


the statements of witnesses. This makes my task very difficult because I shall have to rely on what the representative of the D.P.P. says about the kind of evidence they have. In his opposing affidavit Mr. Sakoane Peter Sakoane deposes that he is a Crown Counsel and as such a representative of the Crown in criminal matters. He confirms that the Crown has accomplice witnesses and that they are confident with that evidence the applicants will be convicted. I shall assume for the purposes of this application that Mr. Sakoane has made this statement with a full sense of responsibility and an objective assessment of the evidence the Crown has against the applicants.

As far as I am aware Lesotho has no extradition treaty with the Republic of South Africa. I have often pointed out that to cross the river which is the border between our two countries does not require a passport because this river can be crossed at any point without a boat as it has very little water during a greater part of the year. To walk from the Central Charge Office to the border can hardly take one more than thirty minutes, which means that even if the conditions on which applicants were released on bail were that they should surrender their passports to the police and report themselves twice a day at the Central Charge Office, that would not in any way stop them from absconding if they so wished.

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In the circumstances I reluctantly refuse the application. I feel that the Crown has had a very long time to do their investigations and for that reason if within forty (40) days from the date of this judgment the Prosecution fails to commence the trial the applicants may renew this application.

  
J.L. KHEOLA  
JUDGE

12th July, 1990.

For Applicants - Mr. Nathane  
For Crown - Mr. Mokhobo