



## **Lt Gen S G Lebeya (by hand)**

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## **Adv S Abrahams (per email)**

National Director of Public Prosecutions  
NPA

Your reference

Our reference

Date

M Hathorn / N Fakir

25 June 2018

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Dear General Lebeya and Advocate Abrahams

### **APARTHEID ERA CASES:**

#### **STATE v MSEBENZI TIMOTHY RADEBE & 3 ORS, CASE NO.: CC 16/2016**

#### **INQUEST INTO DEATH OF AHMED ESSOP TIMOL: CASE NO: I01-2017**

**LATE NEIL AGGETT**

**LATE MATTHEWS MABELANE**

**LATE HOOSEN HAFFEJEE**

**LATE SULIMAN BABLA SALOOJEE**

**OTHER UNRESOLVED DEATHS**

**SERIOUS CASES WHERE AMNESTY WAS REFUSED OR NO APPLICATION WAS MADE**

### **COMPOSITION OF INVESTIGATING TEAMS: TRC CASES**

1. On 18 January 2018 we supplied a list of some 20 Apartheid era cases with the request that these cases be investigated. We represent several of the families of the deceased on that list.

Letter To NPA\_Apartheid Era Cases (1)

**Senior Partner:** JC Els   **Managing Partner:** SJ Hutton   **Partners:** BW Abraham RB Africa NG Alp OA Ampofo-Anti RL Appelbaum DC Bayman AE Bennett AP Blair DHL Booysen AR Bowley JL Brink S Browne MS Burger RI Carrim T Cassim SJ Chong A Christie KL Collier KM Colman KE Coster K Couzyn JJ Daniels JH Davies PM Daya L de Bruyn PU Dela JHB de Lange DW de Villiers BEC Dickinson MA Diemont DA Dingley G Driver HJ du Preez CP du Toit SK Edmundson AE Esterhuizen MJR Evans AA Felekis GA Fichardt G Fitzmaurice JB Forman C Gabriel CP Gaul KL Gawith OH Geldenhuys MM Gibson SJ Gilmour H Goolam CI Gouws PD Grealy JM Harvey MH Hathorn JS Henning KR Hillis XNC Hlatshwayo S Hockey CM Hofheld PM Holloway HF Human AV Ismail ME Jarvis CM Jonker S Jooste LA Kahn M Kennedy A Keyser PN Kingston M Kyle J Lamb L Marais S McCafferty MC McIntosh SJ McKenzie M McLaren SI Meltzer CS Meyer AJ Mills JA Milner D Milo NP Mngomezulu S Mogale M Moloi LE Mostert VM Movshovich RA Nelson BP Ngoepe A Ngubo ZN Ntshona MB Nzimande L Odendaal GJP Olivier N Paige AMT Pardini AS Parry S Patel GR Penfold SE Phajane TC Phala MA Phillips D Ramjettan GI Rapson Z Rawoot K Rew G Richards-Smith NJA Robb DC Rudman S Rughan M Sader H Samsodien JW Scholtz KE Shepherd AJ Simpson N Singh N Singh-Nogueira P Singh J Smit MP Spalding PS Stein MW Straeuli LJ Swaine JM Swanepoel Z Swanepoel A Thakor A Toefy PZ Vanda PP van der Merwe SE van der Meulen CS Vanmali JE Veeran D Venter B Versfeld MG Versfeld TA Versfeld DM Visagie J Watson KL Williams K Wilson RH Wilson M Yudaken **Chief Operating Officer:** SA Boyd

2. We subsequently met with Major General M S Ledwaba (Head of Organised Crime DPCI) and advocates J P Pretorius SC and S Singh from the NPA on 30 January 2018. We were encouraged by their response and by the decision to appoint investigating officers in these cases.
3. It has however come to our attention that some of the investigating officers are former members of the erstwhile Security Branch (SB). All the suspects in these cases are members of the former SB. We understand that Captain C Simpson and possibly others were former members of the SB or had close associations to the SB. We are disturbed to learn that former members of the SB were appointed to such sensitive investigations. In our respectful view the inclusion of such officers in this investigating team is entirely inappropriate and gives rise to considerable mistrust and deep suspicion.
4. This suspicion is magnified by the fact that some of the suspects in the TRC cases have already appointed attorneys to liaise with the NPA. As far as we are aware none of the suspects have been interviewed or warned so far. This suggests that some investigators may be in direct contact with the suspects and are keeping them informed. If this is the case, then the investigations are compromised and they may turn out to be sham investigations.
5. Moreover, it has come to our attention that Colonel Vreugdenburg, who is the senior officer in charge of the TRC cases, has been implicated in the assault and torture of one Sergeant F R Motasi in 1986. In this regard we enclose an article dated 14 February 1995 published in The Star. Motasi sued Vreugdenburg, then a constable, for the assaults, however Motasi was murdered in 1987.
6. Amnesty records reveal that Motasi's murder was ordered by the Security Branch and carried out by police officers (AC/2001/010 and AM 5462/97). Motasi's wife was also murdered to prevent her from identifying the killers. While the contents of the press clipping in relation to Vreugdenburg are allegations a dark cloud of suspicion hangs over him. The colonel is entitled to be presumed innocent but his continued involvement in these sensitive investigations is untenable.
7. The investigations into apartheid era cases must be seen to be scrupulously impartial and conducted with the highest integrity. At the moment the families are justified in their view that the investigations into apartheid era crimes have been seriously compromised.
8. At a meeting with members of the NPA on 21 June 2018, attended by, *inter alia*, Advocates Dr J P Pretorius SC, R M Mathenjwa and S Singh it was agreed to make a joint approach to yourselves to request that Colonel Vreugdenburg and Captain Williams be immediately reassigned from the TRC investigations and other apartheid-era cases.
9. While we cast no aspersions and make no accusations against these officers it is simply in the best interests of the cases that they be seen to be investigated impartially and

objectively. We also note that it is unfair to place such officers in positions where they have to take steps against their former colleagues and comrades in arms.

10. We also request that all the other investigating officers handling TRC cases be required to declare, under oath, whether they were former members of the SB or whether they had any association or dealings with the erstwhile SB. If so, we request that such members must also be immediately reassigned.
  
11. We look forward to hearing from you at your earliest convenience.

Yours faithfully

**WEBBER WENTZEL**

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*Letter submitted electronically without signature.*

Copied to:

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2. Adv J P Pretorius SC - per email
3. Adv R Mathenjwa - per email
4. Adv S Singh - per email