

M E M O R A N D U M

TO: CARRUTHERS & COMPANY  
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
RE: CONSCIENTIOUS OBJECTORS - GENERAL

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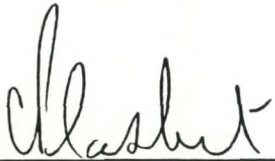
We refer to the above matter and attach our statement of account for the period 1 February 1990 to 28 February 1990. We hope that it meets with your approval.

During this period most of our work was concerned with preparing for the trial of Gavin Kirk. He has been charged with refusing to serve in the SADF and in the alternative failing to report for service. The matter was set down for trial on 28 February 1990 but on that day we were informed that the State had not drafted the further particulars which we had requested. It is important for our case that we obtain these particulars so we applied for and were granted a postponement. The new trial date is 26 March 1990.

We intend defending the matter by attacking the validity of the call up and to this end it was necessary to do a large amount of research which involved, inter alia finding and perusing the volumes of regulations made in terms of the Defence Act.

Finally we assisted the End Conscription Campaign and other anti conscription groupings when they organised a march in Johannesburg to protest against conscription and demand the release of David Bruce and Charles Bester. We attended the

protest which went smoothly save for the fact that afterwards right wing elements chased some persons who had been involved in the march. Luckily they did not catch them but the incident itself is worrying.

A handwritten signature in cursive script, appearing to read 'Clasket', written above a horizontal line.

**CLIVE PLASKET**

CPNV5M2

MEMORANDUM

TO: CARRUTHERS & CO.

FROM: CLIVE PLASKET AND JOHN WILLS  
CHEADLE THOMPSON & HAYSOM

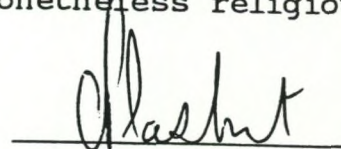
RE: CONSCIENTIOUS OBJECTORS :  
STATE v DOUGLAS TORR (CP/T2/89)  
STATE v GARY RATHBONE (CP/R1/89)  
STATE v ANDRE CROUCAMP (CP/C2/90)  
DOUGLAS BANKS - BOARD FOR RELIGIOUS OBJECTORS (CP/B2/90)

DATE: 20 MARCH 1990

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We refer to the above matters and attach an interim statement of account for each. We hope that they meet with your approval. All of our abovenamed clients are persons who object to serving in the South African Defence Force. Three of them have been charged with this offence.

Rathbone's case commences on 27 March 1990 in the Johannesburg Magistrate's Court. We had set Croucamp's case down for that day but have persuaded the prosecutor to postpone the matter, pending an application by Croucamp to the Board for Religious Objectors. Torr's case is set for trial in May 1990 and Banks is to appear before the Board for Religious Objectors on 21 March 1990. We believe that Banks' case and Croucamp's case will be test cases in that they will attempt to extend the jurisdiction of the Board for Religious Objectors to cover persons who, while not being members of a recognised religion and not believing in a supreme being, are nonetheless religious.



CLIVE PLASKET

M E M O R A N D U M

TO: CARRUTHERS & CO.

FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM

RE: STATE v GARY RATHBONE - REFUSAL TO SERVE IN THE SADF

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We refer to the above matter and attach our statement of account for the period 1 March 1990 to 31 March 1990. We hope that it meets with your approval.

During this period we prepared extensively for Rathbone's trial. To this end we consulted with and precognised Rathbone as well as Mark Phillips, an expert on the security system in South Africa and Professor Mphahlele, a world renowned novelist who is a professor in the Department of African Literature. Rathbone is a student in that department.

Unlike other similar matters we believe that we have a chance of an acquittal. Rathbone has served four years in the SADF as a member of the permanent force and we intend arguing that, as a result, he is no longer liable for any service at all.

We were ready for trial on 27 March 1990 but, on that day, the prosecutor (who appears to have a moral dilemma about prosecuting a case like this) ensured that we were crowded off the roll by other matters. As a result we had no option but to postpone to 28 and 29 May 1990.



CLIVE PLASKET

M E M O R A N D U M

TO: CARRUTHERS & COMPANY  
FROM: CLIVE PLASKET  
CHEADLE THOMPSON & HAYSOM  
RE: CONSCIENTIOUS OBJECTORS - GENERAL

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We refer to the above matter and attach our statement of account for the period 1 March 1990 to 31 March 1990. We hope that it meets with your approval.

