

Madame Nicole BELLOUBET  
Garde des Sceaux, Ministre de la Justice  
13, place Vendôme  
75001 Paris

Paris, 3 April 2019

RE : Dulcie SEPTEMBER

Madam Minister,

As the legal representative of the descendants of Dulcie September, ANC representative in France from 1983 until her assassination on 29 March 1988 in Paris in front of the premises occupied by Nelson Mandela's liberation movement, I have the honour of communicating a copy of the criminal complaint addressed to the *Procureur de la République de Paris* (Public Prosecutor of Paris) on 2 April 2019 for crimes against humanity.

The Minister of the Interior informed me by post on 20 March 2019, annexed hereto, that you were in charge of the investigation which had been requested "in order to obtain further details of the conditions of Dulcie September's physical security at the time of her assassination".

Therefore, it is hereby requested that the conclusions relating to this investigation, when they become available, are communicated to the *Procureur de la République* (Public Prosecutor).

Yours faithfully,

Yves Laurin

**CRIMINAL COMPLAINT MADE TO THE PUBLIC PROSECUTOR OF  
THE TRIBUNAL DE GRANDE INSTANCE DE PARIS (THE PARIS  
HIGH COURT)**

**For crimes against humanity,**

**For purposes of civil action within criminal proceedings ("*partie civile*")**

**The descendants of Dulcie September**, born on 20 August 1935 in Glenmoor, Athlone, South Africa, assassinated in Paris on 29 March 1998:

1. Mr Michael Steve ARENDSE, born on 12 December 1965, a South African national, Dulcie September's nephew, residing at 60 Chester Rd, Walmer Estate, Woodstock, 7925, South Africa.
2. Mr Patrick Eugene ARENDSE, born on 18 March 1967, a South African national, Dulcie September's nephew, residing at 45 Parasol Street, Bellbowrie, Brisbane, QLD 4070, Australia.
3. Mrs Theresa Bridgitte ARENDSE, born on 22 February 1968, a South African national, Dulcie September's niece, residing at U2 / 32-42 Ocean Street, Mount Saint Thomas, NSW 2500, Australia.
4. Mrs Nicola Paulette ARENDSE, born on 14 May 1970, a South African national, Dulcie September's niece, residing at 99 La Bella, Hibiscus Avenue, Gordon's Bay, 7140, South Africa.
5. Mr Clement Jude Martin ARENDSE, born on 13 September 1975, a South African national, Dulcie September's nephew, residing at 142 Yorkland Avenue, Welling, DA 16 2LN, United Kingdom.

Having as their legal representative Mr Yves LAURIN, lawyer at the Paris Bar, with his address at 10, rue de l'Isly 75008 Paris – Tel. 01 45 22 31 26, which address they have elected as their domicile,

Have the honour of informing you that, as the nephews and nieces of Dulcie September, ANC representative in France, assassinated in Paris on 29 March 1998, they hereby lodge a complaint for crimes against humanity in order for an *information judiciaire* (judicial investigation) to be opened for the purposes of uncovering the authors of this crime.

## **Apartheid and the assassination of Dulcie September in Paris, a crime against humanity**

Dulcie September, Representative in France of the ANC, Nelson Mandela's liberation movement, recognised by the UN and France, was assassinated in Paris, in the early morning of 29 March 1988, while she was entering the ANC premises, situated at 28 rue des Petites Ecuries. This crime was perpetrated less than two years before the liberation of Nelson Mandela on 11 February 1990.

Dulcie September, an important figure in the struggle against apartheid, was 53 years' old. In France she represented the ideals of Nelson Mandela, future winner of the Nobel Prize for Peace.

The French government paid tribute to Dulcie September on 10 December 2018 on the occasion of the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights (Annexure 1, letter dated 16 November 2018 from the Minister of European and Foreign Affairs).

Nelson Mandela, during a state visit to France as the president of the Republic of South Africa, honoured the memory of Dulcie September on 14 July 1996 in Arcueil, where Dulcie September resided while representing the ANC (Annexure 2, Georges Lory, *L'Afrique du Sud*, Editions Karthala, p. 129).

Dulcie September was killed by five bullets to the head, shot at close range.

The perpetrators of this crime used assassination methods unique to agents of the policy of apartheid, which was qualified as a crime against humanity in article 1 of the United Nations International Convention on the Suppression and Punishment of the Crime of Apartheid, which entered into force on 18 July 1976 (Annexure 3).

No specific protection measures were granted to Dulcie September on French territory.

The French government, through its Minister of the Interior, recently announced an investigation relating to the conditions of her security at the time of her assassination, by bringing the matter before the Minister of Justice (Annexure 4, letter dated 20 March 2019 from the Minister of the Interior).

This carefully organised and premeditated murder took place at the same time that negotiations for a transition to a democratic South Africa were beginning.

Nelson Mandela in his book "A Long Walk to Freedom" explains that the first discussions took place from 1985 when a new Minister of Justice was appointed (Annexure 5, Nelson Mandela, *A Long Walk to Freedom*, Little, Brown and Company,

from p.506). This initial phase of contact would later take further shape with the meeting on 5 July 1989 between Nelson Mandela, taken out of prison for the occasion, and South African President PW Botha.

However, the intensity of violence against opponents to apartheid would not relent.

Such violence was practiced, always without limitation, since the introduction of the apartheid policy in South Africa after the elections of 27 April 1948, from which the entire African population of the country was excluded, and led to criminal acts that took place beyond the African continent, including in the heart of the French capital, as illustrated by Dulcie September's assassination on 29 March 1988.

