

MAYEKISO TRIAL



UPDATE



South African Unionist Faces Treason Charge

Defense Case Opens in Mayekiso Trial

The treason trial of black South African trade unionist Moses Mayekiso resumed in August in Johannesburg under an increasingly intense spotlight of international attention.

The Mayekiso trial deservedly has received widespread scrutiny in various legal, labor, human rights and anti-apartheid circles. It appears to signal the apartheid government's strategy for the future prosecution of local anti-apartheid activists—and the trial advances the government's desperate efforts to curtail the political and economic force of South Africa's independent black trade unions.

Moses Mayekiso is the General Secretary of the increasingly influential National Union of Metalworkers of South Africa (NUMSA). The serious charges of treason, sedition and subversion relate to the organization of rent and consumer boycotts in the black township of Alexandra, near Johannesburg.

DEFENSE ARGUMENTS OUTLINED

As the trial resumed August 1st after a two-month recess, the defense attorneys for Mayekiso and his four co-defendants summarized the case they will make over the next few months to document the innocence of the five activists charged with treason, subversion and sedition.

Essentially the defense intends to demonstrate that Mayekiso and the four others were acting to bind together the turbulent township of Alexandra by organizing the community along the lines of a trade union.

Advocate David Soggot emphasized to Rand Supreme Court Judge van der Walt that none of the co-defendants sought to overthrow or replace the Administration, nor were they inspired by any strategy linking them to the banned African National Congress.

While the "accused" and many other residents of Alexandra admittedly had been critical of the Town Council—especially relating to abysmal conditions of housing, health services, education, transportation, public utilities and sewage disposal—these criticisms primarily were "rooted in defects inherent in the Council and its predecessors" according to Mayekiso's lawyers.

A TOWNSHIP IN DISTRESS

The defendants—who also include Mayekiso's brother, Mzwanele; Paul Tshabalala; Richard Mdakane; and Obad Bapela—were acting more as community organizers addressing the black township's painful and ur-



Moses Mayekiso, General Secretary of NUMSA, in Alexandra township with a young supporter.

gent problems, seeking ways to curb endemic serious crime, to create harmony in small households often populated with more than 15 families each, open soup kitchens for the poor and self-help centers for the unemployed, and provide other social and legal services for their 100,000 fellow residents.

Before placing Mdakane in the witness box, Defense Advocate Soggot also stressed to the judge that the accused did set out to participate in the larger struggle throughout South Africa for political rights—for a non-racial democratic society featuring "one-man-one-vote." On the economic front, their aim extended toward the creation of a mixed economy.

Last June, shortly after the prosecution had finished seven months of presenting their evidence, Judge van der Walt ruled against a crucial defense motion to dismiss the case (see Page 3 for details).

The Mayekiso trial is being carefully monitored by a committee of 10 distinguished American jurists at the invitation of UAW President Owen Bieber, head of the American counterpart union to NUMSA. The eminent group (see Page 2) includes top members of the U.S. judiciary, legal scholars, veteran prosecutors, a major university president, and a corporate lawyer who served as a White House cabinet member.

*Prominent Judges, Lawyers***Jurists Committee Monitors Moses' Trial**

A group of prominent American judges and lawyers continues to monitor the Mayekiso trial as it moves into its second phase: the case on behalf of the defendants. The American Jurists Committee Monitoring the Case of Moses Mayekiso was convened last year at the invitation of UAW President Owen Bieber.

The Committee's purpose is "to focus an international spotlight on the Mayekiso trial because clearly the South African government is trying to weaken the anti-apartheid movement and the black trade unions which in recent years have emerged as the key force opposing the apartheid regime," as Bieber explained when the trial opened in November, 1987.

The 10 distinguished members of the Committee include:

- GRIFFIN B. BELL, former U.S. Attorney General;
- WILLIAM T. COLEMAN, JR., a former U.S. Secretary of Transportation during the Ford Administration;
- MARVIN E. FRANKEL, a former judge on the U.S. District Court for the Southern District of New York;
- ARTHUR J. GOLDBERG, a U.S. Supreme Court justice from 1962 through 1965;
- ELIZABETH HOLTZMAN, the District Attorney for Brooklyn, New York;
- DAMON J. KEITH, a federal judge on the U.S. Circuit Court of Appeals for the Sixth Circuit;
- ABNER J. MIKVA, a federal judge on the U.S. Circuit Court of Appeals for the District of Columbia;
- ELEANOR HOLMES NORTON, a law professor who is the former chair of the U.S. Equal Employment Opportunity Commission;
- STEPHEN REINHARDT, a federal judge on the U.S. Circuit Court of Appeals for the Ninth Circuit;
- BENNO C. SCHMIDT, JR., the President of Yale University who formerly was the Dean of the Columbia University Law School.

International attention on the Mayekiso case already has had an impact as late last year the court ruled out the imposition of the death penalty for Mayekiso and his four co-defendants, should they be convicted.

The Committee also arranged for the publication of full-page advertisements in two major South African newspapers last April to ensure that the spotlight of international scrutiny continues to shine down brightly on this trial.