During this period we rendered advice to two persons concerning conscription problems. The second involved the legal position of an exile who left the country to avoid national service and who now wants to return.

We also dealt with the matter of State v Gavin Kirk. Kirk, as you know from our previous accounts, is facing a charge of failing to report for military service. At the last appearance (which was a trial date) we indicated our intention to object to the charge. As a result the matter was postponed.



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CLIVE PLASKET

M E M O R A N D U M

TO: CARRUTHERS & COMPANY  
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
RE: STATE v GARY RATHBONE

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We refer to the above matter and attach our final statement of account. We hope that it meets with your approval.

During the period leading up to the trial we devoted much of our energy to developing arguments relating to the validity of internal SADF orders as we believed that the State would seek to rely on such orders to establish that Rathbone's service in the Permanent Force did not discharge his obligation to serve in the Citizen Force. For the rest we prepared on the question of mitigation. In this we were substantially assisted by the Appellate Division decision of State v Ivan Toms; State v David Bruce which held that the magistrate had a full discretion in respect of sentence for the offence of refusing to serve in the SADF.

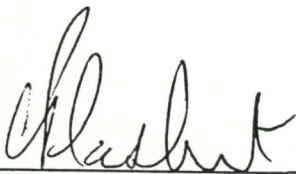
The matter came to trial on 28 May 1990. The Accused pleaded not guilty. The State relied on a single witness, W/O Flattery of the Military Police. Flattery stated that Rathbone was still obliged to serve 420 days in the SADF but under cross-examination, it was clear that Flattery was not sure as to how this amount had been calculated. At one point, during cross-examination he conceded that Rathbone was not liable for any service. This concession was, however, qualified in re-examination.

On the second day of the trial we argued for a discharge. The grounds for the application were that:

- (a) the quality of Flattery's evidence was so poor that a reasonable court would not convict on it;
- (b) his evidence amounted to hearsay as he had no personal knowledge of Rathbone's service record or liability;
- (c) his evidence was secondary and inadmissible evidence as the State had sought to rely on documents without any handing any documents in or explaining why it could not do so;
- (d) the State had failed to prove intention.

The magistrate upheld our application and accordingly discharged Rathbone. The importance of the case lies in the fact that, in his judgment, the magistrate was particularly critical of the prosecution and the SADF for charging Rathbone with a serious offence without first having checked that they could sustain the prosecution.

We attach a selection of press clippings for your information.



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CLIVE PLASKET

# 'Haphazard' evidence: Rathbone acquitted

By Sandra Lieberum  
JOHANNESBURG

Magistrate Mr H. Verhoef yesterday lashed out at the haphazard way in which evidence had been gathered and placed before the court in the army service trial of musician Mr Gary Rathbone — whom he acquitted.

"The evidence adduced by the prosecution has been so discredited in cross-examination and so unreliable that no reasonable court would convict on it," said the magistrate.

Mr Rathbone, of Yeoville, a freelance journalist and guitarist for the former Pop group The Spectres, had served four

years in the Permanent Force.

He denied that he was liable for any further service in the Citizen Force, or that he was liable to keep the authorities informed of any change of address.

Defence for Mr Rathbone, Mr C Plaskett, submitted that certain Citizen Force members were liable for 300 days, and Mr Rathbone had been given credit of 300 days for his Permanent Force service and one camp.

Mr Plaskett successfully requested a discharge at the end of the case.

"One cannot argue away the fact that there were three versions before me on such a simple matter (the number of

days for which he was liable), which could have been deduced months ago.

There was provision in the Defence Act, said Mr Verhoef, to hand in to court a certified document stating service for which a person was liable.

However, no documentary evidence was produced, and evidence was given referring to the accused's file, which was in disorder.

"There is very reasonable doubt as to the liability. It seems there is some basis for thinking that if he served four years in the Permanent Force he had discharged his liability.

