

12/12.

Application for leave to appeal.

Both for general leave.

Judgment so complex & interlinked ~ many parts of law. If another ct. takes a different view it affects the judgment as a whole. To limit the appeal would be futile.

Judge: I have a problem

Have the whole work available - even next week.

Would have to be set down

Provisionally had in mind

(1) All pts of law - may be read

(2) Const. of court - left to the HD. & everything that relates

(3) UDF - apart from the ones I would like to be addressed - leave should be granted inference

(4) Videos - law

(5) Vocal - Presently in 2 minds - Leave should be refused in both

(6) 16 - Should be granted leave

(7) Credibility - Might refuse leave to appeal. Re accused - should be granted

After 3 yrs there must surely be certain ones where this ct is right. Matters of credibility are such ones.

4  
Jacobs

Contrary to general leave  
Questions of credibility.

By Matswayo

UDF

- 1) Admissibility of documents → videos - leave
- 2) Interpretation of abuse - leave
- 3) UDF accused - On credibility - leave.

Reviews to be challenged

- 1) Council in council of ANC's call made by ANC
- 2) Dominant leadership acted as internal enemy
- 3) 19, 20 & 21 formed part of the dominant leadership
- 4) Violence was internal component
- 5) Speeches, puts - action - intentionally created a new climate
- 6) Campaign in BLS - violence was an accepted option
- 7) UDF responsible for violence in the areas
- 8) Not genuinely involved in a National Convention
- 9) Scholars - forces in freedom struggle  
- welcomed disturbances & violence

16)

Questions of law

Address on credibility of witnesses other than the accused.

## Reservation of questions of law.

1. The meaning of the phrase "prima facie proof of the contents" in s 69(4) of Act 74 of 1982. (p105)
2. The admissibility of tapes and videos in the absence of proof of provenance, authenticity and originality
3. Reliance upon and admissibility of documents in s 69(4) which
  - 1) do not relate to the period of the indictment (p188, 189)
  - 2) were not adduced as part of the state's case.
4. The reliance upon <sup>"propaganda material"</sup> ~~documents~~ ~~not for proof of the truth of their contents~~ but for their ~~propaganda value~~ in the absence of proof of originality as executive statements in execution of the conspiracy (p110)
5. Reliance upon ANC documents to prove the policy, aims and objectives of the ANC (p112) and as executive statements by a conspirator (p115)
6. Is the UNF an "association of persons" for the purposes of s266 of the Criminal Procedure Act (p106)
7. The admissibility of ANC publications under s 69(4) in the absence of an ~~allegation~~ <sup>allegation</sup> that the accused were members, officers or active supporters of the ANC (p113) and using such documents for the purposes of proving the common law offense of treason.

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