the end of every month
if they wish to be included in the appeal for funds. However
we would like to be constantly informed of new commitments.
Laura sent us a very full report ~~at-the-e~~ in the middle of
October. It is therefore only necessary to send us details
about new cases as they arise. We appreciate that you must
be experiencing great difficulties through not having a sec-
retary, but full reports are essential for fund raising pur-
poses.

Legal Aid:

We rather urgently require details about the legal aid bureaux.
Do you think you could send us as much information about the
Legal Aid Bureau/s in Johannesburg as possible? Thanks.

Best regards,



E/ 1506
DEFENCE AND AID FUND

Chairman: THE REVEREND
CANON L. JOHN COLLINS

CHRISTIAN ACTION
AMEN COURT, LONDON, E.C.4
telephone: CITY 3747/6869

27/11/64
12th November, 1964.

Dear Leo Marquard,

I am taking the liberty of writing to you as I was informed that you were considering establishing a national committee for the welfare of the dependants of persons convicted on political offences, detained, on trial, banned or banished by the Government of South Africa.

As you may be aware, the Defence and Aid Fund (International) has recently been approved as an agency of the United Nations. This decision arises from the need to provide "relief and assistance, through appropriate international agencies to the families of all persons persecuted by the Government of the Republic of South Africa." (United Nations Special Committee Appeal, adopted 26.10. 64).

MB 11
Three agencies have been chosen, namely, the Defence and Aid Fund (International), Amnesty International and the Joint Committee for the High Commission Territories. We feel that we are best suited to administer such monies as we are the oldest established body. We work through the South African Defence and Aid Committees and we have already collected and distributed an amount of £300,000.

Member States have already been asked to contribute generously and urgently. As you will note, the request is specifically for welfare and I think that the time has now come for us to separate our work for defence from the work for welfare. To this end, we have written to the South African Defence and Aid Committees, asking them to consider the establishment of a national committee to administer welfare.

We shall be most grateful, therefore, if you will let us know whether you would be interested in serving on such a Committee and, if so, if you would discuss this matter with the Defence and Aid Fund in Cape Town.

We look forward to hearing from you soon.

With good wishes,

Yours sincerely,


L. JOHN COLLINS.

also
20/11/64

506

-2-

Mr. Leo Marquard,
"Windrush"
Draper Street,
Claremont,
Cape Province,
South Africa.



DEFENCE AND AID FUND

E2

CHRISTIAN ACTION

1 AMEN COURT, LONDON, E.C.4
Telephone: CITY 3747/6869

Chairman: THE REVEREND
CANON L. JOHN COLLINS

17th September, 1965

Dear Madam,

We have been informed by the Johannesburg Defence and Aid Committee that all correspondence should now be directed to you.

1. Transfer of Money: This is to confirm that on 13th September £2,000 was transferred to your bank. This is for current legal expenses to be allocated as thought best by you.

On 8th July we informed the Johannesburg Committee that we would send £8,000 at short intervals and the £2,000 now sent to you is the final instalment of this money.

2. We shall be most grateful if you will give us details of your current legal needs, with brief details of the nature of the cases and the names of the people involved. We are aware that, with the Cape Eastern Province this may be impossible, but for other areas we would appreciate having this information. With each case, we would like an estimate of the costs. Owing to the holiday period this is an extremely bad time for raising money but we are doing all that we can to ensure that we will be able to send you more money for legal fees shortly.

3. Please let us know by return post the outcome of the appeal in the case of Livingston Mrwetyana. The students at the University College, London, raised money for this appeal and they are very anxious to know what happened and we have seen nothing in the press.

4. With reference to your letter to us of 25th June, do you know if Mrs. Ngudle has been given welfare assistance? Her address is: c/o Sellinah Labose, P.O. Kwa-Nayipha, Via Middle Drift, Cape Province, South Africa.

With every best wish,

Yours sincerely,

Jean Littlejohn

Jean Littlejohn (Miss)

Miss Stephanie Urdang,
Secretary, Cape Town D. and A. Committee.



DEFENCE AND AID FUND

CHRISTIAN ACTION

1 AMEN COURT, LONDON, E.C.4
Telephone: CITY 3747/6869

Chairman: THE REVEREND
CANON L. JOHN COLLINS

14th October, 1965.

Dear Miss Urdang,

Thank you for your letter of the 22nd September, 1965. Canon Collins is away for a few days but will be returning tomorrow and our Organising Secretary is also away on leave. We are, however, very conscious of the urgency of your needs and will take the matter up with Canon Collins immediately on his return.

You refer to a previous letter which we should by now have received and which set out the commitments for Johannesburg, Durban and Cape Town. You have omitted to state the date of this letter and I regret to inform you that the last letter I can trace from you was dated 13th May, 1965. Possibly this letter went astray and if so I would be very grateful if you could let us have a copy as soon as possible. We were most upset to learn of the recent banning of Mrs. Hill from your Durban Committee and know that it will not be an easy task to replace someone who has been so staunch and loyal over such a long period.

We have had a request for new regarding a Mr. Nweli Kobo. He was detained under the Suppression of Communism Act and his case was remanded till the 29th September, 1964 at Port Elizabeth Magistrates Court. Council for his defence was Mr. Jankelowitz. This request has come from the Amnesty Group from Norway who were helping this man. They would be very grateful for any information you may have as to his fate, whether he is serving a prison term, for what period etc.

Yours sincerely,

Elizabeth Taylor

Miss S. Urdang,
Defence & Aid Fund,
Cape Town.

THE SOUTH AFRICAN

Ec

314 CTC Building, Plein Street, ~~Capetown~~

29th October, 1965.

Defence and Aid Fund,
2 Amen Court,
London E.C.4.

Dear Miss Taylor,

Thank you for your letter dated 14th October. I hope that you have received mine of the 15th October by now.

We have just been informed that the sum of R3995-00 has been transferred to us. Thank you very much. In future, could the cheques please be made out to the SOUTH AFRICAN DEFENCE AND AID FUND? This is the name under which we opened our account at Barclays Bank. Each time funds have arrived for us we have had to transfer the money to our other account and back again, before we could draw on it. I shall send you a receipt as soon as the money is credited to our account.

re: Livingstone Mrwetyana.

Mr Mrwetyana's appeal has not yet been heard. It seems to be taking an uncommonly long time. I shall inform you of its outcome as soon as I hear.

re: Mrs Ngudie

The Institute of Race Relations is giving Mrs Ngudie assistance. This only began recently.

Yours sincerely,

Stephanie Urdang.

DEFENCE AND AID FUND

Christian Action,
2 Amen Court,
London E.C.4.

18th November, 1965.

Dear Miss Urdang,

Further to my letter dated 12th November, 1965, I am pleased to tell you that we have today transferred the sum of £1000 (R2000) to the account of the Defence and Aid Fund in Cape Town.

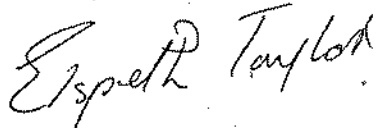
Our letter of the 22nd October, 1965, informing you that we had transferred the sum of £2000 (R4000), crossed your letter of the same date (though, as you will know, yours came by surface mail). On 3rd November, 1965, we transferred the sum of £1000 (R2000) to the account of Hayman and Aronsohn as we were informed that this was urgently required to meet part of the outstanding costs of the appeal of five accused in the Fischer case.

These two amounts together with today's transfer total £4000 (R8000). We are aware that this leaves a short fall of approximately £3877 (R7775) for your minimum estimated requirements for the cases listed in your letter and we shall do our best to meet this as soon as possible.

We shall be grateful if you will acknowledge the receipt of the £1000 transferred today and also the previous sum of £2000 transferred on 22nd October, 1965.

With every best wish.

Yours sincerely,



Elspeth Taylor (Miss)

Miss S. Urdang.
Secretary
Defence & Aid Fund,
314 C.T.C. Buildings,
Plein Street,
Cape Town.



DEFENCE AND AID FUND

CHRISTIAN ACTION

2 AMEN COURT, LONDON, E.C.4
Telephone: CItY 3747/6869

Chairman: THE REVEREND
CANON L. JOHN COLLINS

February
4th January, 1966.

Dear Madam,

Thank you for your letter; number 6 of the 18th January, 1966, and the short note of the 24th January, 1966.

We note that your commitments have increased radically and that Cape Town has taken on a new case, namely that of Mr. Carneson. We should be grateful if you could let us have an estimate of the probable costs in this case.

I am very pleased to be able to tell you that we are transferring the sum of £2000 to your account early next week towards payment of the legal costs in the cases referred to in your letters.

We would appreciate some information from you with regard to the cases of Wilfred Brutus and others. We have received a letter from the Bishop of Auckland, New Zealand stating that he has been informed that there is a sum of £30 owing to Messrs. Omar and Company for this case. We believe that some of the costs were not paid through the Defence and Aid Fund but would be grateful if you would ascertain for us whether this sum is in fact still owing, as the Bishop of Auckland wishes to raise the amount required.

With many thanks and with every best wish,

Yours sincerely,

Elspeth Taylor (Miss)

The Secretary,
Defence & Aid Fund,
314 C.T.C. Building,
Plein Street, Cape Town.

BARCLAYS BANK D.C.O. 87

REGISTERED COMMERCIAL BANK WITH WHICH IS AMALGAMATED
 THE NATIONAL BANK OF SOUTH AFRICA LIMITED

ISEREGISTREERDE HANDELSBANK WAARBY INGELYF IS
 DIE NASIONALE BANK VAN SUID-AFRIKA BEPERK

CREDIT/KREDITEER 10.2.66

Acc. No.
 Rek. Nr.

NAME/NAAM BLOCK LETTERS/DRUKLETTERS

DEFENCE AND AID FUND

BANK NOTES	BANKNOTE	R 10 AND OVER/EN MEER	
		R 2 NOTES/NOTE	
		R 1 NOTES/NOTE	
SILVER	SILWER		
COPPER/BRONZE	KOPER/BRONS		
MONEY AND POSTAL ORDERS	POSWISSELS EN POSORDERS		
TOTAL OF ABOVE	TOTAAL VAN BOGENOEMDE		
<small>CHEQUES, etc., for collection to be available as cash when paid, viz.:</small>	<small>TJEGS, ens., inoehandig vir in-vordering wat, na betaling, as kontant beskikbaar sal wees n.l.:</small>		

DRAWER'S NAME/NAAM VAN TREKKER	TOWN/PLEK
DCT ex Barclays Bank Ltd	
Chief Foreign Branch	
Fenchurch Street London	
DD 9th order selves	3995-00
5	
6	
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10	

4 2 3995-00

PAID IN BY (SIGNATURE) BARCLAYS BANK
 GEDEFONEER DEUR (HANDTEKENING) SOUTH AFRICA LTD., C.T.

314 CTC Building, Flain Street, Cape Town.

29th October, 1965.

Defence and Aid Fund,
2 Amen Court,
London E.C.4.

Dear Miss Taylor,

Thank you for your letter dated 14th October. I hope that you have received mine of the 15th October by now.

We have just been informed that the sum of R3995-00 has been transferred to us. Thank you very much. In future, could the cheques please be made out to the SOUTH AFRICAN DEFENCE AND AID FUNDS. This is the name under which we opened our account at Barclays Bank. Each time funds have arrived for us we have had to transfer the money to our other account and back again, before we could draw on it. I shall send you a receipt as soon as the money is credited to our account.

re: Livingstone Mrwetyana.

Mr Mrwetyana's appeal has not yet been heard. It seems to be taking an uncommonly long time. I shall inform you of its outcome as soon as I hear.

re: Mrs Ngudie

The Institute of Race Relations is giving Mrs Ngudie assistance. This only began recently.

Yours sincerely,

Stephanie Urdang.



314 C.T.C. Bldg, Plain Street, Cape Town.

No. 1

19th November, 1965.

Defence and Aid,
2 Arden Court,
London E.C.4.

Dear Mrs Altman,

I hope that my last letter dated 29th October has been received at your end. I enclose our receipt for the last sum received. Once again, thank you.

In future I shall be numbering my letters to you, so that those that go astray can be easily detected.

After discussion with Mrs Collins it was decided to send you a monthly report on our national commitments with as much detail about each case as possible. If funds are needed particularly urgently in the interim I shall send you an urgent appeal. This is such an appeal.

At the moment our national commitments stand at R12375-00 (R5200). This includes a sum of R1000-00 which the Port Elizabeth branch requires immediately. I quote from a letter from Mrs Gibbs this morning:

"At short notice we have had to arrange for defence of approximately 70 people to be charged in Cradock for membership of P.A.C. on 22nd November. ... The instructing attorneys, who are proving invaluable in many ways, require cover for Counsel and this R1000-00 must be paid to them immediately"

The Cape Town branch borrowed R1100-00 from its Bail Fund some time ago to pay for legal fees. This sum was loaned to us by private persons. We have had a number of requests for bail money during the past week and urgently require to pay the loan to the Bail Fund.

Thank you in anticipation.

With best wishes,
Your sincerely,

GORING
RHODES DRIVE
CONSTANTIA, CAPE.

F1

November 6th

The Secretary,
Defence and Aid Fund,
314 CTC Building,
Cape Town.

Dear Madam,

I would be grateful if you would place this letter before the appropriate Committee.

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.

Yours faithfully,

3

Barbara Wille

510

F2

314 ~~Cape~~ Building, Plein St, Cape Town.

18th November, 1965.

Mrs Barbara Wilks,
Goring,
Rhodes Drive,
Constantia.

Dear Mrs Wilks,

Thank you for your letter of the 6th November which was read out at the Management Committee meeting held last night.

The Committee has asked me to write to you in order to clarify a few points arising out of the letter.

About a year ago an appeal was made to U.N.O. on behalf of Defence and Aid International. Member states were then asked to make contributions to the Fund.

A number of countries have responded to this appeal including Holland, Denmark, Sweden, Pakistan, the Philippines and, of course, Russia. Her contribution was not made directly to the South African Defence and Aid Fund but to U.N.O., who will pass it on to Defence and Aid International in London. It is therefore impossible for this Fund to consider returning the gift.

Yours sincerely,

(Miss) Stephanie Urdang
Secretary

27th. October 1965.

The Secretary,
Defence & Aid
Cape Town.

Dear Madam,

I regret very much having to tender my resignation from the above organization. It has been a great pleasure for me to work with you all, but I feel that in the present circumstances I have no alternative but to resign from the D.V.A. I must thank you all for the support and help that had been given to my wife and family, and the present case still being held.

Please again thank you all, and hope that ~~you~~ D.V.A. continues with the good work.

Sincerely
M. [Signature]

THE SOUTH AFRICAN

510

F4

314 C.T.C. Building, Plein St, Cape Town.

2nd November, 1965.

Mr A. Thomas,
1 Goran Road,
Wynberg.

Dear Albert,

I have been asked by the Committee to write and tell you that your resignation, which was tendered at the meeting held on Friday, 29th October, has been accepted.

Yours sincerely,

Stephanie

Stephanie Urdang
Secretary.

FS

Oct. 22 nd. 63

Sub. to Defence & Aid Fund

From

E.M.F.Saville

Northridge House

Northridge Road

Durban.

Please send receipt as soon as possible letters
sometimes get lost in the Post.

THE SOUTH AFRICAN

510

FG

314 C.T.C. Building, Plain St., Cape Town.

28th October, 1965.

Dear Mr Saville,

Thank you very much indeed for your generous donation to our fund. It is sincerely appreciated.

Yours sincerely,

Stephanie Urdang

Stephanie Urdang (Miss)
Secretary.

E.M.F.S. Saville,
Northridge House,
Northridge Road,
Durban.

Rec No 3 (Bk No 2) for R100-00

I, I understand, the purpose of your enquiries, in addition to
 great hardship. They ought in common decency to be helped. Their
 one virtue about for all long periods, that depends on the
 In historical case - the proceedings are often so lengthy,
 he might be. I understand, the purpose of your enquiries, in addition to
 to depend on the proceedings, the purpose of your enquiries, in addition to
 very intelligent and well educated lawyer would not be
 relating to political activity, and so complicated that even a
 In such cases some of the cases, especially those
 the complexity of the cases. Furthermore the lawyer should have
 adequately with regard to the seriousness of the charge and the
 that very serious nature, in any country, should be
 I suggest your effort because I believe
 I would a subscription to your journal.

Don Madam,

Colo Town.

Plan St.

514. CTC Buildings

The Defence on Hill Road

The Secretary

August 26th 1965

KURORA
 MONTEREY DRIVE
 CONSTANTIA, C.P.
 TEL: 774817

72

friendly regard.

If I believe that Dora and Bill is
involved in any way part by Communist with the
action of furthering the aims of Communism, I must
believe would not affect it.

If it might help you, in various funds to
be held by Bill, please do so.

Yours faithfully

F. F. C. Steuben

(Communist Party Member)

5/18

F8

314 C.T.C. Building, Plein St, Cape Town.
2nd Sept, 1965.

Dear Commander Struben,

Thank you very much indeed for the letter you wrote us and the donation you enclosed.

Thank you, too, most sincerely for the interest you have taken in the Fund and the support that you expressed for it. It is most encouraging to receive such letters.

I have enclosed a copy of my case report, which I thought might interest you. Although we ~~are~~ not going to publish your letter, your gesture was appreciated.

Yours sincerely,

Stephanie Urdang (Miss)
Secretary.

GREYLADIES
WOLMUNSTER ROAD,
ROSEBANK, C.P.

Fg.

18 Dec. '65.

The Secretary
Defence Aid.
Ct.

Madam,
I enclose a cheque
towards your funds from
Miss Lockyer, Miss Ainslie
& myself in appreciation
of the work you are doing
with Christmas parties.
Yours sincerely
Rita Townsend

5707

F10

314 C.T.C. Bldg, Plein St, Cape Town.

12th January, 1966.

Miss R.M. Townsend,
GREYLADIES,
Wolmunster Road,
Rosebank.

Dear Miss Townsend,

Once again I must express our sincere appreciation to you, Miss Lockyer and Miss Ainstie for the gift you sent us at the end of last month. Thank you so much.

I must apologise for only acknowledging your donation now, but the office has been closed for the past three weeks.

With every wish for a happy and successful new year,

Yours sincerely,

(Miss) Stephanie Urdang
Secretary.

Rec. No 188 for R3-00 ad.

THE SOUTH AFRICAN DEFENCE AND AID FUND

G1.

The Minutes of the Executive Committee meeting held on Friday, 5th Nov, 65.

PRESENT: Messrs: Mittag, Mtshizana, Carpenter & Dr Hoffenberg

Mesdames: Solomon, Stoy

In Attendance: Mrs D. Collins

MINUTES: The minutes of the previous meeting were read and signed.

WESSELS:

It reported that the Fund had been approached by Mr Wessels for financial assistance. He had been subpoenaed to give evidence in the Brutus trial and had refused to do so. He was sentenced to 6 months imprisonment. He is out on bail pending the appeal. Although he had already instructed his own attorney it was agreed that the fund should pay the cost of the Appeal.

FUNDS:

It was reported that the Fund has received the sum of R2000-00 from ICFTU, following the urgent appeal made by Mrs Hitchins.

ADMINISTRATION:

It was agreed that Dr Hoffenberg would administer distribute the funds to the branches in Mr Mittag's absence. He is to be come a signatory ~~to both accounts~~ of Defence and Aid (Cape Western)

and S.A. Defence & Aid Fund

signed: *M.T. Mittag*

date: 12-11-65

42

CONSTITUTION
of the DEFENCE AND AID FUND.

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 co-accused 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 Republic of South Africa and South West Africa.

4. POWERS OF THE FUND

- (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 Republic 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 condition which it deems desirable in its sole discretion in furtherance of its objects, with any persons, 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.

5. MEMBERSHIP

The members of the Fund shall be the members of the various Branches thereof as at present existing or as may hereafter be established in terms of this Constitution.

6. MANAGEMENT

- (1) The supreme governing body of the Fund shall be the National Conference, which shall meet at intervals of not more than two years, or at any time at the request of not less than two branches; and shall consist of such number of representatives of each branch as shall bear to the total membership thereof the ratio to be fixed from time to time by the National Executive, which ratio shall apply to all branches.

- (11) Between meetings of the National Conference the affairs of the Fund shall be managed by the National Executive...

Executive Committee which shall consist of a Chairman and four other members elected by the National Conference. Three members of the National Executive shall form a quorum.

(iii) The National Conference and the National Executive may establish committees for such purposes and with such powers as either may deem fit.

(iv) At any meeting of the National Conference the National Executive Committee shall present:

(a) A report of the work of the Fund since the previous meeting;

(b) A report on the Balance Sheet and Accounts of the Fund up to the end of the financial year immediately preceding such meeting.

7. TRUSTEES

(i) The Fund shall have not less than three nor 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.

(ii) For the purpose of enabling them to discharge such function the trustees shall have power to call upon the National Executive Committee to submit to them such accounts and to furnish them with such information as to the affairs of the Fund as they may think fit. If, in the opinion of the Trustees, or any of them, any funds have not been used and applied as aforesaid, it shall be their or his duty to report the same to the National Executive, the next ensuing meeting of the National Conference and to any donors or donor of the funds in question.

(iii) ...

- (iii) The National Conference shall appoint the trustees, and may remove and replace any trustee as deemed necessary in the interests of the Fund.

8. MONEYS, PROPERTY AND LEGAL PROCEEDINGS

- (i) All moneys collected and other assets shall be vested in the National Executive Committee, who may represent the Fund in any legal proceedings.
- (ii) The control and use of the moneys and assets of the Fund shall be vested in the National Executive Committee for the objects, functions and work of the Fund according to its discretion. The National Executive Committee may make such allocations to Branches as in its sole discretion it may think fit, but Branches shall have no authority to pledge the creditor in any manner to bind the National Executive Committee.
- (iii) All cheques and other negotiable instruments shall be signed by any two members of the National Executive Committee.

9. ACCOUNTS

The National Executive Committee shall cause proper accounts to be kept of the finances of the Fund and to cause the same to be properly audited. Each financial year shall commence on the 1st day of July of each year and shall terminate on the 30th day of June of the following year. The Annual Accounts and Balance Sheet and the Auditor's Report thereon shall be submitted to the trustees and to the next ensuing meeting of the National Conference.

10. BRANCHES

(i) The National Executive Committee may in its sole and absolute discretion establish or constitute branches anywhere within the Republic of South Africa and South West Africa as it may deem necessary.

(ii) The National Executive 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 National Executive Committee;

(b) account for and be responsible to the National Executive 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) Subject to the foregoing, any branch may conduct its own affairs, acquire its own assets and collect and deal with its own funds in terms of a constitution adopted by it.

(b) The National Executive Committee shall have the right...

right to nominate a representative to the Executive Committee of any branch or subsidiary.

11. AMENDMENT OF THE CONSTITUTION

The National Conference 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.

12. DISSOLUTION

(a) The Fund shall be dissolved if at least two-thirds of the members present and voting at a Meeting of the National Conference specially 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 National Conference may determine.

934

Amended 24th Dec
1961 Amended 17th Apr

CONSTITUTION

1. NAME:

The name of this 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.

17 APR 1961

(b) To grant relief and assistance in the prevention of indigency

(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.

(ii) to the dependants of such persons referred to in (i) above.

(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 officio.

(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.

(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 persons, 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.

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 Convenor of the Law and *Welfare* Committee.

11. ACCOUNTS/

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 /



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 interests of the Fund.

"C"

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between :-

THE SOUTH AFRICAN DEFENCE AND AID FUND First Applicant.

and

RAYMOND HOFFENBERG

Second Applicant.

and

THE MINISTER OF JUSTICE

Respondent.

AFFIDAVIT

I, the undersigned, KENNETH NUTTALL,
hereby make oath and say :-

1. I am the Assistant Accountant at the A.B.C.,
Cape Town Branch, of the Standard Bank of S.A.
Limited.
2. I have custody and control of and access to all
books, documents, ledgers and entries relating
to the various accounts at the said branch of the
said bank. I have authority to produce such
documents or certified copies thereof for
judicial purposes.
3. The Defence and Aid Fund, (Cape Division), 314
C.T.C. Building, Plein Street, Cape Town, had a
No. 1 and No. 2 Account with the aforesaid branch
of the said Bank, and all documents, entries and

STATEMENT/STAAT

NAME/NAAM
 ADDR./SI/ADRES

DEFENCE & AID FUND,
~~314, C.P.C. Buildings,~~
~~Plain Street,~~
~~Cape Town, C.P.~~



ACCOUNT WITH THE **STANDARD BANK** OF SOUTH AFRICA LIMITED.
 REKENING BY DIE **STANDARD BANK** VAN SUID-AFRIKA BEPERK.
 (REGISTERED COMMERCIAL BANK) (Geregistreerde Handelsbank)

A.B.C. BRANCH/A.B.C. TAK, P.O. BOX 46, CAPE TOWN/KAAPSTAD.
 (REGISTERED COMMERCIAL BANK) (Geregistreerde Handelsbank)

ATE. TUN.	DEBIT. DEBET.	CREDIT. KREDIET.	DATE. DATUM.	BALANCE. BALANS.
			FEB 28 '66	975.22 -
			MAR 2 '66	225.22 +
		1,500.00 +	MAR 3 '66	1,707.25 +
1 '66	75, 750.00 ✓			
3 '66	78, 17.97 ✓			
1 '66	79, 550.00 ✓			
3 '66	77, 2.66 ✓		MAR 8 '66	1,154.59 +
1 '66	80, 1,000.00 ✓		MAR 10 '66	154.59 +
7 '66	2.65 ✓ LF		MAR 17 '66	151.94 +
1 '66	151.94 ✓ TR		MAR 29 '66	00

CLOSE

FORWARD
 OORGEDE

MEANINGS OF ABBREVIATIONS/BETEKENISSE VAN AFSKORTINGS:-

- | | | | |
|---|---|--|--|
| 1. OR AC. BD. (BILL TRANSACTIONS.
OF BC. BE. (WISSELTRANSAKSIES. | DV. (DIVIDEND OR INTEREST.
(DIVIDEND OF RENTE. | LF. (LEDGER FEES.
(GROOTBOEKELDE. | TR. (MAIL OR TELEGRAPHIC TRANSFER
OR CHANGES THEREON.
OORSENDING PER POS OF TELEGRAAF
OF KOSSE IN VERBAAD, DAARREN. |
| 1R. (CHEQUE BOOK.
(TJESKROEK. | EC. (ERROR CORRECTED.
(FOOT REGGENAAR. | PT. (STOP ORDERS, ETCETERA.
(AFTREKORDERS, ENSVOORTR. | UN. (CHEQUE OR BILL UNPAID.
(ONRETAALDE TJEK OF WISSEL. |
| 1M. (COMMISSION OR OTHER CHARGES.
(KOMMISSIE OF ANDER KOSTE. | IN. (INTEREST ON OVERDRAFT.
(RENTE OF OONTREKKING. | SL. (SUPPLEMENTARY LIST.
(AANVULLENDSE LYS. | |

NOTE:—No abbreviation to used against amounts deposited over the counter or by letter.
 ET WEL:—Teendoor bednar don die toonbank of per skrif bedponker, word geen afskorting gemaak nie.

