



Security Council

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LETTER DATED 17 JUNE 1988 FROM THE PERMANENT REPRESENTATIVE
OF SOUTH AFRICA TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

Again the Security Council has considered a matter which has no connection with the Charter of this Organization. The case of the six convicted murderers of Mr. Kuzwayo Jacob Dlamini, and the exemplary manner in which the South African Courts of Law have been dealing with it to this day, has no bearing whatsoever on the maintenance of international peace and security, which remains the main purpose of the United Nations.

This is yet another chapter in the vendetta which this Organization has become accustomed to conducting against South Africa. The Security Council discredits itself by associating with such unconstitutional behaviour, by adopting resolution 615 (1988). The South African Government strongly objects to the Security Council's latest deliberations which, as I have stated on 16 March 1988 (S/19632), amounted to blatant interference in the internal affairs of South Africa.

For the sake of the record I would reaffirm that the six applicants were tried in the Supreme Court during 1985 and were found guilty of murder without extenuating circumstances on 13 December 1985. The applicants were granted leave to appeal. The Appellate Division of the Supreme Court of South Africa dismissed this appeal on 1 December 1987. Their request for clemency to the State President, hereafter, was not successful. A subsequent application for a stay of execution pending a request to the Supreme Court for the reopening of the trial, was granted. On 13 June 1988, Justice Human found, after careful consideration, that the application for the reopening of the trial had to be rejected. Although the Court was not prepared to grant leave to appeal on the basis that it was unlikely that another Court would come to a different conclusion, a further stay of execution was nevertheless granted to enable the six applicants to petition the Chief Justice for leave to appeal against the Trial Court's judgement in this matter as well as to petition the State President in terms of Section 327 of the Criminal Procedure Act. The applicants now have until 19 July 1988 to prepare their petitions. The Trial Judge indicated that he would be prepared to consider a further extension, should the applicants need more time for submission of their petitions in question.

Contrary to the content of Security Council resolution 615 (1988) to the effect that the applicants did not have a "fair trial", the brief history of this case outlined above, should illustrate sufficiently that the six applicants have had access to all the avenues available within the South African legal system. The full process of law has been followed in this case. Thorough consideration has and is still being given to it, by an independent and respected judiciary.

It is therefore to be regretted that the Security Council, in contravention of the Charter of the United Nations, found it appropriate to express itself on this case by adopting resolution 615 (1988).

I should be grateful if this letter could be circulated as a document of the Security Council.

(Signed) A. L. MANLEY
Ambassador

