

MEMORANDUM ON JACOB LEBONE FOR MR. ADV. J. C. KRIEGLER

1. Should Sgt Ferreira be called to prove that the accused didn't make a statement on the day of his arrest or for any other purpose, you will be able to elicit the following information from him:-

(a) He was the investigating officer in the case of The State vs Kaleb Matshabe ¹⁷⁰⁰⁰⁰ heard in the Old Synagogue at Pretoria in December 1963. This case related to persons leaving the country for the purpose of undergoing training. During the course of that case, at which he was present and heard all the evidence, the following evidence was given by many of the State witnesses, who were all accomplices:-

(i) They were assaulted by the police in order to make statements.

(ii) The statements were in the main taken at Pretoria Central Police Station where the assaults took place.

(iii) Shortly before the trial, Ferreira personally took back the statements made by the witnesses to them, and asked them to delete the untrue portions of the statement, which they did. In virtually every instance the witnesses said that the untrue portions, which they had been forced to insert in their statements by the police, were to the effect that they intended going overseas for military training.

(b) (i) That he was the investigating officer in the case of the State vs Isaac Tlale, Martin Ramogadi and Alios Mancini ^{hand before the Justice Bosman on 21/2/64} and that he was present and heard most of the evidence in that trial.

(ii) That the State witnesses, and more particularly Cabel Pela, who was alleged to have been arrested with the present accused, Jacob Lebono, gave evidence that he had been severely assaulted by the police after his arrest.

(c) In regard to both of the above trials :-

(i) The various State witnesses were kept at Marabastad Police Station where they allege they were badly treated.

(ii) That after their 90-day periods of detention

had ceased, the State witnesses treatment improved, and they were given better food, beer and even footballs to play with.

2. I am enclosing a copy of a brief memorandum which has been handed to Counsel in another trial who are preparing a memorandum on sentences in various sabotage cases. Unfortunately, I do not have details of all the actual sentences, and have asked Counsel in that case to make enquiries themselves, which obviously you cannot be expected to do. The most important cases, however, seem to me to be :-

(a) The Natal case of the State vs E. IS MAIL and others, of which I am enclosing a copy of the Judgment and sentence. The various charges with which the accused were found guilty related to actual acts of sabotage, similar to that alleged to have been committed by the accused in the present case, but the sabotage in all instances in the Natal case were of a more serious nature, more scientifically done, in many instances with actual explosives and were planned by the Regional Command. In that case, the two main accused Nos. 4 and 8 who were found to be the leaders of the Regional Command and found guilty of some 15 acts of sabotage each, received sentences of 20 years. The lesser participants received sentences ranging from 16 years to 5 years which is the minimum and in this regard it is notable, that accused No. 17 who received 5 years, was convicted on a charge more serious than the present case, namely an attack with explosives on certain railway property.

(b) The recent Cape case of the State vs Alexander and others where a Dr. and various educated persons were found guilty of conspiring to commence guerilla warfare in S.A., received sentences of 10 years each.

(c) The case of the State vs Naidoo Vandeyar and Nanabhai - where three Indian youths were found guilty of a carefully planned attack on a railway sub-station, which succeeded, and where the accused received 10 years imprisonment each.

(d) A series of recent cases in Port Alfred where the average sentence for each act of sabotage was about 7-8 years.

(e) It is true that there have been many cases where far more severe sentences have been passed, but these are invariably cases where there has been a danger to life or actual injury to persons. In all the PAC trials the accused intended indiscriminate murder of the white population including the police and others, and it was for these reasons presumably, that the sentences have been so heavy.

(b) In the TRALE case Tlele got 11 years, RANOKCARI 10 years and Mawci 5 years

J.G. JOFFE.

P.S. Could you also tell Lelone not to be frightened
of to admit possible mistakes about dates of assaults, statements,
last appearance etc and names of policemen
of ~~not~~ to admit possible inadvertent mistakes
Also not to exaggerate assaults and ill treatment under any circumstances

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