The crime was committed by persons close to the apartheid regime. However, the judicial investigation of the *Tribunal de Grande Instance de Paris* (Paris High Court) had to be closed in 1992 due to the difficulties that were encountered at the time in collecting sufficient evidence (Annexure 6, the *nolle prosequi* order dated 17 July 1992, addressed to Mrs Stéphanie Arendse and to the ANC).

Due to this same difficulty in gathering sufficient evidence, the Truth and Reconciliation Commission's work could not succeed either.

The criminal case in France was opened by the Paris prosecutor's office in 1988 against "X" as the perpetrator of the assassination.

We know today that this was not a common law crime, but a crime against humanity.

Indeed, the motive for the crime is strongly linked to the Dulcie September's resistance against apartheid, since her assumption of her role in 1983 and especially her uncovering of the arms contracts from which the apartheid government benefited, with the support of its embassy in Paris, which housed the head office of ARMSCOR, the state agency which specialised in the purchase of military equipment (Annexure 7, Hennie van Vuuren, *Apartheid Guns and Money*, Jacana, p.219).

These contracts were entered into in violation of the UN Security Council resolutions, adopted in 1963, which imposed a strict embargo on all arms destined for South Africa, and in particular Resolution 418 of 4 November 1977, adopted unanimously, which provides for a total prohibition in this regard (Annexure 8).

Dulcie September participated in the debates held in the National Assembly in Paris to request the imposing of the economic sanctions provided for by the UN Security Council (Annexure 9, minutes of the meeting of 29 October 1985 at the National Assembly).

The crime committed against her is defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid, which came into force on 18 July 1976, as the crime of apartheid, which is characterised as a crime against humanity (article 1), which provides for the crime in the following terms (article 2):

*"For the purpose of the present Convention, **the term "the crime of apartheid"**, which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following **inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:***

*(a) denial to a member or members of a racial group or groups of the right to life and liberty of person:*

*(i) **by murder of members of a racial group or groups"**.*

The nolle prosequi order dated 17 July 1992 identified very precisely that crime against Dulcie September in similar terms to those of the International Convention on the Suppression and Punishment of the Crime of Apartheid, in noting that (page 3, Annexure 6):

***"It can be taken for granted that the assassination of Ms September took place in order to intimidate or "eliminate" ANC officials based in Europe."***

Such a crime is not subject to prescription, as provided for in the International Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which came into force on 11 November 1970 (Annexure 10).

France, for its part, voted in favour of the United Nations Security Council Resolutions 392 and 473, which were adopted by consensus on 19 June 1976 and 13 June 1980, reaffirming in identical terms that "the policy of apartheid is a crime against the conscience and dignity of mankind" (article 3) (Annexures 11 and 12).

Furthermore, France supported and voted in favour of Security Council Resolution 556, which was adopted on 23 October 1984, condemning the new South African Constitution as contrary to the principles of the United Nations Charter and its "designs further to entrench apartheid, a system characterized as a crime against humanity" (article 1) (Annexure 13).

Nelson Mandela, following his liberation which took place on 11 February 1990, addressed the United Nations Special Committee against Apartheid in his capacity as vice-president of the ANC on 22 June 1990 and confirmed that it was "correct to characterise the apartheid system as a crime against humanity" (Annexure 14).

"It appears that the Armscor Paris office had a staff complement of approximately 30 officials at any time throughout the 1980s."

- Page 245:  
"In the 1987 meeting the DGSE and senior South African officials, where the first offer of Mistral missiles was made..."
- Page 252:  
"A likely scenario is that Dulcie September was killed by a South African assassin with either the participation of French security services or at least their tacit approval".

The book concludes: **"Judging from the manner in which she lived her life, Dulcie September would have insisted on the right to truth."**

Accordingly,

In light of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

In light of the International Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity,

In light of the United Nations Security Council Resolution 418 of 4 November 1977, adopted unanimously and providing for an absolute prohibition on the sale of arms to South Africa,

In light of the United Nations Security Council Resolutions 392, 473 and 556, for which France voted in favour and which were adopted by consensus on 19 June 1976, 13 June 1980 and 23 October 1984, reaffirming that the policy of apartheid constitutes a crime against humanity,

In light of article 212-1 of the Criminal Code,

In light of articles 133-2 of the Criminal Code and article 7 of the Code of Criminal Procedure,

The descendants of Dulcie September hereby lodge this complaint with the the Public Prosecutor of the *Tribunal de grande instance de Paris*

In order to open a criminal investigation against X, perpetrator of a crime of apartheid, a crime against humanity which is not subject to prescription, committed against Dulcie September, representative for the ANC, on 29 March 1988 in Paris (10<sup>th</sup> *arrondissement*), 28 rue des Petites Ecuries.

Signed in Paris, 2 April 2019

Yves LAURIN  
Lawyer at the Paris Bar  
10, rue de l'Isly – 75008 Paris

**List of Annexures to the Complaint:**

1. Letter dated 16 November 2018 from the Minister of European and Foreign Affairs
2. Georges Lory, *L'Afrique du Sud*, Editions Karthala
3. International Convention on the Suppression and Punishment of the Crime of Apartheid
4. Letter dated 20 March 2019 from the Minister of the Interior
5. Nelson Mandela, *A Long Walk to Freedom*
6. Nolle prosequi order dated 17 July 1992 of the investigating judge of the Tribunal de grande instance de Paris
7. Hennie van Vuuren, *Apartheid Guns and Money*, Jacana
8. United Nations Security Council Resolution 418 of 4 November 1977
9. Minutes of the meeting of the National Assembly of 29 October 1985
10. International Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity
11. United Nations Security Council Resolution 392 of 19 June 1976
12. United Nations Security Council Resolution 473 of 13 June 1980
13. United Nations Security Council Resolution 556 of 23 October 1984.
14. Speech by Nelson Mandela on 22 June 1990 to the United Nations Special Committee against Apartheid.