

GR 320
UNCLASSIFIED
FM HAPARE 050900Z JUL 83
TO IMMEDIATE FCO
TELEGRAM NUMBER 594 OF 5 JULY
INFO ROUTINE CAPE TOWN, PRETORIA.
SAVING GABORONE, LILONGWE, LUSAKA, MAPUTO, WASHINGTON.

MY TELNO 589 : AIR FORCE OFFICERS' TRIAL.

SUMMARY.

1. DEFENCE CASE COMPLETED. ATTEMPT TO PRECIPITATE RULING ON ADMISSIBILITY OF 'CONFESSIONS' UNSUCCESSFUL. PROSECUTION CALLED FIRST OF MANY WITNESSES TO GIVE REBUTTAL EVIDENCE. MAGISTRATE TESTIFIED THAT SLATTER AND BRISCOE EXHIBITED NO DISTRESS OR ANXIETY IN CONFIRMATION PROCEEDINGS.

DETAIL.

2. TESTIMONY YESTERDAY BY A FURTHER EXPERT ON ELECTROCUTION CONCLUDED THE LIST OF WITNESSES FOR THE DEFENCE. OGNALL (DEFENCE COUNSEL) ANNOUNCED THAT THE ATTORNEY GENERAL HAD REFUSED IMMUNITY FROM PROSECUTION FOR EX AIR VICE MARSHALL PINK (THE ALLEGED EMINENCE GRISE OF THE SABOTAGE PLOT) AND FLT LT CONNOLLY (AN ALLEGED ACCOMPLICE AT THORNHILL), BOTH NOW IN SOUTH AFRICA, TO ENABLE THEM TO GIVE EVIDENCE.

3. THE PROSECUTION ANNOUNCED THE INTENTION TO CALL 31 WITNESSES (INCLUDING 5 MAGISTRATES, 8 CID, 5 CIO, AND 3 DOCTORS) TO GIVE REBUTTAL EVIDENCE. OGNALL IMMEDIATELY PROTESTED, ARGUING FOR A RULING ON ADMISSIBILITY OF THE 'CONFESSIONS' WITHOUT FURTHER DELAY, BUT WAS OVERRULED BY DUMBUTSHENA, WHO NEVERTHELESS MADE CLEAR THAT FURTHER TESTIMONY WOULD NOT PREJUDICE AN EVENTUAL RULING ON THIS POINT.

4. THE FIRST REBUTTAL WITNESS, THE (BLACK) MAGISTRATE WHO CONFIRMED SLATTER'S AND BRISCOE'S STATEMENTS, TESTIFIED THAT NEITHER MAN HAD EXHIBITED DISTRESS OR ANXIETY WHEN BEFORE HIM,

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HAD BEEN UNDER NO DURESS, AND HAD CLEARLY UNDERSTOOD THE SIGNIFICANCE OF THE CONFIRMATION PROCEDURE. UNDER DEFENCE CROSS-EXAMINATION, HE ADMITTED THAT HE MIGHT HAVE HAD DOUBTS OR ADJOURNED THE PROCEEDINGS, HAD HE KNOWN THAT LAWYERS WERE SEEKING ACCESS, OR THAT THE HIGH COURT WAS ABOUT TO RULE ON ACCESS. NOR WOULD HE HAVE APPROVED OF THE PRISONERS BEING RETURNED TO POLICE CUSTODY AS OPPOSED TO PRISON.

FCO PASS SAVING GABORONE, LILONGW, LUSAKA, MAPUTO WASHINGTON.

EWANS

[REPEATED AS REQUESTED]

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