"Evidence on policy, and liability should have

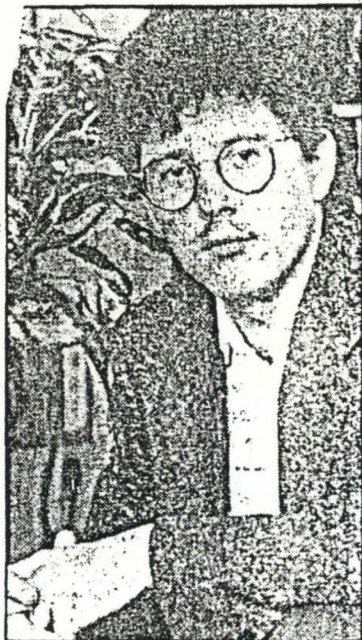
been placed before the court.

Before cases in which penalties of such a nature (a jail sentence) are prescribed — even if the court has a discretion, it should be clear that the basis on which the person is being prosecuted should be established in a scientific way."

In evidence on Monday the Court was told Mr Rathbone was liable for a further 420 days. Then it was suggested it might be 300 days, and the court could not be informed on the policy of how much credit on a day-for-day basis a permanent Force member was accorded following resignation.

The prosecutor was Miss M T van der Merwe.





Gary Rathbone . . . claimed he had served almost four years in Permanent Force.

## Army objector acquitted

STAR 30/5/90

By Celeste Louw

Conscientious objector Gary Rathbone was yesterday acquitted on a charge of refusing to do camps in the SADF, "because no reasonable court could safely convict him on the poor evidence placed before the court," the magistrate found.

Mr Rathbone, guitarist for The Spectres rock band, faced a maximum sentence of 18 months' jail for refusing to render further service in the SADF.

He pleaded not guilty, saying he was not obliged to attend camps as he had already served a period of almost four years in the Permanent Force.

The court found that Warrant Officer John Flattery of the Military Police gave the impression that his evidence was unreliable. He told the court that Mr

Rathbone was still liable to render 660 days service, but that after revision his file indicated that 420 days were outstanding.

During cross-examination, the warrant officer conceded it was possible Mr Rathbone had no further liability towards the SADF if the concessions made by the State President to reduce the term of national service was taken into account.

He later said it could not be taken into account because the concessions were made only after Mr Rathbone refused to report for a camp.

Magistrate H Verhoef said there should be a clear basis for prosecution. "Reliable evidence of what a person's liability is should be placed before the court," he said.

# Rathbone case: legal torpedoes, but no precedents

Four well-aimed legal torpedoes free a conscientious objector

CONSCIENTIOUS objector Gary Rathbone's easy victory in the Johannesburg Magistrate's Court failed to be the landmark trial expected this week for alternative service.

Proposals for alternative service were to be heard for the first time by a South African court. However, the case was won before defence was led.

Magistrate Hein Verhoef ruled that the state's case was too weak to prosecute Rathbone and continuing the trial would be pointless.

If alternative service had been accepted an important precedent would have been set for future conscientious objector trials.

Defence lawyer Clive Plasket maintained that Rathbone, a guitarist for the Spectres, had discharged his military obligation by having been a national serviceman for a year and a permanent force member for three years.

Prosecutor Maggie van der Merwe had her case sunk by four well-aimed legal torpedoes. The state's case, based on one witness, was discredited.

The evidence given by a military policeman, Warrant Officer Johan Flattery, was found to be: firstly, unreliable; secondly, non-expert; thirdly, incomplete, and fourthly, technically hearsay.

Flattery conceded at one point that Rathbone, by having 300 days of citizen force duty credited, had completed his service. Later Flattery maintained that there were still 420 days outstanding.

When asked why permanent force service was not credited as citizen force duty on a day-for-day basis, Flattery said Plasket should ask higher authority.

Finally, Verhoef ruled that an official working from documents he had no personal knowledge of was not giving proper evidence — but hearsay.

Fellow conscientious objectors David Bruce and Douglas Torr sat in the public gallery.

If the magistrate had ruled in favour of alternative service they could have faced their forthcoming trials with more confidence.

M E M O R A N D U M

TO: CARRUTHERS & COMPANY  
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
RE: CONSCIENTIOUS OBJECTORS - GENERAL

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We refer to the above matter and attach our statement of account for the period 29 March 1990 to 4 June 1990. We hope that it meets with your approval.

During this period we completed the matter of State v Gavin Kirk, which involved a prosecution for failing to report for military service. We were eventually able to persuade the Prosecutor to withdraw the charge.

