SOUTHERN AFRICA: ADVANCE COPIES

PIES WAT

PS

5

PS/Mr RIFKIND

PS/PUS y

SIR J LEAHY

MR SQUIRE

MR ADAMS

HD/SAFD

HD/CAFD

HD / UND

GR 275

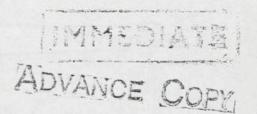
HD/NEWS D

MR FREELAND LEGAL ADV. Rm. WH216

RESIDENT CKERK

MR A J S GOODALL CABINET OFFICE

PS/NO:10 DOWNING STREET



In the

UMCLASSIFIED

FM HARARE 221320Z JUL 83

TO IMMEDIATE FCO

TELEGRAM NUMBER 275 OF 22 JULY

INFO PRETORIA

INFO SAVING GABORONE LILONGWE LUSAKA MAPUTO WASHINGTON

MIPT: AIR FORCE OFFICERS' TRIAL

SUMMARY

1.) TRIAL CONCLUDED. JUDGE HOPES FOR A VERDICT BY THE END OF AUGUST.

DETAIL

2. OGNALL CONCLUDED HIS FINAL STATEMENT. HE REBUTTED THE STATE'S ASSERTION THAT THE AIR FORCE BOARD OF INQUIRY HAD BEEN SET UP TO DEFLECT ATTENTION FROM THE AIR FORCE. IN FACT, THE BOARD'S CORELIMINARY FINDINGS DID QUITE THE REVERSE. OGNALL SAID THAT THE TRIAL HAD BEEN A LONG, ARDUOCS AND DISAURBING EXPERIENCE FOR HIM. HE HAD WITNESSED OUTRIGHT DISHONESTY AND GMRSISTENT FALSEHOOD BY PROSECUTION WITNESSES WHO HAD SOUGHT TO COVER UP THE SERIOUS ABUSE OF STATE INVESTIGATIVE PROCESSES AND THE PROTRACTED ABUSE OF THE LEGAL RIGHTS OF THE ACCUSED. THE ONLY POSSIBLE CONCLUSION FOR THE

OF STATE INVESTIGATIVE PROCESSES AND THE PROTRACTED ABUSE OF THE LEGAL RIGHTS OF THE ACCUSED. THE ONLY POSSIBLE CONCLUSION FOR THE COURT WAS THAT THE OFFICERS' STATEMENTS WERE INADMISSIBLE AND, AS NO OTHER CREDIBLE EVIDECE HAD BEEN ADDUCED, THAT THE ACCUSED HAD TO BE ACQUITTED. ACQUITTAL WOULD NOT BE A DEFEAT FOR THE STATE. A STATE SUFFERED NO DEFEATS AND GAINED NO VICTORIES. BUT THE DEFENCE SOUGHT JUSTICE FOR THE ACCUSED.

- 3. THE PROSECUTION THEN MADE A FURTHER SHORT STATEMENT. MKUSHI DREW ON SOUTH AFRICAN LEGAL PRECEDENTS TO SEEK TO ESTABLISH THAT FALSEHOODS EMBODIED IN A CONFESSION DID NOT NECESSARILY INVALIDATE THE CONFESSION AS A WHOLE: AND THAT CONFESSIONS ALONE COULD PROVIDE SUFFICIENT GROUNDS FOR CONVICTION.
- 4. THE TRIAL JUDGE, DUMBUTCHENA, TOLD THE COURT THAT THE TASK OF CONSIDERING THE EVIDENCE WHICH HAD BEEN LAID BEFORE HIM AND HIS TWO ASSESSORSMWAS A MAJOR ONE, BUT HE HOPED IT WOULD BE CONCLUDED BY THE END OF AUGUST. THE DEFENCE EXPECT A VERDICO ON 29 AUGUST.

FCO PASS SAVING ADDRESSEES.

EWANS

Minne