TIMOL RED AGENT STATE CLAIMS

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cies of the banned African National Congress.

The preamble to the indictment said the policy of the banned South African Communist Party was to strive for the establishment of a social, economic and political system based on the principles of communism in South Africa and to strive for the overthrow of the present Government.

VIOLENT MEANS

It said the policy of the South African Communist Party was to strive by violent means, or means which aim, or invisage violence, for the achievement of the aforesaid policies.

The preamble alleged that the pamphlet called "Number One Inkululeko. Freedom, July 1971," organ of the central committee of the South African Communist Party, in pursuance of the policies of the party, were unlawfully issued for distribution and distributed in South Africa, by or on behalf of the South African Communist Party.

The policy of the banned African National Congress, it said, was to strive for equal rights and opportunities for all the people in South Africa in a multiracial unsegregated society and a system of government based on the right of every man and woman to stand as a candidate and to vote for all bodies which make laws in South Africa, regardless of race, colour or sex.

The indictment alleged that in pursuance of the policy of the banned African National Congress, ANC copies of the leaflets, "The African National Congress says to Vorster and his gang" and "Sons and daughters of Africa," were unlawfully issued for distribution in South Africa with intent to endanger law and order.

CONSPIRED

The preamble further alleged that the South African Communist Party conspired with the ANC to promote the policies mentioned in the indictment, by violent means.

Mr Ahmed Timol (the detainee who fell to his death from the 10th floor of John Vorster Square while in detention) was alleged to have been an office bearer, member, agent or active supporter of the SACP and an agent or active supporter of the ANC.

The indictment alleged that the accused jointly or severally unlawfully endangered law and order in South Africa oy assisting Mr Timol in the commission of one or more activities set out in a schedule in the indictment.

The first alternative alleges that the accused acting in concert and/or with Mr Ahmed Timol and/or an agent of the SACP mentioned in a schedule in the indictment and/or the person (or persons) responsible for the issue of "Number One Inkululeko" and/or other leaflets, unlawfully performed acts calculated to further the aims or any of the objects of communism.

The second alternative charge alleges that the accused, acting in concert with Mr Timol unlawfully committed one or more acts set out in a schedule of the indictment.

The third alternative count makes allegations against each accused.

Essop is said to have taken part in the activities of the unlawful Communist Party and/or in the activities of the banned ANC.

On the same count Essack, Moodley and Desai are alleged to have unlawfully taken part in the activities of the Communist Party.

ACTIVITIES

A schedule in the indictment sets out various activities, one or more of which are alleged to have been performed by Mr Ahmed Timol, the Roodepoort schoolteacher who fell to his death from the 10th floor of John Vorster Square while in detention in October last year.

It claims Mr Timol, from about February 1970 to October 1971, acted as agent, office bearer, member or active supporter of the South African Communist Party.

In that capacity he received instructions in secret writing from the party in connection with his activities and communicated with the party.

He allegedly acquired or prepared a number of substances, including gunpowder, which he stored in Mrs Desai's Roodepoort home. Some of the substances were to be used to decode messages received from a person called "Stephanie." Others were to be used to prepare gunpowder in accordance with directions received from Stephanie.

Mr Timol allegedly prepared gunpowder or a similar substance and/or experimented with the preparation or use of gunpowder.

CONTACT

On several occasions Mr Timol alone and with Mr Essop allegedly asked a person by the name of Dinesh Naik to establish a contact at the Bantu Affairs Department from who he or they could obtain reference books, travel documents and residence permits.

During July last year in a flat in Becker Street, Johannesburg, Mr Timol allegedly asked Mr Essack whether he had obtained such documents.

Mr Timol allegedly acquired such documents on that occasion or some other time to comply with a request received from the Communist Party.

Mr Timol allegedly asked Mr Naik to introduce him to politically inclined Africans with whom he could have discussions on the political atmosphere in South Africa.

In the presence of Mr Essop, he allegedly raised the subject that they wanted politically inclined Africans for political discussions. Mr Essop allegedly agreed.

Mr Essop allegedly told Mr Timol about a film called "Hornets' Nest" which he had seen in the Lyric Theatre, Fordsburg, and urged Mr Timol to see it, saying it would give him a good idea of how to train youngsters as underground messengers, who could carry messages and other matters such as ammunition.

The film could teach them how to train or use youngsters for their political work to change the present Government.

Mr Timol allegedly typed or acquired 8 stencils for No 1 Inkululeko to reproduce copies of the pamphlet for distribution. The copies were allegedly made.