© FEDERAL S.V.

STATEMENT/STAAT

NAME/NAAM
ADRES/ADRESDEFENCE & AID FUND,
~~314, G.T.C. Buildings,~~
~~Plain Street,~~
~~Cape Town, G.P.~~ACCOUNT WITH THE STANDARD BANK OF SOUTH AFRICA LIMITED.
REKENING BY DIE (REGISTERED COMMERCIAL BANK) VAN SUID-AFRIKA BEPERK.
(GEGESTREERDE WANDELSBANK)

A.B.C. BRANCH/A.B.C. TAK, P.O. BOX 46, POBOS 46, CAPE TOWN/KAAPSTAD.

DATE. DATUM.	DEBIT. DEBET.	CREDIT. KREDIT.	DATE. DATUM.	BALANCE. BALANS.
			FEB 28 '66	975.22 +
MAR 2 '66	75, 750.00		MAR 2 '66	225.22 *
MAR 3 '66	78, 17.97	1,500.00 +	MAR 3 '66	1,707.25 *
MAR 8 '66	79, 550.00		MAR 8 '66	1,154.59 *
MAR 8 '66	77, 2.66		MAR 10 '66	154.59 *
MAR 10 '66	80, 1,000.00		MAR 17 '66	151.94 *
MAR 17 '66	2.65		MAR 29 '66	
MAR 29 '66	151.94			

CLOSED

STATEMENT/STAAT

NAME/NAAM
ADDRESS/AORES

DEFENCE & AID FUND,
314 C.T.C. Buildings
Plain Street
Cape Town.



ACCOUNT WITH THE STANDARD BANK OF SOUTH AFRICA, LIMITED.
REKENING BY DIE STANDAARD BANK VAN SUID-AFRIKA, BEPERK.
(REGISTERED COMMERCIAL BANK) (GEPREGISTREERDE HANDELSBANK)

A.B.C. BRANCH, CAPE TOWN/A.B.C. TAK, KAAPSTAD.

DATE DATUM	DEBIT DEBET	CREDIT KREDIET	DATE DATUM	BALANCE BALANS
FEB 2'66	.05 - CM	122.00 +	JAN 31 1966 REKONSTRUKSIE	122.89 +
			FEB 2'66	244.84 *
FEB 4'66	71, 10.00 +		FEB 4'66	234.84 *
FEB 5'66	68, 67.34 +		FEB 5'66	167.50 *
FEB 10'66	67, 17.97 +	502.00 +	FEB 10'66	651.53 *
FEB 11'66	70, 4.00 +		FEB 11'66	647.53 *
FEB 14'66	68, 2.66 +		FEB 14'66	644.87 *
		600.00 +	FEB 16'66	1,244.87 *
FEB 21'66	73, 1.23 +		FEB 21'66	1,242.56 *
FEB 21'66	72, 1.08 +		FEB 24'66	1,042.56 *
FEB 26'66	74, 200.00 -		FEB 26'66	975.22 *
FEB 26'66	76, 67.34 +			

STATEMENT/STAAT

E/NAAM
/ADRES

DEFENCE & AID FUND,
314 C.T.C Buildings
Plein Street
Cape Town. NO. 2ACCOUNT.



1/3*

ACCOUNT WITH THE **STANDARD BANK** OF SOUTH AFRICA, LIMITED.
REKENING BY DIE **STANDARD BANK** VAN SUID-AFRIKA, BEPERK.
(REGISTERED COMMERCIAL BANK) (GEGESTREERDE HANDELSBANK)
A.B.C. BRANCH, CAPE TOWN/A.B.C. TAK, KAAPSTAD.

DEBIT. DEBET.	CREDIT. KREDIET.	DATE. DATUM	BALANCE. BALANS.
		JAN 31 '66	834.57 +
		CORRECTION	

FORWARD
CORREKSE

ABBREVIATIONS/BETEKENISSE VAN AFKORTINGS:

{ BILL TRANSACTIONS. { WISSELTRANSAKSIES.	DV. { DIVIDEND OR INTEREST. { DIVIDEND OF RENTE.	LF. { LEDGER FEES. { GROOTROEGELDE.	TR. { MAIL OR TELEGRAPHIC TRANSFER OR CHARGES THEREON. { OORSPRONG PER POS OF TELEGRAF OF KOSTE IN VERBAND DAARMEE.
BOOK. BK.	EC. { ERROR CORRECTED. { FOUT REGGENAAR.	PT. { PAYMENT. { BETALING.	UN. { CHEQUE OR BILL UNPAID. { ONBETAALDE TJEK OF WISSEL.
SIGN OR OTHER CHARGES. TIE OF ANDER KOSTE.	IN. { INTEREST OR OVERDRAFT. { RENTE OF OORTSEKING.	SL. { SUPPLEMENTARY LIST { AANVULLENDE LIS.	

ABBREVIATION IS USED AGAINST AMOUNTS DEPOSITED OVER THE COUNTER OR BY LETTER.
LEENOR BEDRAE OOR DIE TOONBANK OF PER BRIEF GEDEPONEER. WORD GEEK AFKORTING GEBRUIK NIE.

* FEDERAL C.T.

THE 25 - 2 - 1966
STANDARD BANK OF SOUTH AFRICA LIMITED

A.B.C. BRANCH, CAPE TOWN (CAPE)
(120 ADDERLEY STREET)

REGISTERED COMMERCIAL BANK

A^o 03078

Pay ROYAL HOTEL (1905) Ltd. or Bearer

the sum of seven hundred pounds, number R 14 = 97



seven cents

R17-97

S. Udaya
R. Hoffenberg

DEFENCE AND AID (CAPE DIVISION)

No 1 Mc

THE 25 - 2 - 1966
STANDARD BANK OF SOUTH AFRICA LIMITED

A.B.C. BRANCH, CAPE TOWN (CAPE)
(120 ADDERLEY STREET)

REGISTERED COMMERCIAL BANK

A^o 03075

Pay RESS, RICHMOND & Co or Bearer

the sum of seven hundred and R 750 = 00



seventy cents

S. Udaya
R. Hoffenberg

DEFENCE AND AID (CAPE DIVISION)

No 1 Mc

THE 3rd March 1966
STANDARD BANK OF SOUTH AFRICA LIMITED

A.B.C. BRANCH, CAPE TOWN (CAPE)
(120 ADDERLEY STREET)

REGISTERED COMMERCIAL BANK

A^o 03079

Pay RESS, RICHMOND & Co or Bearer

the sum of five hundred and R 550 = 00



fifty cents

S. Udaya
R. Hoffenberg

DEFENCE AND AID (CAPE DIVISION)

No 1 Mc

THE 3 - 3 - 1966
STANDARD BANK OF SOUTH AFRICA LIMITED

A.B.C. BRANCH, CAPE TOWN (CAPE)
(120 ADDERLEY STREET)

REGISTERED COMMERCIAL BANK

A^o 03080

Pay Abe Swersky & Associates or Bearer

the sum of One thousand R 1000 = 00



S. Udaya
R. Hoffenberg

DEFENCE AND AID (CAPE DIVISION)

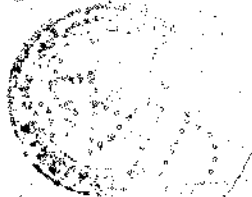
No 1 Mc

Report: Hotel (1906) 1st
O.K. ENIGARS (1906) LIMITED.
CASHIER: *Janberg*

RESS, RICHMAN & CO.
TRUST ACCOUNT

RESS, RICHMAN & CO.
TRUST ACCOUNT

ADE SWERSKY ASSOCIATES
TRUST A/C



V"8"

To the Manager,

THE STANDARD BANK OF SOUTH AFRICA LIMITED

(REGISTERED COMMERCIAL BANK)

A.B.C. BRANCH, CAPE TOWN (1-45) Branch.

23/11/65

We beg to inform you that at a meeting of the executive committee of the

Defence and Aid Fund (Cape Division)

in whom the funds of the said Defence and Aid Fund (Cape Division) rest

held on the 5th day of November, 1965 it was resolved:-

- (a) "That the STANDARD BANK OF SOUTH AFRICA LIMITED, continue
"Branch be requested to open an account to be called

Defence and Aid Fund (Cape Division)

"and until written notice to the contrary be received by the Bank to debit such account with all cheques purporting to be drawn thereon provided that they are signed by the members of the executive committee or any two of them.

- (b) "That the STANDARD BANK OF SOUTH AFRICA LIMITED, Branch, be requested to open a Savings Bank account in the name of

and until written notice to the contrary be received by the Bank to debit such account with all withdrawals purporting to be drawn thereon provided they are signed by

- (c) "That funds be placed on Fixed Deposit with the STANDARD BANK OF SOUTH AFRICA LIMITED, Branch in the name of

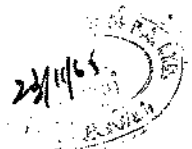
and that upon repayment of such funds the be and are hereby empowered to give a valid discharge for such repayment and to sign the relative receipt therefor.

- (d) "That a list of the names and specimen signatures of the persons at present authorised to sign under this Resolution be furnished to the said Branch Bank, and that they be advised in writing of all changes which may take place in the same from time to time. That a copy of this Resolution be furnished to the said Branch Bank and remain in force until receipt by the said Branch Bank of a copy of a Resolution by the

"rescinding the same."

Dated at CAPE TOWN this 11th day of NOVEMBER 1965
M.P. Miltay EXEC. COMMITTEE MEMBER
S. Urdang Secretary

Mandates "9" 11



To the Manager,

THE STANDARD BANK OF SOUTH AFRICA LIMITED

(REGISTERED COMMERCIAL BANK)

Cape Town ABC BRANCH.

With reference to your Bank's Form No. 101C dated _____
signed on behalf of Defence and Aid Fund (Cape Division)

we beg to inform you that at a meeting of the executive committee

held on the 5th day of November, 1965, the undermentioned
were elected office bearers of the Defence and Aid Fund (Cape Division)

and you may consider them to be holding their respective offices until further notice
in writing from the secretary.

Specimen signatures of authorised officers are enclosed herewith.

	Please give full name.
CHAIRMAN	
Secretary	S. J. Urdang
TREASURER	
executive committee member official designation	R. Hoffenberg.
Do.	M. T. Mittag.
Do.	C. L. Grimbeck
Do.	R. N. Robb
Do.	

M. T. Mittag

Member of executive
Committee.
CRSRRAC

S. Urdang

Secretary.

Date: 11th Nov, 65

"D"

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between :-

THE SOUTH AFRICAN DEFENCE AND AID FUND First applicant
and
RAYMOND HOFFENBERG Second Applicant
and
THE MINISTER OF JUSTICE Respondent.

AFFIDAVIT

I, the undersigned, HOSEA UYS, Administrative Control Officer, Department Posts and Telegraphs, stationed at CAPE TOWN Post Office, do hereby make oath and state as follows :-

1. I am an Assistant Telephone Manager, Department of Posts and Telegraphs, Cape Town.
2. I have under my control and in my custody all the records showing the names, addresses and telephone numbers of all subscribers to a telephone service in Cape Town.
3. According to such records, including the latest telephone directory for Cape Town, published in January of 1966, Defence and Aid Fund, 314 C.T.C. Building, Plein Street, Cape Town, is a subscriber and the allottee of number 32672. No application

has at any stage been received to change the name of the said subscriber, whether to South African Defence and Aid Fund or otherwise.

- 4. I have no record of independent subscription, or application for such subscription, in the name of the South African Defence and Aid Fund.
- 5. If any such application had been made, it would have been reflected in my records.

[Handwritten signature]

Sworn to and signed before me this 27th day of April, 1966, at CAPE TOWN, the Declarer having acknowledged that he knows and understands the contents of this affidavit.

RECEIVED

27.-4- 1966

..... *[Handwritten signature]*
COMMISSIONER OF OATHS.

EX OFFICIO: MEMBER OF SOUTH AFRICAN POLICE.

AREA: REPUBLIC OF SOUTH AFRICA.

E

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between:-

THE SOUTH AFRICAN DEFENCE AND AID FUND First Applicant

and

RAYMOND HOFFENBERG Second Applicant

and

THE MINISTER OF JUSTICE Respondent

A F F I D A V I T

I, the undersigned,

ANDRIES MENSU HORAK NORVAL

do hereby make oath and state as follows:

1.

I am the Unemployment Insurance Commissioner in the Department of Labour of the Government of the Republic of South Africa of Pretoria.

2.

I have in my control and under my custody all the records of employers, inter alia for Cape Town, registered as contributories to the Unemployment Insurance Fund.

3.

I have no record of the South African Defence and Aid Fund being so registered. Had such record or registration existed, I would have been aware thereof.

4. Defence / / 2.

4.

Defence and Aid Fund, "Cape Western" 314
C.T.C. Buildings, Plein Street, Cape Town is registered
as employer and contributory to the said Fund, and
made compulsory contributions on the 2nd March, 1966.
and again on the 23rd March, 1966.

5.

I have no record of any application to
change the name of the said employer to the South
African Defence and Aid Fund, or otherwise. Had such
a record or application existed, I would have been
aware thereof.

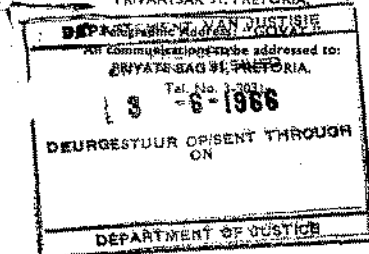
A.M.N. NORVAL
.....

THUS SIGNED AND SWORN TO before me,
at PRETORIA this 28th day of April 1966, and I certify
that the deponent has acknowledged that he knows and
understands the contents of this Affidavit.

A. DREYER
.....
COMMISSIONER OF OATHS

AREA : *Republic of S.A.*
CAPACITY : *Ex officio Administrator
Control Officer
Public Service*

Telegramadres: „GOVAT.“
Alle briewe moet gerig word aan:
PRIVAATSAK 91, PRETORIA



SHR/PP

J. 417.

Meld in u antwoord asb:
in reply please quote:
No 941/66/Schultz
Kamer/Room.

REPUBLIEK VAN SUID-AFRIKA. — REPUBLIC OF SOUTH AFRICA.

DIE STAATSPROKUREUR,
THE STATE ATTORNEY,
VERITASGEROU,
VERITAS BUILDING,
FOUNTAINLAAN,
FOUNTAIN LANE,
PRETORIA.

AANDAG MNR. SWART, G.M.J.

6 Junie 1966.

Die Sekretaris van Justisie,
PRETORIA.

i/s: DIE SOUTH AFRICAN DEFENCE AND AID FUND
en RAYMOND HOFFENBERG teen MINISTER
VAN JUSTISIE

4

Vir u inligting sluit ek hierby in n afskrif van die Verweerder se Kennisgewing van Eksepsie, van n brief gedateer 30 Mei 1966 van mmre. Frank, Bernadé en Joffe, en hulle kennisgewing van wysiging.

Die Verwæderder se advokate word nou versoek om hulle mening te gee of daar met die eksepsie voortgegaan moet word of nie.

[Signature]
nms: STAATSPROKUREUR.

3ms
ca. sien
o/s. (K) 6/6/66.
H/R
R/K.
6/6/66

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

CASE NO : 658/1966.

In the matter between :-

SOUTH AFRICAN DEFENCE AND AID FUND
First Plaintiff

- and -

RAYMOND HOFFENBERG Second Plaintiff

- and -

THE MINISTER of JUSTICE Defendant

NOTICE OF EXCEPTION

BE PLEASED TO TAKE NOTICE that in terms of RULE 23(1) Defendant delivers an exception to First and Second Plaintiffs' Combined Summons in that the Particulars of Claim thereunto annexed lack averments necessary to sustain an action for the relief therein claimed, and the said Combined Summons therefore fails to disclose a cause of action.

The grounds upon which the exception is founded are the following :-

- (1) The relevant declaration by the State President in Proclamation No. 77 of 1966 (see paragraph 1 of the Particulars of Plaintiffs' Claim) was made by virtue of the powers vested in the State President by Section 2(2) of Act No. 44 of 1950.

(2) The/...

- (2) The matters set forth in sub-paragraph (a), (b), (c), (d) and (e) of the Combined Summons are all matters whose determination, in terms of section 2(2) of Act No. 44 of 1950, has been left to the subjective opinion or the personal satisfaction of the State President.
- (3) For the purposes of section 2(2) of Act No. 44 of 1950 the decision of the State President cannot be impugned in a Court of Law on the ground that to persons other than the State President the decision may appear erroneous or inequitable or unreasonable.
- (4) Annexure "A" to the Combined Summons sets forth no averments in support of the relief claimed other than the averments that the State President's decision was wrong or that it was unreasonable.
- (5) The Combined Summons does no more than to invite the Court to Substitute its decision for that of the State President. On the limited averments set forth in Annexure "A" to the Combined Summons the claim of the First and Second Plaintiffs is not justiciable by this Honourable Court.

WHEREFORE Defendant prays that First

and/...

and Second Plaintiffs' Combined Summons be set aside with costs.

DATED and SIGNED by DEFENDANT'S COUNSEL at PRETORIA on this 24th day of MAY 1966.

(SGD.) J.D.M. SWART

for G.G. HOEKSE

(SGD.) J.D.M. SWART

COUNSEL for DEFENDANT.

DATED and SIGNED by DEFENDANT'S ATTORNEY at CAPE TOWN on this _____ day of MAY 1966.

Attorney for Defendant.
c/o Deputy State Attorney (Cape),
7th Floor - Garmor Building,
127 Plain Street,
Private Bag 9001,
CAPE TOWN.

TO: THE REGISTRAR of the SUPREME COURT,
CAPE TOWN.

AND TO:

Plaintiffs' Attorneys,
MESSRS. FRANK, BERNARDT & JOFFE,
85, St. George's Streets,
CAPE TOWN.

RECEIVED COPY HEREOF THIS _____

DAY OF _____ 1966.

Plaintiffs' Attorney.

IN THE SUPREME COURT OF SOUTH AFRICA

(CAPE OF GOOD HOPE PROVINCIAL DIVISION) CASE NO. 658/1966.

In the matter between:

SOUTH AFRICAN DEFENCE AND AID FUND 1st Plaintiff

and

RAYMOND HOFFENBERG. 2nd Plaintiff

and

THE MINISTER OF JUSTICE Defendant.

NOTICE OF AMENDMENT.

TAKE NOTICE that 1st and 2nd Plaintiffs intend to amend their particulars of claim in the following respects:-

(a) By the addition in paragraph 3 of the particulars of claim in the third line, after the words "the preceding paragraph hereof" of the words "and if any grounds were placed before him they were without any foundation."

(b) By re-numbering paragraph 3 as 3(a).

(c) By the addition of the following additional paragraph to be numbered 3(b).

"3(b) In the premises the State President failed to satisfy himself as aforesaid, alternatively in purporting to so satisfy himself he did not apply his mind to the relevant facts, alternatively any consideration that he gave to so satisfying himself was purely arbitrary and did not amount to the exercise of a proper discretion".

Unless objection in writing is made within 14 days of date of service hereof to the proposed amendment, the particulars of Plaintiffs' claim will be amended as above set forth.

DATED at CAPE TOWN this 30th day of MAY, 1966

FRANK, BERNADT & JOFFE.

Per: ???
.....
Plaintiffs' /.....

Plaintiffs' Attorneys,
85 St. George's Street,
CAPE TOWN.

TO: The Registrar,
Supreme Court,
CAPE TOWN.

AND TO:
The Deputy State Attorney (Cape),
Attorney for the Defendant,
7th Floor,
Garnor Building,
127 Plain Street,
CAPE TOWN.

FRANK BERNADT & JOFFE.

NETHERLANDS BANK BUILDING

CAPE TOWN.

30th May, 1966.

ATTENTION MR. H.J.F. SCHUTTE.

The Deputy State Attorney (Cape),
7th Floor,
Garmor Building,
127, Plein Street,
CAPE TOWN.

Dear Sir,

re: S.A. DEFENCE AND AID FUND AND R. HOFFENBERG
PLAINTIFFS VERSUS THE MINISTER OF JUSTICE DEFENDANT.

We refer to the telephonic conversation we had with you this morning and now enclose copy of the Notice of Amendment made to meet the objection raised in the Notice of Exception to the pleadings which was served on us on the 27th instant.

In view of the Notice of Amendment, it will not be necessary to proceed with the Exception and in terms of Rule 28 the amendment covers wasted costs, which include the costs incurred by reason of the Exception.

Yours faithfully,

FRANK BERNADT & JOFFE.

(Sgd.) H. BERNADT.

87-0-1085

Die Staatsprokureur,
PRETORIA.

HOOGGEREGSHOF AANSOEK: SOUTH AFRICAN
DEFENCE AND AID FUND EN R. HOFFENBERG.

Die volgende opmerking wat Sy Edele die
Minister van Justisie gemaak het in verband
met die opstel van die stukke in bovermelde
aansoek word aangehaal ter inligting van
beampies op u personeel wat betrokke is:

"Die stukke in hierdie verband was
besonder goed opgestel en die mense
daarvoor verantwoordelik verdien
baie dank."

G. M. J. SWART

SEKRETARIS VAN JUSTISIE.

M.S.L.

H/P.

Afskrif vir u inligting en verdere
aandag asseblief. Mnr. O.T. Schultz was
ook gemoed met die opstel van die stukke.

MINISTER VAN JUSTISIE
DECLASSIFIED
18 5 1966
MINISTER OF JUSTICE

2/2/13
RECEIVED
21 - 1 - 1966

GEHEIM.

DIE SEKRETARIS/MINISTER.

HOOGGEREGSHOF AANSOEK: SOUTH AFRICAN DEFENCE AND
AID FUND EN R. HOFFENBERG.

Bogenoemde aansoek, waarin onder andere gevra word vir die tersydestelling van die Proklamasie wat die Defence and Aid Fund onwettig verklaar, was op 16 Mei 1966 deur Sy Edele Regter Watermeyer van die hand gewys.

n Afskrif van die uitspraak is vir die Minister se inligting aangeheg.

no 17/5/66
17.5.66
17.5.66
17.5.66

*Kennegemaak. Ek het die
hoofstuk van Hoffenberg
verhaal waas*

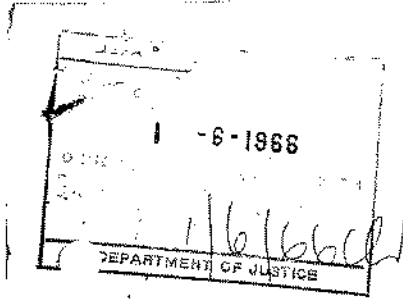
*JH
17/5/66*

*Die salitte in hierdie verband
was besonder goed opgelees en
alle minne hoorsseer vrees
wonderlik verduin baie dand.*

*Onke van
17/5/66
A/S(R)
17/5/66*

*Die Minister se opmerking sal aan
die Staatsprokureur voorgelê word
om na 418...*

DECLASSIFIED



REPUBLIEK VAN SUID-AFRIKA.
REPUBLIC OF SOUTH AFRICA.

2/2/13

E.A. 42.

126/53/1.

DEPARTEMENT VAN BUITELANDSE SAKE,
DEPARTMENT OF FOREIGN AFFAIRS,

PRETORIA.

27 -5- 1966

THE SECRETARY FOR JUSTICE.

Letter from Canon Collins to Chairman of
Apartheid Committee.

Please find attached for your information a copy of minute 9/1/12 of 10th May, 1966, under cover of which the abovementioned letter was received from the South African Permanent Mission to the United Nations, New York.


SECRETARY FOR FOREIGN AFFAIRS.

*Over to meig ash.
O/SR) 2.6.66
H/R 2/6/66
1.5.66*



Ref.: 9/1/12

126/53/1

2/2/13

PERMANENT SOUTH AFRICAN MISSION
TO THE UNITED NATIONS
17TH FLOOR-300 EAST 42ND STREET
NEW YORK, N. Y. 10017

16-5-66

10th May, 1966.
S. M. 10/5

THE SECRETARY FOR FOREIGN AFFAIRS
(In Triplicate)

Letter from Canon Collins to Chairman
of Apartheid Committee

...

With reference to our evenly numbered minutes of 13th and 14th April, 1966, I attach copies of a letter (document A/AC.115/L.172) which was addressed by Canon Collins to the Chairman of the Apartheid Committee in regard to the banning of the Defence and Aid Fund in South Africa.

After expressing appreciation for the statement made by Marof at the seventy-first meeting of the Committee (document A/AC.115/L.170), Collins states that "the banning of the Fund in South Africa is a determined attempt by the South African Government to deprive its political opponents of the basic right of legal representation in the Courts of Law, particularly in the matter of appeals". He goes on to accuse the South African Government of first declaring the Fund guilty of malpractice and subversion and then looking for "the evidence to justify this verdict", quoting in support of this allegation a statement attributed to the Attorney-General of the Cape Province.

The letter concludes by stating that the remarks alleged to have been made by the Attorney-General, together with the fact that the South African Government had not produced "one shred of valid evidence in a Court of Law to justify its calumnies against the Fund", and that Collins had offered to appear in Court to testify on the Fund, but had not been invited to do so, exposed "the deliberate lie told by the South African Minister of Justice for what it is" (i.e. that the Fund had made its finances available to the ANC and the Communist Party).

Copy to London.

Copies of document A/AC.115/L.172 to Brigadiers Retief and van den Bergh.

