



1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E jhb@cdhlegal.com  
W cliffedekkerhofmeyr.com

Also at Cape Town and Stellenbosch

National Director of Public Prosecutions  
VGM Building, 123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria

Our Reference	T S Fletcher / T P Smit
Account Number	02020934
Your Reference	Craddock 4
Direct Line	+27 11 562 1085
Direct Telefax	+27 11 562 1329
Direct Email	tim.fletcher@cdhlegal.com / tim.smit@cdhlegal.com
Date	8 May 2020

Attention: Ms Shamila Batohi; Mr. Chris Macadam

By Email: [sbatohi@npa.gov.za](mailto:sbatohi@npa.gov.za);  
[CMacadam@npa.gov.za](mailto:CMacadam@npa.gov.za); and  
[NMonageng@npa.gov.za](mailto:NMonageng@npa.gov.za).

Dear Ms Batohi and Mr. Macadam,

#### MURDER OF THE CRADOCK 4

- 1 We thank you, Mr. Macadam, for your letter of 20 April 2020. In light of the fact that we –
  - 1.1 have been instructed to place the NPA on terms in this matter, this letter is also addressed to the National Director of Public Prosecutions; and
  - 1.2 will be obliged to join the South African Police Service in any such proceedings, the National Head of the Directorate for Priority Crime Investigation, General S G Lebeya, is copied.
- 2 For ease of reference, we attach our letter to Mr Macadam dated 20 April 2020, Mr Macadam's letter in response of 20 April 2020 and Brigadier Xaba's letter of 23 April 2020.
- 3 We have been instructed to respond to certain paragraphs of Mr Macadam's letter. Our failure to respond to any assertion should not be construed as our acceptance thereof.
- 4 In response to Mr Macadam's letter, we are instructed as follows –
  - 4.1 in respect of paragraph 2, the suggestion by Mr Macadam that a decision in relation to the Craddock 4 matter can only be made once the Mthimkulu, Motherwell and PEPCO 3 cases have been fully investigated, is not acceptable. In the first place, there is no prospect of a joinder of trials, and secondly it is evident that those cases have not been given the priority and attention that they deserved over the last two decades. If we were to wait until all the investigations are complete, we are likely to have to wait several more years, if past practice is anything to go by. In the intervening period, suspects and

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** F Ameer-Mia M Aphiri JA Aukema G Barkhuizen-Barbosa R Beerman E Bester P Bhegati BSS Bolikanyo R Bonnet TE Brincker JJ Brink B Brown N Cara HLE Chang CWJ Charter CJ Daniel J Darling EF Dempster W de Weal S Dickson L Erasmus P Erasmus JJ Feris TS Fletcher L Franca TG Fuhrmann F Gattoo MZ Gattoo J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs T Jordaan R Kelly BL King J King Y Kietman AM la Grange FE Leppan CJ Lewis HJ Louw G Masina NN Mchunu B Meyer WJ Midgley R Moodley A Moolman MB Mphahlele MG Mphahlele J Naidoo KT Nkaiseng BP O'Connor H Parak A Patel GH Pienaar V Pillay DB Pinnock TZ Rapuleng AG Reid M Serfontein P Singh-Dhulam TP Smit L Smith S Spamer FP Swart T Tosen R Valayathum HR van der Merwe JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** TN Baker TJ Brewis MR Collins A de Lange S Franks DF Fyfer J Gilmer JW Green AJ Hannie AM Heiberg PB Hesselberg S Immelman JAD Jorge A Kariem KJ Kearny JA Krige IJ Lessing GC Lumb RE Marcus NS Mbambisa Si Meyer A Mhlongo T Moodley G Orrie CH Pienaar L Rhoadie MB Rodgers BJ Scriba BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander RD Barendse VMM Cadman M Chenia HS Coetzee PJ Conradie N Hancock J Latsky NW Muller J Neser FT Newham JM Wills-Hawinson

**CONSULTANTS:** A Abercrombie JMA Evenhulst Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe M Kraus Q Moelets S Naidoo S Parbhoo C Pepermans J Sweet H Vrey

**SENIOR ASSOCIATES:** RS Alho KF Anderson A Bezuidenhout KA Biddulph C Bodenstein JL Botha CF Brockman JC Cameron LY Coffee E Cornelius BP Cripps N Dhana DV Durand C Dutilleul T Erasmus NK Fletcher RA Geswindt AJGilliam A Govuza B Hayath GT Howard SJ Jamieson TC Jegels SM Kelly N Loopoo AW MacPherson MP Manaka B Mangale V Manku S Mccetywa V Moodaley W Murray Z Ngakane VT Ngcobo BS Nhlapho AL Pereira J Roberts J Strydom KB Tihabanelo YA van Leeve M Werner ER West K Weyers CA Wood

**CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS:** GC Badenhorst ES Burger JA Cassette AB Hoek MW Linington R Mouton B Williams

\*British -Dutch \*Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

GP  
LC

witnesses are likely to die by the time any decision is made. This will naturally defeat the interests of justice. In the circumstances, our clients regard this approach as a further delaying tactic;

- 4.2 we have reviewed all of the information that we have provided to the NPA and SAPS, which was utilized to reconstruct the missing docket, and we are of the respectful view that there is sufficient evidence on hand to make a decision whether or not to prosecute the remaining suspects;
- 4.3 we note from paragraphs 4 and 12 of Mr Macadam's letter, that the new nodal point in the Eastern Cape is Advocate Nico Henning. Please advise who was the previous nodal point in the Eastern Cape who decided to leave the NPA at short notice at the end of March because the DPCI did not commence the Cradock 4 investigation;
- 4.4 with regard to paragraph 5, we do not see any reason why the investigation of the Cradock 4 matter should be delayed pending the appointment of a former TRC researcher, especially when we have already provided the available archived material (bar that which is contained in the National Archives) to you and your team;
- 4.5 in respect of the missing docket, which is dealt with in paragraphs 6 and 7, we point out that the losing, removal or concealing of a docket is a very serious matter, if not a serious criminal offence. Our client is of the view that a docket in a case of this national significance that disappears is indication of an ongoing cover-up and obstruction of justice. Please advise whether a formal investigation has been opened regarding the missing docket, and if so, please advise of any progress. Please also provide the case or reference number of such investigation. If no investigation has been launched please advise why not;
- 4.6 we agree that the disappearance of the docket is no excuse for not continuing the investigation, but it appears that is precisely what happened. It appears from paragraph 7 of Mr Macadam's letter that the docket has still not been reconstructed. If the docket contained nothing more than extracts from the Inquest/amnesty proceedings, why is it only now being reconstructed, given that it was known, at least by our September meeting of last year, that it was missing? Indeed, it appears that the docket may have gone missing as far back as 2018. In our respectful view, this is further evidence of wilful delay or obstruction in this matter;
- 4.7 in relation to paragraph 8, we point out that the Legal Resources Centre's copy of the full record of the Zietsman Inquest is located at the Wits University Historical Papers in Johannesburg;
- 4.8 regarding paragraphs 13 and 14, we respectfully cannot accept that any delays in this matter are attributable to the lockdown and associated restrictions. There was no progress in this matter prior to the lockdown and indeed no discernible progress since the winding up of the Zietsman inquest in 1994, some 26 years ago; and
- 4.9 we respectfully take exception to the excuse set out in paragraph 15 that more pressing matters are at hand and that the DPCI is also extremely constrained. There will always be matters that are perceived to be more important and indeed Mr Macadam and his office have advised of such pressing cases over many years. Indeed, we have come to the regrettable conclusion that it will always be claimed that there are more important cases in the files of the PCLU and DPCI that must take precedence over cases such as the Cradock 4. If this claim was acceptable it would justify an *ad infinitum* delay – notwithstanding the fact that this crime is 35 years old and suspects, witnesses and families are elderly and dying.
- 5 Turning to Brigadier Xaba's letter of 23 April 2020, more specifically the final paragraph of that letter, read together with paragraph 12 of Mr Macadam's letter, it is unclear why Advocate Nico Henning cannot be briefed electronically with the documents, especially since all of the documents that we have provided are in electronic format. Further, it is unclear why Mr Macadam cannot discuss the matter with Advocate Henning via telephone or videoconference. Given the technology available, there is no reason why Advocate Henning cannot be briefed immediately. The only possible conclusion that can be drawn from the list of rationalisations in your letter is that the NPA does not regard the prosecution of Apartheid crimes for which no amnesty was granted as either pressing or urgent.

