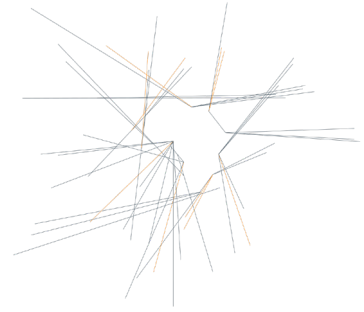




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Adv S Abrahams (per email)
National Director of Public Prosecutions
NPA

Your reference

Our reference

Date

M Hathorn / N Fakir

25 June 2018

CONFIDENTIALITY NOTE: This letter contains confidential information intended only for the person/s to whom it is addressed. Any other recipient is not entitled to read the rest of this letter or disclose its contents to any person, or take copies, and is requested to notify us immediately by fax, e-mail or telephone at the numbers listed above and we will reimburse the costs of doing so.

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 HOOSSEN HAFEEJEE

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 Booyesen 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 Holfeld 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 Rugan 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

Moray Hathorn

Partner

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Letter submitted electronically without signature.

Copied to:

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

to riots, the Broe-
ing its support of
black organisations
gave the follow-
secret circular:

all or our mem-
an understanding
frican is different
view of 'violence'
quines and meli-
men people use will
rent from 'those of
It would be self-
step on using rules

mitted are somehow on a higher
moral plane — is that the 'moral
ventional war' was fought: it
city forces' own ranks.

Let's take a case study — the
death of one Sergeant F R Motasi,
who was killed along with his wife in
Teruba north of Pretoria on the eve-
ning of November 30 1987. Their six-
year-old son was left alone with their
bodies until the next morning when
neighbours responded to his crying.

The police ascribed his death to
the ANC, but the strange thing was

Perhaps trying to protect his col-
league, Motasi only supplied these
particulars when his superior, Co-
nel W P van Zyl, asked for them. Van
Zyl then slapped him "very hard on
my left ear with his open hand,"
shouting: "I am still having trouble
with you and I should have killed you
long ago."

To make a long story short, Mo-
si's ear was severely damaged, and
he had to undergo nearly a dozen
operations and treatments during

powers," he writes in one in the
ous affairs.

One can only feel admiration for
the way in which Motasi always
stayed one step ahead of his bureau-
cratic pursuers. Even when they got
him suspended from the force, he
was too shrewd for them, and used
all the courtroom tricks he had
learnt from them to get the sus-
pension overturned.

Eventually he is assaulted again,
on trumped-up charges that he

Nylstrom.

On November 30
his wife are killed
1987, the State At-
Motasi's lawyer: "Mo-
that your client has
away. Kindly con-
look forward to recov-
of withdrawal."

More than a year
1988, Motasi had
his death: "If it hap-
killed, please know
stand in fighting in-
justice."

It would be inter-
whether Vreugden-
names were among
policemen who app-
recently. Maybe the
innocent but that
are we going to know

More pertinent
black colleagues go-
all accounts, Mo-
man. Quite immov-
his colleagues ap-
when they could get
trators of this evil
when they think per-

The same goes for
cases in which black
killed in suspicious
Probably the most
car bombing of four
revealed during the
apparently because
ent when the Gov-
killed.

Nobody in his r
call these deaths
last "legitimate was
grievous considera-
sickness in police
out through the ex-
commission, it will
tionalised — espec-
allowed, as a quid
up similar atrocities

"Whites are still v
remain in power for
troll of the police. E
younger, innocent,
find that the same
methods" are used

The truth commis-
serve people outsi-
forces, it will also
themselves a world o-

