

"The defence team did not take any steps to ascertain from me or Mr. Krugel in which respects the report was incorrect. I find this strange because it contains a direct attack on my integrity. 19-22.

The defence team proceeded with this application based mainly on this report. It was signed on 20 March 1987".

Petisie Aanhangsel A, Vol. 4 p.333 reëls 25-30.

"The unique situation created by the defence team's use of this report left me only two alternatives."

Petisie Aanhangsel A, Vol. 4, p.338 reëls 8-9.

"The method employed is the same in both reports: Make a positive damning statement in the nature of a conclusion but refrain from giving the factual data on which it is based, because that would 'not be desirable or proper'. The method is also very effective, because the point has been brought ..., the judge's integrity has been damaged, and he is precluded from dealing with the factual data as that is confidential and should he divulge details of the discussions between members of the bench, he would effectively cause the termination of the case."

15.6 In paragraph Petisie Aanhangsel A Vol. 4, p.344 reëls 20-29.

"That would normally conclude this judgement. I would however fail in my duty if I did not remark

upon the conduct of defence counsel and attorneys in this unfortunate affair."

Petisie Aanhangsel A Vol. 4, p.352 reëls 19-22. Dit word met respek aangemoedig dat dit

"It should be noted that the exhortation to act fearlessly is no licence to act foolishly, irresponsibly or dishonourable.

The administration of justice is founded upon the preservation of the dignity of the courts. It is the duty of counsel and attorneys to assist in upholding it. They are not mere agents of their clients; their duty to the court overrides their obligations to their clients (subject to their duty not to disclose the confidences of their clients).

The conduct of the defence team, when measured against the high standards set for the professions, falls far short thereof.

The attorneys Bell Dewar and Hall solicit privileged confidential information from an ex-assessor who has an axe to grind and who supplies that information with the known intention that it be used to terminate this trial, thereby attempting to interfere with the administration of justice."

Petisie Aanhangsel A Vol. 4 p.353 reëls 11-24.

15.6 In paragraaf 11.8 van die applikante se betoogshoofde word die stelling gemaak dat Sy Edele die Verhoor-

regter aanvaar het dat Dr. Joubert onskuldig en ter
signed this campaign had anything to do
goedertrou opgetree het toe hy die MSC deklarasie
unlawful.

onderteken het. Dit word met respek aangevoer dat dit
Petisie Aansoek A, Vol. 4 p.271
nie heeltemal 'n suiwer en korrekte beeld skep nie.

reëls 5-10 en 18-25.

15.6.1 Volgens ons interpretasie van Sy Edele die

Verhoorregter se stelling gaan dit nie
Dan volg 'n belangrike kwalifikasie dat so 'n
spesifiek oor Dr. Joubert nie maar dat 'n
persoon wat in oordeel moet sit gediskwali-
algemene lid van die publiek wat dit onskul-
fiseer word.

dig onderteken.

Would disqualify him from sitting on a
"That was never suggested. It has
never been suggested by anybody that
somebody who signs the declaration is
a conspirator or does something unlaw-
ful. That was not the basis upon which
the decision went and that has been
repeated now for a number of times and
I think I must put the record straight."

15.6.2 en weer verder aan: hierdie saak moet net

respo "The point is clearly stated in the
judgment and it is this that if one
punt signs a document, where he gives
support for a campaign and it is
word alleged that the campaign is part of an
unlawful conspiracy, you will have
onsku difficulty in deciding eventually
whether in fact that is or is not an
die unlawful conspiracy. This does not

15.6.3 Die mean that the people in the street who signed this campaign had anything to do with the conspiracy or acted in any way unlawful.

respekvol ter corweging aangevoer.

Petisie Aanhangsel A, Vol. 4 p.271

15.6.3.1 Dr. Joubert se ondertekening van die MSC

reëls 5-10 en 18-25.

verklaring voldoen nie aan die standarde

van die man in die straat nie. Op hierdie

Dan volg 'n belangrike kwalifikasie dat so 'n

stadium is dit geheel en al onbekend waar

persoon wat in oordeel moet sit gediskwali-

en wanneer hy dit onderteken het.

fiseer word.

15.6.3.2 Die doel waarvoor Dr. Joubert die verklaring

"Would disqualify him from sitting on a

case where he has to decide exactly

what this is all about. That is the

question."

kader van Petisie Aanhangsel A, Vol. 4 p.272

onskuldig reëls 8-10.