GP  
LC

8 May 2020  
Murder of the Cradock 4

3

- 6 The opportunity to hold anyone accountable for one of the most notorious crimes committed in South Africa's history fades with each passing day. In the circumstances, we are instructed to demand that a decision be made whether to prosecute the known suspects in the murder of the Cradock 4. Should we not receive your decision by close of business on **Friday, 10 July 2020**, we will have no realistic alternative but to launch proceedings in the High Court to compel a decision.

Yours sincerely

**TIM FLETCHER / TIM SMIT**  
**CLIFFE DEKKER HOFMEYR INC**

Copied to:

Adv. Nico Henning – [nhenning@npa.gov.za](mailto:nhenning@npa.gov.za)  
General S G Lebeya – [LebeyaSG@saps.gov.za](mailto:LebeyaSG@saps.gov.za)  
Brigadier N Xaba – [XabaN@saps.gov.za](mailto:XabaN@saps.gov.za)  
Colonel Makua – [MakuaJ@saps.gov.za](mailto:MakuaJ@saps.gov.za)

---

<sup>1</sup> <http://historicalpapers-atoms.wits.ac.za/inquest-into-the-death-of-matthew-goniwe-fort-calata-sparrow-mkhonto-and-sicelo-mhlali-the-cradock-four-ca-high-court-case-no-626-87>

GP  
LC



1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E [jhb@cdhlegal.com](mailto:jhb@cdhlegal.com)  
W [cliffedekkerhofmeyr.com](http://cliffedekkerhofmeyr.com)

Also at Cape Town and Stellenbosch

National Prosecuting Authority  
Victoria & Griffiths, Mxenge Building  
123 Westlake Avenue  
Silverton, Pretoria

Our Reference	T S Fletcher / T P Smit
Account Number	02020934
Your Reference	10/2/12/3-395/2020
Direct Line	+27 11 562 1085
Direct Telefax	+27 11 562 1329
Direct Email	<a href="mailto:tim.fletcher@cdhlegal.com">tim.fletcher@cdhlegal.com</a> / <a href="mailto:tim.smit@cdhlegal.com">tim.smit@cdhlegal.com</a>
Date	22 June 2020

Attention: Advocate R De Kock  
By Email: [ematzke@npa.gov.za](mailto:ematzke@npa.gov.za)

Copied to: Acting Director of Public Prosecutions (Grahamstown): [imsakata@npa.gov.za](mailto:imsakata@npa.gov.za)  
Colonel Makua: [MakuaJ@saps.gov.za](mailto:MakuaJ@saps.gov.za)

Dear Sirs

## RE: THE INVESTIGATION & PROSECUTION OF THE MURDERERS OF THE CRADOCK FOUR

- 1 Thank you for your letter of 22 May 2020 and your confirmation that the reconstructed case docket has been electronically forwarded to the Acting Director of Public Prosecutions, Grahamstown for "further management and decision".
- 2 We are now fast approaching the 35<sup>th</sup> anniversary of the murder of the Cradock Four; which date, we fear, is likely to be remembered as yet another anniversary of impunity for the killers of these four young activists.
- 3 We have yet to hear from the NPA and/or its anti-corruption investigation unit as to what happened to the missing docket in this matter. It appears that the original docket somehow vanished while in the hands of some of the highest office bearers at the NPA. Please would you revert to us in this regard as it appears that nothing has been done in relation to the disappearance of the original docket between September 2019 and June 2020.
- 4 We are grateful that you have requested General Lebeya of the DPCI to prioritise and urgently investigate the matter. Given that Brigadier Marion ("Marion") has already done considerable work on this case (as well as the Pebco 3) we suggest that he meets with the investigating officer and the assigned prosecutor in order to take them through the chronologies and relevant documentation in these cases. In this regard, we are pleased to hear that on Friday afternoon Colonel Makua contacted

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** F Ameer-Mia M Aphiri JA Aukema G Barkhuizen-Barbosa R Beerman E Bestler P Bhagatjee BSS Bolikanyo R Bonnet TE Brincker JJ Brink B Brown N Cara HLE Chang V Chaplin CWJ Charter CJ Daniel J Darling EF Dempster W de Weal S Dickson L Erasmus P Erasmus JJ Feris TS Fletcher L Franca TG Fuhrmann F Gatto MZ Gatto J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs T Jordaan R Kelly BL King J King Y Kleitman AM le Grange FE Leppan C J Lewis HJ Louw G Masina NN Mchunu B Meyer WJ Midgley R Moodley A Moolman MB Mphahwa MG Mphahudi J Naidoo KT Nkatseng BP O'Connor H Parak A Patel GH Pienaar V Pillay DB Pinnock TZ Rapuleng AG Reid M Serfontein P Singh-Dhulam TP Smit L Smith S Spamer FP Swart T Tosen R Valayathum HR van der Merwe JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** TN Baker TJ Brewis MR Collins A de Lange S Franks DF Fyter J Gillmer JW Green AJ Hannie AM Heiberg PB Hesseling S Immelman JAD Jorge A Kariem KJ Keanly JA Kige IJ Lessing GC Lumb RE Marcus NS Mbambisa SI Meyer A Mhlongo T Moodley G Orm<sup>3</sup> CH Pienaar<sup>8</sup> L Rhoadie MB Rodgers BJ Scriba BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander RD Barendse VMM Cadman M Chenia HS Coetzee PJ Conradie N Hancock J Latsky NW Muller J Neser FT Newham JM Wits-Hewinson

**CONSULTANTS:** A Abercrombie JMA Evenhuis\* Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe M Kraus Q Moeletsi S Naidoo S Parbhoo C Papemans J Sweet H Vrey