J. R. J. J. J.

PERMANENT REPRESENTATIVE.

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

2/2/13
A/AC.115/L.172
9 May 1966

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE POLICIES
OF APARTHEID OF THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA

Letter dated 22 April 1966 from the Reverend Canon L. John Collins,
Chairman of the International Defence and Aid Fund, addressed to
the Chairman of the Special Committee

(Circulated in accordance with the decision of the Sub-Committee on
Petitions taken at its 44th meeting on 9 May 1966)

I am writing on behalf of the International Defence and Aid Fund to express
our appreciation of your statement^{1/} made at the 71st meeting of the Special
Committee on the banning of the Defence and Aid Fund in South Africa.

Your statement makes it very clear that the banning of the Fund in South
Africa is a determined attempt by the South African Government to deprive its
political opponents of the basic right of legal representation in the Courts of
Law, particularly in the matter of appeals.

Your reference to the slander of the Fund by Mr. B.J. Vorster, the South
African Minister of Justice when he claimed that it had made its finances
available to the outlawed African National Congress and the outlawed Communist
party of South Africa, is borne out by the following:

(a) On 20 March 1966, two days after Mr. Vorster had made this allegation,
the Johannesburg Sunday Times quoted Mr. W.M. van den Berg, Attorney-General
the Cape Province in South Africa, as saying:

"There is nothing definite at this stage. If my suspicions are correct,
certain aspects of the operation of the Fund may lead to action." (In
Court cases)

In other words, the South African Government first declared the Fund guilty of
malpractice and subversion and will now look for the evidence to justify this
verdict.

^{1/} A/AC.115/L.170.

A/AC.115/L.172
English
Page 2

(b) The South African Government, though challenged to do so, has produced not one shred of valid evidence in a Court of Law to justify its calumnies against the Fund.

(c) As President of the International Defence and Aid Fund and Chairman of the British Defence and Aid Fund, I offered to appear in Court before any High Court Judge or Judges and to submit to cross-examination covering the use of the Fund's monies, but I have so far not been invited to do so.

We feel that the statement made by Mr. W.M. van den Berg and these other two factors should be made known as widely as possible; they expose the deliberate lie told by the South African Minister of Justice for what it is.

(Signed) L. John COLLINS

Leisegang on military position

C.P. Herald 27/1/66
**BANTU WILL AID
S.A. DEFENCE**

SYDNEY — Sapa-Per

THE Black population of South Africa would give its full support to the White Government if the country were attacked, the newly appointed Military Attache to the South African Embassy in Canberra, Brigadier C. S. Leisegang, 52, said on his arrival in Sydney.

South Africa's population was composed of 34 million Bantu, 11 million Europeans, an Indian and Malay minority, he told reporters.

Contrary to world opinion, the Bantu in South Africa are probably the best looked after Africans in the world, he said. They would definitely support his Government enthusiastically in the case of an outside attack on South Africa, he said, only to keep their high standard of living.

Brigadier Leisegang said South Africa had a well-equipped, well-trained Defence Force and could easily field 200,000 troops in case of war.

The Army had British Centurion tanks and French armoured cars.

The Air Force was equipped

with French Mirage fighters, Canberra bombers, Hercules transports and French troops carrying helicopters.

South Africa could defend itself against any nation on the African continent, he said.

DEPARTEMENT VAN JUSTISIE
 PRETORIA
 ONTVANG/RECEIVED
 25 - 5 - 1966
 DEURGESTUURD OP WEG VAN
 DIE SERREKLEUR/MINISTER
 DEPARTMENT OF JUSTICE
 25-5-66

23 5 1966

2/2/13

HOOGGEREGSHOF AANSOEK - "SOUTH AFRICAN DEFENCE
 AND AID FUND" EN R. HOFFENBERG TEEN DIE
 MINISTER VAN JUSTISIE.

1. Uitspraak in die bogemelde aansoek is op 16 Mei 1966 deur die Kaapse Afdeling van die Hooggeregshof gelewer.
2. Die Departement het vandag berig ontvang dat die applikante teen die uitspraak appèl aangeteken het.
3. Voorgelê vir die Minister se inligting.

18.5.66
 18/5/66
 18/5/66
 No 2079/66.
 20.5.66

18/5/66
 OSA
 26/5/66

R/K
 26/5/66

Telegramadres: „GOVAT.”
Alle briewe moet gerig word aan:
PRIVAATSAK 91, PRETORIA.
Telegraphic Address: „GOVAT.”
All communications to be addressed to:
PRIVATE BAG 91, PRETORIA.
Tel. No. 3-8031.



OTS/PN.

J. 417.
Meld in u antwoord asb:
In reply please quote:
No. 942/66
Kamer/Room.
214

REPUBLIEK VAN SUID-AFRIKA.—REPUBLIC OF SOUTH AFRICA.

DIE STAATSPROKUREUR,
THE STATE ATTORNEY,
VERITASGEBOU,
VERITAS BUILDING,
FOUNTAINLAAN,
FOUNTAIN LANE,
PRETORIA.

18 Mei 1966.

Die Sekretaris van Justisie,
Privaatsak 81,
PRETORIA.

AANDAG : MNR. SWART, G.M.J.

Insake : HOOGGEREGSHOF AANSOEK - "SOUTH AFRICAN
DEFENCE and AID FUND" en R. HOFFENBERG
teen DIE MINISTER van JUSTISIE. M. 286/66.

1. Met verdere betrekking tot bostaande bevestig ek hiermee dat die hof in hierdie geval uitspraak gelewer het op Maandag die 16de Mei 1966. In die Uitspraak van Regter Watermeyer is die aansoek van die hand gewys met koste en Regter Diemont het met die uitspraak saangestem.

2. Afskrifte van die uitspraak is reeds aan mnr. G.M.J. Swart oorhandig.

3. Vanoggend die 18de deser was ek deur die Adjunk-Staatsprokureur, Kaapstad verwittig dat Applikante appél aangeteken het teen die Uitspraak.

nms.

OTTO E. SCHULTZ.
STAATSPROKUREUR.

1/6/53.

DIE MINISTER,

DEFENCE AND AID.

1. U versoek vir n antwoord op die bygaande brief van 22 April 1966 van die Voorsitter van die Vereniging van Wetsgenootskappe verwys.
2. Dit is moeilik om die indruk te weerstaan dat daar reeds voorbrand gemaak word teen wat sekere individue waarskynlik verwag sal gebeur.
3. n Voorgestelde antwoord aan die Voorsitter is in die omslag vir oorweging.

J.N.O.
9.5.66

*Goedgekeur maar brief gewysig
in laaste paragraaf.*

*(Oft.) B.G. de Vries
10/5/66.*

*Bere
A 25/5/66*

4/2/13

S.A. warns Holland not to aid U.N. trust fund

R.P. Mail 2/15/66

STATE REPORTER

SOUTH AFRICA last night warned the Netherlands what it contributed to a United Nations trust fund, the South African Government would take steps to "nullify this attempt at further interference in our domestic affairs."

The minister of foreign affairs, J.G. Mauder, said there can be no doubt that the action of the Netherlands Government will make it more difficult to place relations between governments on the friendly basis the South African Government and people desire.

Mr. Mauder said he was disappointed to learn that the Dutch Government had decided in principle to make a financial contribution to the trust fund.

FUNDS FOR

The aim of the fund, Mr. Mauder said, was to make grants to voluntary organizations, governments of countries in which alleged refugees from the Republic are resident, and to other organizations which gave legal and social aid to persons who were described by the United Nations as victims of genocide.

Only five countries had seen fit to contribute to the fund — Bulgaria, Cuba, Morocco, the Philippines and Turkey.

Total deposits had amounted to \$300,000 (about £150,000).

The decision of the Netherlands Government to contribute was subject to approval of Parliament.

DR. MULDER RAPS HOLLAND
DOOR HULP
AAN FONDS

DR. MULDER RAPS HOLLAND DOOR HULP AAN FONDS

De Nederlandse regering heeft besloten om de hulp aan Nederlanders in het buitenland te verhogen. Dit besluit is mede het gevolg van de toename van de uitgaven aan de hulp aan Nederlanders in het buitenland. De regering heeft besloten om de hulp aan Nederlanders in het buitenland te verhogen van 100 miljoen naar 150 miljoen gulden per jaar. Dit besluit is mede het gevolg van de toename van de uitgaven aan de hulp aan Nederlanders in het buitenland. De regering heeft besloten om de hulp aan Nederlanders in het buitenland te verhogen van 100 miljoen naar 150 miljoen gulden per jaar.

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18/5/66

2/2/13

IN THE SUPREME COURT OF SOUTH AFRICA
(APPELLATE DIVISION)

In the matter between :

THE SOUTH AFRICAN DEFENCE
AND AID FUND

First Appellant

RAYMOND HOFFENBERG

Second Appellant

and

THE MINISTER OF JUSTICE

Respondent

NOTICE OF APPEAL

BE PLEASED TO TAKE NOTICE THAT on behalf of the above-named Appellants an Appeal is hereby noted against the whole of the Judgment and Order of the Honourable Mr. Justice Watermeyer and the Honourable Mr. Justice Diemont delivered in the Cape of Good Hope Provincial Division of the Supreme Court at Cape Town on the 16th day of MAY 1966, in the above matter.

DATED at CAPE TOWN this 18th day of MAY 1966.

FRANK, BERNARD & JOFFE
Attorneys,
11 St. George's Street,
CAPE TOWN

TO:

The Registrar,
Appellate Division,
Supreme Court,
Pretoria

AND TO ...

-2-

AND TO: The Registrar,
Supreme Court,
CAPE TOWN Received

AND TO: The Deputy State Attorney (Cape),
Respondent's Attorney,
702 Gardner House,
Plain Street,
CAPE TOWN Received

M. 286/1966

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

CAPE TOWN : Monday, 16th May, 1966

Before the Honourable Mr. Justice Watermeyer and
the Honourable Mr. Justice Dlemont.

Between:

THE SOUTH AFRICAN DEFENCE AND AID FUND

First Applicant

RAYMOND HOFFENBERG

Second Applicant

And:

THE MINISTER OF JUSTICE

Respondent

Having heard, on 2nd May, 1966, Mr. Duncan J.C.,
with him Mr. Lison, Counsel for the Applicants and
Mr. Hoexter S.C. with him Mr. Swart, on behalf of
The State and having read the documents filed of
record,

THE COURT RESERVED JUDGMENT.


THEREAFTER, on this date,

THE COURT

dismisses the
application with costs; and
allows costs
for two Counsel.

BY THE COURT

(Deputy State
Attorney)


C. J. VAN DER MERWE
C. J. VAN DER MERWE

DEPARTMENT OF JUSTICE
PRETORIA
ONTYANG RECEIVED
20 -5- 1966
DEURGESTUUR GESENT THROUGH
DEPARTMENT OF JUSTICE

1/6/53.
RICK
M.J. 14

18 -5- 1966

Mr. A.W. Snijman,
Chairman of the Association of
Law Societies of Southern Africa,
P.O. Box 38,
VEREENIGING.

Dear Sir,

RE : PROFESSIONAL MANDATES FROM DEFENCE AND AID.

The Honourable the Minister of Justice has instructed me to acknowledge the receipt of your letter of the 14th May, 1966.

Yours faithfully,

J. B. W. MEYER
PRIVATE SECRETARY.

18 -5- 1966

THE SECRETARY FOR JUSTICE.

Forwarded by direction for your information please.

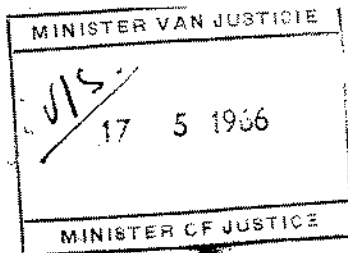
Your file No. 1/6/53 refers.

Handwritten notes:
Kry a.m.b.
die woorde-stukke
R/K
23/5/66
O.S.R.
No. 2-566
No. Beeldmerk moet
ant die skema
aan.
No. 23.5.66

Signature of J. B. W. Meyer
PRIVATE SECRETARY.

Handwritten: O. R/K. Te sien
aslo.

Handwritten: ②. Bese
23/5/66.



Office of the President,
Association of Law Societies,
P. O. Box 38,
VEREENIGING.

14th. May, 1966.

The Private Secretary,
The Honourable, The Minister of Justice,
Union Buildings,
PRETORIA. TVL.

Dear Sir,

re: PROFESSIONAL MANDATES FROM
DEFENCE AND AID.

I am in receipt of your letter of the 11th instant and I hasten to assure the Honourable Minister that when writing on the 22nd. ultimo, I had in mind that the Defence and Aid Fund being continuously concerned with defences would not be easily led into agreement to an exorbitant fee. I very much regret that I might have brought about misgiving in the mind of your Minister.

I am once again able to assure the Honourable the Minister that all the Law Society Councils have concerned themselves and will continue to concern themselves with exorbitant fees including agreed fees.

I sincerely trust that a misunderstanding, unwillingly caused by me, has been removed.

Yours faithfully,


(ALLEN M. SNIJMAN).
CHAIRMAN.

ASSOCIATION OF LAW SOCIETIES
OF SOUTHERN AFRICA.

File
Ans 1966

Aid Fund skaad

the Tannah 18566

S.A. regsberoep

KIMBERLEY

Die Defence and Aid Fund, afgesien van sy politieke bybetekenis, raak die waardigheid en prestige van die Suid-Afrikaanse regsberoep nadelig, het mnr. S. L. Gross van die Kaapstadse sybalie, gister hier op die nasionale prokureurskonferensie gesê.

Mr. Gross het gesê die Suid-Afrikaanse regstelsel, die regbank en die regsberoep het 'n reputasie van agting wat gelyk staan aan dié van enige Westerse georganiseerde staat. Uit die oogpunt van die beroep is dit onbillig om 'n aparte fonds te heël om regshulp en verdediging vir beskuldigdes in sekere strafsake te verskaf.

ONTOEREIKEND

Die aan gewyt word aan die internasionale bewustheid van die probleem van regshulp of die gebrek daaraan in alle ontwikkelde lande, het mnr. Gross gesê.

Die masjinerie bestaan in Suid-Afrika — hoewel in 'n ontoereikende mate — vir mense wat aangekla is van enige beweerde oortreding van die landswette.

Vir die regsgeleerde is almal gelyk voor die reg en elkeen het ewe veel toegang daartoe. Die reg erken elkeen wat in hegtenis geneem word, aangekla word of in die strafhoër verhoor word, se reg tot regsadvies en -hulp.

GOEIE VOORBEELD

Suid-Afrika weens die volwaardigheid van sy regbank en regsberoep is 'n voorbeeld vir alle ander

lings van die Landdrosowerwet en die „in forma pauperis“-beginsel van die Reglemente van die Hooggeregshof gemaak is vir regshulp aan behoeftiges.

Later is 'n regshulpburo in 1937 in Johannesburg gestig, maar hy en ander soortgelyke buro's moes weens onvoldoende subsidies ophou funksioneer. Mnr. Gross stel voor dat die huidige beperkte skema verryg word deur 'n nuwe plan vir siviele en kriminele regshulp.

(SAPA.)

HOLLAND SE R20,000

NIE NA FUND

DEN HAAG

Die R20,000 wat die Nederlandse regering in sy 1966-begroting opsygesit het vir regshulp aan mense wat ingevolge „apartheidswetgewing“ aangekla is, sal nie aan die Defence and Aid Fund gegêe word nie.

Dié aankondiging is gister gedoen deur die Nederlandse minister van buitelandse sake, dr. Joseph Luns, toe hy 'n antwoord het op aanmerkings deur Lede van die Hoër Huis oor die begroting.

Hy het gesê die regering het nou besluit om die bedrag aan die V.V.-Trustfonds vir Suid-Afrika beskikbaar te stel. Dié fonds finansier regshulp aan slagoffers van apartheid, betaal vir hulle en hul afhanklikes se opvoeding en help verwanke van slagoffers en vlugtelinge uit Suid-Afrika.

Die regering voer samesprekings oor sy wens dat die geld uitsluitend vir juridiese hulp aangewend word, en of dit in die praktyk moontlik is, het dr. Luns gesê. — (SAPA-R.)

DEFENCE AND AID TAS REGSBEROEP SE PRESTIGE AAN

Die Volksblad
1856
Spesiale Verteenwoordiger

— Prokureur

KIMBERLEY.

Die Defence and Aid Fund het benewens sy politieke bybetekenis die waardigheid en prestige van Suid-Afrika se regsberoep aangetas, het mnr. S. L. Gross, prokureur van Kaapstad, gistermiddag hier op die derde nasionale regs-konferensie gesê.

Mr. Gross het 'n omvattende referaat gelewer oor regshulp en voorstelle gedoen oor hoe regshulp op nasionale vlak vir mense wat nie rekenkoste kan bekostig nie, in Suid-Afrika ingestel kan word.

Hy het gesê:

„Die eoloniale verbod op die Defence and Aid Fund het die soeking op onvergelyklike wyse laat val op die regshulp wat in Suid-Afrika beskikbaar is vir diens wat dit nodig het.

„Oor regshulp, om te sê, en om regsberoep (balie en sy-balie) geniet die reputasie dat dit waardig geg word van die van enige georganiseerde Westerse land.

Onnodig

„Daarom was dit uit die oogpunt van die regsberoep onnodig om 'n afsonderlike fonds van balie te hê om vir die verdediging te betaal van beskuldigde in sekere strafake. Dit kan egter dikwels te wete wees dat internasionaal bewys is van die probleem van regshulp of van sy afwesigheid in alle ontwikkelde lande.

„In Suid-Afrika is die instansie daar — hoewel in 'n onsoortelike vorm — vir die verdediging van mense op enige stadij van 'n lewende regsvoorsiening, het mnr. Gross gesê.

Oor die vraag of 'n stelsel van regshulp in Suid-Afrika nodig is, het hy gesê dat gesien die moderne Westerse staat welvarende dienste verskaf soos hospitalliasie, gesondheidsdiens, ekonomiese en sub-ekonomiese dienste, werkloosheidsdiens, en so aan, die noodsaaklikheid nie ontken kan word van 'n stelsel om regshulp te verskaf aan diens wat dit nodig het nie.

Vir die ingewikkelde stelsel wat mnr. Gross uitgewerk het, sal die staat volgens sy berekening in die eerste jaar R130.000 moet bydra vir die helfte van die regskoste om, prokureur en advokaat van hulpsy moet wees. Regshulp sal nie net een enige behoefte aangetasde in strafake nie, maar ook in sekere sonder strafake sake verskaf word.

In besprekingsyd het mnr. T. W. N. Higgs, prokureur van Pretoria gesê:

„As mens doelbewus 'n doel, ter ondermyning van die staat pleeg, moet balie gewillig wees om die sak te betaal vir hul versorging en nie verwag dat hardwerkende prokureurs hulde help met die rekking van hul afkewelike plensie nie.

Mr. Gross het weer beklemtoon dat die regshulp se beskikking van elke beskuldigde moet wees.

Uitgebuut

Mr. D. J. Higgs, prokureur van Paarl, het mnr. Gross se klagte omtrent die verbod op die Defence and Aid Fund as aanklagpunt vir sy stelsel van regshulp gebruik en gesê:

„Dit is dat ons in Suid-Afrika beseit die hardse mag van Defence and Aid onnodig en onwettig is. As daar kennis is verdedig is, sal ons regskostes van Suid-Afrika se verdedigings stelsel.

Die talle prokureurs wat aan die bespreking van mnr. Gross se voorstel deelgeneem het, het wydverspreide menings gekelk. Dit was vir regshulp moet wees. Die bespreking het gesked onder dat, toe stemmen oor postiewe voorstelle oorgegaan is.

DUTCH GIFT NOT FOR AID FUND

Herald 12/5/66

THE HAGUE.—Sapa-Rtr.

THE 100,000 guilders (R20,000) earmarked in the Dutch Foreign Ministry's 1966 budget for legal aid to persons against whom charges have been preferred under apartheid legislation will not be donated to the Defence and Aid Fund, the Foreign Minister, Dr Joseph Luns, said here.

Dr Luns was replying to comments on the Budget by members of the First Chamber (Upper House) of Parliament.

He said the Government had now decided in principle to make the amount available to the United Nations Trust Fund for South Africa, which finances legal aid for victims of the apartheid policy, contributes to the cost of education of people

who have been detained, their children and other members of their family, supports relations of victims and refugees from South Africa.

The Government was having consultations about its wish that its contribution be used exclusively for juridical aid and whether this was possible in practice.

Earlier, Dr Luns had said that it was very difficult or impossible to have the Defence and Aid Fund spend the Dutch Government's contribution in a legal way.

Lawyer at Defence Fund

145/66
KIMBERLEY.
THE Defence and Aid Fund, apart from its political connotation, affected adversely the dignity and prestige of the South African legal profession. Mr. S. L. Gross, of the Cape Town Side Bar, said in a paper prepared for delivery to the national law conference in Kimberley.

Mr. Gross said the South African judicial system, the judiciary and the legal profession enjoyed a reputation of esteem equal to that of any Western organised State, and from the profession's angle, it was unnecessary to have a separate extraneous fund for providing legal aid or defence for accused people in certain types of criminal prosecutions.

—Sapa.

The Cape Times 17.8.66

Defence, Aid Fund

plea to High Court fails

AN application by the South African Defence and Aid Fund for the setting-aside of a proclamation declaring it an unlawful organization was refused in the Supreme Court, Cape Town, yesterday.

The organization had also applied for an order declaring that the proclamation did not apply to it and had asked the court to order the Minister of

Justice, Mr. Vorster, to show all documents relating to the appointment of a committee to prepare a factual report on its activities.

These applications were also dismissed.

Dr. Raymond Mhlaba said in papers before the court at a previous hearing before the proclamation in the Government Gazette on March 18, declaring the Defence and Aid Fund an unlawful organization he was the organization's chairman.

NO COMMITTEE

He said the South African Defence and Aid Fund had never professed to be an organization for propagating the principles or promoting the spread of communism.

He believed that no committee to prepare a factual report on the organization's activities, as contemplated by a section of the Suppression of Communism Act, had ever been appointed.

It was essential that the committee, if it had been appointed, should have given the organization an opportunity to make representations to it.

His organization was the South African Defence and Aid Fund and the proclamation banning the Defence and Aid Fund did not apply to it.

VARIOUS NAMES

In an opening affidavit Mr. Vorster said the organization had been known under various names and since August last year also, but not exclusively, as the South African Defence and Aid Fund.

On September 13, 1965, he appointed a committee to prepare a factual report in relation to the Defence and Aid Fund.

Upon grounds of public policy, he resisted the order of discovery sought. Discovery would be prejudicial to the public interest and inimical to the national security, he said.

Mr. Vorster denied that the proclamation did not apply to the South African Defence and Aid Fund.

At all relevant times the organization was known within South Africa to the public at large and to its own members and supporters in particular as the Defence and Aid Fund.

INVALIDITY CLAIM

Mr. Dincin, who appeared for the South African Defence and Aid Fund, had sought to persuade the court that the legislature had not clearly excluded the principle of hearing the other party.

Mr. Dincin submitted that before the State President could issue a proclamation declaring an organization to be unlawful that organization was entitled to be heard. And because the South African Defence and Aid Fund had not been given the opportunity of being heard, the declaration was invalid. The judge said the South African Defence and Aid Fund had been unable to controvert the Minister's statements and the first question

which arose for decision was whether the fund was the law entitled to be heard before a order was made against it under the provisions of the proclamation.

SIMILAR CASE

He said that in a similar case last year, hearing in similar case had come to the conclusion that Parliament had excluded the right for the other party to be heard and so far as this court is concerned the decision in this case is decisive of the present case.

It is so far as this application, the discovery was requested, that discovery should be refused, without any order being made, having regard to the Minister's allegations in regard to public policy.

INTENTION CLEAR

Dealing with the question whether the proclamation affected the South African Defence and Aid Fund, and that there was a vitiation of the organization's name and the name appearing in the Government Gazette. The judge said that there was no doubt that the name of the Republic known as the Defence and Aid Fund.

The Minister's intention was clear.

Regters Verwerp

The Burger
Aansoek van
17.5.66
D.A.F.

'N AANSOEK van die South African Defence and Aid Fund dat 'n proklamasie waarin dié organisasie onwettig verklaar word, opgehef word, is gister in die Kaapse Hooggeregshof deur regters H. E. P. Watermeyer en M. A. Diemont verwerp.

Die aansoekers was die South African Defence and Aid Fund en die voorsitter van dié organisasie, dr. Raymond Hoffenberg, van Exeter-laan, Rondébosch. Hulle het aansoek gedoen dat die hof gelas dat die proklamasie geen betrekking op die organisasie het en dus nie van krag is nie. Hulle het ook vir 'n blootleggingsbevel gevra wat die Minister van Justisie sou gelas om dokumente openbaar te maak. Hierdie dokumente sou dui op die aanstelling van 'n komitee deur die Minister om 'n feitelike verslag oor die bedrywighede van die D.A.F. op te stel.

In 'n beëdigde verklaring het dr. Hoffenberg getuig dat die Veiligheidspolisie ná die proklamasie al die bates en dokumente uit die kantore van die D.A.F. oral in die land in beslag geneem het. Hy het aangevoer dat geen amptenare van die D.A.F. bewus was van die aanstelling van 'n komitee wat 'n verslag oor die organisasie moes op stel ne. Daar is betoog dat geen komitee aangestel is nie, en indien wel, moes die aansoekers volgens reg kans gekry het om hul saak te stel voordat die prokla-

masie in die Staatskoerant uitgevaardig is.

Die aansoekers het ook betoog dat die proklamasie geen betrekking op die South African Defence and Aid Fund het nie, aangesien daar in die proklamasie verwys word na The Defence and Aid Fund.

In 'n teenverklaring het die Minister van Justisie gesê dat hy op 13 September verlede jaar 'n komitee aangestel het wat 'n feitelike verslag oor die D.A.F. opgestel het. Die Minister het beken dat die organisasie nie van die aanstelling in kennis gestel is nie, maar hy het aangevoer dat hy nie volgens wet verplig was om dit te doen nie. Daar is dokumente wat bewys dat 'n komitee wel aangestel is en dat dit behoorlik gewerk het.

