

JUDGMENT will be given at 10.30 tomorrow morning in the Rand Supreme Court hearing in which the British national, Mr. Quentin Charles Bulow Jacobsen, 26, is facing charges which include an allegation of participation in terrorist activities.

The hearing has continued before Mr. Justice Marais for almost a month. Argument was concluded yesterday afternoon.

Mr. Jacobsen, who has been in custody since his arrest by the Security Police early in November last year, has pleaded not guilty to the main charge under the Terrorism Act, alleging participation in terrorist activities, and to two alternative charges under the Suppression of Communism Act.

In his argument the leader of the prosecuting team, Mr. J. E. Nothing, SC, the Deputy Attorney-General, has submitted that the State had proved that Mr. Jacobsen had committed five of the 10 alleged acts of terrorism.

He said the main charge and both alternative charges had been proved.

Mr. G. Bizos (for Mr. Jacobsen) has claimed the State abandoned about 80 per cent of its case when it conceded that no reliance could be placed on the evidence of a principal State witness, Mr. Seadom Tlotosane.

Mr. Jacobsen had been in the witness box for three days, he said, and he had not contradicted himself on material issues. Mr. Jacobsen had volunteered information rather than evade questions.

He said Mr. Jacobsen had only been contradicted by a single witness, the Johannesburg medical student, Mr. Ian Hill, whose evidence should not be accepted.

When argument continued yesterday the British commercial photographer, who carried on business in Lincoln House, Pritchard Street, Johannesburg, during his five months' stay in South Africa prior to his arrest, listened intently.

Mr. Bizos said Mr. Hill had been detained by the Security Police on a Friday after Mr. Jacobsen and his associate, Mr. Martin Cohen, and Mr. Tlotosane had been detained.

Mr. Hill had been told by the Security Police that he was in a very serious position, and he was left in a cell over the weekend to "think about it," said Mr. Bizos.

Mr. Hill had made a statement after three days of interrogation and then after two weeks' detention it was "pushed up."

Mr. Bizos argued that it was dangerous to rely on evidence which had been extracted by the police under these conditions.

He posed the question of why Major van Rensburg of the Security Police should put up a facade about the interrogation. When there was an outcry about the methods Maj. Van Rensburg "goes into the witness box and makes it not an interrogation at all, but a completely ridiculous procedure."

He argued that Mr. Hill, finding himself in these difficultes, had tended to go along with suggestion, but Mr. Bizos added that he was not suggesting the Security Police had persuaded Mr. Hill to make a false statement.

"An interrogator had the statement by Tlotosane, and I would say he would be failing in his duty not to put to Hill

what he knew from Tlotosane's statement," said Mr. Bizos.

"This is his captor and he has got to satisfy him. It requires a person of very strong character and tremendous fibre to say, 'Let me rot in prison if you like, I am not going to agree to these suggestions.'"

Mr. Tlotosane gave the facts, Mr. Bizos argued, and he gave evidence while still in detention. Mr. Cohen did not go along with the State case, and he came to court while in detention.

"What made Hill the blue-eyed boy who was released after a month?"

Mr. Bizos said there might be many reasons, but after Mr. Hill had spent some time in solitary confinement it was possible that there was "some sort of deal" not on a sinister basis, with the police.

It could have been "thank you, this is very useful, make sure you don't depart from it (the statement), and in the meantime we will keep your passport," said Mr. Bizos.

Mr. Hill had said that if he co-operated with the police he would be released from detention.

Mr. Bizos said the feelings of Mr. Hill and Mr. Jacobsen while in detention were "very eloquently verbalised" in an article in the South African Law Journal.

He then read a passage from the February 1966 issue of the journal, headed "The Permanence of the Temporary — an examination of the 90- and 180-day detention laws."

Mr. Bizos read: "Studies based on reports of political detainees in the east and on laboratory experiments show that isolation in a confined place may produce a diminished capacity to reason abstractly and to think in a concentrated and coherent manner, a heightened level of suggestibility, and a disturbance in the power to recollect (especially to recollect events of a complex nature)."

"Other results noticed are uncertainty in the detainee of his own beliefs, and of their truth or falsehood, and the development of dependence upon guards and interrogators.

"If some or all of these effects are produced by confinement, there is the likelihood of a detainee giving false or inaccurate statements in evidence.

"The effect of isolation in disturbing cognitive functions together with the increased suggestibility gives force to the view that the normal and very labile process of recollection may be greatly disturbed by isolation.