**SENIOR ASSOCIATES:** RS Alho KF Anderson A Bezuidenhout KA Biddulph C Bodenstein JL Botha CF Brockman JC Cameron LY Coffee E Cornelijs BP Cripps N Dhana DV Durand C Duilleux T Erasmus NK Fletcher RA Geswindt AJ Gilliam K Govindsamy A Govuze B Hayath GT Howard SJ Jamieson TC Jegels SM Kelly N Loopoo AW MacPherson MP Manaka B Mangale V Manko S Mceltywa V Moodaley W Murray Z Ngakané VT Ngoobo BS Nhlapho AL Pereira J Roberts J Strydom KB Thabanelo YA van Leeve M Werner ER West K Weyers CA Wood

**CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS:** GC Badenhorst ES Burger JA Cassette AB Hoek MW Linington R Mouton B Williams

\*British =Dutch <sup>8</sup>Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

GP  
LC

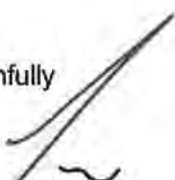
National Prosecution Service  
22 June 2020

2

Marion and they are due to meet this coming week. Please advise when we can arrange a similar meeting with assigned prosecutor.

- 5 We still do not know which prosecutor has been assigned this case and we would be grateful if you would provide us his or her details as soon as possible.
- 6 We must advise that our client, Lukhanyo Calata, has reached the end of his tether. He was 3 years old when his father was murdered and almost 35 years later, notwithstanding admissions made by various perpetrators and damning documentary evidence, there has been absolutely no progress in this case. We are constrained to remind you that we placed the NDPP on terms in this matter on 8 May and our client's instructions stand that should the NPA not make a decision by **Friday, 10 July 2020**, we will proceed to institute legal proceedings to compel a decision.

Yours faithfully

  
**TIM SMIT**  
**CLIFFE DEKKER HOFMEYR INC**

GP  
LC



## Priority Crimes Litigation Unit



The National Prosecuting Authority  
South Africa

Cliffe Dekker Hofmeyr  
JOHANNESBURG

20 April 2020

ATTENTION: Tim Smit  
E-mail: [Tim.smith@cdhlegal.com](mailto:Tim.smith@cdhlegal.com)

### INVESTIGATION INTO THE MURDER OF THE CRADOCK 4

1. I acknowledge receipt of your letter with reference T S Fletcher/T P Smit dated 20 April 2020 and respond as follows.
2. At our meeting of September 2019, I indicated that the Mthimkulu, PEPCO 3 and Cradock 4 matters should be investigated collectively as they involve essentially the same group of perpetrators. I also referred to the fact that the Motherwell bombing case was also relevant in that the deceased were killed to prevent them revealing their involvement in the Cradock 4 matter. In the Mthimkulu matter all the perpetrators have been granted amnesty but no inquest had been held, nor a prosecution instituted. In the PEPCO 3 matter, the investigation had yet to be concluded, but the indications were that the persons who refused amnesty were all deceased. My view was that the decision in the Cradock 4 matter should be made once everything had been investigated.
3. Subsequent to that meeting Ms de Bruyn did provide feedback to Cliff Marion on the issues raised by him. I have been copied on the email which her supervisor forwarded to you today.

Private Bag X752, Pretoria, 0001, South Africa  
VGM Building, 123 Westlake Avenue, Weavind Park, Silverton 0184 South Africa  
Tel: +27 12 845 6476 Fax: +27 12 845 6686

GP  
LC

**INVESTIGATION INTO THE MURDER OF THE CRADOCK 4**

4. After our meeting the matter was brought to the attention of our nodal point in the Eastern Cape, who indicated that he would personally attend to the matter as he had appeared as counsel in both the Cradock 4 and Motherwell cases.
5. Meetings were held with the researchers to identify all the outstanding material located in public and private archives. At our last meeting we decided to offer a contract employment to a former TRC researcher who had extensively worked on the State Security Council and was ideally based to do the dedicated research which was necessary. She had indicated her willingness to work for us, but due to the lockdown activities, her appointment has not been able to be taken further through our strict procurement processes.
6. Further efforts were made through the Head of our Prosecution Service to locate the missing docket as it was called for by a previous incumbent of his office. This failed to locate the docket. The disappearance of this docket is in fact no excuse for not continuing with the investigation. I am extremely concerned about the remarks attributed to the investigator in paragraph 4 of your letter and am taking this matter up with his commanding officer.
7. The docket contained nothing more than the relevant extracts of the last Goniwe inquest as well as the amnesty proceedings. These records are easily re-obtainable. In fact, I personally handed the investigating officer the judgment of the amnesty committee as well as the heads of argument which were filed in the Goniwe inquest and other relevant documentation (these documents identified the relevant role players and could easily be used to reconstruct the docket).
8. My office contacted Rhodes University in order to purchase an electronic copy of the Inquest record in its possession. The University raised an issue regarding compliance with our procurement policies. We were in the process of resolving this issue. In addition we established that certain records were available in a provincial archive, but only in hard copy form. The archive lacks the capacity to convert the documents to an electronic format which would have necessitated one of our researchers having to travel to the Eastern Cape to physically peruse the documents and make copies of those deemed to be relevant. Our researcher

GP  
LC

#### INVESTIGATION INTO THE MURDER OF THE CRADOCK 4

also obtained a copy of the book published by Chris Nichol森 to extract relevant information.

9. Unfortunately a major stumbling block was encountered due to a lack of buy-in from the DPCI which is responsible for the investigation of the case. This is not limited to this case, but relates to all the numerous other TRC matters.
10. Attempts at my level to get a proper buy-in failed to produce positive outcomes, resulting in the escalating the matter to the NDPP and then Head NPS.
11. This resulted in a meeting between us and the Head DPCI on the 31<sup>st</sup> of January 2020 where I tabled my concerns. The Head DPCI undertook to seek approval to appoint former members who had TRC experience on a contract basis. He was provided by myself with a list of ex-police officers who were willing to do the work. I also wrote to the commanding officer expressing my concerns about TRC cases and requesting him to consider having investigators working full time on these matters and not having to accommodate them in between their other investigations. I had no response to this letter which was preceded by a lengthy meeting between myself and him.
12. I would have again escalated the position with the DPCI had it not been for the lockdown. A consequence of the DPCI not having commenced the investigation was that our nodal point decided at short notice to leave the NPA at the end of March 2020. A new nodal point has been appointed, but due to the lockdown I have not been able to brief him fully on the matters that he must take over. There are several matters over and above those mentioned here.
13. Unfortunately it is extremely difficult to give proper attention to these matters at the present time. Although I am every day at the office, because I have to attend to state security and management issues the majority of role players are not able to report for duty complicating engagements with them. I have been advised that the DPCI are also extremely constrained in what investigations they can currently conduct.