Hy staan 'n blootleggingsbevel teen omdat die openbaarmaking van sulke dokumente vir die openbare belang en nasionale veiligheid nadelig sal wees.

Die regters het bevind dat op grond van die Minister se beweringe oor die openbare belang 'n blootleggingsbevel nie nodig is nie.

Hulle het ook gesê dit is nie duidelik of die aansoekers die organisasie se naam in Augustus verlede jaar verander het om hom los te maak van die Defence and Aid Fund van Engeland nie. Hulle beweer dat die Suid-Afrikaanse organisasie 'n selfstandige liggaam is wat geen verbintenis met die Engelse organisasie het nie.

In sy verklaring het die Minister gesê die organisasie was by verskeie geleenthede bekend as The Defence and Aid Fund (Cape Division), Defence and Aid Fund (Cape Western Region) en Defence and Aid Fund. Sedert Augustus verlede jaar staan hy ook bekend as The South African Defence and Aid Fund.

Volgens stukke voor die hof is dit duidelik dat die Minister die proklamasie op die eerste aansoeker toegepas het en dat hy dit besef het.

Daar is geen grond vir 'n betoog dat die proklamasie geen betrekking op die eerste aansoeker het nie, het die regters besluit. Die aansoek is met koste geweier.

Court upholds banning of *Herald 17-5-66* Defence and Aid

CAPE TOWN, Sapa.

AN application by the South African Defence and Aid Fund for an order setting aside the proclamation declaring it an unlawful organisation was refused with costs by Mr Justice Watermeyer in the Supreme Court, Cape Town.

On March 18 the fund and its chairman, Dr Raymond Hoffenberg, applied for an order declaring that Proclamation 77 of 1966 had no application to the South African Defence and Aid Fund, and setting aside an order declaring the fund an unlawful organisation.

The first applicant was the South African Defence and Aid Fund and the second Dr Hoffenberg, former chairman of the fund and a physician, of Exeter Avenue, Bishops court, Cape Town.

The respondent is the Minister of Justice, Mr B. J. Vorster.

In a supporting affidavit, Dr Hoffenberg said that after the

issue of the proclamation, the Security Police visited the various offices of the fund throughout the country and took possession of all its assets and documents.

He alleged that none of the office-bearers of the fund was aware that proceedings under the Suppression of Communism Act of 1950 were contemplated and that in terms of the Act the State President could act only after the Minister had considered a factual report in relation to the organisation made by a committee of three persons, one of whom should be a magistrate.

NO COMMITTEE

He contended that in all probability, no such committee had been appointed.

In a replying affidavit, the Minister of Justice said that on September 13 last year, he had appointed a committee to prepare a factual report. This report was considered by him before the powers conferred by the Act were exercised by the State President.

He admitted that the fund was not notified of the appointment of this committee, but alleged that he was under no legal obligation to do so. He averred that documents relating to the appointment and functioning of the committee did exist but said that public policy required him to disclose nothing more than the existence and authorship of these documents.

17-5-66 Herald Reporter

IF the South African Defence Force was to act efficiently and aggressively at short notice, more advanced tactical training for military ballotees would have to be introduced, Lieut-General George Brink, former Deputy Chief of Staff, told members of the S.A. Legion at their annual conference in Port Elizabeth.

General Brink was opening the 45th annual congress of the Legion, which is being attended by about 300 ex-servicemen from all over the Republic.

General Brink suggested that the last three months of the nine-month training period for military ballotees should be devoted to more advanced tactical training. "Then officers commanding battalions, regiments and brigades will be afforded full scope to exercise command in the field.

"Such training is vital if our Defence Force is to act efficiently and aggressively at short notice," General Brink said.

General Brink paid tribute to Mr Jim Fouche, former Minister of Defence, for what he did to improve the Defence Force. "I am sure I interpret the feelings of ex-servicemen correctly when I say we have received the news of the surrender of the portfolio of Defence by Mr Jim Fouche with sincere regret.

"Mr Fouche took over the Ministry of Defence at a time when the esprit de corps that we knew and understood had been seriously undermined and had been replaced with frustration and discontent."

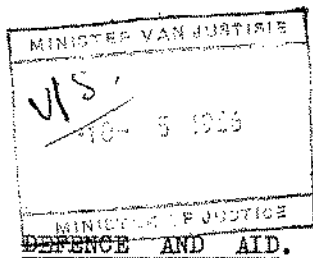
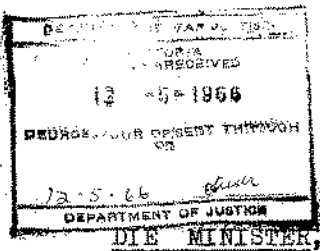
SELF RESPECT

General Brink added: "He has handed over this portfolio to his successor together with a Force which, if not perfect in every respect, is an organisation which has recovered its self-respect and, to a large extent, its efficiency. We are deeply indebted to him."

Referring to the work of the South African War Histories Advisory Committee, of which he is a member, General Brink said South Africa made a "significant contribution in human material during World War II."

He said: "We contributed, in human resources, 202,500 White men on full service, 55,600 White men on part-time service, 24,800 White women, 46,900 Coloureds and 76,500 Bantu."

"Don't forget our non-Europeans played a valuable and important part, and they, too, should receive full credit in our histories," the General said.




1/6/53.

1. U versoek vir n antwoord op die bygaande brief van 22 April 1966 van die Voorsitter van die Vereniging van Wetsgenootskappe verwys.
2. Dit is moeilik om die indruk te weerstaan dat daar reeds voorbrand gemaak word teen wat sekere individue waarskynlik verwag sal gebeur.
3. n Voorgestelde antwoord aan die Voorsitter is in die omslag vir oorewinging.

Pro
9.5.66.

*Waar
Geduld moet hief
gevoel - laaske paragraaf*



*Die
12/5/66*

DEPARTEMENT VAN JUSTISIE
PRETORIA
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ON
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DEPARTMENT OF JUSTICE

1/6/53

- 2 -

81-5-100

THE SECRETARY FOR JUSTICE.

Copy forwarded by direction for your information please.

Your file No. 1/6/53 refers.

[Signature]
PRIVATE SECRETARY.

~~ASR~~
no
12/5/66

~~ASR~~
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na die 8/1/66 hgh.
- 12/5/66
HPR
12/5/66

[Signature]
12/5/66

1/6/53.

WJ. 14

11-5-1966

Mr. A.M. Snyman,
Chairman of the Association of
Law Societies of Southern Africa,
P.O. Box 38,
VERBENIGING.

Dear Sir,

PROFESSIONAL MANDATES FROM DEFENCE AND AID.

Further to my letter of the 27th April, 1966 I am directed to advise you that the Honourable the Minister of Justice has now had an opportunity to give consideration to your further representations.

The Minister is naturally aware of the fact that defences in criminal trials are often undertaken on an agreed fee basis and the Liquidator will naturally have regard to this accepted practice in dealing with claims.

Your intimation however that in such instances the question of reasonableness should not arise comes as a complete surprise. Paragraph 4 of my letter dated the 22nd April, 1966 makes it clear that the Honourable the Minister looked to your association as the body proper to evaluate the professional services rendered on behalf of the Fund and also as the body proper to take action if facts should disclose that exorbitant fees were paid.

The following deductions from your intimation seems logical -

- (a) that your association does not wish to be consulted in claims based on an "agreed fee"; and
- (b) that your association does not regard it as its function to take action against any of its members if facts should disclose that exorbitant fees were charged and paid on an "agreed fee" basis.

Knowing your association, as he does the Minister is certain that that is not what you wanted to convey and that there must be a misunderstanding somewhere.

Yours faithfully,

J. B. W. MEYER

PRIVATE SECRETARY.

2/





126/53/1

REPUBLIEK VAN SUID-AFRIKA.
REPUBLIC OF SOUTH AFRICA.

DEPARTEMENT VAN BUITELANDSE SAKE,
DEPARTMENT OF FOREIGN AFFAIRS,

PRETORIA.

THE SECRETARY FOR JUSTICE.
(Attention Mr. Coetzer)

- 3 - 5 - 1966

Defence and Aid Fund Publication:
The Purge of the Eastern Cape

Attached for your information please find a copy of minute UK/8/6 of the 22nd April 1966 received from the South African Embassy, London, under cover of which a photocopy of the above Defence and Aid publication was sent.


ACTING SECRETARY OF FOREIGN AFFAIRS.

*By die stekke
v/d Defence & Aid Fund
gevoel H/K ge ophang
dat dit oors
as gebr word
194/1/67*

RECEIVED
DEPARTMENT OF JUSTICE
28-4-1966
DEPARTMENT OF JUSTICE

1/6/53
R2
J.21/16. 1/3/53

27-4-1966

Mr. A.M. Snijman,
Chairman of the Association
of Law Societies of Southern Africa,
P.O. Box 58,
VERBODING.

Dear Sir,

RE: PROFESSIONAL MANDATES FROM DEFENCE AND
AID FUND.

The honourable the Minister of Justice has instructed me to acknowledge the receipt of your letter of the 22nd April, 1966, and to inform you that your further representations are receiving attention.

A further communication will be addressed to you in due course.

Yours faithfully,

J. B. W. MEYER
PRIVATE SECRETARY.

27-4-1966

THE SECRETARY FOR JUSTICE.

Forwarded by direction for your comments and the submission of a draft reply please.

Your file No. 1/6/53 refers.

Rekkers
Van der
Shirak
guelag
28/4/66
cl.
mo
37/7/66

J. B. W. Meyer
PRIVATE SECRETARY.

live
25/5/66

1/6/53

Snijman & Smullen

MINISTER VAN JUSTISIE

P.O. Box 38
Telephone *642-1001
Telegrams "UNITAS"

JUSTUS CHAMBERS
176 LESLIE STREET
VEREENIGING, Tvl.

Allen Miller Snijman, B.A., LL.B.
Israel Smullen, B.A., LL.B.
Petrus Rasmus Botha, B.A.
Zacharias Blomerus de Klerk, B.A., LL.B.

25

Posbus 38
Telefoon *642-1001
Telegramme "UNITAS"

Attorneys, Notaries & Conveyancers
Prokureurs, Notarisse & Akteuutmakers

Sworn Appraisers/Beëdigde Taksateur
A. M. SNEEMAN

JUSTUS CHAMBERS
MINISTER VAN JUSTISIE
176 LESLIE STREET, Tvl.

Our Ref. Mr. Snijman./MP.
Ous Verw. _____

Your Ref. J. 21/16. 22nd, April, 1966.
U Verw. _____

The Private Secretary,
Minister of Justice,
Ministry of Justice,
Union Buildings,
PRETORIA.TVL.

Dear Sir,

re: PROFESSIONAL MANDATES FROM
DEFENCE AND AID FUND.

Receipt of your letter of the 14th instant is
acknowledged.

My attention is drawn to two further considerations
which were possibly not adequately covered in my letter of the
7th instant.

- a) Certain amounts have been paid on account of an agreed fee.
- b) Certain defence mandates have been accepted on an agreed fee basis.

It is submitted that in such instances the question of
reasonableness of the fees should not arise. In all such cases,
should that be desired, confirmation can be obtained by the Liquidator
from the records of the Fund.

I shall be indebted if these additional instances could
be made known to, The Honourable, The Minister of Justice.

Yours faithfully,

(ALLEN M. SNIJMAN).
CHAIRMAN.

ASSOCIATION OF LAW SOCIETIES
OF SOUTHERN AFRICA.

*Justus
Not advised
J. M. M. 27/4/66*

Bev. 27/5/66

1/6/53.

Jan 16.
1/6/53.

22 -4- 1966

Mr. A.M. Snyman,
Chairman of the Association of
Law Societies of Southern Africa,
P.O. Box 38,
VEREENIGING.

Dear Sir,

PROFESSIONAL MANDATES FROM DEFENCE
AND AID.

Further to my letter of the 14th April, 1966 I wish to inform you that the Honourable the Minister has now had an opportunity to consider your representations and I have been directed to advise you as follows:

Because it was foreseen that by reason of the Proclamation uncertainty would exist it was publicly announced at the earliest opportunity that the liquidator would, funds permitting, honour all briefs by the Fund before 18th March, 1966. What is therefore stated in paragraphs (a) to (e) on page 2 of your letter under reply is substantially correct and will be honoured by the liquidator. Paragraph (b) on page 3 of your letter is therefore acceded to.

With reference to the request contained in paragraph (a) on the said page 3 your attention is directed to section 3(1)(b) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950) as amended which provides that "all property (including all rights and documents) held by the unlawful organization or held by any person for the benefit of the unlawful organization, shall vest in a person to be designated by the Minister as the liquidator of the assets of the unlawful organization" as from the date the organization becomes unlawful. In the light of these provisions it was unlawful, as from the 18th March, 1966, for any person to make payments from or appropriate moneys out of funds belonging to the Defence and Aid and it is therefore not possible to accede to your request. Your members should therefore pay over the amounts held in trust.

In regard to paragraph (c) (page 3 of your letter) it was at all times the intention to refer to your

/.....2.

11/6/63

DEPARTMENT OF JUSTICE
LETTER A
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25 -4-1966
URGENT OUR OPINION THROUGH
OR
25-4-66 TR
DEPARTMENT OF JUSTICE

Organization for consideration not only accounts considered unreasonable, but all accounts received from Attorneys for payment by the liquidator. You will be furnished with sufficient data to enable you to make an evaluation and the Minister trusts that your Association will assist in this regard. The Minister trusts further that your Association will not only assist in the evaluation but that, should accounts be brought to your notice which are ex facie unreasonable that you will take appropriate steps.

Regarding the fear expressed by you that certain attorneys may be blacklisted arising out of their inability to pay Counsel's fees, within the specified time, the Honourable the Minister considers that where their inability results from the operation of law they have a complete answer and he cannot believe that the Bar Councils will take up such an unreasonable attitude or that your Association would allow them to do so. You may wish to consider drawing the attention of the General Council of the Bar to the situation which has arisen in order that they may inform their members.

As it was realised that certain attorneys might withdraw from briefs because of the situation which has arisen (paragraphs 4 and 5 of your letter) provision has been made for assistance to accused persons affected thereby and appropriate instructions have been issued in this regard. The Honourable the Minister trusts that your members will nevertheless not resile from their mandates and if any of them should suffer loss as a result thereof the department would be prepared to entertain representations.

In conclusion the Minister wishes to assure you that all matters will be dealt with as expeditiously as possible and with as little inconvenience as possible to members of your organization. The Secretary of your association is at all times welcome to discuss difficulties which may arise with the liquidator or officers of the department.

Yours faithfully,

Handwritten notes:
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6-3099
29/4/66

J. B. W. MEYER
PRIVATE SECRETARY.

THE SECRETARY FOR JUSTICE: 22 -4- 1966

Copy forwarded by direction for your information, please.

Your file No. refers.

Signature
PRIVATE SECRETARY.



Telegraphic Address:—
"SITELY LONDON WC2"

TELEPHONE NUMBER
TELEPHONE NUMBER 4488 EXT.



Ref: UK/8/6

126/537

SOUTH AFRICAN EMBASSY,
TRAFALGAR SQUARE,
LONDON, W.C.2.
22nd April, 1966

THE SECRETARY FOR FOREIGN AFFAIRS,
P R E T O R I A

Defence and Aid Fund Publication :
The Purge of the Eastern Cape

Enclosed herewith one photocopy of a book-
let recently published by the Defence and Aid Fund.
It will be noted that brief reference has been made
to the banning on the inside of the front cover.

P. R. KILLEN

Ambassador

*By die stekke van
Defence Fund geword.
UK gee omhoog
dat dit op ons 2/2/13
gehoor word.*

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1966
22-4-1966
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1966

THE SECRETARY/MINISTER,

DEFENCE AND AID.

1. The letter from the Chairman of the Association of Law Societies hereunder refers.
2. A draft reply for consideration by the Minister is in the file.

G. Oedgheker.

*J. Maslin
22/4/66*

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A 25/5/66*

DEPARTEMENT VAN JUSTISIE
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Police and
Prisons,

14 -4- 1966

Mr. A.M. Snijman,
Chairman of the Association
of Law Societies of Southern Africa,
P.O. Box 38,
VERENIGING.

Dear Sir,

RE: PROFESSIONAL MANDATES FROM DEFENCE AND
AID FUND.

The Honourable the Minister of Justice has instructed me to acknowledge the receipt of your letter of the 7th April, 1966, and to inform you that the representations on behalf of your Association are receiving attention.

A further communication will be addressed to you in due course.

Yours faithfully,

J. E. W. MEYER
PRIVATE SECRETARY.

14 -4- 1966

THE SECRETARY FOR JUSTICE.

Forwarded by direction for your comments and the submission of a draft reply please.

PRIVATE SECRETARY.

I have considered this as urgent and discuss with me as soon as possible. I am of the view that money in the hands of lawyers can be used effectively.

15/4/66



1/6/52
Office of the Chairman,
Association of Law Societies
of Southern Africa,
P.O. Box 38,
VEREENIGING.

7th April, 1966.

The Honourable,
The Minister of Justice,
Union Buildings,
PRETORIA. TVL.

SIR,

re: PROFESSIONAL MANDATES FROM DEFENCE AND AID FUND.

I am asked in my capacity as Chairman of the above Association to write to you urgently to come to the aid of the Profession.

I am informed that certain Attorneys, more particularly in Cape Town, and Port Elizabeth, have received from the Defence and Aid Fund, certain monies to cover the costs of defence or have received undertakings that such costs will be met at the conclusion of the trial. In some instances Counsel have been briefed and Counsels fees must be paid within a time specified by Bar Council Rules failing which the instructing Attorney is black listed, a dishonour which every Attorney abhors.

In one instance quoted to me where the trial is either complete or nearing completion sufficient funds are held to cover Counsels fees and Attorneys fees but these funds are apparently frozen and our member would be in jeopardy of being placed on the black list.

In other cases where instructions have been received and an undertaking given to pay the fees our members are uncertain as to whether they should proceed with the conduct of the defence when they can only make a claim to the Liquidator of the Fund. Uncertainty must exist as to whether such claim will be paid at all, and if paid, as to when such payment can be expected. In the result it is possible, if not probable, that our members will withdraw from such defences.

My approach on behalf of the Association, Sir, is, as you will readily appreciate, exclusively in the interests of our members and with no concern as to the position or destiny of the Fund. It is with respect, however, felt that our national and professional reputation would be better served if our members did not resile from mandates accepted for the conduct of defences which fact, in the hands of adverse propagandists, would be attributed to a denial of the right of legal representation to an accused person.

On/.....

1/6/53

- 2 -

On the eve of his departure on leave on Friday, the 1st instant, the Secretary of the Association interviewed the Liquidator and I learn by telephone advice from the Association office that the gist of the Liquidator's advice is as under:-

- (a) that instructions given before the Proclamation date (18th March, 1966), could be carried out;
- (b) that proof will in due course have to be given to him of the date of such instructions - and, depending on whether the Fund is possessed of sufficient funds to do so, the reasonable fees and disbursements will be allowed;
- (c) that the above also covers such matters in which Attorneys have already committed themselves in respect of Counsel's fees;
- (d) that in cases where payment has been made to an Attorney and the matter is not yet completed, the Attorney may complete the same and furnish to the Liquidator his account and payment of the balance. Here again the reasonableness of fees and disbursements will be considered.
- (e) that when judgment is given after the 18th of March, 1966, the Liquidator will not entertain a claim for further fees (e.g. noting and prosecuting an Appeal) as his view is that the original instructions cannot be said to cover such an eventuality.

I have only one respectful submission to make and that is that the quotation of his fees and disbursements by an Attorney or his determination thereof at the conclusion of a trial shall not be the subject to the taxation of the Liquidator. Should the fees and disbursements be thought to be unreasonable, I respectfully urge that the Law Society having jurisdiction should be the arbiter as to reasonableness or otherwise.

Although I have no personal knowledge in that direction I am informed that you, Sir, and the Honourable, the Minister of Foreign Affairs have stated that there is no objection to individuals or institutions from Overseas sending money to this Country for the defence of accused persons provided that such moneys are sent to a Bar Council or to my Association.

I hesitate to involve the Association in this connection but if that is, indeed, your wish I shall be indebted to have some clarification for submission to the Association.

I have dealt with the position as fully as my inadequate knowledge of all the facts permits and I would ask, Sir, that you give sympathetic consideration to the issue of instructions and such publication as you may deem expedient to the effect:-

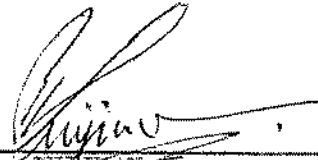
(a).....

1/6/53

- (a) that monies received by Attorneys from the Defence and Aid Fund may, upon completion of their mandate, be immediately appropriated to their accounts for fees and disbursements.
- (b) that instructions received from the Defence and Aid Fund prior to the 18th March, 1966, may be carried out (but not the noting or prosecution of an Appeal) and the account therefor be submitted to the Liquidator for payment if and when funds are available.
- (c) that if the Liquidator is of the opinion that the fees and disbursements of an Attorney are unreasonable his account shall be submitted to his Law Society for final adjudication.

I trust, Sir, that you appreciate the motive which directs me to write to you in some degree of urgency.

I have the honour to be,
Sir,
Your obedient servant.



A. M. ENGLMAN.
CHAIRMAN.

ASSOCIATION OF LAW SOCIETIES OF
SOUTHERN AFRICA.

File
25/6/66

BATES VAN ONWETTIGE ORGANISASIES.

Ons word gevra of die woorde "een of meer liefdadigheids- of wetenskaplike organisasies" in artikel 4(3) van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), ook buitelandse organisasies insluit.

Geen duidelike aanduiding word in bogenoemde Wet gevind wat enigsins enige lig op hierdie vraag werp nie. Ons moet ons dus wend tot die reëls wat by die uitleg van wette toegepas word om 'n antwoord op daardie vraag te vind.

Daar is onses insiens twee reëls van interpretasie wat in hierdie geval aangewend kan word en albei lei tot dieselfde antwoord.

Daar is in die eerste plek 'n algemene vermoede dat die wetgewer nie bedoel het om buite sy eie jurisdiksie te gaan nie. Maxwell on Interpretation of Statutes, 11de Uitgawe, verklaar hieroor op bladsy 138 soos volg:

"Another general presumption is that the legislature does not intend to exceed its jurisdiction. Primarily, the legislation of a country is territorial. The general rule is that extra territorium jus dicenti impune non parentur (Dig. 2.1.20). The laws of a nation apply to all its subjects and to all things and acts within its territories They apply also to all foreigners within its territories (not privileged

like sovereigns and ambassadors) as regards criminal, police, and, indeed, all other matters except some questions of personal status or capacity This indeed does not comprise the whole of the legitimate jurisdiction of a state, for it has a right to impose its legislation on its subjects in every part of the world; but, with that exception, in the absence of an intention clearly expressed or to be inferred either from its language, or from the object, subject matter, or history of the enactment, the presumption is that Parliament does not design its statutes to operate on its subjects beyond the territorial limits of the United Kingdom."

Aangesien 'n bedoeling dat artikel 4(3) van bogenoemde Wet ook van toepassing moet wees op buitelandse organisasies nie in die Wet duidelik uitgedruk is nie en aangesien so 'n bedoeling nie van die taal, of die doel of die onderwerp of die geskiedenis van daardie bepaling afgelei kan word nie, moet ons aflei dat die Wetgewer bedoel het dat artikel 4(3) alleen van toepassing is op organisasies binne sy eie territoriale jurisdiksie.

Daar is in die tweede plek 'n vermoede dat wanneer 'n wetgewer 'n wet aanneem wat vir die een of ander reg of voordeel voorsienin maak, hy daardie reg of voordeel vir sy eie onderdane bedoel. Artikel 4(3) van genoemde Wet bepaal dat indien daar 'n oorskot is nadat die bereddenaar die skulde van 'n onwettige organisasie betaal het, daardie oorskot oorbetaal moet word aan een of meer liefdadigheids- of wetenskaplike organisasies deur die Minister aangewys.

In hierdie verband verklaar Maxwell on Interpretation of

Statutes, 11de Uitgawe, op bladsy 148 soos volg:

"Generally, we must assume that the legislature confines its enactments to its own subjects, over whom it has authority and to whom it owes a duty in return for their obedience. Nothing is more clear than that it may also extend its provisions to foreigners in certain cases But the presumption is rather against the extension....."

Volgens Maxwell was dit hierdie vermoede wat toegepas is in Calquhann v. Heddan (1890) 25 Q.B.D. 135. Die vraag in daardie geval was of 'n belastingrabat in England geëis kan word ten opsigte van assuransië wat met 'n Amerikaanse Assuransiematskappy aangegaan is, waar 'n Britse wet daardie rabat gemagtig het in die geval van assuransië "in or with any insurance company existing on the 1st November, 1844". Die Amerikaanse matskappy het op genoemde datum bestaan maar die Hof het beslis dat ten spyte van die algemene woorde "any insurance company", die rabat nie toelaatbaar was nie. In die loop van sy uitspraak het die Hof hom soos volg uitgelaat:

"It is strongly argued that it therefore comes within the very words 'with any insurance company existing on November 1, 1844.' Now supposing the words 'any insurance company' stood alone, and there were nothing else in the section to modify the view which one would take of their meaning, would it or would it not be right to say that those words in an English Act of Parliament would include all foreign insurance companies, wheresoever they might be? What is the rule of construction which ought to be applied to such an enactment, standing alone? It seems to be that unless Parliament expressly declares otherwise, in which case,

even if it should go beyond its rights as regards the comity of nations, the Courts of this country must obey the enactment, the proper construction to be put on general words in an English Act of Parliament is that Parliament was dealing only with such persons or things as are within the general words and also within its proper jurisdiction, and that we ought to assume that Parliament (unless it expressly declares otherwise) when it uses general words is only dealing with persons or things over which it has properly jurisdiction. It has been argued that that is so only when Parliament is regulating the person or thing which is mentioned in the general words. But it seems to me that our Parliament ought not to deal in any way, either by regulation or otherwise, directly or indirectly, with any foreign person or thing which is outside its jurisdiction, and unless it does so in express terms so clear that their meaning is beyond doubt, the Courts ought always to construe general words as applying only to persons or things which will answer the description and which are also within the jurisdiction of Parliament. If, therefore, those words stood alone, I should be of opinion that the insurance companies mentioned must be insurance companies over which our Parliament has jurisdiction and that the section would be confined to such companies."