"Observers believe the Mayekiso case is crucial because it could determine the legal parameters of a number of political activities that have occurred throughout South Africa during the past few years," the ads in the *Johannesburg Star* and *Cape Times* declared.

Both newspapers rejected the ads' original text, claiming it would violate legal restrictions imposed by the South African government. A third South African newspaper, *Business Day*, flatly refused to publish the Jurists Committee's ad altogether.

"The Committee believes the trial of Mayekiso raises critical questions about fundamental issues of justice and due process under law," the ads stated. "The case is an unparalleled test for South Africa's legal system beneath the spotlight of international opinion."

Moreover, the Jurists Committee is disturbed by the legal principles underlying South Africa's apartheid system and the Mayekiso trial which raise fundamental issues of justice about South Africa—such as whether the charges truly constitute treason, subversion and sedition.

WHO IS MOSES MAYEKISO?

Moses Mayekiso, 40, is a former autoworker who in 1986 was elected to be the General Secretary of the National Union of Metalworkers of South Africa (NUMSA), the UAW's counterpart union in that nation. Following several arrests for political activism in earlier years, Mayekiso again was arrested in June, 1986, upon his return to South Africa from a trade union conference in Sweden and placed in detention without charges and being denied access to attorneys.

He has been imprisoned now for more than two years.

Mayekiso helped pioneer the democratic, shop-floor-based trade unionism now widespread in South Africa—and helped draft the constitution in late 1985 of the Congress of South African Trade Unions (COSATU), a militant, 700,000-member-strong federation of black trade unions.

Moses Mayekiso also has helped carry the fight for justice from the workplaces of South Africa into the black township of Alexandra outside Johannesburg where his wife, Khola, and their seven children still reside.

*Definition of Treason Broadened***Judge Refuses to Dismiss Charge
Against Mayekiso**

The decision by Judge van der Walt of the Rand Supreme Court in June not to dismiss the treason charges against Moses Mayekiso and his four co-defendants is especially significant in that, as experts have stated to the Jurists Committee in the United States, "it is the first time in South African law that a judge has handed down a decision which deals so precisely with the definition of treason."

The Mayekiso defense team had argued that in South Africa there are only two forms of treason: fomenting violent insurrection and/or consorting with a foreign enemy. Thus, even if Mayekiso and the others were to be adjudged guilty of the charges in the indictment, they would not have committed the crime of treason.

In considering these arguments interpreting Roman-Dutch and South African statutes, Judge van der Walt acknowledged that the defense contention that people in South Africa who have been denied a meaningful right-to-vote are entitled to use non-constitutional means to change the system was "an interesting argument"—but rather was "a political question, not a legal one."

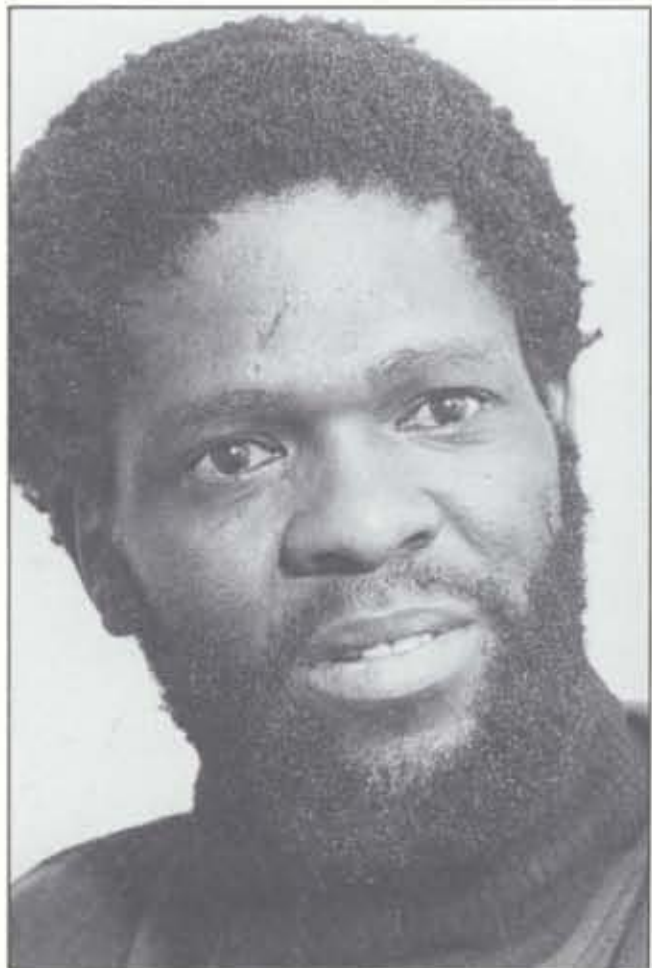
HOSTILE INTENT BY DEFENDANTS?

The judge then continued to state that hostile intent is "a subjective thing that only the accused can put before the court"—seeming to indicate that the burden of proof on the question of intent had somehow shifted to Moses Mayekiso and the four other defendants.