GP  
LC



**INVESTIGATION INTO THE MURDER OF THE CRADOCK 4**

14. I am taking the issue of investigations up with the Unit Commander and will revert to you as soon as I receive a response. However, it is anticipated that proper attention to the cases will only be able to commence once the current restrictions are lifted.
15. I apologise for being amiss in not communicating further with you after our meeting. I did however have telephonic discussions with Cliff Marion and was unfortunately from October 2019 to January 2020 fully occupied with addressing extremely serious international matters as well as having to take urgent action regarding a terrorist organization that was on the point of carrying out a terrorist attack on the country.

Regards



**ADV CHRIS MACADAM  
ACTING SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS  
HEAD: PRIORITY CRIMES LITIGATION UNIT**

DATE: 20 April 2020

GP  
LC



Privaatsak/Private Bag X 1500, SILVERTON

Reference	CATS 05/06/2016
Enquiries	Brig N Xaba Col MS Mahlangu
Tel	079 889 9582 082 778 2835
E mail	<a href="mailto:XabaN@saps.gov.za">XabaN@saps.gov.za</a>

**SECTION HEAD  
CRIMES AGAINST THE STATE AND TOMS  
SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME  
INVESTIGATION  
SILVERTON**

The Acting Special Director  
Priority Crime Litigation Unit  
National Prosecuting Authority  
HEAD OFFICE

**INVESTIGATION INTO THE MURDER OF CRADOCK 4: CATS CAS 05/06/2016**

Your email dated 20 April 2020 refers.

The Investigating Officer visited the families of Cradock 4 in Eastern Cape to appraise them about the investigation on the 19 to 22 March 2019.

The investigator also visited the King Williamstown State archives to look for Inquest transcripts and other documentation that could further the investigation.

Hence the docket was reported missing in the offices of the National Prosecuting Authority, Silverton, the Investigator reconstructed the new docket.

The docket is fully reconstructed with the help of former Brigadier Marion who is employed by the Human Rights Foundation.

All the relevant information has been gathered and the docket file will be presented before Advocate Nico Henning of Grahamstown DPP's office for perusal and guidance after the lockdown.

**BRIGADIER  
SECTION HEAD: CRIMES AGAINST THE STATE AND TOMS  
SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
N XABA**

Date: 2020/04/23

GP  
LC

**"LC47"**

1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E [jhb@cdhlegal.com](mailto:jhb@cdhlegal.com)  
W [cliffedekkerhofmeyr.com](http://cliffedekkerhofmeyr.com)

Also at Cape Town

## NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

VGM Building, 123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria

Attention: Mr Chris Macadam and Ms Sharnila Batohi  
By Email: [cmacadam@npa.gov.za](mailto:cmacadam@npa.gov.za)  
[SBatohi@npa.gov.za](mailto:SBatohi@npa.gov.za)

Our Reference	TS Fletcher / T Smit
Account Number	02020934
Your Reference	
Direct Line	011 562 1085/1467
Direct Telefax	011 562 1329
Direct Email	<a href="mailto:tim.smit@cdhlegal.com">tim.smit@cdhlegal.com</a> <a href="mailto:tim.fletcher@cdhlegal.com">tim.fletcher@cdhlegal.com</a>
Date	5 September 2019

Dear Mr Macadam and Ms Batohi

## INVESTIGATION INTO THE MURDER OF THE CRADOCK 4: SWARTSKOP CR 13/07/1985: FOUNDATION FOR HUMAN RIGHTS PROJECT 10698

- 1 We act for Mr. Lukhanyo Calata and the Calata family.
- 2 Our clients have instructed us to investigate the deaths of Fort Calata, Matthew Goniwe, Sparrow Mkhonto and Sicelo Mhlauli ("the Cradock 4").
- 3 We have conducted a preliminary investigation and perused the TRC Amnesty applications. From that investigation, we have established that the aspects listed in the below activity sheet ought to be investigated.
- 4 We have not yet been able to meet with the Directorate for Priority Crime Investigation ("DPCI") to discuss the investigation and would be grateful if you could arrange a meeting with the investigating officer, yourselves and our team as soon as possible (preferably within the next 2 weeks).
- 5 Whilst we await your response regarding the requested meeting, please would you consider the activity sheet below and advise which aspects have already been investigated and addressed, as we would like to avoid duplicating investigative efforts.
- 6 We also enclose a list of exhibits required for the investigation and would be grateful if you could assist us in obtaining these.

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** M Aphin JA Aukema G Barkhuizen-Barbosa R Beerman E Bester P Bhagatjee BSS Boikanyo R Bonnel TE Brincker B Brown N Cara HLE Chang CWJ Charter NS Comle CJ Daniel J Darling EF Dempster S Dickson L Erasmus P Erasmus JJ Feris TS Fletcher L Franca TG Fuhrmann F Gellio MZ Gellio SB Gore J Govender L Grenville AJ Hofmeyr Q Honey WH Jacobs JCA Jones T Jordaan BL King J King Y Kleitman AM le Grange FE Leppan\* CJ Lewis HJ Louw G Masina NN Mohunu B Meyer WJ Midgley Z Mohamed R Moodley A Moolman MB Mphahwa MG Mphahwa KT Nkalseng BP O'Connor A Patel GH Pienaar V Pillay DB Pinnock NA Preston AW Pretorius TZ Reguleng AG Reid M Serfontein P Singh-Dhulam TP Smit L Smith FP Swart T Toes M Treurnicht R Valayalun D Vallaah HR van der Merwe WPS van Wyk JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** F Ameer-Mia TN Baker TJ Brewis MR Collins A de Lange W de Waal LF Egypt S Franks DF Fyfer J Giltner JW Green AJ Hannie AM Heiberg PB Heeseling RC Horn S Immoelman JAD Jorge A Kariem KJ Keanly JA Krige IJ Lessing GC Lumb RE Marcus NS Mbambisa SI Meyer A Mhlongo T Moodley FT Newham G Ornel\* CH Pienaar\* AP Pillay L Rhoadie MB Rodgers BJ Scriba S Singh GJ Stansfield BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander VMM Cadman M Chenia HS Coetzee PJ Conradie N Hancock WH Janse van Rensburg J Latsky NW Muller J Neser JM Wits-Hewinson

**CONSULTANTS:** A Abercrombie RD Berendse JMA Evenhuis\* Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe

**SENIOR ASSOCIATES:** S Adams RS Aho ME Badenhorst A Bezuidenhout KA Bidulph JJ Brink CF Brockman JC Cameron L Chance LY Coffee E Cornelius BP Cripps C Dutilleul F Eckstein T Erasmus NK Fletcher V Govender GT Howard TG Jegels SM Kelly N Loopoo MM Mailula B Mangale V Manku N Mia V Moodley V Moodley W Murray J Naidoo Z Ngakane VT Ngcobo AL Pereira J Roberts J Strydom KB Thabanele D van der Westhuizen YA van Leeve R Webster K Weyers CA Wood

**CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS:** GC Badenhorst ES Burger JA Cassette TR Cohen\* AB Hoek MW Lington R Moulton B Williams

\*British =Dutch \*Cape Town Managing Partner \*Business Development Director

Cliffe Dekker Hofmeyr Inc. Reg No 2008/016923/21

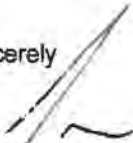
GP  
LC

National Director of Public Prosecutions – Mr Chris Macadam and Ms Shamila Batohi  
5 September 2019

2

- 7 We would be grateful to receive your feedback by as soon as possible, preferably by 9 September 2019, so that we can report back to our clients.
- 8 Your assistance is greatly appreciated.