The article referred to a quotation from a study of the subject, which Mr. Bizos read:

"When the initial period of imprisonment is one of total isolation . . . the complete separation of the prisoner from the companionship and support of others, his utter loneliness, and his prolonged uncertainty have a further disorganising effect upon him.

"The prisoner usually develops the intense need to be relieved of the pressures put

upon him and to have some human companionship. He may have a very strong urge to talk to any human and to be utterly dependent upon anyone who will help him or befriend him.

"About this time he also becomes mentally dull, and loses his capacity for discrimination. He becomes malleable and suggestible and in some circumstances he may confabulate."

Mr. Bizos said Mr. Hill had told the court, "I felt distressed, I felt lonely, I felt terrible." Mr. Hill must have been in a difficult situation and he made a statement. He had sufficient intelligence to know he should not depart from that statement.

Maj. Van Rensburg did not give evidence of what "one would see in the interrogation room," he said.

He said the authorities say the courts should be particularly careful when dealing with evidence of this nature.

"The planting of the germ in the mind and the persistence of interrogators was also described by Mr. Cohen," said Mr. Bizos.

Dealing with the photographing of "The Anarchist Cook Book" and the American "Field Manual 5-25" dealing with explosives and demolitions, Mr. Bizos said Mr. Jacobsen had explained his friend in South Africa had banned books and he did this with the intention of showing "one-upmanship".

"I submit that even if the court cannot accept the evidence of the accused, the court can still not find on the evidence of the State that they were brought in for distribution," he said.

Referring to the evidence of Mr. Cohen and Mr. Jacobsen, Mr. Bizos said there were only semantic differences in their evidence.

The State evidence clearly fell short of the proof that Mr. Jacobsen intended to distribute the photographs, he said.

Continuing, he said that Mr. Tlotosane had told "deliberate lies" in court. A substantial portion of the State case had been shown to be false, and grave suspicion should be cast against the rest of the case.

Mr. Jacobsen had said discussions were of a hypothetical nature for the sake of an argument.

"There was sufficient proof of the confusion that the State case suffers from because of the unsatisfactory evidence given by the two main witnesses for the State," he said.

Dealing with Mr. Cohen's evidence he said the witness had agreed that Mr. Jacobsen "shot his mouth and brought in a couple of banned books."

"To merely talk about anything on a hypothetical basis is not an intention," said Mr. Bizos.

He said it was submitted that the accused's acts should be judged in the light of Mr. Cohen's evidence that Mr. Ja-

# Terror case judgment tomorrow

*R. Dore R. Daily Mail  
Stuns day April 30, 1972*

Jacobsen was a young man who "cried out" for freedom of action and freedom of speech and not the indeterminate incarceration that Mr. Tlotosane wanted the court to believe.

He said Mr. Tlotosane described the expression of being a "phoney". There was no reason why any State witness should be believed against the accused. He was as good as any State witness and certainly better than most.

"It is submitted that the State has not proved beyond doubt the issues placed in dispute by the accused," he said.

He said Mr. Jacobsen had denied he had committed acts with the intention of endangering the maintenance of law and order in South Africa.

Referring to the Appeal Court judgment in the case of the former Dean of Johannesburg, Mr. Bizos said the mere expression of views opposed to the policy of the Government relating to separation politics was not necessarily to be regarded as a crime under the Terrorism Act.

The State had failed to prove the offences charged under the main count.

Dealing with the charges

under the Suppression of Communism Act, Mr. Bizos submitted that it had to be shown that Mr. Jacobsen was a resident of South Africa. It was not clear that he was a resident. He had merely worked here and had connections in Paris and England.

It was alleged, in the first alternative charge, that he obtained information, which could be used for the furthering the maintenance of law and objects of communism.

The word "information" should be given a narrow meaning, having regard to the fact that in context it relates to terrorist activities. He said it was submitted that the photographing of the books was not a contravention of the statute.

Mr. Jacobsen denied he had photographed the books for furthering the objects of communism, and his evidence should be accepted.

To use talk about sabotage to saddle the accused with criminal responsibility was not admissible, he submitted.

Mr. G. Bizos (instructed by Mr. Zimmermann of N. Mendelow, Zimmernan and Kloz) appeared for Mr. Jacobsen, Mr. J. E. Nothing, SC, who appeared for the State, and Mr. K. von Lieres, prosecutor.