We also worked on exemption applications for Roland White and Tony Wolfson. The basis of White's application is that he fears for his safety should he be required to serve in the SADF because evidence has emerged in the Harms Commission of Enquiry that he was monitored by operatives of the Civil Co-operation Bureau (CCB) with a view to his assassination. Wolfson's application is based on the fact that, as an expert in land policy who is required to liaise with government and business on one hand and progressive trade unions and civic associations on the other, service in the SADF would make his position untenable. We allege that he would lose all trust from unions and civic associations and that the valuable role that he is playing and the expertise that he can bring to bear will be lost if he was seen to be involved in the SADF.



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CLIVE PLASKET

M E M O R A N D U M

TO: CARRUTHERS & COMPANY  
FROM: JOHN WILLS & CLIVE PLASKET  
CHEADLE THOMPSON & HAYSOM  
RE: STATE V DOUGLAS TORR

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We refer to the above matter and attach our statement of account for the period 1 May 1990 to 28 May 1990. We hope that it meets with your approval.

During this period extensive preparation was done for trial. The matter came before court on 14 May 1990 and Torr pleaded guilty. He was duly convicted for refusing to serve in the SADF. We then led evidence in mitigation which was given by Torr, Bishop Buchanan and Mr Montgomery who is the Director of St. Joseph's Children Home.

The matter was argued and postponed to 28 May 1990 for judgment. On that day the magistrate requested a meeting with the defence team and the prosecutor. He raised certain problems which had not been addressed in argument and requested that further argument be prepared on those points. The matter was then postponed to 4 July 1990.

  
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JOHN WILLS

# Douglas Torr Anglican priest and conscientious objector On trial 14 May



“The values of the SADF run counter to those of the Kingdom of God. To be faithful to Christ's teachings about the Kingdom, obedient to the teaching of the Church and consistent with my role as a priest, I refuse to serve in the SADF.”

We call on the government to recognise the right of conscientious objectors to refuse to render military service on military, political and religious grounds. Until such time as the law is changed, we call for the cessation of all new objector trials; and we call for the immediate release of Charles Bester.

From organisations:

Church of the Province of South Africa (Anglican); Jhb COSG; Durban COSG; Wits ICC; Jews for Social Justice; Mini-Cine; Cult Cinema; St. Martin's in the Veld Social Responsibility Group; ICC Jhb; ISASA S. 1vl; St John's Anglican Church, Belgravia; St Paul's College, Grahamstown; Rhodes Divinity Faculty Council; FCC Grahamstown; FCC East London; FCC Durban; FCC Cape Town; SDS (Univ. Pretoria); FCC Pretoria; FCC Stellenbosch; FCC Maritzburg; From Johannesburg: Annelize van der Ryst; Tessa & Richard Welch; Lynn Stevenson; Daniel Venter; Janneke Weidema; Mark Gory; Paul Sullter; Ruth Thomas; Peggy Fick; Simon Keble; Mike & Torna; John & David McCoy; J. Culbert; Paul Goller; Donovan & Elheen Lowry; Rosemary Grealy; Peter McCulloch; Anon.; Tony & Frankie Connell; Graham Bailey; Stefan Dryja; James Dryja; Mike Hyam; E. Mphahlele; S. Kromberg; Anon.; P. Williams; J. Tingoasa; M. Legodi; Jeremy; M. Klingbeck; Hilary Kromberg; J. S. Keebina; N. D. Nhlapo; Anon.; M. Vilakazi; Anon.; N. Ngqungqu; Anon.; M. P. Larkin; M. Klein; Stan Smith; David Bruce; Leah Foxcroft;