Now that the Mayekiso trial has resumed in the Rand Supreme Court, the labor leader's attorneys expect the arguments and deliberations to continue through the remainder of 1988.

Beyond the judge's refusal to dismiss the case, however, there have been two positive developments which have helped keep morale high as the protracted trial now enters its second crucial phase in Johannesburg:

- The prestigious organization, Amnesty International, has declared Moses Mayekiso a "prisoner of conscience" and mobilized its worldwide network of activists on behalf of Moses and his co-defendants. In its statement energizing global support for Mayekiso,



AI served notice that "In charging him with treason the authorities have raised the cost of trade union activism that embraces wider campaigning, and sent an uncompromising message to the black trade union movement as a whole that they are not prepared to tolerate such activity."

- U.S. Ambassador Edward Perkins personally attended a session of the trial earlier this year and met with Mayekiso in the courthouse during a break in the proceedings.

The American Jurists Committee Monitoring the Case of Moses Mayekiso hopes to send one of its member observers to the Rand Supreme Court as soon as is feasible now that the trial has resumed with defense arguments so that interested parties may be kept up-to-date with legal and judicial developments.

**FILL OUT
AND SEND
THIS POST-
CARD TO THE
APARTHEID
REGIME . . .
AND HELP
BRING
JUSTICE AND
FREEDOM
FOR MOSES
MAYEKISO!**

Mister Ambassador:

The trial of Moses Mayekiso, a key black trade union leader in South Africa, has now entered its second crucial phase. I am one of thousands world-wide demanding that he and his co-defendants receive a fair trial and that justice prevails!

Signed: _____

Name (print): _____

Address: _____



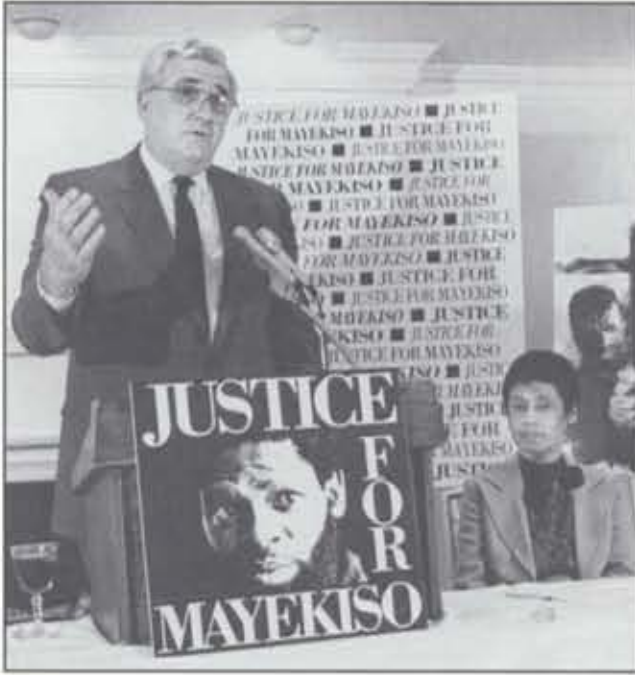
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MAYEKISO TRIAL UPDATE

UAW President Owen Bieber and Georgetown University law professor Eleanor Holmes Norton announcing the formation of the Jurists Committee as the Mayekiso trial opened.



Here's How You Can Help Moses Mayekiso:

- *Let the South African government know that you are following the case—and monitoring the developments in the Moses Mayekiso trial—by signing the detachable postcard below and sending it to the South African ambassador in Washington.*
- *Write your U.S. Representative and two U.S. Senators in Washington to tell them about the Mayekiso trial and its implications for the labor movement in South Africa—and to emphasize that you also support tougher economic sanctions against the apartheid regime there.*
- *Notify the American Jurists Committee Monitoring the Case of Moses Mayekiso that you support their inquiry and want to be kept informed of all developments by writing to the Committee, in care of the UAW, 1757 N Street NW, Washington, D.C. 20036.*

A Message from Khola Mayekiso:

Dear friend of Moses:

I wish to convey to you a simple message about my husband, trade union leader Moses Mayekiso.

Your support and determination to see that justice prevails in his trial helps keep him going—now after more than two years' imprisonment—as he enters the courtroom each morning for another long day.

Moses Mayekiso always has drawn strength and hope from his neighbors, his union colleagues and others who have needed his help. But he now also draws his strength and hope from people such as you who have put the South African government on notice that the civilized world is watching to see whether justice can prevail under the stifling blanket of apartheid and oppression.

Moses and I have raised our children in Alexandra township, where Moses and his co-defendants organized to improve life for all citizens of "Alex". Ironically, the apartheid regime has validated Moses' cause by finally starting to make some improvements here after so many years of appalling neglect. The State Security Council has now made the upgrading of Alexandra a special project.

The trial of Moses, his brother and the three other Alexandrans is expected to drag on perhaps through the rest of this year. Please add your support by sending off the postcard below to the South African ambassador in Washington.

Moses' union, his many friends and I have told him about the thousands of people worldwide who are supporting him. We will always remain grateful.

In solidarity,

KHOLA MAYEKISO



Kenneth Krawczyk

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