

MAYEKISO TRIAL

UPDATE



Mayekiso Treason Charges Dropped; Subversion, Sedition Still Alleged

The South African government has been forced to drop treason charges against union leader Moses Mayekiso and four co-defendants.

In a stunning admission, the prosecution acknowledged it had failed to prove the treason charges as the trial resumed on April 3 for final arguments.

Mayekiso, general secretary of the National Union of Metalworkers of South Africa (NUMSA), and his co-defendants still face charges of subversion and sedition.

"This is a major legal victory that calls into question the apartheid government's whole case against Mayekiso," UAW President Owen Bieber said.

"We have maintained all along that the treason charges had no merit and we believe the same is true of the subversion and sedition charges that still remain against the defendants," Bieber said.

AMERICAN JURIST OBSERVES TRIAL

The dismissal of the treason charges was a humiliating defeat for South African authorities. It comes as growing international scrutiny is being given to the Mayekiso case, following an observation mission to the trial by a committee of prominent American jurists.

Mayekiso is the highest ranking trade unionist to have faced treason, subversion and sedition charges in South Africa in many years. Labor leaders there fear guilty verdicts could have a chilling effect on the black trade union movement, which has emerged as a leading force against apartheid.

South African legal experts have said that convictions in the Mayekiso case could make most forms of non-violent political opposition criminal acts subject to indictments.

Benno Schmidt, Jr., president of Yale University and former dean of Columbia University Law School, went to South Africa in February on behalf of the 10-member American Committee of Jurists Monitoring the Case of Moses Mayekiso.

"Our Jurists Committee is asking, as I did in meetings

here, where the line is between acceptable political dissent and criminal activity," Schmidt said at a press conference in Johannesburg. "That is an extremely important question in a country where some 70 percent of the population is excluded from the political and legislative process—lacking voting rights and other political rights taken for granted in democratic countries."

Schmidt, a noted expert on constitutional law, met with the Judge presiding over the Mayekiso trial, as well as the Attorney General overseeing the prosecution. He also met with defense lawyers, the defendants, U.S. embassy officials, the Deputy Minister for Foreign Affairs and visited Alexandra township where the actions cited in the indictment allegedly occurred.

SUBVERSION CHARGE QUESTIONED

"The Mayekiso trial has raised questions of major substance on not only the use of treason, but also that of subversion and sedition charges," Schmidt said. Subversion is a statutory offense under South Africa's Internal Security Act and sedition is a common law offense.

"The offense of subversion as defined in the Act seems to be capable of being interpreted in an extraordinarily broad manner and could make unlawful conduct that would be considered clearly legitimate political action in my country and elsewhere," the Yale president told reporters in South Africa in February.

Mayekiso was indicted for his efforts to organize residents of Alexandra seeking improved living conditions in that black township on the edge of Johannesburg.

Also on trial are Mayekiso's brother, Mzwanele, and Paul Tshabalala, Richard Mdakane, and Obed Bapela.

The jurists' committee, which Schmidt represented, was convened by UAW President Bieber in 1987. It includes a former Justice of the U.S. Supreme Court, a former U.S. Attorney General, three sitting judges on the Courts of Appeals (America's second highest judicial level), the district attorney of Brooklyn and other legal experts.



Noted legal scholar Benno Schmidt, Jr., (second from right) talks with South African union leader Moses Mayekiso and his four co-defendants outside the courthouse in Johannesburg in February. Schmidt observed the trial on behalf of the UAW-convened American Committee of Jurists Monitoring the Case of Moses Mayekiso.

Q. And A. On The Mayekiso Trial

What follows are some of the most frequently asked questions about the Mayekiso treason trial in South Africa:

Q.: *Why is the trial of Moses Mayekiso so important?*

A.: It's a direct attack on the black trade union movement in South Africa, which is in the forefront of the fight against apartheid. Mayekiso is the highest ranking black unionist to be tried for treason, subversion and sedition in many years. The apartheid government hopes guilty verdicts would serve to intimidate other union leaders there.

In addition, following recent court rulings, many legal experts fear that convictions in the Mayekiso case will wipe out the line between acceptable political dissent and what the authorities there consider criminal activity. Because the defendants were engaged in non-violent, peaceful activity, guilty verdicts would serve to criminalize what would be considered legitimate political dissent in the context of international legal norms.

Q.: *Just what is Mayekiso accused of doing?*

A.: The indictment involves efforts made by the defendants to organize residents of the black township of Alexandra in 1986. Conditions in the township had deteriorated dramatically, in part because the government hoped to relocate many Alexandra blacks farther away from Johannesburg.

The defendants are accused of organizing yard, street and block committees to put pressure on the local town council to improve housing, health services, sewage disposal, transportation and crime control services among others. They are alleged to have supported rent and consumer boycotts and so-called "people's courts."

Q.: *What does the dismissal of the treason charges mean?*

A.: Basically, it means the apartheid government could not produce evidence to back up its claim that Mayekiso and his co-defendants committed treason. This is a huge blow to the prosecution's case.

But charges of subversion and sedition still remain and the defendants continue to face the possibility of lengthy jail terms should they be found guilty on those charges. Subversion, for example, is very vaguely defined as a crime in South African law.