15.6.3.3 Toe Sy Edele die Verhoorregter vir Dr.

15.6.2 Die werklikheid van hierdie saak moet met

Joubert onthef het van sy amp, het Dr.

respek beslis in ag geneem word. Die brand-

Joubert vasberade gewies om enige verdui-

punt hier is of dit met reg aangevoer kan

deliking te verskaf en het Sy Edele die

word dat Dr. Joubert per se kwalifiseer as 'n

Verhoorregter nie beskik oor Dr. Joubert se

onskuldige en bona fide ondertekenaar van

ex post facto verduideliking met 'n besondere

die MSC verklaring.

opset nie.

15.6.3.4 Die antwoord is soos hierbo uitgewys ontken-
nend en kort en bondig word die volgende
respekvol ter oorweging aangevoer.

15.6.3.1 Dr. Joubert se ondertekening van die MSC
verklaring voldoen nie aan die standarde
van die man in die straat nie. Op hierdie
stadium is dit geheel en al onbekend waar

15.7 Dit word en wanneer hy dit onderteken het.

15.6.3.2 Die doel waarvoor Dr. Joubert die verklaring
standaard onderteken het is en bly steeds totaal
wat nou onbekend en dit bring hom nie binne die
ter goederkader van die man op die straat wat dit ewe
om dit te onskuldig teken nie.

15.6.3.3 Toe Sy Edele die Verhoorregter vir Dr.
Dr. Joubert onthef het van sy amp, het Dr.

"Anyo Joubert vasberade geweier om enige verdui-
from the outset that it contains disclosures
which deliking te verskaf en het Sy Edele die
is foreseen that these disclosures was placed
cont Verhoorregter nie beskik oor Dr. Joubert se
bluntly, it is a clear attempt to unmask with
ex post facto verduideliking met 'n besondere
opset nie.

15.6.3.4 Dr. Joubert self skakel enige moontlikheid

"flimsy frock of alleged noble motives."

uit dat op 'n behoorlike ondersoek dit opge-

Petisie Aanhangsel A-Vol. 4 p.337 reëls

klaar sou word deur eerstens sy onomwonde

9-15.

verklaring van wat hy daadwerklik sou gesê

het en tweedens deur sy onware ex post facto

Die ander uittreksels wat supra aangehaal is, is ook

uiteensetting.

relevant en toepaslik en 'n duidelike verwerking van

genoemde argument van die applikants.

15.7 Dit word met respek aangevoer dat reeds hierbo aange-

toon was dat Dr. Joubert se bona fides veral nie op

16.

standaard is nie en dit weerspreek beslis die beeld

DIE REGSASPEKTE

wat nou voorgehou word van 'n onskuldige persoon wat

16.1 Ons betoog met respek dat ons betoog hierbo en wat

ter goedertrou opgetree het. Daar is hoegenaamd niks

hoofsaak op die feite gebaseer is, ook voldoen en in

om dit te staaf nie. Sy Edele die Verhoorregter het

lyn is met die regsbeginnele wat geld en bied ons met

dan ook in sy uitspraak ondubbelsinnig bevestig dat hy

respek, op hierdie aspek, die volgende aan ter cor-

Dr. Joubert as sulks aanvaar het nie.

weging.

"Anyone reading this report would therefore know

from the outset that it contains disclosures

which are either improper or unlawful and that it

16.2 Die is forseen that these disclosures may place the

continuation of this trial in jeopardy. Put

wel bluntly, it is a clear attempt to interfere with

saangeestelde Hof was:

the administration of justice disguised in a flimsy frock of alleged noble motives."

Petisie Aanhangsel A Vol. 4 p.337 reëls

9-15.

Die ander uittreksels wat supra aangehaal is, is ook relevant en toepaslik en 'n duidelike verwerping van genoemde argument van die applikante.

16.

DIE REGSASPEKTE

16.1 Ons betoog met respek dat ons betoog hierbo en wat hoofsaak op die feite gebaseer is, ook voldoen en in lyn is met die regsbeginsels wat geld en bied ons met respek, op hierdie aspek, die volgende aan ter ooringing.

16.2 Die Respondent betoog dat die bevel van die Hof a quo wel wettig is en dat die Hof a quo wel 'n behoorlik saamgestelde Hof was:

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