

More than 20 years on Robben Island: Prisoners state their case

FROM Vassen and Co, attorneys, Cape Town, on behalf of Jeff Masemola and Mbane John Nkosi, Robben Island maximum-security prison:

IN THE Cape Times on Tuesday, February 12, 1985, there appeared a report under the heading "4 'islanders' accept offer".

The report referred to 15 political prisoners to whom the government's offer of conditional freedom applied and that four had accepted and further that a number who are serving life sentences had served more than 20 years already.

The report then went on to say: "They include six members of the Pan Africanist Congress jailed in 1964 and two members of the African National Congress. The six PAC members are Jeff Masemola, Dimake 'Pro' Malepe, Philimon Tefu, Isaac Mthimunya, Samuel Chibane and John Nkosi. The six are understood to have petitioned the State President for clemency last year."

Mr Masemola and Mr Nkosi are still on Robben Island serving their life sentences. They wish to state emphatically that the Cape Times article is untrue to the extent that at no stage did they petition the State President for clemency as claimed in the Cape Times article. They regard the article as being damaging to their integrity and character. They point out that at no stage have they begged for mercy or their freedom.

To put the record straight, on April 27, 1984 a letter was written to the Minister of Justice and Prisons, copy of which letter is annexed hereto and which speaks for itself.

It will be seen therefore that there has been no petition for clemency or plea for mercy of any kind. Both Mr Masemola and Mr Nkosi see no reason to beg for their freedom.

Once more during the current session of the South African Parliament, mention has been made of the offer which has been made to various life prisoners. Attention has therefore once again been focused on life prisoners. Mr Masemola and Mr Nkosi wish to reiterate their position that they at no time gave any undertaking to renounce

violence. They see no reason why they should be called on to renounce violence since they never participated in violence nor was there ever any evidence that they advocated violence. They persist in their demand that they should be freed unconditionally.

This statement is issued by the legal representatives for Mr Jetha Masemola and Mr John Nkosi and on their instructions.

Annexure

(The letter below was sent from Robben Island to the Minister of Justice and Prisons.)

I REFER you to the case: State versus Jeff Masemola and others in 1963. At the conclusion of this trial I was sentenced to life imprisonment. I would like to bring the following facts to your attention:

1. That the accused were not legally represented. The court refused our lawyer any time to interview us, as a result of which he withdrew from the case. I entertain no doubt that had we been legally represented, we should not have received such harsh sentences.
2. The political climate of the 1960s was such that it had considerable influence on the trial and sentences. The government was bent on setting an example with us, as ours was among the very first of political trials. Otherwise we should not have received such inordinate sentences.
3. When we wanted to have our sentences reviewed in 1968 and in 1975, our lawyers informed us that the court record of our trial was lost. We believe that the record was deliberately misplaced because there was nothing in it that could have resulted in the imposition

of such heavy sentences.

4. We were charged for conspiracy to commit acts of sabotage. Please note that we did not commit any act of sabotage, we did not kill or injure anybody. Therefore the sentence is quite inordinate to the alleged crime.
5. A study of recent political trials reveals that people who were caught in combat and have committed acts of violence, armed with weapons of war, and whose actions resulted in death or injury to persons and destruction of property, received lighter sentences compared to us, when our only alleged crime was conspiracy.
6. In some cases, people who were sentenced to death because of the enormity and seriousness of their crime had their death sentences commuted to either life or 20 years of imprisonment. This is our 21st year in prison — for a lesser crime of conspiracy.
7. According to the latest parliamentary decision, political prisoners are serving on the same terms as common prisoners. In the case of the latter life sentence is from nine to 15 years. On the strength of this, will you consider parole and release us since we have served over 20 years?
8. We gather from hearsay that one of the necessary conditions for parole is that a prisoner must turn his back against the crime which brought him into prison. We would like to know what other conditions there are. We have been hopefully waiting for the day when the board, which was instituted two years ago for the consideration of remission of sentences and parole, would interview us. So far there has not been such an interview.
9. In conclusion I would like to appeal to you, to consider the above facts and plea sympathetically and to arrange for an interview by the institutional board, or some person or persons, so that our position should be discussed, thereby removing the myriad of uncertainties with which we are now tormented.

When writing to the Editor please be brief, double-space, use only one side of the sheet, sign your name and give your full address, not only a post office box number. Unless the circumstances are exceptional pseudonyms are not acceptable. Letters are liable to be shortened and edited.

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

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DOCUMENT DETAILS:

Document ID:- A2618-Cp2-14-2

Document Title:- Cape Times: More than 20 years on Robben Island: Prisoners state their case

Author:- Cape Times

Document Date:- 4 March 1986