Yours sincerely



**TIM FLETCHER / TIM SMIT**  
**CLIFFE DEKKER HOFMEYR INC**

GP  
LC

**Attachments to Annex LC47****Activity sheet supplied to DPCI / NPA****Proposed exhibits supplied to DPCI / NPA****Removed because of privileged contents**





1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E jhb@cdhlegal.com  
W cliffedekkerhofmeyr.com

Also at Cape Town and Stellenbosch

National Director of Public Prosecutions  
VGM Building, 123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria

Our Reference	T S Fletcher / T P Smit
Account Number	02020934
Your Reference	Craddock 4
Direct Line	+27 11 562 1085
Direct Telefax	+27 11 562 1329
Direct Email	tim.fletcher@cdhlegal.com / tim.smit@cdhlegal.com
Date	20 April 2020

Attention: Mr. Chris Macadam  
By Email: [CMacadam@npa.gov.za](mailto:CMacadam@npa.gov.za)  
[SBatohi@npa.gov.za](mailto:SBatohi@npa.gov.za)

Dear Mr. Macadam

#### INVESTIGATION INTO THE MURDER OF THE CRADOCK 4

- 1 As you know, we act for Mr. Lukhanyo Calata ("Mr. Calata") and the Calata family. We are also in the process of engaging Mrs. Mhauri and Mrs. Mrs Mkhonto as our clients.
- 2 For the purposes of this letter, we need to first set out the relevant chronology of events that has led to us being compelled to address this letter to you –
  - 2.1 On 5 September 2019, we addressed a letter to both you and Ms. Batohi, in which letter we recorded, *inter alia*, that we –
    - 2.1.1 had conducted a preliminary investigation (including a review of the relevant TRC applications) in regard to the deaths of Fort Calata, Matthew Goniwe, Sparrow Mkhonto and Sicelo Mhauri ("the Craddock 4"); and
    - 2.1.2 were of the view that further investigations were required in relation to the murders of the Craddock 4.
  - 2.2 Pursuant to that letter, you invited us to meet with you at your offices at 123 Westlake Street, Weavind Park, Pretoria on 12 September 2019.
  - 2.3 We met with you and your team (Marthi Alberts ("Alberts") and Zelda de Bruyn ("de Bruyn")) on 12 September 2020, during which meeting you advised us that –

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** F Ameer-Mia M Aphin JA Aukema G Barkhuizen-Barbosa R Beerman E Bester P Bhagattjee BSS Boikanyo R Bonnet TE Brincker B Brown N Cera HLE Chang CWJ Charter CJ Daniel J Darling EF Dampster W de Waal S Dickson L Erasmus P Erasmus JJ Feris TS Fletcher L Franca TG Fuhrmann F Gatto MZ Gatto J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs JCA Jones T Jordaan BL King J King Y Kieftman AM le Grange FE Leppan\* CJ Lewis HJ Louw G Masina NN Mchunu B Meyer WJ Midgley R Moodley A Moolman MB Mpahlwa MG Mphahudi KT Nkalseng BP O'Connor H Parak A Patel GH Pienaar V Pillay DB Pinnock AW Pretorius TZ Repuleng AG Reid M Serfontein P Singh-Dhulam TP Smit L Smith S Spamer FP Swart T Tosen R Valayathum HR van der Merwe WPS van Wyk JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** TN Baker TJ Brewis MR Collins A de Lange S Franks DF Fyler J Gilmer JW Green AJ Hannele AM Heiberg PB Hesselberg RC Horn S Immelman JAD Jorge A Kaniem KJ Keanly JA Krige IJ Lessing GC Lumb RE Marcus NS Mbambisa SI Meyer A Mhlongo T Moodley FT Newham G Orle\* CH Pienaar\* L Rhoadie MB Rodgers BJ Scriba BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander RD Barendse VMM Cadman M Cheria HS Coetzee PJ Conradie N Hancock WH Janse van Rensburg J Latsky NW Muller J Neer JM Wits-Hewinson

**CONSULTANTS:** A Abercrombie JMA Evenhuis\* Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe M Kraus Q Moelisi S Naidoo S Parbhoo C Pepermans J Sweet H Vrey

**SENIOR ASSOCIATES:** S Adams RS Alho KF Anderson A Bezuidenhout KA Biddulph C Bodenstein JL Botha JJ Brink CF Brockman JC Cameron LY Coffee E Cornelius BP Cripps N Dhana DV Durand C Dutilleul T Erasmus NK Fletcher RA Geswindt AJ Gilliam A Govuze B Hayath GT Howard SJ Jamieson TC Jegels SM Kelly N Loopoo AW MacPherson MP Manaka B Mangale V Manku S Mcetywa N Mia V Moodley W Murray J Naidoo Z Ngakane VT Ngcobo BS Ntshapho AL Pereira J Roberts J Strydom KB Thabanelo YA van Leeve M Werner ER West K Weyers CA Wood

**CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS:** GC Badenhorst ES Burger JA Cassette AB Hoek MW Linington R Mouton B Williams

