

Adv. Heyman

25 April 1990

J. Sunde, Esq.
The Interest Office of the
Republic of South Africa
in Namibia
WINDHOEK
NAMIBIA
9000

**EXTRADITION FROM THE REPUBLIC OF SOUTH AFRICA:
D.F. DU TOIT BURGER AND L.A. MAREE**

I attach the following documents in support of a request for the extradition from South Africa of D.F. du Toit Burger and L.A. Maree in order to stand trial in the High Court of Namibia on a charge of Murder.

- (a) An affidavit by me together with a signed copy of the Indictment and Further Particulars thereto which will be suitably amended to cite either the said Burger or Maree in the event of either or both of them being extradited.
- (b) An affidavit by Jan Joubert the Registrar of the High Court of Namibia acknowledging the lodging of the Indictment and Further Particulars.
- (c) An affidavit by Jan de Bruin Smit, the Investigating Officer.
- (d) A copy of a Judgment by the Honourable Acting Judge Mahomed delivered on 23 April 1990.
- (e) Certified copies of the Warrants of Arrest.

J.L. HEYMAN
ACTING PROSECUTOR-GENERAL

A F F I D A V I T.

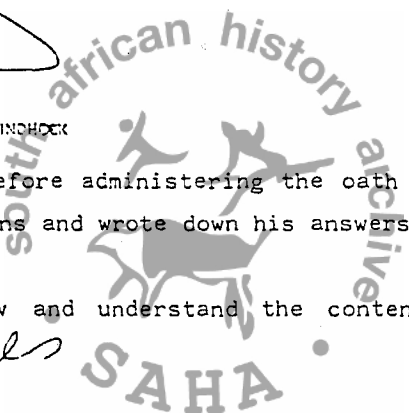
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^{HANDRIK}
I, JAN JOUBERT,

hereby certify under oath :

1. I am the Registrar of the High Court of in Republic of Namibia.
2. I have received the original signed indictment and further particular in the matter of the State versus DONALD ACHESON.

[Handwritten signature]
 HENDRIK
 JAN JOUBERT
 REGISTRAR, HIGH COURT OF NAMIBIA, WINDHOEK



1. I certify that before administering the oath I asked the Deponent the following questions and wrote down his answers in his presence:

(a) Do you know and understand the contents of this declaration?

Answer : *yes*

(b) Do you have any objection to taking the prescribed oath? Answer : *no*

(c) Do you consider the prescribed oath to be binding on your conscience? Answer : *yes*

2. I certify that the Deponent has acknowledged that he knows and understands the contents of this declaration which was sworn to before me Windhoek at this 26th day of April 1990 and the Deponent's signature was placed thereon in my presence.

[Handwritten signature]
 COMMISSIONER OF OATHS
 JAN DE BRUEN SMET
 NAMIBIA POLICE
 WINDHOEK.

AFFIDAVIT

I, JAN DE BRUIN SMIT DO HEREBY CERTIFY UNDER OATH

1.

I am a Colonel in the Namibian Police and the investigation officer in the case State versus DONALD ACHESON and others.

2.

According to statements I obtained from witnesses the State can prove adequately the following if the evidence is accepted:

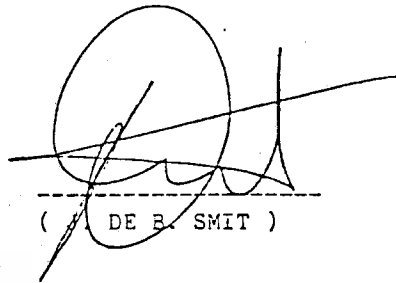
- 2.1 That Donald Acheson, D.F. du Toit Burger and L.A. Maree worked for an organization known as the "Civil Co-operation Bureau" (C.C.B.).
- 2.2 The said C.C.B. was interested in the activities of the deceased in this case, one Anton Lubowski, to such an extent that they even made video recordings of his residence and monitored his movements.
- 2.3 There is also evidence that the said Burger expressed an intention that said Lubowski should be killed.
- 2.4 On the night of 12th September 1989, the said Anton Lubowski was shot and killed.
- 2.5 The fatal shooting of Anton Lubowski on the mentioned date was the direct consequence of the pre-existing common purpose or conspiracy between the said Acheson, Burger and Maree.



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3.

The said Burger, commonly known as Staal, whose extradition is sought is a former Colonel in the South African Police and the said Maree, commonly known as Chap, is a former Warrant Officer of the same Police force and both were attached to the Brixton Murder and Robbery Squad. I hereby attach photo's of the said Burger and Maree.


(DE B. SMIT)

1. I certify that before administering the oath I asked the Deponent the following questions and wrote down his answers in his presence.

(a) Do you know and understand the contents of this declaration?

