

CONFIDENTIAL

041322
MDHIAN 6716

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FOLLOWING FOR PRENDERGAST (SAFD)

SHARPEVILLE SIX

1. YOU MENTIONED THAT JOYCE MOKHESI IS DUE TO SEE THE PRIME MINISTER ON 12 JULY. THE PRECISE TERMS IN WHICH WE APPEALED FOR CLEMENCY ON 15 MARCH WERE SET OUT IN A LETTER WHICH I DELIVERED TO THE JUSTICE MINISTER ON THAT DAY. THE TEXT WAS AS FOLLOWS:

'MY PRIME MINISTER, THE RT HON MARGARET THATCHER MP, HAS ASKED ME TO EXPRESS TO YOU HER PERSONAL HOPE THAT THE STATE PRESIDENT WILL CONSIDER EXERCISING THE PEROGATIVE OF MERCY IN THE CASES OF THE SHARPEVILLE SIX, GIVEN THE PARTICULAR CIRCUMSTANCES OF THE CASE.' THAT WAS CONVEYED FORTHWITH TO THE STATE PRESIDENT.

2. I HOPE THE PRIME MINISTER WILL POINT OUT THAT WE HAVE IN FACT BEEN DOING MORE THAN ANYONE ELSE TO TRY TO SAVE THE SHARPEVILLE SIX. IN ADDITION TO HER OWN MESSAGE, THE PRIME MINISTER URGED PRESIDENT REAGAN AND CHANCELLOR KOHL TO INTERVENE AS WELL. AS YOU KNOW, I HAVE DISCUSSED THIS CASE ON A NUMBER OF OCCASIONS WITH THE JUSTICE MINISTER AND THE DIRECTOR-GENERAL FOR JUSTICE (MOST RECENTLY ON 28 JUNE - CAPETOWN TELNO 246). WE HAVE REMAINED IN CLOSE TOUCH WITH THE DEFENCE LAWYERS AND HAVE GIVEN THEM SUCH HELP AND GUIDANCE AS WE CAN. HELEN SUZMAN AND COLIN EGLIN CONSULTED ME BEFORE THEIR OWN CALL ON THE STATE PRESIDENT TO ASK FOR CLEMENCY ON 16 MARCH AND I HAVE KEPT IN CLOSE TOUCH ALSO WITH PROFESSOR HEYNS, THE HEAD OF THE DUTCH REFORMED CHURCH, WHO HAS ADDED HIS VOICE (PRIVATELY) TO THOSE CALLING FOR CLEMENCY.

3. WE CANNOT KNOW WHAT THE OUTCOME WILL BE. THE ACTING CHIEF JUSTICE DOES NOT LOOK LIKELY TO ACCEPT THE PETITION TO ORDER A RE-TRIAL HIMSELF: THAT WOULD BE A MOST UNUSUAL JUDICIAL PROCEDURE. THE DEFENCE WILL PETITION THE STATE PRESIDENT FOR A RE-TRIAL (UNLIKELY TO BE GRANTED) AND FOR CLEMENCY. THE PRESIDENT MAY THEN TAKE HIS DECISION, BUT COULD ALSO SEEK FURTHER JUDICIAL ADVICE. THE PRIME

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MINISTER'S APPEAL TO THE PRESIDENT WILL NEED TO BE REITERATED
AS SOON AS THE NORMAL JUDICIAL PROCEDURE IS EXHAUSTED (IE IF
THE ACTING CHIEF JUSTICE TURNS DOWN THE PRESENT APPEAL).

RENWICK

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