\*British ~Dutch \*Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

Cap  
LC

- 2.3.1 you had invited the investigating officer ("the IO") from the Directorate for Priority Crime Investigation ("DPCI") to the meeting but that your invitation had been declined as the IO was too busy to attend;
- 2.3.2 you had raised your concerns with the DPCI in regard to their approach of wanting to investigate murders that had occurred in other provinces (such as the Eastern Cape in the case of the Cradock 4) from a unit based in Pretoria, but that you had been assured that a local investigator from the relevant region would be appointed to investigate with oversight being maintained by the DPCI;
- 2.3.3 the dockets of the apartheid era murders would be sent to the relevant regions and that you had been provided with an undertaking from the DPCI that you would be provided with a list of people who had been assigned to investigate matters, including the Cradock 4 matter;
- 2.3.4 the original docket in the Cradock 4 matter had been "removed" and could not be located and that the anti-corruption unit was investigating the disappearance of the original docket; and
- 2.3.5 between our team, which included retired Brigadier Clifford Marion ("Marion"), and your team of researchers, we could put the entire picture together for the DPCI and put the ball back into their court.
- 2.4 It was agreed at the aforementioned meeting that we (particularly Marion) would share all of the documentation and evidence that had been collected with you and your team in order to put together a new docket for the DPCI.
- 2.5 Following on from that meeting, on 13 September 2019, Marion sent an email to Alberts and de Bruyn in which, *inter alia*, Marion had requested information as to which of the individuals referred to in the email were alive or dead.
- 2.6 On 18 September 2019, Marion provided you, Alberts and de Bruyn with a copy of the confession made by Eric Taylor in relation to the murder of the Cradock 4.
- 2.7 On 3 October 2019, Marion requested an update from Alberts and de Bruyn in relation to his email of 13 September 2019, to which, to date, he has not received a response.
- 2.8 Marion provided you and your research team (in a 12-part email chain) with all of the information and documentation referenced in the attached "*Exhibits List*", which information and documentation had been sourced from various sources in relation to the murders of the Cradock 4.
- 3 Notwithstanding all of the aforementioned efforts on our part, particularly those of Marion, which efforts included providing you with the necessary documents to continue the investigation and a recommendation to prosecute certain individuals, we have yet to hear from you as to whether you will be instituting prosecutions into the murders of the Cradock 4.
- 4 In addition to your silence and the delays experienced in the investigation and prosecution, and most concerning, our client, Mr. Calata, recently received a telephone call from the investigating officer, Colonel Joe Makua, who advised our client that despite the fact that he wanted to continue with the investigation of the murders of the Cradock 4, he could not do so because you had advised him that the docket had been taken by an unidentified individual and could not be located.
- 5 Given the extent of our efforts, we do hope that the statements made by the investigating officer are nothing more than a misunderstanding, but given the continued extensive delays experienced by our clients in attempting to have justice served, we must demand answers to our below questions as a matter of urgency –
  - 5.1 What progress has been made in the investigation of the murders of the Cradock 4 since our meeting of 12 September 2019?
  - 5.2 What is the status of the original docket?
  - 5.3 To the extent that the position remains that the original docket cannot be located, what is the status of the reconstructed docket?

GP  
LC

Mr. Chris Macadam – Public Prosecutions  
20 April 2020

3

5.4 Are you in possession of any of the original signed statements and/or documents?

6 We hope to maintain the excellent working relationship that we have established with you and we remain hopeful that we can advance the matter of the investigation and prosecution of those responsible for the murders of the Cradock 4 as a matter of urgency, but with each passing day, the opportunity to hold anyone accountable fades, especially when considering the age of those implicated. Accordingly, to the extent that we do not hear from you on or before the close of business on **Friday, 24 April 2020**, we will have no alternative but to address urgent correspondence to Ms. Batohi in regard to this matter.

Yours sincerely

TIM SMIT  
CLIFFE DEKKER HOFMEYR INC

le GP



1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E [jhb@cdhlegal.com](mailto:jhb@cdhlegal.com)  
W [cliffedekkerhofmeyr.com](http://cliffedekkerhofmeyr.com)

Also at Cape Town and Stellenbosch

**Acting Director of Public Prosecutions**  
**Grahamstown**  
94 High Street  
Grahamstown

Our Reference	T P Smit / T S Fletcher
Account Number	02020934
Your Reference	0/2/12/3-395/2020
Direct Line	+27 11 562 1085 / 1061
Direct Telefax	+27 11 562 1329 / 1661
Direct Email	<a href="mailto:tim.fletcher@cdhlegal.com">tim.fletcher@cdhlegal.com</a> / <a href="mailto:tim.smit@cdhlegal.com">tim.smit@cdhlegal.com</a>
Date	13 August 2020

**Attention: Mr. LM Sakata**  
By Email: [imsakata@npa.gov.za](mailto:imsakata@npa.gov.za)

Dear Mr Sakata

#### THE INVESTIGATION AND PROSECUTION OF THE MURDERERS OF THE CRADOCK FOUR

- 1 Thank you for meeting with us (albeit virtually) on 6 August 2020.
- 2 The discussions held during the meeting are very promising and we look forward to working with you, the National Prosecution Authority ("NPA") and the investigative team of the Directorate for Priority Crime Investigation to advance the investigation and ultimately pursue the prosecution of the murderers of the Cradock Four.
- 3 During our meeting, one of the items that was discussed was the investigation in regard to the inexplicable disappearance of the original docket. You indicated to us that you intend to send correspondence to the NPA to demand a response as to whether there has been an investigation into the missing docket and if so, to determine what the outcome of that investigation was.
- 4 In the spirit of our newly formed collaborative efforts to seek justice for the families of the Cradock Four, we kindly request that you provide us with a copy of the correspondence that you have sent or intend to send to the NPA, as well as with a copy of the response that is received.
- 5 We look forward to hearing from you.

Yours sincerely,

**TIM FLETCHER / TIM SMIT**  
**CLIFFE DEKKER HOFMEYR INC**

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** F Ameer-Mia M Aphiri JA Aukema G Barkhuizen-Barbosa R Beerman E Bester P Bhagatjee BSS Boikanyo R Bonnet TE Brincker JJ Brink B Brown N Cara HLE Chang V Chaplin CWJ Charter CJ Daniel J Darling EF Dempster W de Waal L Erasmus P Erasmus JJ Feris TS Fletcher L Franca TG Fuhrmann F Gatto MZ Gatto J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs T Jordaan R Kelly BL King J King Y Kleitman AM le Grange FE Lappan CJ Lewis HJ Louw G Masina NN Mchunu B Meyer WJ Midgley R Moodley A Moolman MB Mphahlele MG Mphahlele J Naidoo KT Nkaieng BP O'Connor H Parak A Patel GH Pienaar V Pillay DB Pinnock TZ Rapuleng AG Reid M Serfontein P Singh-Dhulam TP Smit L Smith S Spamer FP Swart T Tosen R Valayathum HR van der Merwe JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** TN Baker TJ Brewis MR Collins A de Lange S Franks DF Fyter J Gillmer JW Green AJ Hanlie AM Heiberg PB Hesseling S Immielman JAD Jorge A Kariem KJ Keanly JA Krige IJ Lessing GC Lumb RE Marcus NS Mbambisa Si Meyer A Mhlongo T Moodley G Orma CH Pienaar L Rhoadie MB Rodgers BJ Scriba BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander RD Barendse M Chenia HS Coetzee PJ Conradie J Latsky NW Muller J Neser FT Newham JM Witts-Hewinson

**CONSULTANTS:** A Abercrombie JMA Evenhuis Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe M Kraus Q Moeletsi S Naidoo S Parbhoo C Pepermans J Sweet H Vrey

**SENIOR ASSOCIATES:** RS Aho KF Anderson A Bezuidenhout KA Biddulph C Bodenstein JL Botha CF Brockman JC Cameron LY Coffee E Cornelius BP Cripps N Dhana DV Durand C Dutilleul T Erasmus NK Fletcher RA Geswindt AJ Giliam K Govindsamy A Govuza N Hancock B Hayath GT Howard SJ Jamieson TC Jegels SM Kelly N Loopoo AWW MacPherson MP Manaka B Mangale V Manika S Mccetywa V Moodale W Murray Z Ngakane VT Ngcobo BS Nhlapho AL Pereira J Roberts J Strydom KB Thabanelo YA van Leeve M Werner ER West K Weyers CA Wood

**CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS:** GC Badenhorst ES Burger JA Cassette AB Hoek MW Linington R Mouton B Williams