Ook op grond van hierdie vermoede is ons van mening dat artikel 4(3) van bogenoemde Wet nie op buitelandse organisasies van toepassing is nie.

Dat n wetgewer vermoed word sy wette alleen teen voordele

van persone binne sy eie territoriale jurisdiksie te maak blyk verder uit die beslissing in Le Roux v. Provincial Administratio (O.F.S.) 1934 O.P.Q.1. In hierdie geval was daar 'n regulasie, kragtens Ordonnansie No. 15 van 1930(O) uitgevaardig, wat soos volg gelui het:

"no child, who has completed his sixth year shall be refused admission to a public school....."

Die vraag het ontstaan of 'n ouer wat met sy kind buite die Oranje-Vrystaat woon, op grond van daardie regulasie kan eis dat sy kind tot 'n openbare skool in daardie provinsie toegelaat word. Die betrokke ouer het op bostaande algemene woorde van die regulasie gesteun maar sy eis is verwerp. Volgens die opskrif van die Hofverslag het die Hof soos volg beslis:

"The word 'child' used in Regulation 3 of Part 5 of the Regulations framed under Ordinance 15 of 1930(O), prohibiting the refusal of admission of a European child to a public school must be limited to those who live within the boundaries of the O.F.S. Province, and no parent living with his children outside the territorial boundaries of the Province can claim the right to have his children admitted to a public school in the Province."

Ons besluit dus dat die woorde "een of meer liefdadigheids- of wetenskaplike organisasie" in artikel 4(3) van Wet 44 van 1951 beperk moet word tot liefdadigheids- en wetenskaplike organisasies in die Republiek.

P. J. CONRADIE
6/5/66

DIE SEKRETARIS.

2/2/13

BATES VAN ONWETTIGE ORGANISASIES.

Ons word gevra of die woorde "een of meer liefdadigheids- of wetenskaplike organisasies" in artikel 4(3) van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), ook buitelandse organisasies insluit.

Geen duidelike aanduiding word in bogenoemde Wet gevind wat enigsins enige lig op hierdie vraag werp nie. Ons moet ons dus wend tot die reëls wat by die uitleg van wette toegepas word om 'n antwoord op daardie vraag te vind.

Daar is onses insiens twee reëls van interpretasie wat in hierdie geval aangewend kan word en albei lei tot dieselfde antwoord.

Daar is in die eerste plek 'n algemene vermoede dat die wetgewer nie bedoel het om buite sy eie jurisdiksie te gaan nie. Maxwell on Interpretation of Statutes, 11de Uitgawe, verklaar hieroor op bladsy 138 soos volg:

"Another general presumption is that the legislature does not intend to exceed its jurisdiction. Primarily, the legislation of a country is territorial. The general rule is that extra territorium jus dicenti impune non parentur (Dig. 2.1.20). The laws of a nation apply to all its subjects and to all things and Acts within its territories They apply also to all foreigners within its territories (not privileged

2/.....

like sovereigns and ambassadors) as regards criminal, police, and, indeed, all other matters except some questions of personal status or capacity This indeed does not comprise the whole of the legitimate jurisdiction of a state, for it has a right to impose its legislation on its subjects in every part of the world; but, with that exception, in the absence of an intention clearly expressed or to be inferred either from its language, or from the object, subject matter, or history of the enactment, the presumption is that Parliament does not design its statutes to operate on its subjects beyond the territorial limits of the United Kingdom."

Aangesien n bedoeling dat artikel 4(3) van bogenoemde Wet ook van toepassing moet wees op buitelandse organisasies nie in die Wet duidelik uitgedruk is nie en aangesien so n bedoeling nie van die taal, of die doel of die onderwerp of die geskiedenis van daardie bepaling afgelei kan word nie, moet ons aflei dat die Wetgewer bedoel het dat artikel 4(3) alleen van toepassing is op organisasies binne sy eie territoriale jurisdiksie.

Daar is in die tweede plek n vermoede dat wanneer n wetgewer n wet aanneem wat vir die een of ander reg of voordeel voorsiening maak, hy daardie reg of voordeel vir sy eie onderdane bedoel. Artikel 4(3) van genoemde Wet bepaal dat indien daar n oorskot is nadat die bereddenaar die skulde van n onwettige organisasie betaal het, daardie oorskot oorbetaal moet word aan een of meer liefdadigheids- of wetenskaplike organisasies deur die Minister aangewys.

In hierdie verband verklaar Maxwell on Interpretation of

Statutes, 11de Uitgawe, op bladsy 148 soos volg:

"Generally, we must assume that the legislature confines its enactments to its own subjects, over whom it has authority and to whom it owes a duty in return for their obedience. Nothing is more clear than that it may also extend its provisions to foreigners in certain cases But the presumption is rather against the extension....."

Volgens Maxwell was dit hierdie vermoede wat toegepas is in Calquhann v. Heddan (1890) 25 Q.B.D. 135. Die vraag in daardie geval was of 'n belastingrabat in England geëis kan word ten opsigte van assuransië wat met 'n Amerikaanse Assuransiematskappy aangegaan is, waar 'n Britse wet daardie rabat gemagtig het in die geval van assuransië "in or with any insurance company existing on the 1st November, 1844". Die Amerikaanse matskappy het op genoemde datum bestaan maar die Hof het beslis dat ten spyte van die algemene woorde "any insurance company", die rabat nie toelaatbaar was nie. In die loop van sy uitspraak het die Hof hom soos volg uitgelaat:

"It is strongly argued that it therefore comes within the very words 'with any insurance company existing on November 1, 1844.' Now supposing the words 'any insurance company' stood alone, and there were nothing else in the section to modify the view which one would take of their meaning, would it or would it not be right to say that those words in an English Act of Parliament would include all foreign insurance companies, wheresoever they might be? What is the rule of construction which ought to be applied to such an enactment, standing alone? It seems to be that unless Parliament expressly declares otherwise, in which case,

even if it should go beyond its rights as regards the comity of nations, the Courts of this country must obey the enactment, the proper construction to be put on general words in an English Act of Parliament is that Parliament was dealing only with such persons or things as are within the general words and also within its proper jurisdiction, and that we ought to assume that Parliament (unless it expressly declares otherwise) when it uses general words is only dealing with persons or things over which it has properly jurisdiction. It has been argued that that is so only when Parliament is regulating the person or thing which is mentioned in the general words. But it seems to me that our Parliament ought not to deal in any way, either by regulation or otherwise, directly or indirectly, with any foreign person or thing which is outside its jurisdiction, and unless it does so in express terms so clear that their meaning is beyond doubt, the Courts ought always to construe general words as applying only to persons or things which will answer the description and which are also within the jurisdiction of Parliament. If, therefore, those words stood alone, I should be of opinion that the insurance companies mentioned must be insurance companies over which our Parliament has jurisdiction and that the section would be confined to such companies."

Ook op grond van hierdie vermoede is ons van mening dat artikel 4(3) van bogenoemde Wet nie op buitelandse organisasies van toepassing is nie.

Dat n wetgower vermoed word sy wette alleen teen voordele

van persone binne sy eie territoriale jurisdiksie te maak blyk verder uit die beslissing in Le Roux v. Provincial Administratio (O.F.S.) 1934 O.P.Q.1. In hierdie geval was daar n regulasie, kragtens Ordonnansie No. 15 van 1930(0) uitgevaardig, wat soos volg gelui het:

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Die vraag het ontstaan of n ouer wat met sy kind buite die Oranje-Vrystaat woon, op grond van daardie regulasie kan eis dat sy kind tot n openbare skool in daardie provinsie toegelaat word. Die betrokke ouer het op bestaande algemene woorde van die regulasie gesteun maar sy eis is verwerp. Volgens die opskrif van die Hofverslag het die Hof soos volg beslis:

"The word 'child' used in Regulation 3 of Part 5 of the Regulations framed under Ordinance 15 of 1930(0), prohibiting the refusal of admission of a European child to a public school must be limited to those who live within the boundaries of the O.F.S. Province, and no parent living with his children outside the territorial boundaries of the Province can claim the right to have his children admitted to a public school in the Province."

Ons besluit dus dat die woorde "een of meer liefdadigheids- of wetenskaplike organisasie" in artikel 4(3) van Wet 44 van 1950 beperk moet word tot liefdadigheids- en wetenskaplike organisasies in die Republiek.

general rule is that on the

Termination pro clause.

require non-termination (Big 2.1.2)

The law of a nation apply

to all its subjects and to

all things and acts within

its territories.... they

apply also to all foreigners

within its territories if not-

privileges like navigation or

commerce, police, war, peace,

and other matters except-

some questions of personal

status or capacity.... This

article does not comprise the

whole of the legislative provision

of a state, for it has

to rights to impose its

legislation on its subjects

as every part of its

territory, and, with

that exception, it is the

source of an institution

clearly expressed as to

the former either from

its language, or from

the object, subject-matter,

or history of the

contract. The provision

is that 'Parliament now

not change its articles

to operate on its

subject beyond the

territories limits of

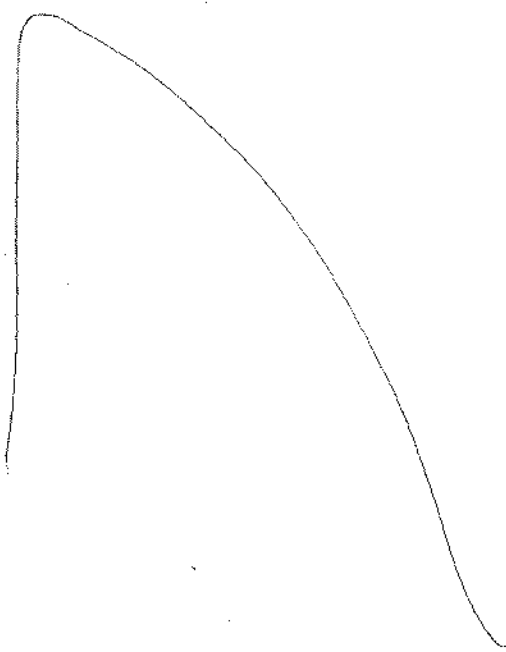
subplots, over which it-
has authority and to whom
it owes a duty or return
for their obedience, holding
no more than the title
it may also include its
provisions to foreigners
in certain cases ... but
the prohibition is not
~~the~~ substantive agreement the
contract ..."

Wolfe has also in his
subplots over foreigners in

Calquhoun v. Maclean (1840) 25 Q. B. D.

135. It may be seen from the
of the delimitation of England
and its own territory

of the sovereign power over
the territory of the sovereign
power is not the same as
the power of the sovereign power is



British but - several rather going
 but - in the great war 1914-18
 in or next day insurance company
 existing on the 1st November,
 1914. In London headquarters,
 but of Geneva station location
 near the City for the time
~~the latter part of the~~
~~the latter part of the~~
 was the "Algerine", wrote "my
 insurance company", the latter
 the "Lombard" was not the
 one - kept from by insurance but
 also that has been very important:
 It is strongly English than it.
 therefore comes under the very
 name "with any insurance
 company existing on
 November 1, 1914." But "any
 insurance company" there
 alone, and there were
 nothing else in the nation
 to make by the view which
 one would take of their
 meaning, would it be under
 it - not, be right for they
 that - those words in an
 English Act of Parliament under
 which all foreign insurance
 companies, whatever they
 might be? And is the
 rule of construction which
 ought to be applied to
 such an enactment, always
 alone? It seems to be
 that - under Parliament.

6.

we probably discuss otherwise,
we must ask, even if it
should go beyond its rights
as regards the conduct of
the war, the conduct of
the country, conduct
along the war effort, the
proper construction, the
part - on general terms
we are English but of
Parliament is that
Parliament was dealing only
with such persons as
things as are within
the general words are
also within its proper
jurisdiction, and that we
ought to assume that
Parliament (within its proper
jurisdiction) will
it was general words
is only dealing with
persons or things over
which it has properly
jurisdiction. It has not
power that that is no
only when Parliament is
regarding the person
or thing which is
material to the general
words. But it seems
to me that we
Parliament ought not to
deal in any way with
any regulation or otherwise,
directly or indirectly,
with any foreign person,

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

In the matter between:

THE SOUTH AFRICAN DEFENCE AND AID FUND

First Applicant

and

RAYMOND HOFFENBERG

Second Applicant

and

THE MINISTER OF JUSTICE

Respondent

JUDGMENT delivered 16th MAY 1966.

WATERMEYER, J.:

On the 18th of March 1966 the State President issued a Proclamation (No. 77 of 1966) by virtue of the powers vested in him by sub-section 2 of Section 2 of the Suppression of Communism Act 1950 (Act No. 44 of 1950) whereby he declared the organisation known as The Defence and Aid Fund to be an unlawful organisation.

The first applicant in these proceedings is The South African Defence and Aid Fund, an association of persons, and second applicant is the chairman of the first applicant. The applicants apply on notice of motion for an order

- (a) declaring that Proclamation 77 of 1966 has no application to the first applicant;
- (b) setting aside Proclamation 77 of 1966, or alternatively declaring that it is of no force or effect;
- (c) ordering the Minister of Justice, the respondent, to make discovery upon oath of documents relating to the appointment by him of a committee in terms of Section

17 of Act 44 of 1950 charged with the duty of preparing a factual report in connection with the activities of The Defence and Aid Fund.

In a supporting affidavit the second applicant says that after the issue of the Proclamation members of the security police came to the various offices of the first applicant throughout the country and took possession of all its assets and documents. He alleges, in the first place, that none of the first applicant's office-bearers was aware of the fact that proceedings under Section 2(2) of the Act were contemplated, that in terms of Section 17 of the Act the State President could only act after the Minister had considered a factual report in relation to the organisation made by a committee consisting of three persons appointed by the Minister, of whom one shall be a magistrate. The contention was advanced that in all probability no such committee had been appointed, but even if it had it was in law obliged to afford the first applicant an opportunity of being heard before any proclamation could be issued by the State President under Section 2 sub-section 2. It was also contended that the Court should grant a discovery order against the respondent compelling him to disclose all documents relevant to the appointment of such a committee or otherwise relevant to the proof of whether it had or had not functioned. Finally, the point was taken in the supporting affidavit that inasmuch as the correct name of first applicant was "The South African Defence and Aid Fund" Proclamation 77 of 1966 had no application to it because it referred to an organisation known as "The Defence and Aid Fund".

Mr. Duncan, who appeared for the applicants, has sought to persuade the Court that on a proper

interpretation/...

interpretation of Section 2(2) of the Act the Legislature has not sufficiently clearly excluded the principle of audi alteram partem. He submitted that before the State President could issue a proclamation declaring an organisation to be an unlawful organisation that organisation was entitled to be heard, and inasmuch as first applicant had received no notice that action was contemplated against it, and had accordingly not been given the opportunity of being heard, the declaration was invalid.

In a replying affidavit the respondent says that on the 13th September 1965 he duly appointed a committee in terms of Section 17 of the Act to prepare a factual report, that this committee duly prepared such a report which was considered by him before the powers conferred by the Act in relation to the first applicant were exercised by the State President. He admits that the first applicant was not notified of the appointment of this committee, but alleges that he was under no legal obligation to do so. He avers that there exist documents relating to the appointment of the committee and affording proof that the committee did in fact function, but says that upon grounds of public policy he resists the order for discovery because in his opinion, after careful consideration of all the relevant facts, he has come to the view that public policy requires him to disclose nothing more than the existence and authorship of those documents to which reference is made in his opposing affidavit. He says that to make discovery in terms of the application would be prejudicial to the public interest and inimical to the national security.

The applicants are unable to controvert these statements of the respondent, and the first question which

arises/...

arises for decision is whether the applicant was in law entitled to be heard before an order was made against it under Section 2(2) of the Act. In the case of Real Printing and Publishing Co. (Pty.) Ltd. v. Minister of Justice, 1965(2) S.A. 782, the Full Bench of this Division had occasion to examine a similar contention in relation to an order made by the State President under Section 6 of Act 44 of 1950. It came to the conclusion that Parliament had excluded the application of the audi alteram partem rule in Section 6 of the Act. It was not contended by Mr. Duncan that a decision made under Section 2(2) of the Act could be distinguished in any way from a decision made under Section 6, nor do I think it could successfully have been so contended, so that so far as this Court is concerned the decision in the case referred to above is decisive of the present case. As I have already mentioned, that was a Full Bench decision which binds this Court, and there is no need for me to re-examine the question.

In so far as the application for discovery is concerned, that question, too, was dealt with in the Real Printing and Publishing Co. case (supra), and in our opinion no such order should be made, having regard to the Minister's allegations in regard to public policy.

There remains the other question for consideration, namely, whether the Proclamation affects the first applicant seeing that there is a variance between the first applicant's name and the name appearing in the Gazette. Although the second applicant is at pains to make clear in his affidavit that in August 1965, in order to dissociate first applicant from an organisation bearing the same name in England, first applicant altered its name by prefixing the words "South African" to its former name,

and alleges that it is an autonomous body having no connection whatsoever with the English organisation.

The Minister in his replying affidavit has said that the first applicant has at various times been known as "The Defence and Aid Fund", "Defence and Aid (Cape Division)", "Defence and Aid Fund (Cape Western Region)", "Defence and Aid", and, since August 1965, also, but not exclusively, as "The South African Defence and Aid Fund", and he has placed a letter before the Court emanating from the secretary of first applicant dated 12th November 1965 in which she said

"... the South African Defence and Aid Fund was up till the 1st August, 1965, named the Defence and Aid Fund. The South African Defence and Aid Fund, the Defence and Aid Fund, and Defence and Aid are all one and the same organisation."

The applicants nowhere make the case that there is another body or association in the Republic known as "The Defence and Aid Fund", and from the papers before the Court it is clear that the Minister intended the Proclamation to apply to the first applicant and that first applicant realised this. It would appear therefore that all that has happened is that there has been a misnomer of the first applicant in the Proclamation. No question of mistaken identity arises.

Mr. Hoexter, who appeared for the respondent, has submitted that this is a case in which the maxim maxim falsa demonstratio non nocet applies, and in my opinion this submission is correct. Indeed, this aspect of the matter was hardly argued by counsel for the applicants, who was unable to place any authority before the Court to show that a Proclamation in which an inaccurate name is used has no legal effect vis-à-vis the person intended to be affected. There is accordingly in my opinion no substance in the

contention that Proclamation 77 of 1966 has no application to the first applicant.

The Minister in paragraph 33 of his opposing affidavit alleges that in raising this last-mentioned point the applicants have trifled with the Court, and have attempted to set up a case which to their knowledge is lacking in foundation. He alleges that the whole trend and purport of the second applicant's affidavit is to show "that the organisation with which the second applicant was associated in an executive position was neither at the date of the said Proclamation nor, indeed, at any other time known as 'The Defence and Aid Fund'." Upon an examination of the second applicant's affidavit it seems to me that the Minister has put the matter too high. It is true that the second applicant does make the case that at the date of the Proclamation the association was not known as "The Defence and Aid Fund", but I do not agree that he attempted to show that the first applicant was not at any other time known as "The Defence and Aid Fund". There is a degree of evasion in paragraph 20 of the second applicant's affidavit but, reading the affidavit as a whole, I do not think it can be said that he has attempted to show that prior to 1st August 1965 the first applicant was not known as "The Defence and Aid Fund". I am in agreement with Mr. Duncan's submission that first applicant was quite entitled to take the point that it had been wrongly named in the Proclamation and that, in doing so, it has not trifled with the Court as is suggested by the Minister. As Mr. Duncan himself admitted, it was a somewhat technical point, but one which in my opinion could nevertheless be taken bona fide. This Court has decided that the point is not a good one but, in view of what I

have said, I do not think that it would be right to order attorney-and-client costs to be paid by the applicants on this aspect of the case, as is claimed by the respondent in his opposing affidavit. I think that the ordinary rule as to costs should be followed, and in the result the application is refused with costs. *Costs for 2 Counsel allowed.*

DILMONT, J.:

I concur.

DEPARTEMENT VAN JUSTISIE
PRETORIA
ONTVANG/RECEIVED
13 -5- 1966
DEURGESTUUR OP/SENT THROUGH
ON
13.5.66. H.
DEPARTMENT OF JUSTICE



REPUBLIEK VAN SUID-AFRIKA.—REPUBLIC OF SOUTH AFRICA.

A.K.

By beantwoording meld asb.
In reply please quote

MJ. 21

Ministerie van Justisie,
Ministry of Justice,

Uniegebou,
Union Buildings,

PRETORIA.

12 -5- 1966

THE SECRETARY FOR JUSTICE.

RE : LETTER DATED 14TH APRIL, 1966, RECEIVED
FROM REV. R. BUCHHORN.

✓ The attached letter is forwarded by direction
for your disposal please.

Receipt thereof has not been acknowledged.

PRIVATE SECRETARY.

Justice,
Amppennandji
12/5/66

Phone B228
P.O. Box 97

St. Nicholas' Presbytery
18 White Street
Tamworth
-10- 5 1966
MINISTER VAN JUSTISIE
MINISTER OF JUSTICE

Minister for Justice
Union Buildings,
Pretoria,
South Africa.

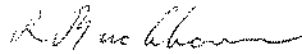
Dear Sir,

I have recently read a newspaper report about the seizing of funds of the S.A. Defence and aid fund.

Having contributed something like R.10 to this fund, I am naturally concerned to know what happens to it. I was prepared to take the risk on some of it not being used for the purpose for which it was contributed.

However, now I would appreciate an assurance that the seized funds will either be returned, or administered for the purpose for which they were contributed: i.e., providing competent legal aid for people charged under your countries Apartheid Laws. I place no limitation on the political tenets of those assisted: even a communist has a right to legal representation. If your Government does not recognise this, weight must be given to the accusations of its most violent opponents.

Yours sincerely,



(Rev. R. Buchhorn.)

IRISH AID FUND FORMED BY ANTI-APARTHEID BODY

Herald Correspondent

DUBLIN

At the annual meeting of the Irish Anti-Apartheid Movement in Dublin it was decided to establish an Irish branch of the International Defence and Aid Fund for South Africa. This will be a separate body from the Anti-Apartheid Movement.

A trial on the future of the International Defence and Aid Fund was given by Mrs. L. J. Collins, wife of Canon Collins, the fund chairman. Most of her hour's talk consisted of allegations concerning conditions in

HER HOPE

About 300 people, white and non-white, most of them members of the Irish Anti-Apartheid Movement, heard her visit to South Africa and her hope that it would be possible for the fund to keep on sending money to South Africa.

New York based Dr. Conor Cruise O'Brien, former Irish diplomat who served in the

Congo with the United Nations and was later Vice-Chancellor of the University of Ghana, has been invited to become Chairman of the Irish Anti-Apartheid Movement for the coming year.

New sponsors announced by a spokesman include a Catholic Priest, Rev. Father Austin Flannery of the Dominican Order, a former Lord Mayor of Dublin, Mrs. Tom Clarke, a widow of one of the Irish rebels executed by the British after the 1916 rising.

A protest is to be sent to the British Government about the proposed negotiations with the illegal regime in Southern Rhodesia.

Irish Show

They Are Agin S. A.

From Dublin
Correspondent

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AT the annual meeting of the Irish Anti-Apartheid Movement in Dublin on Saturday it was decided to establish an Irish branch of the International Defence and Aid Fund for South Africa. This will be a separate body from the Anti-Apartheid Movement.

A talk on "The Future of the International Defence and Aid Fund" was given by Mrs. J. J. Collins, the wife of Canon Collins, the chairman of the Fund. Most of the talk consisted of allegations concerning conditions in South Africa.

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The protest is to be sent to the British Government about the proposed negotiations with the illegal regime in Southern Rhodesia.

There is to be a campaign to inform the Irish public about the position in South West Africa and tomorrow there will be a poster parade through Dublin protesting against the conviction of Bram Fischer.

Irish get branch of Aid Fund

Own Correspondent

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Telegramadres: „GOVAT.“
 Alle brieue moet gerig word aan:
 DEPARTEMENT PRIVAATSAK-EN JUSTISIE
 PRIVAATSAK-EN JUSTISIE
 Die Adres: „GOVAT.“
 All communications to be addressed to
 PRIVAATSAG EN JUSTISIE
 Tol. No. 3001.
 DEURGESTUUR OPSENT THROUGH
 ON
 6/5/66
 DEPARTMENT OF JUSTICE



OTS/FN.

REPUBLIEK VAN SUID-AFRIKA.—REPUBLIC OF SOUTH AFRICA.

DIE STAATSPROKUREUR,
 THE STATE ATTORNEY,
 VERITASGEBOU,
 VERITAS BUILDING,
 FOUNTAINLAAN,
 FOUNTAIN LANE,
 PRETORIA.

PK
 J. 417.
 Meld in u antwoord asb:
 in reply please quote:
 No. 942/56.
 Kamer/Room.
 214

6 Mei 1966.

Die Sekretaris van Justisie,
 Privaatsak 81,
PRETORIA.

Insake: HOOGGEREGSHOF AANSOEK -SOUTH AFRICAN DEFENCE
 and AID FUND en R. HOFFENBERG teen DIE
 MINISTER van JUSTISIE.

1. In verband met bogemelde onderwerp bevestig ek hiermee dat die verhoor in Kaapstad op 2 Mei 1966 plaasgevind het.
2. Regters Watermeyer en Diemont was op die bank en Advokate T.G. Duncan S.C. en L.R. Dison het namens die Applikante verskyn. Advokate G.G. Hoexter S.C. en J.D.M. Swart albei van Pretoria het namens die Minister van Justisie opgetree.
3. Aan die einde van die verhoor ongeveer 3.30 v.m. het die Hof sy uitspraak voorbehou.
4. Reëlings is getref met die Adjunk-Staatsprokureur, Kaapstad, om my onmiddellik te laat weet as die Hof uitspraak lewer. U sal hiervan verwittig word.

nms.

OTTO T. SCHULTZ
 STAATSPROKUREUR.

Bae
MS
9.5.66.

DECLASSIFIED

2/2/13

GEHEIM.

DIE SEKRETARIS.

