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TO IMMEDIATE FOO

TELEGRAM NUMBER 436 OF 28 SEPTEMBER

INFO IMMEDIATE UKMIS NEW YORK, WASHINGTON

MY TELNO 432 : SITUATION IN THE DURBAN CONSULATE

SUMMARY

1. OUR EFFORTS TO GET THE SIX TO LEAVE VOLUNTARILY MAY BE HELPED BY THE REQUIREMENT FOR TWO OF THEM TO APPEAR IN COURT NEXT TUESDAY IN PROCEEDINGS NOT RELATED TO THE DETENTION ORDERS. THEY MAY AGREE TO LEAVE ON MONDAY.

DETAIL

2. NAUDE VISITED THE SIX FOR 30 MINUTES LAST NIGHT AND SPOKE TO THEM AGAIN THIS MORNING. HE HAS TOLD THE PRESS THAT HIS VISIT WAS TO SHOW SOLIDARITY WITH THE SIX AND TO EXPRESS HIS OPPOSITION TO DETENTION WITHOUT TRIAL. IT SEEMS POSSIBLE, HOWEVER, THAT IN PRIVATE DISCUSSION HE MAY HAVE SOUGHT TO BE HELPFUL IN RESOLVING THE PROBLEM. WE EXPECT THAT HE WILL BE MAKING CONTACT WITH US LATER TODAY.

3. A MEMBER OF THE NIC, DR MEER, WHO ACCOMPANIED NAUDE ON HIS VISIT THIS MORNING TOLD OUR CONSUL THAT THE NIC WERE WELL AWARE

VISIT THIS MORNING TOLD OUR CONSUL THAT THE NIC WERE WELL AWARE OF OUR DIFFICULTIES AND THAT THEY WOULD BE CONSIDERING THEIR POSITION DURING THE WEEKEND.

4. ARCHER HAS SINCE THEN SPOKEN AGAIN TO COOVADIA. COOVADIA SAID THAT IT HAD PROVED IMPOSSIBLE TO GET THE NIC EXECUTIVE TOGETHER YESTERDAY EVENING BECAUSE THEY WERE DISPERSED THROUGHOUT DURBAN ATTENDING PRAYER MEETINGS, TWO OF WHICH HAD BE VISITED BY DR LAUDE. HE RECOGNISED THAT WE WANTED THE SIX TO MAKE AN IMMEDIATE DECISION. HE HOPED THAT THE NIC EXECUTIVE WOULD BE TOGETHER TODAY AND WOULD BE CONTACTING US LATER THIS AFTERNOON. THE REPRESENTATIONS BEING MADE IN NEW YORK WERE NOT A MAJOR FACTOR IN WHETHER THE SIX WOULD LEAVE OR NOT. THEIR SOLE PROBLEM WAS WHETHER THEY SHOULD LEAVE THE CONSULATE WHEN THEY COULD NOT BE CERTAIN WHAT WOULD HAPPEN TO THEM AS SOON AS THEY STEPPED OUT OF THE BUILDING. AN ADDITIONAL CONSIDERATION WAS THAT TWO OF THE SIX, SENPERSADH AND NAIDOO, WERE DUE TO APPEAR IN THE DURBAN COURT ON TUESDAY IN A RESUMED HEARING ON CHARGES RELATED TO THEIR ACTIVITIES LAST NOVEMBER IN DEMONSTRATIONS DURING A POLITICAL RALLY. THEY WERE AWARE THAT IF THEY FAILED TO APPEAR THEY MIGHT BE SUBJECT TO ARREST. ARCHER COMMENTED THAT WE WOULD NOT WANT TO BE PUT INTO A POSITION WHERE WE MIGHT BE OBSTRUCTING COURT PROCEEDINGS. COOVADIA TOOK NOTE OF THIS AND SAID THAT THE EXECUTIVE WOULD CONSIDER THIS TOGETHER WITH OUR OTHER REPRESENTATIONS ABOUT OUR POSITION.

5. WE INFER FROM THE NIC REACTION AND EARLIER CONTACTS WITH THEIR LEGAL REPRESENTATIVES THAT THE SIX MAY BE HOPING THAT A COURT JUDGEMENT ON THEIR APPLICATION AGAINST THE DETENTION ORDERS WILL BE DELIVERED NEXT MONDAY AND THAT THEY WISH TO DEFER ANY MOVE IN CASE THIS IS FAVOURABLE. (WE HAVE HOWEVER HAD UNSUBSTANTIATED RUMOURS THAT THE DECISION WILL BE DELAYED UNTIL MID-OCTOBER). A DECISION, IF FAVOURABLE, WOULD MAKE IT LESS LIKELY THAT THEY WOULD BE ARRESTED IMMEDIATELY ON LEAVING THE CONSULATE. ANY AGREEMENT THAT THEY WILL LEAVE VOLUNTARILY MAY THEREFORE BE DELAYED UNTIL THE BEGINNING OF NEXT WEEK BUT THERE ARE SIGNS THAT THE SIX THEMSELVES RECOGNISE THAT IT WILL NOT BE PRACTICABLE TO STAY MUCH LONGER.

6. WE ARE TRYING TO CONTACT THE SIX'S LEGAL ADVISERS AGAIN TO TALK ABOUT THE RELEVANCE OF THE TUESDAY COURT HEARING.

TOLKIN