\*British =Dutch \*Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

GP  
LC



1 Protea Place Sandown 2196  
Private Bag X40 Benmore 2010  
South Africa  
Dx 42 Johannesburg

T +27 (0)11 562 1000  
F +27 (0)11 562 1111  
E jhb@cdhlegal.com  
W cliffe.dekkerhofmeyr.com

Also at Cape Town and Stellenbosch

## Minister of Police

756 - 7th Floor, Wachthuis Building  
231 Pretorius Street  
Pretoria

## National Commissioner of the Police

Lieutenant General Khehla John Sithole

**Attention:** General Bheki Cele  
Lieutenant General Khehla John Sithole

**By Email:** [GaehlerSMK@saps.gov.za](mailto:GaehlerSMK@saps.gov.za)  
[sitholek@saps.gov.za](mailto:sitholek@saps.gov.za)

Our Reference  
Account Number  
Your Reference  
Direct Line  
Direct Telefax  
Direct Email  
Date

T S Fletcher / T P Smit / 02020934  
02020934  
  
+27 11 562 1085  
+27 11 562 1329  
[tim.smit@cdhlegal.com](mailto:tim.smit@cdhlegal.com)  
4 October 2020

Dear Sirs

## REFUSAL BY SAPS TO OPEN A CRIMINAL CASE INTO THE MISSING CRADOCK FOUR DOCKET

- 1 We act for Mr. Lukhanyo Calata. Our client is the son of the late Fort Calata, who was brutally murdered, along with Matthew Goniwe, Sparrow Mkhonto and Sicelo Mhlauli (the "Cradock 4") by members of the Security Branch of the erstwhile South African Police on 27 June 1985.
- 2 We have on record the following Crime Register (CR) numbers pertaining to the Cradock 4:
  - 2.1 KwaZakele CR 373/06/1985 – Body of Mathew Goniwe – Murder;
  - 2.2 KwaZakele CR 212/06/1985 – Suspected to be the burnt-out Honda Ballard;
  - 2.3 Swartkops CR 12/07/1985 – Body of Sicelo Mhlauli – Murder;
  - 2.4 Swartkops CR 13/07/1985 - Body of Sparrow Mkhonto – Murder; and
  - 2.5 Swartkops CR 140/06/1985 – Body of Fort Calata- Murder.
- 3 Notwithstanding that two inquests were held in 1987 and 1992, the making of findings by the Truth and Reconciliation Commission ("TRC"), and the denial of amnesty to most of the perpetrators, nobody has been held criminally accountable for the murders of the Cradock 4 – more than 35 years after their murder.
- 4 We are aware that a criminal docket was previously opened in relation to the murders of the Cradock 4, but that the original docket has "gone missing" perhaps as far back as 2018, or earlier.

CHAIRPERSON TG Fuhrmann CHIEF EXECUTIVE OFFICER B Williams CHIEF FINANCIAL OFFICER ES Burger

**DIRECTORS: JOHANNESBURG** F Ameer-Mia M Aphiri JA Aukema G Barkhuizen-Barbosa R Beerman E Bester P Bhagattjee BSS Bolkanyo R Bonnet TE Brincker JJ Brink B Brown N Cara HLE Chang V Chaplin CWJ Charter CJ Daniel J Darling EF Dempster W de Waal L Erasmus P Erasmus JJ Feris TS Fletcher L França TG Fuhrmann F Gatto MZ Gatto SB Gore J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs T Jordaan R Kelly BL King Y Kleitman AM le Grange FE Leppan# CJ Lewis HJ Louw I Mahmood G Masina B Masuku NN Mohunu B Meyer WJ Midgley Z Mohamed R Moodley A Moolman MB Mpahudi J Naidoo KT Nkaiseng P Nkuna BP O'Connor H Parak A Patel GH Piensaar V Pillay DB Pinnock TZ Rapuleng AG Reid H Schensema M Serfontein P Singh-Dhulam TP Smit L Smith S Spamer FP Swart T Tosen R Valayathum HR van der Merwe JG Webber JG Whittle DA Wilken B Williams MP Yeates

**DIRECTORS: CAPE TOWN** TN Baker TJ Brewis MR Collins A de Lange S Franks DF Fyfer J Gillmer JW Green AM Heiberg PB Hesselberg S Immelman JAD Jorge A Kariem KJ Keanly JA Krige IJ Lessing GC Lumb RE Marcus NS Mbambisa SI Meyer A Mhlongo T Moodley G Orrie# CH Pienaar\* L Rhoadie MB Rodgers BJ Scriba BPA Strauss DM Thompson CW Williams

**EXECUTIVE CONSULTANTS:** AC Alexander RD Barendse M Chenia HS Coetzee PJ Conradie J Latsky NW Muller J Naser FT Newham JM Wits-Hewinson

**CONSULTANTS:** A Abercrombie JMA Evenhuis J Ewang \* Prof A Govindjee JH Jacobs EJ Kingdon FF Kolbe M Kraus Q Moeletsi S Naidoo S Parbhoo C Pepermans J Sweet H Vrey

**SENIOR ASSOCIATES:** RS Alho KF Anderson A Bezuidenhout KA Biddulph C Bodenstein JL Botha CF Brockman JC Cameron LY Coffee E Cornelius BP Cripps N Dhana DV Durand C Dutilleul T Erasmus NK Fletcher RA Geswindt AJ Gillam K Govindsamy A Govuza N Hancock B Hayath GT Howard SJ Jamieson TC Jegels SM Kelly N Loopoo AW MacPherson B Mangale V Manku S Moetywa V Moodaley W Murray Z Ngakane VT Ngcobo BS Nhlapho AL Pereira J Roberts J Strydom KB Tihabanelo YA van Leeve M Werner ER West K Weyers CA Wood

CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS: GC Badenhorst ES Burger JA Cassette AB Hoek MW Linington R Mouton B Williams