VERBAND TUSSEN DIE KOMMUNISTIESE PARTY
EN DIE DEFENCE AND AID FUND.

1. 'n Uittreksel uit die getuienis wat 'n sekere Hlapane in die Carnesonsaak gelewer het en waarin hy die verband tussen die Kommunistiese Party en die Defence and Aid Fund uiteensit, is vir u inligting aangeheg. (Hlapane).
2. Hy het hom onder andere soos volg uitgelaat:-
"Thousands and thousands of monies have been raised abroad and today there are so many Africans in jail who are not defended. We claimed that we shall defend these people, we claimed that we shall protect their children but through Defence and Aid Fund and out of them the Communist Party has been able to get the money for its own self and keep the money for themselves."
3. Kompol is besig om 'n meer uitgebreide verklaring van Hlapane in hierdie verband te verkry.
4. Voorgelê vir u inligting.

DECLASSIFIED

- is known in the circles of the Communist Party that there were people prepared to come out to testify that deliberately certain women gave information about the visit of Nelson Mandela to Durban. That being so, they feel that a commission of inquiry must be instituted, but that was not done, it was suppressed by the Communist Party, who, in fact, was dominated by the Whites. The handful of Whites that had the full control of the Communist Party and A.N.C. did what they wanted to do out of any one of us. Hence, many at this
- 10) stage, being fully prepared, not because they had been influenced by the police, not because of being tortured, but out of their own will wished to place before the people of South Africa that the African National Congress, which I still follow up to now, has been destroyed and completely destroyed by the Communists and its leaders are now rotting on Robben Island as a result of the White Communists. They are in this situation today where we feel that one has got to come out with the truth, nothing else but the truth. I do feel that the African people can still proceed and go
- 20) forward and struggle for their rights. But only on legal lines and besides the Communists. That is my opinion. Not that I am influenced by anyone else that I am making a statement. It is my genuine feeling.

MR. BASSON: When you say 'besides the Communists' you mean outside of, or what? -- The Communists have been in the African National Congress, they infiltrated and I feel they must be cut off and they must be exposed.

- MR. AARON: (Cont.): I listened with interest to that. I gather that you are a little antagonistic to the White
- 30) Communists. -- I am antagonistic and I will go further and say that we promised, together with the White Communists, that anyone who was going to jail, his children, his family will

- be looked after, and money will be raised, will be collected abroad. The result is that the money comes into the hands of the White Communists and they are not prepared to fight with their friends. I have personal experience of my own family suffering when I was in jail, and when I came out excuses were given. And I think it can be proved in the country today that it is the Whites that have been handling the money. Thousands and thousands of monies have been raised abroad and today there are so many Africans in jail
- 10) who are not defended. We claimed that we shall defend these people, we claimed that we shall protect their children but through Defense and Aid Fund and out of them the Communist Party has been able to get the money for its own self and keep the money for themselves. The result is that children have been dying of starvation today and their fathers are rotting in Robben Island and no-one is prepared to defend them. It is not even known how many children are there to be looked after. That is the position of the African people today. Not particularly that I am opposed to every White man
- 20) but I think the White Communists in particular are very dishonest. They are now living in the best hotels of London with that money.

BY THE COURT: Are you married? -- I am married. I've got six children.

MR. AARON: (Cont.): You spoke of your own experience when you came out of jail. Does that mean your first detention? --All my detentions.

Let us take your first detention. When you came out of your first detention, you had been in for 172 days. --

- 30) That's right.

Am I to understand that when you came out you found that your wife and your six children had not been looked

after/.....

2/2/13

5 -5- 1966

BY HAND.

The Accountant,
Barclays Bank D.C.O.,
Church Square,
PRETORIA.

Sir,

Re: THE DEFENCE AND AID FUND.

I wish to acknowledge receipt of your letter of the 3rd May, 1966, together with your cheque for the amount of R6928.13. The relevant F.12 is returned herewith, as requested.

Your co-operation is appreciated.

Yours faithfully,

D. P. WILCOCKS

LIQUIDATOR: ACT NO. 44 OF 1950.

90575766

BARCLAYS BANK D.C.O.
(REGISTERED COMMERCIAL BANK)
WITH WHICH IS AMALGAMATED
THE NATIONAL BANK OF SOUTH AFRICA LIMITED

ALL CORRESPONDENCE
TO BE ADDRESSED TO

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TELEGRAPHIC ADDRESS
BARCLADOM
TELEX PX 52
PHONE 3-9951* 3-9961

PRETORIA BRANCH
GROUND FLOOR
CHURCH SQUARE & CHURCH STREET
PRETORIA

JF/EP.

3rd May, 1966.

D.P. Wilcocks Esq.,
C/O Department of Justice,
Veritas Building,
Private Bag 81,
PRETORIA.

THE DEFENCE AND AID FUND.
YOUR LETTER DATED 26.4.1966.

We have pleasure in enclosing our cheque for R6928.13 being
the balance of the above-mentioned account.

Please be good enough to sign and return the enclosed F.12.

Yours faithfully,


ACCOUNTANT.

DIRECTORS:

SOUTH AFRICAN BOARD: A. S. AIKEN, M. W. J. BULL, H. ENTWISTLE, DR. J. E. HOLLOWAY, T. E. KENDALL, G. W. MACKENZIE, M. MENZIES, J. M. OSBORNE, H. RISSIK, B. C. SMITHER, H. P. STEVENS
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*SIR JAMES W. ROBERTSON *H. D. SMITH, *E. V. WHITCOMBE
*BRITISH

HOW INSTITUTE WAS DRAWN INTO FISCHER CASE

THE STAR 5/7/66

THE WAY IN WHICH the Institute of Race Relations came to be mentioned at the preparatory examination in the Fischer case was explained in a statement yesterday by Dr. E. G. Malherbe, president of the institute, and Mr. Quintin Whyte, the director.

The statement says that some newspapers featured the remarks by the prosecutor at the examination under banner headlines.

In his opening address at the preparatory examination of Abram Fischer the State Prosecutor stated that Fischer had handled party funds, moneys which had come into the Republic in "devious ways" — that is, through the notorious Wilson account or through the agency of Defence and Aid and Christian Action — and even through the South African Institute of Race Relations, the statement says.

BANNER HEADLINES

The prosecutor says that at no stage did he intend to suggest that the institute had lent itself to any unlawful activity or that it had been a party to the misuse of moneys.

Nonetheless, a number of newspapers featured these remarks by the prosecutor under banner headlines, with a consequent heightening of emphasis.

As this appears to have caused disquiet and anxiety the institute wishes, now that judgment has been given, to summarize the circumstances which seem to have led to the reference to the Institute of Race Relations.

The statement says that in June 1963 a Dependants' Conference was formed in Cape Town, consisting of representatives of a number of organizations including the Institute of Race Relations, the National Council of Women, Social Services Association, Defence and Aid, the Christian Council and the Board of Aid, many of which had been dealing with the relief of distress among dependants of political offenders.

DEPENDANTS

The new conference was a coordinating body formed to provide material aid to these dependants. The Institute of Race Relations provided secretarial and bookkeeping services in an unpaid capacity to the Dependants' Conference and until September 1965 banked and disbursed its funds, which derived from a variety of sources, local and overseas, including Oxfam and the Rowntree Trust.

In June 1965 a letter was received from the Defence and Aid Fund of Christian Action in England, informing the secretary of the Cape Western Region of the institute — who was also the secretary of the Dependants' Conference — that an amount of R20,000 was being remitted.

Full instructions were given as to what amounts were to be paid to the various organiza-

tions dealing with dependants' welfare in the different regions of South Africa.

Included in these directives was one instructing the payment of R2,000 to the Defence and Aid Fund for welfare work among the dependants of political prisoners. This amount was sent to the Defence and Aid Fund in Johannesburg, the statement said.

Shortly afterwards, on August 12, 1965, the secretary of the Johannesburg Defence and Aid Fund informed the regional secretary of the Institute of Race Relations in her capacity as secretary of the Dependants' Conference that the Johannesburg Defence and Aid Fund was no longer undertaking any welfare work for political prisoners and their dependants.

"She returned to Cape Town the unspent balance amounting to R1,540."

DONORS

The secretary of the Dependants' Conference informed Defence and Aid in London, the original donors of this money, of the return of the money, and asked whether it could be kept and used at the conference's discretion for any other area which might be in need.

The reply from London directed that the money be paid into the account of the Rev. J. D. Davies and Miss D. Tucker in Johannesburg, who had formed an ad hoc committee to deal with welfare needs.

The institute's Cape Town regional secretary — in her capacity as secretary of the Dependants' Conference — after satisfying herself as to the identity of Father Davies, paid over the money as instructed.

The statement says that Miss Tucker and Father Davies were called as witnesses during the preparatory examination and gave evidence that a cheque from the Institute of Race Relations for the R1,540 referred to, had been deposited to their account in August, 1965.

"This was the sole context of reference to the institute in this case. At the trial of Abram Fischer in the Supreme Court no reference whatsoever was made to the institute."

The institute adds with emphasis that it does not support nor has ever lent itself to any subversive or unlawful activity whatsoever. It utterly rejects subversion.

In the words of the director, Mr. Quintin Whyte, "The institute has always maintained that subversion perverts those normal processes by which changes are brought about in a civilized society."

Kunsveiling vir Fonds teen ^{DIE} ~~te~~ ^{BY} ~~te~~ ^{RIJER} ^{WISSEL} Apartheid

Van 'n Medewerker

AMSTERDAM.

'N **K**UNSVELLING waarop minstens 171 werke van 118 kunstenaars verkoop sal word, word op 12 Mei in Amsterdam gehou om geld in te samei vir juridiese en sosiale bystand vir „slagoffers van apartheid” in Suid-Afrika. Die Vrysinning Protestantse Radio-Omsroep sal 'n beeldradio-program oor die veiling vertoon.

Die opbrengs van die aksie — wat gesteun word deur 'n komitee van kunstenaars en skrywers — gaan na die Nederlandse afdeling van die Defence and Aid Fund, wat die geld sal oormak aan die trustfonds van die V.V.O.

Die aksiekomitee het ook 'n nuwe boek oor apartheid uitgegee. Die skrywers daarvan is o.m. dr. W. A. Visser, 'n Hoofd van die Wêreldraad van Kerk; dr. Bruins Slot, redakteur van Trouw; kanunnik John Collins van die Defence and Aid Fund en 'n aantal professore, o.a. die pas aangestelde professor in Nederlands aan die Universiteit van Leiden, prof. H. A. Gomperts, prof. H. Presser, professor in geskiedenis aan die Universiteit van Amsterdam en skrywer van 'n werk oor die ondergang van die Jode in die Tweede Wêreldoorlog; en prof. Gezina van der Molen, vroeër van die Vrije Universiteit.

Volgens die kommissie gaan dit in die eerste plek nie om die bedrag nie, maar sveral om te laat sien dat 'n aansienlike deel van die Nederlandse kunstenaars en intellektuele teen die Suid-Afrikaanse rassepolitiek is”.

SAAK OOR DEFENCE AND AID FUND:

ADA
Advokaat onthuts
WONKERSBLAD
regters

3/5/66 KAAPSTAD.

REGTERS van die Hooggeregshof is uiters onthuts oor 'n berig wat gister in 'n koerant verskyn het, het regter H. E. P. Watermeyer gister hier in die Hooggeregshof gesê toe die geldigheid van 'n proklamasie in die Staatskoerant wat die Defence and Aid Fund 'n onwettige organisasie verklaar in die hof aangeval is.

Net nadat regters Watermeyer en M. A. Diemont hul plekke op die regbank ingeneem het, het regter Watermeyer gesê:

„Die hof is uiters onthuts deur wat hy vanoggend in die pers gesien het.

„Die hof dat 'n junior advokaat 'n onderhand toegeestaan het waarin uiteensê word watter betoëppunte aangevoel gaan word, en wat die moontlike uitslag sal wees.

„Die hof sal oorweeg watter stappe indien enige; gedoen sal word,” het regter Watermeyer gesê.

Die Hooggeregshof is gevra

om 'n bevel uit te reik dat proklamasie 77 van 1966 nie op die Defence and Aid Fund betrekking het en om die proklamasie ter syde te stel wat dit 'n onwettige organisasie verklaar het.

Die eerste applikant is die South African Defence and Aid Fund en die tweede dr. Raymond Hoffenberg, voormalige voorsitter van die Suid-Afrikaanse Defence and Aid Fund en geneesheer van Exeterman, Bishops Court, Kaapstad. Die respondent is die Minister van Justisie, mr. B. J. Vorster. Uitspraak is voorgehou.

— Sapa.

DEFENCE, AID JUDGMENT IS RESERVED

MR. JUSTICE WATERMEYER and Mr. Justice Diermont yesterday reserved judgment in an application by the South African Defence and Aid Fund for the setting-aside of a proclamation declaring the Defence and Aid Fund an unlawful organization.

The organization has also applied for an order declaring that the proclamation does not apply to it and has asked the court to order the Minister of Justice, Mr. Vorster, to show all documents relating to the appointment of a committee to prepare a factual report on its activities.

At the beginning of the hearing in the Supreme Court, Cape Town, yesterday, Mr. Justice Watermeyer said: "This Court is most disturbed about a story which appeared this morning in a newspaper.

"It appears that a junior counsel has given an interview to a reporter setting out what argument would be led and what the possible outcome of the action could be.

"This Court is most disturbed about this and will consider what steps, if any, are to be taken."

WAS CHAIRMAN

Dr. Raymond Hoffenberg, a physician of Exeter Avenue, Bishopscourt, said in papers before the court that prior to the proclamation in the *Government Gazette* on March 13 declaring the Defence and Aid Fund an unlawful organization he was the organization's chairman.

The fund received monies from overseas, which it used to arrange an adequate defence for people charged under political laws.

"As a result of our efforts in this regard, a very large number of persons who were charged with political offences have been acquitted and large numbers who had been convicted in the court of first instance were found not guilty on appeal to the Supreme Court."

MANY ACQUITTED

As a result of the organization's activities many innocent people charged with political offences had been acquitted and prevented from languishing in places such as Robben Island.

"As a result of some of these activities there appears to be an opinion expressed in high quarters to the effect that the provision of funds for the defence of such persons amounts to an

encouragement of the commission of political offences.

"Such an opinion is ill-founded, and it is necessary in the interests of justice that defence facilities should be provided at all times."

The South African Defence and Aid Fund had never professed by its names or otherwise to be an organization for propagating the principles or promoting the spread of communism.

The organization had never engaged in activities to further the achievement of communism and it was never controlled directly or indirectly by the Communist Party of South Africa.

NOT INFORMED

He believed that no committee to prepare a factual report on the organization's activities, as contemplated by a section of the Suppression of Communism Act, had ever been appointed.

Its appointment had not been notified in the *Government Gazette* and none of the organization's officers had ever been informed in any way of the appointment of such committee.

It submit that it is in the interests of justice that a discovery order should be granted against the Minister of Justice so that documents relating to the appointment of the committee or to its having functioned might be disclosed.

Should the committee have been able to fulfil its functions in accordance with law it was essential that it should have given the organization an opportunity to make representations to it.

He submitted that the prohibition order was bad in law and of no force and effect and should be set aside.

VORSTER'S REPLY

His organization was the South African Defence and Aid Fund and the proclamation, banning the Defence and Aid Fund, did not apply to it.

In a replying affidavit the Minister of Justice, Mr. Vorster, said that the South African Defence and Aid Fund had been known as "The Defence and Aid Fund", "Defence and Aid Fund (Cape Division)", "Defence and Aid Fund (Cape Western Region)", "Defence and Aid", and since August last year also, but not exclusively, as "The South African Defence and Aid Fund".

On September 13, 1965, he had appointed a committee in terms of the Suppression of Communism Act to prepare a factual report in relation to the Defence and Aid Fund. The appointment was not notified in the *Government Gazette* but no such notification was required by law, and in terms of the Act there was no legal obligation on anybody to notify the Defence and Aid Fund of the appointment of the committee or its functioning.

There existed documents relating to the appointment of the committee but he denied that the interests of justice would be served by disclosing the documents.

"In addition, upon grounds of public policy I resist the order of discovery sought.

"As the Minister of State involved I state that after careful consideration of all the relevant facts I have formed the view that public policy requires me to disclose nothing more than the existence and authorship of those documents.

"Discovery would be prejudicial to the public interest and inimical to the national security."

The committee had fulfilled its functions properly and in accordance with the Suppression of Communism Act.

The organization was not afforded an opportunity of making any statement either to him or to any officer in his department but he denied that it was in law necessary for him to afford such opportunity.

Mr. Vorster denied that the proclamation did not apply to the South African Defence and Aid Fund. "At all relevant times the organization was known within South Africa to the public at large and to its own members and supporters in particular as 'the Defence and Aid Fund'."

The Minister asked for the application, including the request for discovery of documents, to be dismissed.

Mr. G. Duncan, QC, and Mr. L. R. Dixon (instructed by Frank Bernad and Joffe) appeared for the South African Defence and Aid Fund. Mr. G. Hoexter, SC, and Mr. B. Swart, both of Pretoria (instructed by the State Attorney, Pretoria) appeared for the Minister of Justice.

Apology: The Cape Times greatly regrets that as reported above it gave cause to Mr. Justice Watermeyer to express the court's strong disapproval of the report which appeared in yesterday's Cape Times under the heading: "Court Battle To-day by Defence, Aid." The Cape Times wishes to apologize unreservedly to the court for this report on a pending case.

Defence Fund Applies For Banning Order To Be Set Aside

3/19/66
NATL MERCURY
From Our Own Correspondent

CAPE TOWN.

MR. JUSTICE WATERMEYER and Mr. Justice Diment yesterday reserved judgment in an application by the S.A. Defence and Aid Fund setting aside a proclamation declaring the Defence and Aid Fund an unlawful organisation.

The organisation also applied for an order declaring that the proclamation did not apply to it and has asked the Court to order the Minister of Justice, Mr. B. J. Vorster, to show all documents relating to the appointment of a committee to prepare a factual report on its activities.

Dr. Raymond Hoffenberg said in papers before the Court that prior to the proclamation in the Government Gazette on March 18

declaring the Defence and Aid Fund an unlawful organisation he was the organisation's chairman.

The fund received monies from overseas which it used to arrange an adequate defence for persons charged under political laws.

"As a result of some of these activities there appears to be an opinion expressed in high quarters to the effect that the provision of funds for the defence of such persons amounts to an encouragement of the commission of political offences. Such an opinion is ill-founded and it is necessary in the interests of justice that defence facilities should be provided at all times."

NOT NOTIFIED

He believed that no committee to prepare a factual report on the organisation's activities, as contemplated by a section of the Suppression of Communism Act, had ever been appointed. Its appointment had not been notified in the Government Gazette and none of the organisation's officers had ever been informed in any way of the appointment of such a committee.

In a replying affidavit the Minister of Justice, Mr. B. J. Vorster, said that on September 13, 1965, he appointed a committee in terms of the Suppression of Communism Act to prepare a factual report in relation to the Defence and Aid Fund.

He admitted that the appointment was not notified in the Government Gazette but "no such notification is required by law" and in terms of the Suppression of Communism Act there was no legal obligation on him or anybody else to notify the Defence and Aid Fund of the appointment of the committee or its functioning.

The Minister admitted that the organisation was not afforded an opportunity of making any statement either to him or to any officer in his Department but denied that it was in law necessary for him to afford such opportunity.

He denied that the proclamation did not apply to the S.A. Defence and Aid Fund.

Aid fund asks for ban to be set aside

3/5/66
From Our Correspondent

Cape Town Tuesday.

JUDGMENT WAS RESERVED in the Supreme Court yesterday on an application by the South African Defence and Aid Fund for the setting aside of the proclamation declaring the fund an illegal organization.

The order sought also asked that the Minister of Justice be ordered to make discovery in particular of all documents relating to the appointment by the Minister of a committee charged with the duty of preparing a factual report in connection with the activities of the Defence and Aid Fund.

The first applicant was the South African Defence and Aid Fund. The second applicant was Dr. Raymond Hoffenberg, former chairman of the fund, and a physician of Exeter Avenue, Bishopscourt, Cape.

Dr. Hoffenberg argued that the South African Defence and Aid Fund never at any time fell within the purview of Section 2 of the Suppression of Communism Act No. 44, as amended. It had never professed by its names or otherwise to be an organization propagating the principles of, or promoting the spread of, Communism.

COMMITTEE

Dr. Hoffenberg submitted that no committee as contemplated by Section 17 of the Act had been appointed or set up.

The section states that no organization shall be banned before the Minister has considered a factual report in relation to that organization.

Dr. Hoffenberg said that no appointments of such a committee had been notified in the Government Gazette. Neither the fund, nor any of its honorary officers or staff had been notified of the appointment of such a committee.

The Minister of Justice, Mr. Vorster, said in a replying affidavit that the "Defence and Aid Fund," also known as—but not exclusively—"The S.A. Defence and Aid Fund," referred to the same organization generally and commonly known as "the Defence and Aid Fund."

The Minister submitted that only the management committee

of the South African Defence and Aid Fund had the standing in law to bring an application in the present proceedings.

The Minister said that on September 13, 1965, he appointed a committee in terms of Section 17 of the Act to prepare a factual report in relation to the organization known as "the Defence and Aid Fund."

This committee prepared a factual report which was duly considered by the Minister before powers conferred under the Act were exercised by the President.

D.A.F. - Aansoek: DIE BURGER Uitspraak 3/5/66 Is Voorbehou

DIE hof is onthuts oor 'n berig wat gister in 'n koerant verskyn het oor die Defence and Aid Fund, het regter H. E. P. Watermeyer in die Kaapse Hooggeregshof gesê toe die organisasie in 'n siviele geding teen die Minister van Justisie, aansoek gedoen het dat 'n proklamasie, waardeur die D.A.F. onwettig verklaar is, deur die hof tersyde gestel word.

Regter Watermeyer het sy uitspraak voorbehou. Die saak dien voor regter Watermeyer en regter M. A. Dierpout.

Nêr voordat die saak gister begin het, het regter Watermeyer gesê dat hy onthuts oor 'n berig wat gister blywend in 'n koerant verskyn het. Dit lyk of 'n junior advokaat in 'n onderhoud met 'n verslaggewer die berig, sowel as die moontlike aansoek in die saak, uiteengesê het.

Hy het besluit watter stappe indien enige gedoen sal word, het die regter gesê.

Aansoek is gedoen om 'n hofbevel waardeur proklamasie 77 van 1960 tersyde gestel word. In hierdie proklamasie word die Defence and Aid Fund onwettig verklaar. Daar word beweer dat die proklamasie nie betrekking het op die South African Defence and Aid Fund nie.

'n Bevel word ook gevra vir die openbaarmaking in die besonder van dokumente in verband met die aanstelling van 'n komitee deur die Minister van Justisie wat 'n verslag oor die bedryf van hierdie Defence and Aid Fund gestel het.

BOERSELE STEEN

Die applikante in die saak is die South African Defence and Aid Fund van O.T. O'Connell 314, Pleinweg, Kaapstad, en die Raymond Hoffenberg van Exterstraat 17, Skopkop, Kaapstad. Die verwerder is die Minister van Justisie, aan B. J. Vorster.

'n Besliddende vergadering voor die hof het die Hoffenberg getuig dat die woorde van die South African Defence and Aid Fund was voor die D.A.F. organisasie op 18 Maart 1965 onwettig verklaar is.

Die D.A.F. het die verlegde getuie in boersele steen verhoor. Die hof het vir die verlegde getuie 'n verslag van 'n verlegde getuie vir die verlegde getuie. Die organisasie het die hof ook gebid om die onaanvaalbaarheid van die getuie te bewys. Die hof het in voordeel van die verlegde getuie 'n verslag van 'n verlegde getuie.

Die South African Defence and Aid Fund het in die beid van die hof 'n verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie.

Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie.

Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie.

kon doen alvorens hy nie eers met die D.A.F. in aanraking gekom het nie. As enige komitee so 'n ondersoek gebou het, sou die aard daarvan eensydig en in geheimstrigheid gehou wees. Enige verslag daarvan sou baie in ooreenstemming met die bepalinge van die betrokke wet wees nie.

Die komitee moes die D.A.F. geleentheid gegee het om vertoe in te dien of om 'n verklaring te doen. Dit is eeter nooit gedoen nie. Die eerste aanduiding wat die organisasie gegee het dat hy onwettig verklaar sou word was toe die proklamasie in die staatskoerant op 18 Maart verskyn het.

Hy voer ook aan dat die South African Defence and Aid Fund nie die Defence and Aid Fund is nie en dat die proklamasie in die staatskoerant nie betrekking op die applikant het nie. Eersgenoemde het geen verband met die Defence and Aid Fund in Brittanje nie. Dit het ook geen verband met enige ander organisasie nie.

Die aansoek om die tersydestelling van die proklamasie is dringend omdat baie persone wat in voorarrae is en vir wie se verdediging reeds gereel is, nou benadeel word. Baie van die lede van die organisasie sit ook op die oomblik sonder werk.

EEN ORGANISASIE

In 'n teenbetuig het die Minister van Justisie getuig dat die South African Defence and Aid Fund kantore in Kaapstad, Johannesburg, Durban en Port Elizabeth het. Die organisasie was verskeie kere bekend as The Defence and Aid Fund, Defence and Aid Fund (Cape Division), Defence and Aid Fund (Cape Western Region) en Defence and Aid Fund. Sedert verlede Augustus is die applikant ook bekend as die South African Defence and Aid Fund.

Aan hierdie name verwys na 'n een organisasie, nl. die Suid-Afrikaanse organisasie wat bekend staan as The Defence and Aid Fund. Dit is ook die organisasie waarna in die proklamasie in die staatskoerant verwys word. Die applikant was ook die hele land by hierdie naam bekend. Hy het verskeie kere met hierdie naam die hof gekonfronteer.

Die Minister het getuig dat hy op 17 September verlede jaar 'n komitee aanstel het om 'n verslag te verslag oor die Defence and Aid Fund op te stel. Die aarsies van hierdie komitee is vir die staatskoerant verskyn. Die Minister het getuig dat hy 'n verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie.

Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie. Die hof het die verslag van 'n verlegde getuie.