Gareth Bell; Anon.; Ronette Engela; Anon.; D. Triegaardt; Anon.; G. Hirschowitz; Cathie & Edmund Jeannot; Alastair Teelling-Smith; I. Henrié Marais; Adele Kirsten; Nani Cross; Anon.; The Jordi Family; B. Keyser; J. Campanella; Anon.; R. Lyster; Anon.; R. Jacobus; D. Solomon; Anon.; Anon.; A. Clacherty; Anon.; P. Milliken; Anon.; B. Cheadle; Anon.; Anon.; Dr M. Siff; Rev. Brian van Zeil; Prof. Patrick J. Hartin; Rev. Tim Smith; Rev. Paul Hooper s.s.; C. E. Pfeffer; Mary Hazelton; Derek Hazelton; S. Bartos; C & J Davidson; Juliet Hendrickse; D. Campbell; Brenda Willsoo; Kékelsq Mofelane; Lebohlang Monyane; Nancy Nyembe; Godfrey Henwood; Wendy Landau; Rose Bond; Olive Gibson; Betsy Coville; Audrey & Trevor Kerr; Ian Broad; Rory Short; Maggie Friedman; Mark Kilfoil; Peter Duncan; P. N. Duncan; Wilhelm Liebenberg; Robin Hamilton; Marlene Powell; Neil Mitchell; Sheila van Ahlefeldt; Rosemary Longbridge; Malcolm Badham; Nathaniel Victor; J. Cammell; B. Fischer; K. Scott; Chris de Villiers; J. Dover; P. Sabbagh; J. O'Regan; Pieter Gurger; A. Dyer; G. Tribe; A. Hooper; D. Glassom; J. de Chalan; P. Blewett; R. Isaacs; I. Rosin; Craig Opperman; J. J. J. Gordon; S. I. Goldberg; M. Joannides; Mandy Taylor; Allen Goddard; Glen Truran; Ken Krige; Dave Fredrea; Tony & Judy Bester; Charles Bester; Andrew Bester; Barbara Buntman; M. Auerbach; G. Wright; Cynthia; M. A. Honey; Shirley Moulder; 3 Illegible signatures from St Mary's; J. J. Fane; Margaret Torr; Gordon & Ursula Bruce; Eric Bruce; From Pretoria: Onno Weidema; Chris & Dirkje Giltillan; Verne & Kerry Harris; Linda Mulmali; Davin Chown; Peter Hall; Andre Zaaiman; Michelle Buchler; Ruhr Martin; Derek Gelderblom; From Soweto: Zaida Moloi; Duduzile Mtshazi; From Randburg: S. Rule; P. Mitchley; From Mamelodi: F. P. Mhlophe; From Sandton: Z. Graf; From Durban: Howard Varney; Gary Cullen; Marlin Birtwhistle; Brendan Moran.

MEMORANDUM

TO : BIRKBECK MONTAGUE'S

FROM : J WILLS, CHEADLE THOMPSON & HAYSOM

RE : ANDRE CROUCAMP / BOARD FOR RELIGIOUS OBJECTION

We refer to the above matter and attach our statement of account. We hope that it meets with your approval.

On 20 June 1990, the Board for Religious Objection classified Mr Croucamp as a religious objector thus exempting him from rendering any military service or undergoing any military training or performing any task in or in connection with any armed force, in terms of section 72 D (a) (iii) of the Defence Act 44 of 1957 .

Mr Croucamp's religious orientation cannot be catagorised within the framework of the traditional world religions. Rather, through his experience he has appropriated parts of many different religions in an attempt to pursue what he sees as the essential

truth running through world religions. He allies himself to the mystic tradition, which to quote him "is characterised by the experience expressed in the idea that all is one". He is a man of integrity involved in "a ruthless, intellectual and experiential search". As a result he is committed to the principles of understanding and compassion, a way of life which cannot be reconciled with serving in the South African Defence Force. He would opt for a jail sentence in order to avoid compromising his principles.

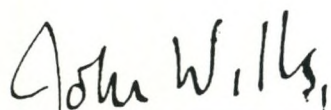
In our view this case was an important one as it constituted a significant breakthrough in the field of conscientious objection on religious grounds. Prior to this decision the scope for religious objection was very limited. In terms of the decision of Hartman v The Chairman, Board for Religious Objection, an applicant to be classified as a religious objector, had to, inter alia, either believe in a Supreme Being or be a member of world recognised religion.

This test in the Hartman decision was problematic for Croucamp and other potential applicants who find the doctrinal confines of the major established religions unacceptable. There are many conscientious objectors whose religious views fall outside the traditional religious groupings but who nevertheless are very sincere and serious. A common feature of such persons is their

abhorrence of violence. When faced with conscription only two alternatives are available : to be imprisoned for up to six years for refusing to serve in the South African Defence Force or to leave the country to evade military service.

