



Volume **SIX** • Section **THREE** • Chapter **FIVE**

**The Intersection between the Work of the
Human Rights Violations Committee and
the Amnesty Committee**

**THE AZANIAN PEOPLE'S
ORGANISATION**

Azanian People's Organisation

1. The Amnesty Committee received one application from the Azanian People's Organisation (AZAPO).
2. Azapo member Mr Thembinkosi Vivian Mabika [AM7761/97] applied for amnesty
for robbery with aggravating circumstances, attempted murder and the unlawful possession of a 9mm Makarov pistol and ammunition; offences for which he was convicted in July 1993 and sentenced to an effective term of eighteen years' imprisonment.
3. The incident which gave rise to the charges took place during the morning of 18 January 1992 at the Acme Dry Cleaners in Kimberley. The applicant and six other persons entered the premises with the intention of committing a robbery. Ms Sonja Spicer, an employee of Acme Dry Cleaners, was shot in the chest and seriously injured during the course of the robbery.
4. The applicant testified that only two of the seven persons involved understood that the intention was to obtain money to purchase firearms for AZAPO. The others participated in the robbery for personal gain.
5. The Committee ruled that it was clear from the evidence that the applicant did not participate in the robbery under instructions or orders from any person in AZAPO. Nor was the robbery committed with the knowledge of any office-holder in AZAPO. The majority of the applicant's co-perpetrators were not members of the AZAPO but had involved themselves purely for personal gain. In the opinion of the Amnesty Committee (Committee), it was deceitful to refer to the robbery as an AZAPO operation.
6. According to the applicant's version, the lion's share of the proceeds of the robbery would have gone to common criminals and would not have been used for the benefit of AZAPO. The Committee found that the reason given by the

applicant for involving his co-perpetrators – namely that he wanted strength in numbers – was unimpressive. The fact that the applicant and one of his co-perpetrators were members of AZAPO was not enough to persuade the Committee that their motive in participating in the robbery was political.

7. Given the probability that all the perpetrators participated for their own personal gain and that the crimes committed by the applicant were not acts associated with a political objective, Mr Mabika was denied amnesty [AC2000/070]. [\(..p444\)](#)