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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 PRELIMINARY FINDINGS DID QUITE THE REVERSE. OGNALL SAID THAT THE TRIAL HAD BEEN A LONG, ARDUOUS AND DISAURBING EXPERIENCE FOR HIM. HE HAD WITNESSED OUTRIGHT DISHONESTY AND PERSISTENT 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 EVIDENCE 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  
ASSESSORS WAS A MAJOR ONE, BUT HE HOPED IT WOULD BE CONCLUDED BY  
THE END OF AUGUST. THE DEFENCE EXPECT A VERDICT ON 29 AUGUST.

FCO PASS SAVING ADDRESSEES.

EWANS

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