Answer: Yes

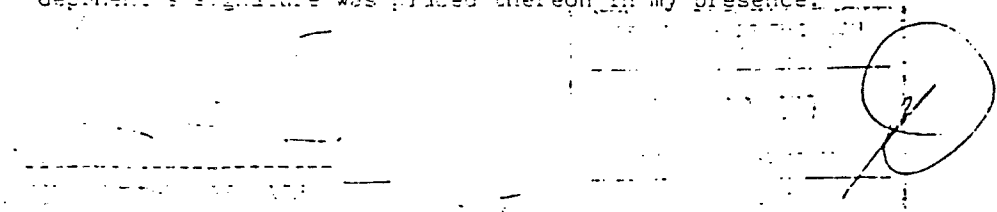
(b) Do you have any objection to taking the prescribed oath?

Answer: No

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer: Yes

2. I certify that the deponent has acknowledged that he knows and understand the contents of this declaration which was sworn to before me at Windhoek, Namibia this 26th day of April 1990 and the deponent's signature was placed thereon in my presence.



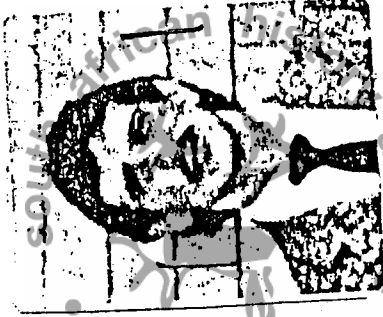


D.F. du T. BURGER



A handwritten signature or set of initials, possibly 'D.F.', enclosed within a hand-drawn oval shape.

L H MAREE



SAHA

Q

AFFIDAVIT

I, the undersigned Johannes Lodewikus Heyman hereby certify under oath:

1.

I am the Acting Prosecutor-General for the Republic of Namibia.

2.

As such I am in control of all prosecutions in the Republic of Namibia and it is my function to decide whether a prosecution should be instituted or not.

3.

I have decided to institute a prosecution on a charge of murder against one Donald Acheson. I have further decided to join one L.A. Maree and D.F. du T. Burger as co-accused if they are extradited to Namibia. I refer in this regard to the Indictment and the Further Particulars which accompany this affidavit.

4.

The Common Law crime of Murder consists of the unlawful and intentional killing of another person.

5.

The charge as set out in the indictment is the only charge to be preferred against the said L.A. Maree and D.F. du T. Burger in the event of their extradition to the Republic of Namibia.

6./...

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6.

In terms of the Constitution of the Republic of Namibia the crime of Murder is not punishable by a death sentence.


7.

Liability for the crime has not become prescribed according to the laws of the Republic of Namibia, nor were the said L.A. Maree and D.F. du Toit Burger pardoned in respect of the said crime.

8.

The warrants of arrest signed by Magistrate, Windhoek on the 2nd of February 1990 are in my opinion legally in order.




J.L. HEYMAN
ACTING PROSECUTOR-GENERAL

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1. I certify that before administering the oath I asked the Deponent the following questions and wrote down his answers in his presence:

(a) Do you know and understand the contents of this declarations?

Answer: Yes.

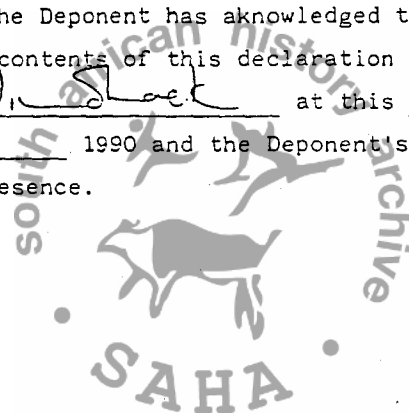
(b) Do you have any objection to taking the prescribed oath?

Answer: No.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer: F Yes

2. I certify that the Deponent has acknowledged that he knows and understands the contents of this declaration which was sworn to before me W. S. Laet at this 25th day of April 1990 and the Deponent's signature was placed thereon in my presence.



COMMISSIONER OF OATHS

JAN HENDRIK JOUBERT

REGISTRAR, HIGH COURT OF NAMIBIA, WINDHOEK

REGISTRAR OF THE HIGH COURT OF NAMIBIA
25 APR 1990
PRINTED BY SING 10179
WINDHOEK

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IN THE HIGH COURT OF NAMIBIA

The Prosecutor-General informs the Court that:

DONALD ACHESON

a 52 year old man of Irish nationality, hereafter referred to as the accused is guilty of the crime of: MURDER.

IN THAT on or about 12 September 1989 and at WINDHOEK in the district of WINDHOEK, the accused unlawfully and intentionally killed ANTON THEODOR EBERHARD AUGUST LUBOWSKI.

WHEREFORE after due proof and conviction thereof, the Prosecutor-General requests the sentence of the court according to law.



J.L. HEYMAN

ACTING PROSECUTOR-GENERAL, NAMIBIA