2/2/12

Govt order to be contested in court

Herald Correspondent

CAPE TOWN

A LEGAL battle over a government proclamation declaring the Defence and Aid Fund an unlawful organisation will begin in the Supreme Court in Cape Town today.

The hearing, virtually a formality, will be a preliminary to further proceedings in the Appellate Division in Bloemfontein.

The proclamation is to be challenged on the grounds that it does not effectively ban the South African organisation which is named in its constitution as the South African Defence and Aid Fund.

It will be mentioned in affidavits that the name Defence and Aid Fund belongs to an English organisation from which the South African organisation became disassociated on August 1, 1965.

The S.A. Defence and Aid Fund and its former chairman, the applicants, will be represented by Mr G. Duncan, Q.C., and Mr L. Dison, both instructed by Frank, Bernadt and Joffe.

The respondent, the Minister of Justice, will be represented by Mr G. Hoexter, S.C., and Mr B. Swart, both of Pretoria.

The hearing will be before Mr Justice Watermeyer and Mr Justice Diemont.

The real fight would be in the Appellate Division. Today's proceedings would probably only take a few hours, said Mr Dison.

Press report on Defence and Aid: court may act

Aid: court may act

JUDGES of the Supreme Court had been most disturbed by what they had seen in the Press this morning, Mr. Justice Watermeyer said in the Supreme Court, Cape Town, today when a proclamation in the Government Gazette declaring the Defence and Aid Fund an illegal organisation was challenged in a court action.

After Mr. Justice Watermeyer and Mr. Justice Diamond had taken their places in court, Mr. Justice Watermeyer said: "The court is most disturbed by what it has seen in the Press this morning. It appears that a junior counsel gave an interview setting out what argument would be advanced and the possible outcome. The court is going to consider what action, if any, it is to be taken."

An order was sought declaring that Proclamation No. 106 had no application to the S.A. Defence and Aid Fund, and setting aside the proclamation declaring the fund an unlawful organisation.

The order sought also that the Minister of Justice be ordered to make discovery in particular of all documents relating to the appointment by the Minister of a committee charged to prepare a factual report in connection with the activities of the Defence and Aid Fund.

The first applicant was the South Africa Defence and Aid Fund and the second Dr. Raymond Hoffman, former chairman of the fund, and a physician of Euter Avenue, Bishopscourt, Cape Town.

The respondent is the Minister of Justice, Mr. B. J. Vorster. Dr. Hoffman said, in an affidavit that before the promulgation of Proclamation No. 106 declaring Defence and Aid Fund an unlawful organisation, he was the chairman of the fund.

OVERSEAS MONEY
The S.A. Defence and Aid Fund received monies from overseas which it used to arrange an education for persons charged under political laws.

At one time it used some of these monies in aiding the education of persons who were in prison and waiting trial for political offences or convicted of such offences.

For the past two years the said activities have been undertaken by a separate body and the S.A. Defence and Aid Fund has confined its activities to channeling what it has received to firms and individuals so that they could undertake the defence of people charged with political offences.

ACQUITTALS
As a result of these efforts, Dr. Hoffman said, a large number of persons who were charged with political offences had been acquitted and large numbers who had been convicted had their sentences commuted or had been found not guilty on appeal.

It is, he says, because of the activities of the fund a large number of innocent people charged with political offences have been acquitted and prevented from languishing in places such as Robben Island.

HIGH QUARTERS
Dr. Hoffman submitted that there appeared to be an opinion expressed in high quarters that the provision of funds for the defence of such persons amounted to an encouragement of the commission of political offences.

Such an opinion is, he said, founded and it is necessary in the interests of justice that defence facilities should be provided to persons, particularly in cases of emergency, who are charged with political offences.

He said that the S.A. Defence and Aid Fund was a voluntary organisation and that the Government had no right to interfere with its activities.

COMMUNISM
It had never professed by its members to be an organisation for propagating the principles of or opposing the spread of Communism.

Other reasons why the fund never professed to be an organisation for propagating the principles of or opposing the spread of Communism were, he said, that the fund was a voluntary organisation and that it was not a political organisation.

COMMITTEE APPOINTMENT
The Minister of Justice had appointed a committee to prepare a report on the activities of the Defence and Aid Fund.

The committee was, he said, appointed to prepare a report on the activities of the Defence and Aid Fund and to recommend to the Minister of Justice what action should be taken.

The committee had, he said, been appointed to prepare a report on the activities of the Defence and Aid Fund and to recommend to the Minister of Justice what action should be taken.

the committee nor was publication by way of the Government Gazette required by law. As the Minister advised, I think that after the investigation, public policy requires me to disclose nothing more than the existence and authenticity of those documents to which reference was unavoidably made.

To make discovery in crime required by the applicant would be prejudicial to public interest and desirable to national security. Legal arguments was continuing when the court adjourned at lunch-time.

Dr. Hoffman submitted that the committee had been appointed by the Minister of Justice and that the committee had been appointed to prepare a report on the activities of the Defence and Aid Fund.

The section states that the committee shall be a committee of persons appointed by the Minister of Justice and that the committee shall be a committee of persons appointed by the Minister of Justice.

The section calls for a report by a committee of three persons appointed by the Minister of Justice and that the committee shall be a committee of persons appointed by the Minister of Justice.

Dr. Hoffman said that the appointment of such a committee had not been notified in the Government Gazette and that the fund had not been notified of the appointment of such a committee.

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COURT BATTLE CAPE TIMES TO-DAY BY 2/5/64 DEFENCE, AID

A LEGAL battle over a Government proclamation declaring the Defence and Aid Fund an unlawful organization will begin in the Supreme Court, Cape Town, to-day.

The hearing will be a preliminary to further proceedings in the Appellate Division, Bloemfontein.

The proclamation is to be challenged on the grounds that it does not effectively ban the South African organization, which is named in its constitution as the South African Defence and Aid Fund.

It will be mentioned in affidavits that the Defence and Aid Fund belongs to an English organization, from which the South African organization became dissociated on August 1, 1965.

QC FOR FUND

The South African Defence and Aid Fund and its former chairman, the applicants, will be represented by Mr. G. Duncan, QC, and Mr. L. Dison, both

instructed by Frank, Bernadt and Joffe.

The respondent, the Minister of Justice, will be represented by Mr. G. Hoexter, SC, and Mr. B. Swart, both of Pretoria.

The hearing will be before Mr. Justice Watermeyer and Mr. Justice Diemont. Explaining to-day's legal preliminary, Mr. Dison said last night that a previous Cape court had held that in terms of the Abolition of Communism Act of 1960 an opportunity to answer the charges against it need not be afforded to a body before it was banned under the provisions of the Act.

THE REAL FIGHT

The court which would hear to-day's application was bound by that decision.

But for the matter to be brought before the Appellate Division, where the question was still open, it was necessary first to apply to the Cape court.

The real fight would be in the Appellate Division.

To-day's hearings would probably only take a few hours.

The South African Defence and Aid Fund will, at a later date, bring an action—at which evidence will be led—against the Minister of Justice on the grounds that no reasonable person could ban the organization for the reasons he gave.

This action will also be heard in the Supreme Court, Cape Town.

DECLASSIFIED

Afskrif in 2/2/

24120

2/1/7

4 -5- 1966

GEHEIM.

Die Kommissaris van die
Suid-Afrikaanse Polisie,
Privaatsak 302,
PRETORIA.

DIE STAAT TEGEN FRED CARNESON:
U NO. [REDACTED].

Die Departement verneem graag of dit
moontlik is om dringend n afskrif van
die getuienis wat Bartholomew Hlapane in
bogenoemde saak gelewer het, te bekom.
Die getuienis word benodig vir gebruik
in die Defence and Aid Fund saak.

G. M. J. SWART

SEKRETARIS VAN JUSTISIE.

DECLASSIFIED

JUDGMENT ON DEFENCE FUND RESERVED

OWN CORRESPONDENT

CAPE TOWN.—Mr. Justice Watermeyer and Mr. Justice Diemont reserved judgment yesterday in the Supreme Court, Cape Town, on an application by the South African Defence and Aid Fund setting aside a proclamation declaring the Defence and Aid Fund an unlawful organisation.

The organisation also applied for an order declaring that the proclamation does not apply to it — and asked the court to order the Minister of Justice, Mr. Vorster, to show all documents relating to the appointment of a committee to prepare a report on its activities.

Mr. Justice Watermeyer said at the start of the hearing yesterday: "This court is most disturbed about a story which appeared this morning in a newspaper.

"It appears that a junior counsel gave an interview to a reporter setting out what argument would be led and what the action could be.

"This court is most disturbed about this and will consider which steps, if any, are to be taken."

Chairman

Dr. Raymond Hoffenberg, a physician, of Exeter Avenue, Bishopscourt, said in papers before the court that before the proclamation in the Government Gazette on March 18 declaring the Defence and Aid Fund unlawful he was the organisation's chairman.

The fund received money from overseas and used it to arrange an adequate defence for people charged under political laws.

"As a result of our efforts in this regard, a very large number of persons who were charged with political offences have been acquitted and large numbers who had been convicted in the court of first instance were found not guilty on appeal to the Supreme Court."

A very large number of innocent people charged with political offences were acquitted and prevented from languishing in places such as Robben Island.

Ill-founded

"As a result of some of these activities, there appears to be an opinion expressed in high quarters to the effect that the provision of funds for the defence of such persons amounts to an encouragement of the commission of political offences.

"Such an opinion is ill-founded and it is necessary in the interests of justice that defence facilities should be provided at all times."

Dr. Hoffenberg said the South African Defence and Aid Fund had never professed

by its names or otherwise to be organisation for propagating the principles or the spread of communism.

He believed that no committee to prepare a factual report on the organisation's activities, as contemplated by a section of the Suppression of Communism Act, had ever been appointed.

"I submit that it is in the interests of justice that a discovery order should be granted against the Minister of Justice so that documents relating to the appointment of the committee or to its having functioned might be disclosed."

His organisation was the South African Defence and Aid Fund and the proclamation banning the Defence and Aid Fund did not apply to it.

In a replying affidavit the Minister of Justice, said the South African Defence and Aid Fund had been known as the Defence and Aid Fund, Defence and Aid Fund (Cape Division), Defence and Aid Fund (Cape Western Region), Defence and Aid, and since last August also —but not exclusively — as the South African Defence and Aid Fund.

Not notified

"All the appellations refer solely and exclusively to one and the same organisation, generally known as the Defence and Aid Fund."

He said that on September 13 last he appointed a committee in terms of the Suppression of Communism Act to prepare a report in relation to the Defence and Aid Fund.

He admitted the appointment was not notified in the Government Gazette, but "no such notification is required by law."

He admitted that documents relating to the appointment of the committee existed, but claimed that the interests of justice would not be served by disclosing the documents.

The Minister asked for the application, including the request for discovery of documents, to be dismissed.

● Mr. Justice Watermeyer's displeasure relates to a report, published yesterday, from the Cape Town correspondent of the "Rand Daily Mail." It quoted counsel's opinion on the case. The author of the report has apologised to Mr. Justice Watermeyer. The "Rand Daily Mail" associates itself with this apology.

Aid Fund-saak: regters verbaas oor berig

3/5/66
DIE TRANSVAAL

KAAPSTAD.

HY en regter Diemont voel erg onthuts oor wat hulle gisteroggend (Maandag) in die pers gelees het, het regter Watermeyer gister in die Hooggeregshof hier gesê in 'n geding waarin 'n proklamasie in die Staatskoerant betwis word ingevolge waarvan die Defence and Aid Fund tot 'n onwettige organisasie verklaar is.

Regter Watermeyer het gesê dit wil voorkom asof 'n junior advokaat in 'n besonderhoud 'n uiteensetting gegee het van watter betoog gelewer gaan word en wat die moontlike uitslag van die geding kan wees.

Die hof gaan besluit watter stappe, indien wel, gedoen gaan word, het die regter gesê.

In die geding is die hof versoek om te besluit dat proklamasie 77 van 1966 nie van toepassing is op die S.A. Defence and Aid Fund nie en dat die proklamasie, ingevolge waarvan die Fund tot onwettige organisasie verklaar is, ter syde gestel word.

Die eerste aansoeker is die South African Defence and Aid Fund en die tweede is dr. Raymond Hoffenberg, gewese voorsitter van dié Fund.

Die respondent is die Minister van Justisie, mnr. E. J. Vorster.

Dr. Hoffenberg het in 'n beëdigde verklaring gesê hy was voor die afkondiging van die proklamasie voorsitter van dié Fund.

VAN OORSEE

Die S.A. Defence and Aid Fund het geld van oorsee ontvang wat aangewend is om geskikte verdediging te reël vir mense wat ingevolge politieke wette aangekla is.

In een stadium is van die geld gebruik om afhanklikes te help van mense wat in tronke was en verhoor afgewag het vir politieke oortredings of daaraan skuldig bevind is.

Die afgelope twee jaar is dié hulp-bedrywighede deur 'n afsonderlike liggaam behartig en het die Fund hom beperk tot die aanstuur van geld aan prokureursake wat moontlik die verdediging van mense wat aangekla is, kon behartig.

As gevolg van hierdie pogings is 'n groot aantal mense vrygespreek wat van politieke oortredings aangekla was.

Dr. Hoffenberg het betoog dat die S.A. Defence and Aid Fund nooit binne die trefwydte van seksie 2(2) van die Wet op die Onderdrukking van Kommuniste nr. 44 soos gewysig geval het nie.

Geen komitee soos deur seksie 17 van die Wet beoog, is aangestel of het bestaan gekom nie. Ook is geen aanstelling van 'n sodanige komitee in die Staatskoerant afgekondig of is die Fund van die aanstelling van so 'n komitee erwittig nie.

„Ek beweer dat daar na alle waarskynlikheid nooit so 'n komitee aangestel is nie,” het dr. Hoffenberg gesê.

MINISTER

In 'n repliserende verklaring het die Minister aangevoer dat die bestuurskomitee van die S.A. Defence and Aid alleen die regstatus het om in die huidige verrigting 'n aansoek voor te lê.

Die Minister het gesê hy het op 13 September 1965 'n Komitee aangestel om 'n feitelike verslag oor die Fund voor te berei. Die Komitee het 'n verslag opgeste en hy het dit oorweeg.

Die Minister het ook betoog dat daar geen wetsverpligting op engeren rus om iemand van die aanstelling of verrigtinge van die komitee in kennis te stel nie. Ook vers die Wet nie bekendmaking deur die Staatskoerant nie.

„Om ondersoek in te stel op

die manier soos die aansoekers wil hê, sou nie in die openbare belang wees nie en sou skadelik wees vir die nasionale veiligheid.”

Uitspraak is voorbehou.
— (SAPA.)

2/2/13

FUND MUST BE REPLACED

NEWS that the legal profession is bestirring itself to consider the establishment of a legal aid system will come as a welcome relief to everybody who is concerned about the maintenance of standards of justice in South Africa. Such a system is necessary enough in normal circumstances, but it is especially so in a country where the political trial has become such an established feature and where the organisation set up to ensure proper defence for people accused of political offences has been proscribed by the State.

When Mr. Vorster banned the Defence and Aid Fund the Government assured the country that adequate legal aid machinery was in existence. But it appears this was wrong. Subsequent experience has indicated that what machinery does exist is not only inadequate but also hopelessly confusing in its regional variations. A heavy responsibility therefore rests on Mr. Vorster and on the legal profession as the custodians of justice, to rectify this situation as rapidly as possible: no effort must be spared to guarantee that every South African who appears before the courts on a serious charge is assured of a proper defence, no matter what his alleged offence, his race, his means or his status.

But the responsibilities which arise from the banning of the Defence and Aid Fund do not end there. The Fund not only attended to the defence of political prisoners, but also to the welfare of their families. In the Eastern Cape alone it is estimated that there are about 800 "political widows" and some 3,000 children whose fathers—and sometimes mothers as well—are in jail. Altogether there is a huge and growing army of such people in need of food, rent, clothing and education. Their plight is a challenge to the Christian conscience, and it behoves the churches of South Africa to step into the breach and organise the help formerly provided by the Defence and Aid Fund.

Law battle on Defence and Aid

OWN CORRESPONDENT

CAPE TOWN.—A legal battle over a Government proclamation declaring the Defence and Aid Fund an unlawful organisation will begin in the Supreme Court, Cape Town, today. The hearing, virtually a formality, will be a preliminary to further proceedings in the Appeal Court in Bloemfontein.

The proclamation will be challenged on the ground that it does not effectively ban the South African organisation, which is named in its constitution as the South African Defence and Aid Fund.

It will be said in affidavits that the name Defence and Aid Fund belongs to an English organisation from which the South African organisation became dissociated on August 1, 1965.

The South African Defence and Aid Fund and its former chairman the applicants, will be represented by Mr. G. Duncan, Q.C., and Mr. L. Dison.

PRECEDENT RULING
The respondent, the Minister of Justice, will be represented by Mr. G. Gubbester, S.C., and Mr. B. Swart, both of Pretoria. The hearing will be before Mr. Justice Watermeyer and Mr. Justice Pietermont.

Explaining today's legal preliminary, Mr. Dison said last night that a previous Cape court had held that in terms of the Suppression of Communism Act of 1960, an opportunity to answer charges need not be afforded to a person before its being banned.

The court which would hear today's application was bound by that decision.

But for the matter to be brought before the Appeal Court, where the question was still open, it was necessary to apply to the Cape court.

The real fight would be in the Appeal Court.

Today's proceedings would probably take only a few hours.

The South African Defence and Aid Fund would later bring an action at which evidence would be led on the ground that no reasonable person could ban the organisation for the reason given by the Minister of Justice.

This action would then be heard in the Supreme Court, Cape Town.

B.K.

Verw. No. 126/53/1
 Ref. 26 -4-1966
 DEPARTMENT OF JUSTICE
 26/4/66
 DEPARTMENT OF JUSTICE



F. A. 40.

REPUBLIEK VAN SUID-AFRIKA.
REPUBLIC OF SOUTH AFRICA.

DEPARTEMENT VAN BUITELANDSE SAKE.
DEPARTMENT OF FOREIGN AFFAIRS.
PRETORIA.

25 -4- 1966

DIE SEKRETARIS VAN JUSTISIE.

Brief aan die Eerste Minister
van Gunnar Helander, Voorsitter
van die Sweedse Suid-Afrika-Komitee

✓ Aangeheg vir u inligting vind asseblief n
afskrif van ampsbrief 8/6/2/1 van 13 April 1966 onder
dekking waarvan n afskrif van bogenoemde brief van die
Suid-Afrikaanse Ambassade, Stockholm, ontvang is.

WAARNEMENDE SEKRETARIS VAN BUITELANDSE SAKE

Handwritten notes:
Omske sin 020 2/5/66
M.R. 29/4/66
27.4.66

Handwritten signature

126/53/1
SOUTH AFRICAN LEGATION
STOCKHOLM

8/6/2/1

13 April 1966.

Die Sekretaris van Buitelandse Sake,
PRETORIA.

Brief aan die Eerste Minister van
Gunnar Helander, Voorsitter van die
Sweedse Suid-Afrika-Komitee.

Die aangehegte brief van Gunnar Helander aan die Eerste Minister, Sy Edele dr. H.F. Verwoerd, is hier deur die pos ontvang. Die inhoud daarvan is ook aan die pers bekend gemaak en 'n berig wat dit weergee het bv. in die Stockholms konserwatiewe koerant Svenska Dagbladet se uitgawe van 6 April verskyn.

J. de W. N. Pienaar

MINISTER.

SVENSKA SYDAFRIKAKOMMITTÉN
Swedish South Africa Committee

The Prime Minister, The Hon. H. Verwoerd, Pretoria.

The banning of "Defence & Aid in South Africa" has created a very bad impression in Sweden and other countries in Europe. The reason given - that it is a procommunist organisation - is unfounded. It is also, according to legal practice and democratic traditions in the Western World, totally beside the point. Defence and Aid has assisted political prisoners of any party. And, whatever party an accused person belongs to or whatever crime he/she is accused of, he/she should according to Western principles or legal traditions in any civilised country be entitled to a fair hearing and legal aid. His dependents should also be allowed to receive economical assistance. This, and nothing else, is what the Defence & Aid has done.

The banning of Defence and Aid has created the impression that South Africa wants to deny accused persons these fundamental human rights.

We therefore strongly appeal to you to take steps to have the ban lifted.

Karlskoga 4th of April 1966

for the Swedish South Africa Committee

Gunnar Rolander
Gunnar Rolander

Chairman

Verw. No. 35/4/1
 Ref. 26 Tel Np806
 26/4/66
 DEPARTMENT OF JUSTICE



RK
 F. A. 40.

REPUBLIEK VAN SUID-AFRIKA.
 REPUBLIC OF SOUTH AFRICA.

DEPARTEMENT VAN BUITELANDSE SAKE.
 DEPARTMENT OF FOREIGN AFFAIRS.
 PRETORIA.

25-4-1966

THE SECRETARY FOR JUSTICE.

British Public Information Media:
 Comment on South African Affairs
 during March, 1966.

Please find attached for your information excerpts from the abovementioned report dealing with the
 ✓ Bram Fischer Trial and the South African Defence and Aid Fund **B**anning.

[Signature]
 SECRETARY FOR FOREIGN AFFAIRS.

Open to see...
 A/6/12) mo.
 R/R. 27/4/66
 27/4/66

*Die "Suid-Afrikaanse"
 K. van antk* 28.4.66
 mo
 28.4.66.

ment. It is not easy to follow the reasoning for the use of the word "penic" and difficult to accept the "explanation" which appears to be that the Government, in view of the line taken by the Republican Party, found it necessary to show defiance in its approach to international matters. He referred to the United Party fighting a rear-guard action and expressed a fear that Mrs. Helen Gurman was in "real danger" of "extinction". The F.M. correspondent also took this opportunity of mentioning a "Nationalist press campaign" against "foreign owned" insurance companies etc. and that Dr. Verwoerd had lost his support.

BRAM FISCHER TRIAL

All newspapers gave space to the Bram Fischer trial but nothing like the coverage one might have expected. No doubt this was due to Fischer not having submitted to examination. Typical of the Daily Mail on 24.3.66, the story was headed "Fischer Trial opens with sabotage tale", the implication of the word "tale" being that it was a trumped up charge. Counsel's opening speech was briefly reported, reference to the evidence of W/O Gerard Ludi's and little else. All nationals gave space to the statement made by Fischer in court but the reports were attenuated. Reuter was relied upon almost exclusively. The Times carried a reasonably full report of the proceedings giving fair coverage to the defence counsel's closing speech on 30.3.66. (The Times gave no more nor less coverage than it normally does to important legal cases). Also, on 30.3.66, there appeared in The Times an impassioned letter signed by four Oxford Boys, Messrs A. Andrews, New College; H.L.A. Hart, University College; W.G. Hayter, New College; S.M. Rawra, Wadham College; Christopher Hill, Balliol College and Dorothy Hodgkin, Somerville College. This letter, which was dated March 25, quoted the U.N. General Assembly Resolution of October, 1960, which called for the release of political prisoners and the abandonment of political trials. The signatories said that there were "8,500 prisoners of conscience in South Africa today" and that "day by day the South African security police net is being spread wider to ensnare and silence all who actively oppose apartheid". The signatories demand the "abandonment of repression and a return to sanity in that unhappy country". It seems doubtful from the tenor of this letter whether the signatories would have been swayed in their expressed views even had they had the judicial mind to wait for the evidence to be heard, including the defence admission that Fischer was a self confessed Marxist. In view of the academic standing of the signatories repercussions must be expected.

S.A. DEFENCE AND AID FUND BANNING

This event received wide coverage in the national and provincial press on March 19 and the next few succeeding days. Canon Collins circulated the telegram which was addressed to the Prime Minister and this was also widely used. He gave a statement to the press in which he boasted that his own organisation would continue to raise funds and remit these funds to South Africa. The Daily Telegraph carried a leader on March 19 condemning the banning of the S.A. Defence and Aid Fund unless, and this was emphasised, it could be shown that the administrators had exceeded the purposes of the fund and had spent money in aid of political intrigue in which case they, the administrators, would be "guilty, first of a moral offence against the 28,000 subscribers who are certainly not predominantly communists, even in the South African sense in which the term can be applied to any opponent of the regime. Secondly, they would presumably have committed a breach of trust". The Daily Telegraph felt that the allegation that there had been misuse of the money should be "tested by audit and by process of law". "Until specific charges have been formulated and proved in court", said the Telegraph, "the accused committees must be given the benefit of the presumption of

innocence and the South African Government must be regarded by moral standards as the guilty party". The Telegraph carried a full report of the Minister's statement, (as did other papers), on the same day.

The Guardian carried a letter from Canon Collins in which he claimed that Defence and Aid had paid all the current costs in an application for writs on behalf of Bernard Gosschalk who had been referred to in an article by Norma Humberg in the Guardian, 10.3.66.

On 22.3.66, two letters appeared from this office pointing out that the Defence and Aid Fund is affiliated to Christian Action which sponsored it and other similar organisations operate in the United Kingdom as political movements; that money collected ostensibly for charitable purposes was in fact being used to further attacks on South Africa by various means including tendentious advertisements. The letters also pointed out that on August 3, 1965, in the House of Lords, it was stated that the Defence and Aid Fund was not a registered charity with all that was thereby implied. Two of five letters were published, one (which was delivered by hand), was said to have been "lost" and another was said to be "in type" as late as 30.3.66. The two newspapers which did publish the Embassy letters were the Daily Telegraph and the Sun. Canon Collins replied to the letter in the Telegraph admitting the use of Defence and Aid money in the United Kingdom for other than legal aid and relief to dependants. He went on to claim that over the years subscribers were advised that the money collected was also used for political purposes. The letter "still in type" was a direct challenge to Canon Collins to show when and where this information had been publicised. The Daily Mail 22.3.66, gave Bernard Levin his head to write in his column an abusive piece about the banning of the S.A. Defence and Aid Fund in which he did not omit to attack the Minister personally. He repeated Canon Collins' statement that means would be found of transmitting money to South Africa. The statement by the Minister that all obligations entered into by the banned organisation to pay for arrested persons' legal defence would be honoured provided the Fund's assets were sufficient, was published.