Subversion is described as acts that result in bringing about socio-political change or compelling the govern-



UAW health and safety activists picketed at the South African embassy in Washington, D.C. demanding freedom for NUMSA General Secretary Moses Mayekiso and his co-defendants.

ment to act or refrain from acting. Such broad construction gives the authorities great leeway in proving their case.

Q.: *The UAW has been working for justice for Mayekiso—what other groups are involved in this campaign?*

A.: There are many. Amnesty International, for example, has declared Mayekiso a "prisoner of conscience" and mobilized its worldwide network of activists around this trial. Trade unions throughout the world are campaigning for Mayekiso's release in an effort coordinated by the International Metalworkers Federation based in Geneva.

In the U.S., unions such as the Steelworkers, Machinists, IUE and others have been active as have groups such as the New York Labor Committee Against Apartheid, the Illinois Labor Network Against Apartheid and the Michigan Anti-Apartheid Coalition. Human rights groups, such as the Southern Africa Project of the Lawyers Committee for Civil Rights, have also focused on the trial.

WHO IS MOSES MAYEKISO?

Moses Mayekiso, 41, is a former autoworker who in 1987 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.

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.

*After 900-plus Days In Prison***Defendants Win Release On Bail**

After 901 days in prison, Moses Mayekiso and his four co-defendants were released on bail, on December 12.

Some legal experts following the Mayekiso trial said the bail decision could indicate South African authorities are fearful that the prosecution has presented a weak case against the defendants and moved to forestall criticism should not guilty verdicts be returned.

Under South African law, their Attorney General can prevent the accused from applying for bail when he deems it to be in the interest of the security of the country.

In February, 1987, the prosecution in the Mayekiso case asked for and received such a ruling from the Attorney General. This in effect prevented the judge presiding over the trial from considering bail for the five defendants.

Yale University President Benno Schmidt, Jr., who observed trial proceedings in South Africa in February, said the committee of prominent American jurists he represented there was examining the denial of bail for the defendants from February, 1987 until December, 1988.



Moses Mayekiso and his wife, Khola, leave Rand Supreme Court after defendants in the long trial were granted bail. Moses had spent 901 days in prison when he was released on bail.

DENIED BAIL HEARING

"An ordinary bail application was prevented by the Attorney General, who denied defendants the right to a bail hearing in open court on the merits," Schmidt said at a press conference in Johannesburg. "We are trying to understand why it took this lengthy period for the Attorney General to withdraw the certificate and to allow the bail to be granted."

Although now free on bail, the defendants have been subjected to severe restrictions under the bail order. They were ordered to report daily to police headquarters, for example, and prohibited from attending and speaking to any gathering of ten or more persons.

UAW President Owen Bieber, who convened the jurists' committee, called the decision to grant bail a "positive but long overdue step" by South African authorities.

The American Jurists Committee:

As the Mayekiso trial enters its final phase, the group of prominent American judges and lawyers monitoring the case has expanded its scrutiny with the recent visit of noted legal scholar Benno Schmidt, Jr. to observe the trial.

The members of the American Jurists Committee Monitoring the Case of Moses Mayekiso 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.

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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!

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The visit of Yale President Benno Schmidt, Jr. to observe the Mayekiso trial in February helped to focus international attention on the case. Above is some of the news coverage generated by his visit on behalf of the committee of prominent American judges and lawyers which is monitoring the trial.

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.*

Khola Mayekiso Speaks

Khola Mayekiso, a leader of the National Union of Metalworkers of South Africa (NUMSA), is scheduled to speak on the struggle of black workers there at rallies in Detroit, Chicago and New York in early April.

Her husband, Moses Mayekiso, is a former autoworker on trial in South Africa for subversion and sedition.

She will speak in Detroit at 7:30 p.m. on April 4 at a rally sponsored by the Michigan Anti-Apartheid Coalition at UAW Local 600, 10550 Dix Avenue, Dearborn, MI.

Sister Mayekiso will join UAW Region 4 members in Room 200, 2700 S. River Road, Des Plaines, Illinois, at 2 p.m. on April 5 and then will speak at a rally supported by the Illinois Labor Network Against Apartheid at 7 p.m. at ACTWU, 333 S. Ashland Avenue, Chicago.

The UAW will host a reception for her in Washington, D.C. from 5:30-7:30 p.m. on Thursday, April 6 at the union office at 1757 N Street, N.W.

On Friday, April 7, Ms. Mayekiso will speak at a rally in New York City sponsored by the N.Y. Labor Committee Against Apartheid. It will be held at 6:30 p.m. at DC 37, AFSCME, 125 Barclay St., N.Y.

UAW Fast Continues

The UAW is continuing its series of 48-hour hunger fasts in support of South African detainees who remain imprisoned without charge or trial.

UAW President Owen Bieber kicked off the fast on Feb. 17 after sending a telex to South African Minister of Law and Order Adriaan Vlok demanding the release of some 800-1,000 prisoners, including a number of trade unionists.

"No civilized nation in the world locks people up without charge or trial and just throws away the prison keys," Bieber said in his telex. "That is what the apartheid government has done and it is reprehensible."

The series of 48-hour fasts enters its third month on April 17. Some UAW leader has been on fast at all times since Bieber began in February.

Two of the eight members of the National Union of Metalworkers of South Africa—the UAW's counterpart union—in detention have been released since the fasts began.



Kenneth Krawczyk

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