The decision given by the Board in the Croucamp matter widened the legal definition of what constitutes religion. The Board has accepted that, provided the applicant is sincere, individually held beliefs falling outside the parameters of the recognised world religions can be classified as religious for the purposes of religious objection to military service. Hence people with unconventional religious convictions may now apply to the Board with a view to performing community service instead of military service. ( The requirement of universal pacifism remains ). It is therefore no longer a necessity that an applicant be a member of any recognised religious sect.

The Croucamp decision is therefore important in the legal battle against conscription. It is a step towards the position that an individual must have the right to decide whether or not to participate in an organisation which is essentially of a violent nature.



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JOHN WILLS



# Decision on objector sets precedent

By Monica Nicolson

Andre Croucamp does not believe in God or belong to any religion.

However, last week, the Board for Religious Objection classified him as a religious objector and charges were withdrawn against him for refusing to serve in the South African Defence Force.

Mr Croucamp sees himself as being part of a broad and loosely defined "non-theistic mystic tradition" so his acceptance by the Board for Religious Objection has apparently widened the legal definition of what constitutes religion.

He believes he has opened the way for other objectors to be recognised by the Board. Religious objectors are permitted to perform community service instead of military service.

Previously, an applicant had to show that he belonged to an internationally-recognised religion and believed in God or a Supreme Being.

In March 1986, David Hartman challenged the Board on the latter issue when he applied as an atheistic Theravadin Buddhist and was accepted.

## Believe

The Board's decision on Mr Croucamp's case has been seen as a further precedent.

"I do not belong to any formalised or conventional religion and do not believe in a God, but have assimilated and integrated insights of mystics, psychologists, historians and scientists. I have been largely influenced by Zen Buddhism and Taoism.

"But my basic religious experience is similar to other religions," he said.

Mr Croucamp said the reasons people went to the army — to protect family or property, out of pressure, loyalty or guilt, and even or because they enjoy the experience — did not motivate him.

"I opt for compassion and understanding people. I believe All is One so it is impossible to take sides or distance myself from the suffering of other people."

Mr Croucamp, who has been working as a human resources manager with an insurance company, is nervously waiting for the Department of Manpower to place him in the job he will be doing for the next 18 months.

He has been involved with community work for the past decade, counselling drug addicts, alcoholics and potential

suicide victims, working with Johannesburg's street children and at an Aids centre.

"I should be placed in a position to continue doing real community work. I hope the army does not use the time to punish me by putting me in a mundane office job," he said.

He said that because he is a clear, confident and erudite person, he was able to convince the Board of his sincerity and point of view.

## Community service

But, because objectors were not allowed legal representation when appearing before the board, he felt a shy or non-academic person would be easily discriminated against.

He also wished to see community service accepted as an alternative and not as a sentence.

Mr Croucamp's lawyer, J. Wills, said: "In my opinion, importance of the ruling is the Board has come to a point where it is considering applications from men who are not necessarily theists or do not belong to any world recognised Church."

"It seems the Board has broadened the definition to include people with individual religious beliefs, if they are sincere universal pacifists."

Although the End Conscription Campaign was excited about the ruling, spokeswoman Mandy Taylor said people with philosophical or moral objections to serving in the defence force were still sent to jail.

Secretary for the Board of Religious Objectors, Major Fourie, was not available for comment. Neither was Mr Justice J.W. Edeling, who passed judgment.



Andre Croucamp

# NEW SHORT-TERM INVESTMENT ACCOUNT FROM METBOARD



M E M O R A N D U M

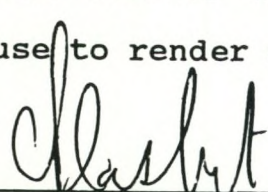
TO: BIRBECK MONTAGU  
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
RE: CONSCIENTIOUS OBJECTORS - GENERAL

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We refer to the above matter and attach our statement of account for the period 4 June 1990 to 30 June 1990. We hope that it meets with your approval.

During this period we involved ourselves in making applications for exemption for Roland White (on the basis of him being targeted for elimination by the Civil Co-operation Bureau (CCB)), Tony Wolfson (on the basis of the incompatibility of his work with serving in the SADF) and Louis Bredenkamp (on the basis of his membership of the ANC). We believe that it is strategically important for us to make use of the Exemption Board and to force it to make decisions in cases such as those mentioned above. We see this as a more pro active approach than we were able to utilise in the past and as an important means of placing pressure on the system of compulsory military conscription.