Mr Timol, assisted by Mr Essack, allegedly assembled the copies of the pamphlet, stapled them and had them posted in envelopes by Mr Essack.

On October 22, last year, in Coronationville, Johannesburg, Mr Timol and Mr Essop in an Anglia car allegedly possessed for distribution 114 copies of No 1 Inkululeko and various numbers of copies of different pages of the pamphlet, 787 copies of the leaflet "Sons and daughters of Africa," 447 copies of the leaflet "The African National Congress says to Vorster and his gang," 28 addressed envelopes containing this leaflet, and one envelope with the inscription "Sher Abrahams 22-3755, Aboo," containing a copy of "Sons and Daughters of Africa" and "The African National Congress says. . . ."

LETTERS

On the same date, in the Anglia, Mr Timol and Mr Essop allegedly possessed documents furthering the policies of the Communist Party.

These included a number of letters to "Dear Ahmed" "My Dear Ahmed" and "My Dearest Ahmed," with a secret text on the back, various reports bearing reference numbers beginning with A/J, a copy of "'C Haatelas "Heal's Catalogue" with a secret text at the back containing a report on a "Central Committee" meeting.

A document entitled "Guidelines for the expansion of our internal organisation" and a message bearing the title "Y.D. Message."

Also in the car were 8 stencils of No 1 Inkululeko and some handwritten notes.

Mr Timol allegedly compiled a mail list for distribution of communist and ANC literature.

He allegedly obtained the services of Gadija Cho Tia and Isha Bulbulla to type names and addresses from a list on envelopes for such distribution.

In a letter he allegedly recommended to the Communist Party the appointment of Mr Essop to work in the "main group" of the party. This recommendation was allegedly accepted in a letter to Mr Timol.

A similar recommendation was allegedly made and accepted with regard to Mr Moodley.

FREEDOM FIGHTERS

Mr Timol allegedly asked a Mr Cornelius Lephogole to recruit "freedom fighters." He allegedly had discussions with Thakorlal Naik, the gist of which was that capitalism should be wiped out in South Africa, South Africans should be made politically aware, workers should be incited to react violently and in this way a revolution would be perpetuated on an evolutionary basis.

Mr Timol allegedly said in Mr Essop's presence that they had decided to open a photographic business to get funds for propaganda purposes. Mr Essop allegedly had already obtained some equipment.

Mr Timol allegedly asked Mr Thakorlal Naik to study The Star for political reports for future propaganda purposes. He allegedly made a list of newspapers and dates which he should study to make cuttings for propaganda purposes.

Mr J. Browde, SC, with him Mr P. Hare, instructed by Cachalia and Lupat is appearing for Essop. Mr I. Mohamed, instructed by R. Bhagwadeen for Essack and Moodley and Mr J. Coaker, SC, with him Mr E. Wentzel, instructed by Mr N. Kades for Desai. Mr J. E. Nothling, SC, with him Mr K. von Lieres, instructed by the State Attorney is appearing for the State.

FOUR FACE CONSPIRACY CHARGES

THREE young Indian men and a middle-aged Indian woman are due to appear before Mr Justice Snyman in the Pretoria Supreme Court next Tuesday charged with conspiring with the South African Communist Party and/or the banned African National Congress and/or the dead detainee, Mr Ahmed Timol.

The case against Mr Mohamed Salim Essop (22), Mr Yousuf Hassan Essack (21), Mr Indhrasen Moodley (27) and Mrs Amina Desai (51) was postponed to next Tuesday when the four appeared briefly before Mr Justice Snyman in Pretoria's Old Synagogue.

Mr J. E. Nothling, SC, Deputy Attorney General of the Transvaal, told the judge: "At the request of the defence it has been agreed to asked the court to postpone the case until June 13."

The judge allowed the postponement after the counsel appearing for the accused had signified that it was acceptable to them.

INDICTMENT

The indictment against them, which has now been handed to the defence, consists of a main count under the Terrorism Act, an alternative count under the Terrorism Act and two alternative counts under the Suppression of Communism Act.

The main count under the Terrorism Act alleges that the accused jointly or severally unlawfully endangered the maintenance of law and order in South Africa, or any portion of the country, by conspiring with one another and/or the banned South African Communist Party and/or the banned African National Congress and/or the dead detainee Ahmed Timol and/or persons unknown to the State, to promote the cause and policies of the banned South African Communist Party and/or promote the cause and poli-

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