

SOUTHERN AFRICA: ADVANCE COPIES 14

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~~RESIDENT CLERK~~

GR 280

CONFIDENTIAL

FM HARARE 221130Z AUG 83

TO IMMEDIATE FCO

TELEGRAM NUMBER 707 OF 22 AUGUST.

INFO IMMEDIATE WASHINGTON.

MIPT : AIR FORCE OFFICERS' TRIAL.

1. THE DEFENDANTS ARE INDEED CHARGED WITH AIDING AND ABETTING SABOTAGE UNDER THE LAW AND ORDER MAINTENANCE ACT. WE HOPE TO SECURE A COPY OF THE CHARGE SHEET SOON (FROM THE LAWYERS, ON A CONFIDENTIAL BASIS) AND WILL TELEGRAPH CONTENTS UPON RECEIPT. UNDER ZIMBABWE LAW, IT IS NOT NORMALLY OPEN TO A JUDGE TO FIND AN ACCUSED PERSON GUILTY OF AN OFFENCE LESS HEINOUS THAN THAT WITH WHICH HE HAD ORIGINALLY BEEN CHARGED. IT WOULD LIKEWISE BE MOST UNUSUAL FOR THE STATE TO FRAME FRESH CHARGES. THE DEFENCE LAWYERS BELIEVE THAT ANY CREDIBLE LESSER CHARGE WOULD IN ANY CASE BOIL DOWN TO THE SAME ACCUSATION, IE THAT THE ACCUSED HAD PRIOR KNOWLEDGE OF THE SABOTAGE.

2. UGWALL IS BEST PLACED TO GIVE A VIEW ON WHY LLOYD AND WEIR ARE MARGINALLY LESS LIKELY TO BE ACQUITTED. TO AN OUTSIDER THE MAIN POINT AGAINST LLOYD IS THAT HE FAILED TO EXPLAIN SATISFACTORILY WHY HE SOUGHT (AND OBTAINED) A MEETING WITH THE COMMISSIONER OF POLICE SOME TWO DAYS BEFORE HE WAS TORTURED. ONE MIGHT DEDUCE THAT HE HAD AT LEAST TOLD HIS INTERROGATORS THAT HE MIGHT KNOW SOMETHING ABOUT THE SABOTAGE. THE MAIN POINT AGAINST WEIR IS HIS EXTRAORDINARILY DETAILED CONFESSION.

3. ZIMBABWE LAW PROVIDES AN AUTOMATIC RIGHT OF APPEAL AGAINST CONVICTION AND SENTENCE. THE DEFENCE HAVE NO QUALMS ABOUT GOING TO APPEAL AS THEY BELIEVE THE MAKEUP OF THE APPEAL COURT WOULD BE MORE FAVOURABLE TO THEIR CAUSE. WHEN THE LEGAL PROCEDURES ARE EXHAUSTED CLEMENCY CAN BE GRANTED BY THE PRESIDENT, WHO ALSO HAS THE POWER TO REDUCE TERM SENTENCES THOUGH THE DEFENCE LAWYERS CAN RECALL NO PRECEDENT.

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