"BUZZING" OF SHIPS

On 17.3.66, all papers carried short reports that two ships flying the South African flag had been "buzzed" by R.A.F. planes in the Mozambique Channel. Safmaris was named as owners or charterers of the "Transporter" and the "Saldara". The Times went one better and carried a story across three columns: "Royal Navy intercepts cargo ships off Mozambique". The story was datelined Cape Town. The spate of reports published gave one a feeling that the newspapers were exhilarated at the news. A story ascribed to the "Portuguese News Agency" went so far as to say that a Royal Navy boarding party went aboard and demanded to see the ships' papers. B.B.C. carried the less dramatic, but still incredible story, in all its news bulletins. It is a mystery of "Fleet Street" how it was possible for the story to have been published so widely without what one would have thought would have been a routine check with the Ministry of Defence which has a 24 hour duty officer in the press section. It was not until 21.3.66, that an irate and strong denial was issued by the Ministry admitting no more than R.A.F. and R.N. carried out normal practice to establish the identity of the ships. The Daily Express came out with a devastating, if short, leader headed "Crazy Policy" 20.3.66, in which it asked how long the "senseless blockade of boats" could go on and said that if the reports of "buzzing" were true it was also "downright insane" - specially in view of trade relations with South Africa, a friendly nation.

2/2/13

26 -4- 1966

PER HAND.

Sy Edele Regter J. van Wyk de Vries,
Kamer 23,
Departement van Gemeenskapsbou,
Ponteinlaan,
PRETORIA.

Weledele Heer,

Insake: PERSVERKLARING: DEFENCE
AND AID FUND.

In opdrag van Sy Edele die Minister
van Justisie word n afskrif van n persverklaring
in bogenoemde verband, in beide amptelike tale,
vir u inligting aangeheg.

Dienswillig die uwe,

G. M. J. SWART

SEKRETARIS VAN JUSTISIE.

GD 26/4/66

Bar Council

MANID DAIKA
man sees

VORSTER

25/11/66
Star Reporter

THE chairman of the General Bar Council, Mr. Douglas Shaw, last week interviewed the Minister of Justice, Mr. Vorster, about his recent statements on legal aid.

After the banning of the Defence and Aid Fund, which helped provide legal defence for people accused in political cases, Mr. Vorster claimed that adequate machinery already existed for pro deo (free) defence for all who needed it in South Africa.

Did Mr. Vorster say that? asked Mr. Shaw this weekend. "I have absolutely no comment to make about the interview."

But a reliable source insists that was the subject of the interview.

1/6/53.

22-4-1956

Mr. A.M. Snyman,
Chairman of the Association of
Law Societies of Southern Africa,
P.O. Box 38,
VERBENIGING.

Dear Sir,

PROFESSIONAL MANDATES FROM DEFENCE
AND AID.

Further to my letter of the 14th April, 1966 I wish to inform you that the Honourable the Minister has now had an opportunity to consider your representations and I have been directed to advise you as follows:

Because it was foreseen that by reason of the Proclamation uncertainty would exist it was publicly announced at the earliest opportunity that the liquidator would, funds permitting, honour all briefs by the Fund before 18th March, 1966. What is therefore stated in paragraphs (a) to (e) on page 2 of your letter under reply is substantially correct and will be honoured by the liquidator. Paragraph (b) on page 3 of your letter is therefore acceded to.

With reference to the request contained in paragraph (a) on the said page 3 your attention is directed to section 3(1)(b) of the Suppression of Communism Act, 1950 (Act No. 44 of 1950) as amended which provides that "all property (including all rights and documents) held by the unlawful organization or held by any person for the benefit of the unlawful organization, shall vest in a person to be designated by the Minister as the liquidator of the assets of the unlawful organization" as from the date the organization becomes unlawful. In the light of these provisions it was unlawful, as from the 18th March, 1966, for any person to make payments from or appropriate moneys out of funds belonging to the Defence and Aid and it is therefore not possible to accede to your request. Your members should therefore pay over the amounts held in trust.

In regard to paragraph (c) (page 3 of your letter) it was at all times the intention to refer to your

/.....2.

Organization for consideration not only accounts considered unreasonable, but all accounts received from Attorneys for payment by the Liquidator. You will be furnished with sufficient data to enable you to make an evaluation and the Minister trusts that your Association will assist in this regard. The Minister trusts further that your Association will not only assist in the evaluation but that, should accounts be brought to your notice which are ex facie unreasonable that you will take appropriate steps.

Regarding the fear expressed by you that certain attorneys may be blacklisted arising out of their inability to pay Council's fees, within the specified time, the Honourable the Minister considers that where their inability results from the operation of law they have a complete answer and he cannot believe that the Bar Councils will take up such an unreasonable attitude or that your Association would allow them to do so. You may wish to consider drawing the attention of the General Council of the Bar to the situation which has arisen in order that they may inform their members.

As it was realized that certain attorneys might withdraw from briefs because of the situation which has arisen (paragraphs 4 and 5 of your letter) provision has been made for assistance to accused persons affected thereby and appropriate instructions have been issued in this regard. The Honourable the Minister trusts that your members will nevertheless not resile from their mandates and if any of them should suffer loss as a result thereof the department would be prepared to entertain representations.

In conclusion the Minister wishes to assure you that all matters will be dealt with as expeditiously as possible and with as little inconvenience as possible to members of your organization. The Secretary of your association is at all times welcome to discuss difficulties which may arise with the liquidator or officers of the department.

Yours faithfully,

J. B. W. MEYER
PRIVATE SECRETARY.

THE SECRETARY/MINISTER,

DEFENCE AND AID.

1. The letter from the Chairman of the Association of Law Societies hereunder refers.
2. A draft reply for consideration by the Minister is in the file.

J. N. D. 22/4/66

C. J. G. 22/4/66

Goedgeheer
B. J. VORSTER
22/4/66

STELLIG VAN BAAN

(Nederlandse Korrespondent)

Die beloofde R20.000 wat die Nederlandse regering aan die Defence and Aid Fund sou skenk, gaan waarskynlik deur die mat val. Die venynige aanvalle wat dr. J. Luns, Nederlandse minister van buitelandse sake, die afgetoepde tyd moes verduur van die kant van sy volksgenote wat die Suid-Afrikaanse saak goedgesind is, het hom klaarblyklik laat Rop uittrek.

Die voorgesette skenking is slegs deur die Tweede Kamer van die Nederlandse parlement goedgekeur. Dit sal eers op 24 Mei aan die Eerste Kamer voor-

gelê word wanneer die begrotingspos van min. Luns onder bespreking kom.

Intussen het dr. Luns geweier om sy amptelike goedkeuring te

heg aan die verkoop van 'n grammofoonplaat wat die Defence and Aid Fund in Nederland wil versprei om fondse in te samelei. 'n Duizend ardeurs van die plaat is reeds vervaardig en sou teen R3.50 stuk deur die Fund verkoop word ten bate van die „slagoffers van apartheid in Suid-Afrika“.

Ongeleë

Dr. Luns het aan die sekretaris van die Fund, dr. P. Gille, geskryf dat die tyd ongeleë is om sy amptelike seal op die omsirede plaat te plaas. Hy het die versoek ontvang juis op die dag toe Suid-Afrika die Fund tot onwettige organisasie verklaar het.

Dr. Gille is meegedeel dat die nuwe situasie nou eers deur die kabinet bespreek sal moet word. Sedertdien is geen woord van dr. Luns vernem oor die Fund en die beloofde R20.000 nie.

In 'n hoofartikel skryf die Nederlandse „Algemeen Handelsblad“: „Dit sal die eerste keer in die geskiedenis wees dat die verkoop van 'n grammofoonplaat bepaal word deur die politieke gang van sake. Dr. Luns se moed het hom klaarblyklik begewe.“

In Nederland bestaan daar nou sterk twyfel of dr. Luns nog die R20.000 in sy begroting sal insluit.

2/2/13

JUSTICE DENIED

TO what extent are the dice loaded against the poor and underprivileged in our courts? Can society claim that an accused person who is unable to employ a lawyer to defend him has had a fair trial? These questions, vital to our judicial system, were raised in a thoughtful article which we published on this page yesterday, outlining the background to the historic judgment of the American Supreme Court. In that case the court found that a man who had been unable to pay for his legal defence had, in effect, been deprived of trial "by due process of law".

Briefly, the judge argued that, since the state employed professional counsel to prosecute and the trial relied on a proper balance of skilled legal argument on either side, an accused person who was not professionally represented could not be said to have had a fair hearing. This view is supported by a majority of legal opinion in America, which favours defence being provided by the state in cases where an accused cannot afford to pay lawyers himself.

This judgment has a special relevance in South Africa today, now that the Defence and Aid Fund has been suppressed by the Government. When the Minister of Justice took this action, the Department of Information issued a statement grossly exaggerating the extent to which legal defence is available free to indigent persons. It was alleged that the present system "ensures that in all suitable cases indigent litigants and accused persons will receive legal representation." But the plain facts tell a different story. Defence pro deo is provided by the state only in cases involving the death sentence, and the operations of a few voluntary legal aid bureaux in other cases are severely limited. Lawyers cannot be expected to give their services free in long and complicated cases, often in remote courts, nor may they care to do so in political cases. The result is that many accused persons face the possibility of long sentences and perhaps life imprisonment without the benefit of legal assistance.

In this respect there is no logical reason for making a distinction between political and criminal charges — and the Government officially refuses to recognise such a distinction — but the fact remains that recent legislation has created a whole new series of political crimes for which the punishment on conviction is exceptionally severe. Is it right that dozens of accused persons in this type of case should be sentenced without any chance of the defence case being professionally presented? Having destroyed the Defence and Aid Fund, the Government surely has a duty to ensure that a suitable substitute is made available.

RAND DAILY
NEW IDEAS
SOUGHT
FOR AID
FUND

Own Correspondent

LONDON. — Legal advice is being taken by the administrators of Canon Collins's Defence and Aid Fund, before fresh channels are explored for distributing money in South Africa.

Mr. Ian Henderson, executive officer of Christian Action, who made this statement yesterday, said the organization strongly denied the allegations that it furthered racial discrimination and illegal activities.

"We have at all times respected the role of law and order and our intention is to work within it," he said.

Mr. Henderson was commenting on a report that the Defence and Aid Fund had intended to send money through the churches in South Africa.

NEW IDEAS

He pointed out that this was simply one of a number of ideas at present being entertained with the aid of continuing the fund's work in the changed conditions in South Africa.

"Canon Collins was concerned in finding a way in which the fund could operate without breaking the existing South African law," said Mr. Henderson.

One objection was that some of the churches in South Africa had been deeply divided and the work might be written off as the sort of needs that the fund met as being worthy of their attention.

ONTYKANGA
PRETORIA
ONTYKANGA RECEIVED
14 - 4 - 1966
DEURDEBTUUR OPSENT THROUGH
OR
19/4/66
DEPARTMENT OF JUSTICE

4/6/53
File 2/2/13
J. 21/16. R2 1/2/66

Police and
Prisons,

14 - 4 - 1966

Mr. A.M. Snijsman,
Chairman of the Association
of Law Societies of Southern Africa,
P.O. Box 38,
VEREENIGING.

Dear Sir,

RE: PROFESSIONAL MANDATES FROM DEFENCE AND
AID FUND.

The Honourable the Minister of Justice has instructed me to acknowledge the receipt of your letter of the 7th April, 1966, and to inform you that the representations on behalf of your Association are receiving attention.

A further communication will be addressed to you in due course.

Yours faithfully,

J. B. W. MEYER
PRIVATE SECRETARY.

14 - 4 - 1966

THE SECRETARY FOR JUSTICE.

Forwarded by direction for your comments and the submission of a draft reply please.

PRIVATE SECRETARY.

Please consider the as urgent
and discuss with me as soon
as possible. I seem to me that
money in the hands of always
can be used well.



1/6/53
Office of the Chairman,
Association of Law Societies
of Southern Africa,
P.O. Box 38,
VEREENIGING.

7th April, 1966.

The Honourable,
The Minister of Justice,
Union Buildings,
PRETORIA. TVL.

SIR,

re: PROFESSIONAL MANDATES FROM DEFENCE AND AID FUND.

I am asked in my capacity as Chairman of the above Association to write to you urgently to come to the aid of the Profession.

I am informed that certain Attorneys, more particularly in Cape Town, and Port Elizabeth, have received from the Defence and Aid Fund, certain monies to cover the costs of defence or have received undertakings that such costs will be met at the conclusion of the trial. In some instances Counsel have been briefed and Counsels fees must be paid within a time specified by Bar Council Rules failing which the instructing Attorney is black listed, a dishonour which every Attorney abhors.

In one instance quoted to me where the trial is either complete or nearing completion sufficient funds are held to cover Counsels fees and Attorneys fees but these funds are apparently frozen and our member would be in jeopardy of being placed on the black list.

In other cases where instructions have been received and an undertaking given to pay the fees our members are uncertain as to whether they should proceed with the conduct of the defence when they can only make a claim to the Liquidator of the Fund. Uncertainty must exist as to whether such claim will be paid at all, and if paid, as to when such payment can be expected. In the result it is possible, if not probable, that our members will withdraw from such defences.

My approach on behalf of the Association, Sir, is, as you will readily appreciate, exclusively in the interests of our members and with no concern as to the position or destiny of the Fund. It is with respect, however, felt that our national and professional reputation would be better served if our members did not resile from mandates accepted for the conduct of defences which fact, in the hands of adverse propagandists, would be attributed to a denial of the right of legal representation to an accused person.

On/.....

1/1/73

On the eve of his departure on leave on Friday, the 1st instant, the Secretary of the Association interviewed the Liquidator and I learn by telephone advice from the Association office that the gist of the Liquidator's advice is as under:-

- (a) that instructions given before the Proclamation date (15th March, 1966), could be carried out;
- (b) that proof will in due course have to be given to him of the date of such instructions - and, depending on whether the Fund is possessed of sufficient funds to do so, the reasonable fees and disbursements will be allowed;
- (c) that the above also covers such matters in which Attorneys have already committed themselves in respect of Counsels fees;
- (d) that in cases where payment has been made to an Attorney and the matter is not yet completed, the Attorney may complete the same and furnish to the Liquidator his account and payment of the balance. Here again the reasonableness of fees and disbursements will be considered.
- (e) that when judgment is given after the 18th of March, 1966, the Liquidator will not entertain a claim for further fees (e.g. noting and prosecuting an Appeal) as his view is that the original instructions cannot be said to cover such an eventuality.

I have only one respectful submission to make and that is that the quotation of his fees and disbursements by an Attorney or his determination thereof at the conclusion of a trial shall not be the subject to the taxation of the Liquidator. Should the fees and disbursements be thought to be unreasonable, I respectfully urge that the Law Society having jurisdiction should be the arbiter as to reasonableness or otherwise.

Although I have no personal knowledge in that direction I am informed that you, Sir, and the Honourable, the Minister of Foreign Affairs have stated that there is no objection to individuals or institutions from Overseas sending money to this Country for the defence of accused persons provided that such moneys are sent to a Bar Council or to my Association.

I hesitate to involve the Association in this connection but if that is, indeed, your wish I shall be indebted to have some clarification for submission to the Association.

I have dealt with the position as fully as my inadequate knowledge of all the facts permits and I would ask, Sir, that you give sympathetic consideration to the issue of instructions and such publication as you may deem expedient to the effect:-

(a).....

Defence Fund hopes to find *the way* some way *the way* of helping

From Our Correspondent

London, Thursday.

DEFENCE AND AID FUND yesterday commented on a statement made by Canon Collins that they intended to distribute money "through the Churches in future," even if this involved the Churches in the South African Government's definition of politics.

"It was just a general statement — a sort of challenge; you know," a spokesman for the fund said.

"Defence and Aid had no specific church or churches in mind — either inside or outside South Africa. But the need is still there, and we hope to find ways and means of meeting it, but beyond that there is nothing to add."

VAST SUMS

One must assume, therefore, that the position remains as Canon Collins outlined it recently — that the money would continue to be sent through "every available legitimate channel" — and that the actual means remain secret.

Asked to comment yesterday, a South Africa House spokesman told me: "The Defence and Aid Fund has been collecting vast sums of money from people all over the United Kingdom by means of appeals advertised in national newspapers."

"Many of the subscribers would not have made their dona-

tions had they been aware that some of their money was to be used for political purposes, those purposes being to attack the South African Government.

"The Defence and Aid Fund has, for instance, given money to the Anti-Apartheid Movement. The movement is riddled with Communists and fellow-travellers.

"It is extremely doubtful if Canon Collins will, even now, disclose how much money has been given by the fund to renegade South Africans, the Anti-Apartheid Movement and possibly other organizations and people who are neither detainees nor their dependants."

Thant en Sweed vra geld teen S.A.

Die Volksblad 14/4/1966
NEW YORK

DIE sekretaris-generaal van die V.V.O., U-Thant, en die hoofgevaardigde van Sweed, Sverker Aström, het gister 'n gesamentlike oproep gedoen om bydraes vir 'n V.V.O.-fonds om Suid-Afrika se „slagoffers van apartheid” te help.

Aström, wat voorsitter van die fonds se komitee van trustees is, het gesê dat sowat agtduisend mense in die Republiek vervolg word

weens hul dade uit protes teen die beleid van afsonderlike ontwikkeling. Groot deel van die mense

afsonderlik het hulp nodig terwyl die vervolgers self teebystand moet kry, het Aström gesê. Hy het ook gesê dat die komitee van trustees van verhoor word en dit moet uitgekort word sal word. Onder die diskriminerende en onderdrukende wetgewing.

KINDERS

U-Thant en Aström se oproep is briewe aan die regering en verskeie organisasies van die V.V.O. ontblyk.

Aström het verklaar dat die kinders van gevangenes nie skool kan bykom en sander hulle arms en selfs nie skoole hier skoolgeld en vervoer kan bekostig nie.

Die eerste deel van die komitee se om R157.000 in te samele, het Aström gesê. In lig van die voortdurende bedryfthede van die trustfonds blywende die komitee se sake is belangrik dat om seidelike verswies op te paar beoewers die geld wat vir onmiddellike behoeftes nodig is, het hy gesê.

NOODTOESTANDE

Die komitee se sal langer tyd se planning noodtuis maak sodat die komitee noodtoestande dit hoof kassier het, het Aström gesê.

Hy het verduidelik gepra om 10.000 maandelik maandelik bydraes te doen sodat die fonds se opdrag kan uitvoer.

Aström het organisasies en mense ook gepra om tot die fonds by te dra. Tjeks kan ingesamel word van die V.V.O. se trustfonds se komitee, het hy gesê.

Ander trustees van die fonds is Jovan Hlavan van China, Dorothea van Duitsland, Marokko, die regering van Nigerië en Ahmed Abdou Diouf van Senegal.

U.N. Appeal For Contributions

FUND TO HELP VICTIMS

NEW YORK (AP) — SENATOR GENERAL U THANT and the chief delegate of Sweden, appealed jointly yesterday to all member governments for contributions to a U.N. fund to help South African "victims of the policies of apartheid."

The Swedish delegate, Mr. Svarter, Astrom, chairman of the Funds Committee of Trustees, said this body placed the number of people "persecuted for acts arising from opposition to the policies of apartheid" at about 8,000.

A large proportion of their dependants are in need of assistance, he said.

The needs for legal assistance are also great as a number of trials are now in progress and more are expected to follow under discriminatory and regressive legislation.

U. Thant relayed Mr. Astrom's letter to all governments, members of the U.N. and its specialised agencies and stated that he was associating himself with the appeal which it contained.

CHILDREN

The Swedish chairman said that many children of prisoners were reported to be unable to attend schools as their families were in distress and could not afford even modest sums for fees, books, clothes and transportation.

Several hundred refugees in neighboring territories also require relief as they have no opportunities to support themselves, he said.

Mr. Astrom said the committee's initial target was \$337,000.

In view of the continuing character of the activities of the trust fund, the committee views it as an important goal to build up financial reserves over and above what is needed to cover immediate needs, the letter stated.

Such reserves would permit longer term planning and would make possible for the committee to deal with emergency situations.

Mr. Astrom urged governments to consider, as soon as possible, the gift of "generous contributions" to the fund to enable members to fulfill its mandate. He also asked for help from organisations and individuals. — Sapa-Reuters.

14/4/1966

Aid Fund skei van Christian Action

LONDEN.

DIE BRITSE Defence and Aid Fund, die anti-apartheids-
liggaam wat politieke gevangenes en hul afhanklikes
in Suid-Afrika help, gaan van sy moederliggaam, Christian
Action, geskei word.

Toe die aankondiging gis-
ter hier gedoen het, het die
woordvoerder van Christian
Action gesê die Fund sal as
aparte maatskappy geregistreer
word. Die Fund sal daarna vra
om 'n liefdadigheidsorganisa-
sie erken te word.

POLITIEK

Kritici van die Fund het be-
weer die Fund se doelwitte is
nie soseer liefdadigheid nie,
maar dat dit eerder om politieke
gewin gaan.

Ingevolge die Liefdadigheids-
wet van 1960 moes alle liefda-
digheidsliggame aansoek doen
om herregistrasie. Die liefdadig-
heidskommissaris het gevra
wat die doel van die Fund is.

Om die probleem te oorkom
en die status van die Christian
Action as erkende liefdadig-
heidsorganisasie te behou, skel
ons nou die Fund van die ampten-
like huishouding van Christian
Action her die woordvoerder
gesê. — (SAPA-R.)

13/4/1966

DEFENCE AND AID CHANGES STATUS

From Our Correspondent

LONDON, Wednesday. —
Britain's Defence and Aid Fund,
whose autonomous bodies of the
same name have been banned in
South Africa, is being
reorganized because of criticism
of its status as a registered
charity.

The fund is being separated
from its parent body, Christian
Action (a recognized charity),
and formed into a separate com-
pany.

ADVERTISEMENTS

For some time the Charity
Commissioners have had to face
criticism of the fund's status as
a registered charity, because it
frequently appears to be involved
in political activity.

Strong exception to the De-
fence and Aid Fund operating as
a charity has been taken by
British supporters of South
Africa, who have drawn the
attention of the Charity Com-
missioners to advertisements on
South Africa which the fund
inserted in newspapers.

RELIGIOUS

The use by the managers of
the fund of a proportion of the
money to further their own
considered to be a political or pro-
paganda activity, rather than a
charitable one.

The case for the fund's
sponsors is that apartheid is so
contrary to the Gospel teachings
that any Christian who is seeking
to advance the cause of religion
in South Africa must inevitably
be involved in political activity.

R/K.

F. A. 40.



Verw. No:
Ref.

Tel. No.:

REPUBLIC OF SOUTH AFRICA
REPUBLIC OF SOUTH AFRICA
5/4/66 R

REPUBLIEK VAN SUID-AFRIKA.
REPUBLIC OF SOUTH AFRICA.

DEPARTEMENT VAN BUITELANDSE SAKE.
DEPARTMENT OF FOREIGN AFFAIRS.
PRETORIA.

THE SECRETARY FOR JUSTICE.

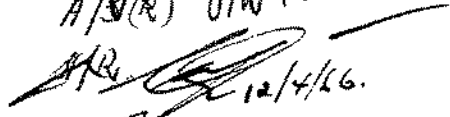
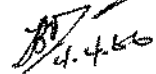
- 4 - 4 - 1966

The Banning of the Defence and Aid Fund
Overseas Comment

✓

Attached for your information please find
a copy of minute UK/8/6 of the 23rd March, 1966, containing
"The Daily Telegraph" editorial comment on the above.


SECRETARY FOR FOREIGN AFFAIRS.

Over to min 23/3:
A/S(R) On 12.4.66.

12/4/66.

4.4.66

Telegraphic Address:—
"OPPOSITELY LONDON WC2"



Ref: UK/8/6

ENQUIRIES
TELEPHONE WHI. 4488 Ext.

SOUTH AFRICAN EMBASSY,
TRAFALGAR SQUARE,
LONDON, W.O.2

23rd March, 1966

The Secretary for
Foreign Affairs
Pretoria

DEFENCE AND AID FUND

The decision to declare the Defence and Aid Fund an illegal organisation was widely published in the local press, and of the responsible newspapers only one, "The Daily Telegraph" went so far as to deliver editorial comment.

In its issue of the 19th March, the newspaper says:—

"Ten years ago the Defence and Aid Fund for South Africa was established. It is subscribed internationally, but largely in Great Britain, where it was inaugurated under the auspices of Christian Action. It has the blessing of the United Nations. It is disbursed by Defence and Aid Committees in South Africa. These committees are now declared to be an illegal organisation under the Suppression of Communism Act, on the ground that they are using the fund to bring about social and economic change in South Africa, "even," says Mr. Vorster, the Minister for Justice, "at the cost of violence".

"The purposes of the fund are to finance the defence of persons accused of political crimes, and to relieve distress among their dependants while they are in custody. The first of these is pure justice and the second pure charity; no government could dare to object to them. If the administrators have exceeded these purposes and spent money in aid of political intrigue, they are guilty, first of a moral offence against the 25,000 subscribers, who are certainly not predominantly Communists, even in the South African sense in which the term can be applied to any opponent of the régime. (They include the Russian Government, but also that of the Netherlands). Secondly, they would presumably have committed a breach of trust. But whether they have thus abused their trust is a question of fact; the allegation could and should be tested by audit and by process of law. Until specific charges have been formulated and proved in court the accused committees must be given the benefit of the presumption of innocence and the South African Government must be

-2-

regarded by moral standards as the guilty party".

P. R. KILLEN

Ambassador

DECLASSIFIED

1/6/53.

REPUBLIEK VAN SUID-AFRIKA.

DEPARTEMENT VAN JUSTISIE,

VERITASGEBOU,

PRIVAATSAK 81,

PRETORIA.

24-3-66

VERTROULIK.

DIE HOOFLANDDROS VAN

*Bta., Hag., Kotak P.E., Orland, Sharn,
Dunfermline*

REGSVERTREENWOORDIGING 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) ONAFGEHANDELTE SAKE.

- (i) 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 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. Waar so n advokaat of

DECLASSIFIED /2...

DECLASSIFIED

- 2 -

prokureur in n deelsverhoorde saak agter 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 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 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 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 tussentydse gevalle is u welkom om Hoofkantoor vir leiding te skakel.*

WAARNEMENDE SEKRETARIS VAN JUSTISIE.

DECLASSIFIED