In addition we have focused on ways of attacking the validity of call up instructions so that we can provide defences for those of our clients who find themselves with no alternative but to refuse to render service in the SADF.

  
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CLIVE PLASKET

M E M O R A N D U M

TO: BIRKBECK MONTAGU'S

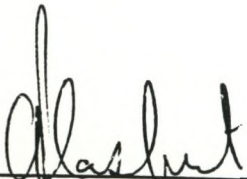
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM

RE: DOUGLAS BANKS - CONSCIENTIOUS OBJECTOR

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We refer to the above matter and attach our statement of account for the period 26 June 1990 to 7 August 1990. We hope that it meets with your approval.

Our work on this matter involved following up on the refusal of the Board for Religious Objectors to classify Mr Banks as a religious objector. First we investigated the possibility of reviewing the decision of the Board but decided against this. Then we submitted an application for deferment from the call up which our client received requiring him to report for service in August 1990. This application was successful. Although our client may receive a call up for February 1991 (if conscription still exists then) we believe that we will be able to obtain a further deferment then.



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CLIVE PLASKET

M E M O R A N D U M

TO: BIRKBECK MONTAGU'S  
FROM: CLIVE PLASKET & JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
RE: STATE v DOUGLAS TORR

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We attach our statement of account in the above matter for the period 6 June 1990 to 1 August 1990.

During this period we prepared for further argument on an appropriate sentence for refusing to serve in the South African Defence Force.

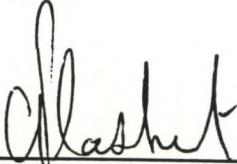
The trial continued on 24 July 1990 where two witnesses, a social worker and a probation officer testified and argument was presented.

Judgment was given on 31 July 1990 and Rev. Torr was sentenced to twelve months' imprisonment. We took instructions from him to launch an appeal against sentence and to move a bail application pending that appeal. We were unable to move this application on the same day and so Rev. Torr spent one night in Diepkloof Prison.

On the following day he was brought to court and appeared in court in leg irons. The magistrate who had sentenced him the previous day refused to hear the matter until the leg irons were removed but this proved something of a problem: the keys for the leg irons were in Diepkloof Prison some 20 kms away. The magistrate then agreed to hear the matter in camera as he

considered Rev. Torr appearing, in those circumstances, in open court as a violation of his dignity. Bail was granted in the amount of R100,00 and Rev. Torr was released.

We attach press clippings concerning the case.

A handwritten signature in cursive script, appearing to read 'Clive Plasket', written over a horizontal line.

**CLIVE PLASKET**

**M E M O R A N D U M**

**TO: BIRKBECK MONTAGU'S**  
**FROM: CLIVE PLASKET & JOHN WILLS**  
**CHEADLE THOMPSON & HAYSOM**  
**RE: CONSCIENTIOUS OBJECTORS - GENERAL**

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We refer to the above matter and attach our statement of account for the period 29 June 1990 to 3 August 1990. We hope that it meets with your approval.

During this period we were rather busy dealing with numerous matters relating principally to the August 1990 call up. We submitted a number of applications to the Exemption Board for exemption or deferment. Among these were the applications of Simon Connell, Steven Silver, John Harris and Michael Cole. The grounds for the applications vary from expertise in highly specialised work (Connell) to full time studies (Cole) to membership of the African National Congress (Silver).

  
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**CLIVE PLASKET**

**M E M O R A N D U M**

**TO:** BIRKBECK MONTAGU'S  
**FROM:** CLIVE PLASKET AND JOHN WILLS  
CHEADLE THOMPSON & HAYSOM  
**RE:** CONSCIENTIOUS OBJECTORS

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We refer to the above matter and attach our statement of account for September 1990. We hope that it meets with your approval.

During this period we completed the exemption application of Rob Lagrange. He was exempted on medical grounds. We also commenced work on the exemption application of Martin Nienaber. He deserted the army after being victimised for being homosexual and after he could not deal with the army's attempt to 'cure' him of what it clearly considers to be a curable disease.

  
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**CLIVE PLASKET**

**Collection Number: AG1977**

**END CONSCRIPTION CAMPAIGN (ECC)**

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