\*British #Dutch \*Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

GP  
LC



- 5 During a meeting held at the head office of the National Prosecuting Authority ("**NPA**") on 12 September 2019 to discuss the status of the investigation, Advocate Chris Macadam ("**Adv. Macadam**") (the Acting Special Director of Public Prosecutions) advised us that the original investigation docket had been removed from the offices of the NPA and could not be located.
- 6 In a letter sent by Adv. Macadam of the Priority Crimes Litigation Unit of the NPA dated 20 April 2020 (a copy of which is attached marked "**A**"), Adv. Macadam stated in paragraph 6 thereof that "*efforts were made through the Head of the Prosecution Service to locate the missing docket as it was called for by a previous incumbent of this office*" but that those efforts had "*failed to locate the docket*".
- 7 The fact that the original docket had gone missing was also recorded in a letter sent by Brigadier N Xaba, the Section Head: Crimes against the State of the Directorate for Priority Crimes to the NPA on 23 April 2020. In that letter (a copy of which is attached marked "**B**"), Brigadier Xaba states in the fourth paragraph thereof that the "*docket was reported missing in the offices of the National Prosecuting Authority*".
- 8 On the instructions of our client, we made multiple requests for an official investigation to be opened into the circumstances surrounding the disappearance of the docket and the original documents contained therein. All attempts to persuade the NPA and South African Police Service ("**SAPS**") to open an official investigation have fallen on deaf ears.
- 9 Our client is understandably concerned that the removal of the docket may amount to a cover-up. Particularly so when considering that this case has been delayed for more than 3 decades and that the NPA has admitted under oath that political interference suppressed the cases referred by the TRC to the NPA, including the Cradock 4 case. In this regard see the supplementary affidavits of Advocates T P Pretorius SC and C R Macadam filed in *Rodrigues v NDPP & Others* [2019] 3 All SA 962 (GJ).
- 10 Accordingly, an investigation was required into the possible concealing or destruction of the original police docket. The potential criminal charges would be theft of a police docket, as well as attempting to defeat or obstruct the administration of justice.
- 11 Since there were no discernible efforts to investigate the disappearance of the original docket, on 11 September 2020, our client, who lives in Cape Town, attended at the Central Police Station in Buitenkant Street in order to lay a complaint in relation to the missing docket. At the police stations, Captains Wyderman and Van Niekerk declined to process the complaint advising Mr Calata, *inter alia*, that –
  - 11.1 the case should be opened at the Silverton Police Station in Pretoria, as Pretoria is the most likely area in which the docket went missing; and
  - 11.2 that if the case was opened at the Central Police Station, Cape Town, the matter would be transferred to the Silverton Police Station, which transfer process "could take months".
- 12 We were perplexed by the response of the SAPS since it is our understanding that a complainant can register a case anywhere in the Republic. We are of the view that the SAPS ought to have assisted Mr Calata by registering the case, giving him a CAS number and then transferring the docket to the station in the area where the crime was committed. We fail to understand why this would have taken months.
- 13 Nonetheless, on 1 October 2020, Mr. Leigh Watson ("**Mr. Watson**") from our Sandton office attended at the Silverton Police Station in Pretoria to lay the complaint on our client's behalf in accordance with the advice received from Captains Wyderman and Van Niekerk. He attempted to hand over an affidavit made by Mr. Calata, a copy of which is annexed hereto marked "**C**".

GP  
LC

- 14 At the Silverton Police Station, Mr. Watson was informed by Colonel Everson and Captain Damon that our client could not open a case with the SAPS regarding the missing docket, as only the Independent Police Investigative Directorate ("IPID") could investigate such a case. This is notwithstanding the advice offered by Mr Watson that the docket went missing while in the possession of the NPA not the SAPS.
- 15 The Independent Police Investigative Directorate Act 1 of 2011 authorises IPID to investigate criminal offences allegedly committed by members of the SAPS and the Metro Police Services. The IPID has no authority to investigate the NPA. We are of the respectful view that the SAPS acted unlawfully in refusing to open a case of theft and defeating the administration of justice in respect of the missing Cradock 4 docket.
- 16 The prosecution of those responsible for the brutal murders of the Cradock 4 is a matter of national importance. The removal, disposal, destruction or concealment of the original docket amounts to a serious offence. It has considerably inhibited and delayed the murder investigations. We accordingly seek the intervention of your good offices to ensure that a criminal investigation ensues without further delay.
- 17 We look forward to receiving your urgent response.

Yours faithfully

**TIM FLETCHER / TIM SMIT**  
**CLIFFE DEKKER HOFMEYR INC**

Copied to:

**Minister of Justice:** Minister Ronald Lamola  
By Email: [ZaneNdlovu@justice.gov.za](mailto:ZaneNdlovu@justice.gov.za)

**Provincial Commissioner of Police (Western Cape):** Lt Gen Y Matakata  
By Email: [MatakataY@saps.gov.za](mailto:MatakataY@saps.gov.za)

**National Director of Public Prosecutions:** Adv Shamila Batohi  
By Email: [SBathoi@npa.gov.za](mailto:SBathoi@npa.gov.za)

**Provincial Commissioner of Police (Western Cape):** Lt Gen Y Matakata  
By Email: [MatakataY@saps.gov.za](mailto:MatakataY@saps.gov.za)

**Provincial Commissioner of Police (Gauteng):** Lt Gen E Mawela  
By Email: [Mawelae@saps.gov.za](mailto:Mawelae@saps.gov.za)

**Director of Public Prosecutions (Eastern Cape):** Adv L M Sakata  
Email: [lmsakata@npa.gov.za](mailto:lmsakata@npa.gov.za)

**Provincial Commissioner of Police (Western Cape):** Lt Gen Y Matakata  
By Email: [MatakataY@saps.gov.za](mailto:MatakataY@saps.gov.za)

**Investigating Officer (DPCI):** Colonel Joe Makua  
By Email: [MakuaJ@saps.gov.za](mailto:MakuaJ@saps.gov.za)

**Station Commander: Central Cape Town Police Station**  
By Email: [CT-CENTRAL-SAPS@saps.gov.za](mailto:CT-CENTRAL-SAPS@saps.gov.za)

**Station Commander: Silverton Police Station**  
By Email: [GPPtaSilvertonSAPS@saps.gov.za](mailto:GPPtaSilvertonSAPS@saps.gov.za)

GA  
LC

"A"

## Priority Crimes Litigation Unit



The National Prosecuting Authority  
South Africa

Cliffe Dekker Hofmeyr  
JOHANNESBURG

20 April 2020

ATTENTION: Tim Smit  
E-mail: [Tim.smith@cdhlegal.com](mailto:Tim.smith@cdhlegal.com)

### INVESTIGATION INTO THE MURDER OF THE CRADOCK 4

1. I acknowledge receipt of your letter with reference T S Fletcher/T P Smit dated 20 April 2020 and respond as follows.
2. At our meeting of September 2019, I indicated that the Mthimkulu, PEPCO 3 and Cradock 4 matters should be investigated collectively as they involve essentially the same group of perpetrators. I also referred to the fact that the Motherwell bombing case was also relevant in that the deceased were killed to prevent them revealing their involvement in the Cradock 4 matter. In the Mthimkulu matter all the perpetrators have been granted amnesty but no inquest had been held, nor a prosecution instituted. In the PEPCO 3 matter, the investigation had yet to be concluded, but the indications were that the persons who refused amnesty were all deceased. My view was that the decision in the Cradock 4 matter should be made once everything had been investigated.
3. Subsequent to that meeting Ms de Bruyn did provide feedback to Cliff Marion on the issues raised by him. I have been copied on the email which her supervisor forwarded to you today.

Private Bag X752, Pretoria, 0001, South Africa  
VGM Building, 123 Westlake Avenue, Weavind Park, Silverton 0184 South Africa  
Tel: +27 12 845 6476 Fax: +27 12 845 6686

GP  
LC

#### INVESTIGATION INTO THE MURDER OF THE CRADOCK 4

4. After our meeting the matter was brought to the attention of our nodal point in the Eastern Cape, who indicated that he would personally attend to the matter as he had appeared as counsel in both the Cradock 4 and Motherwell cases.
5. Meetings were held with the researchers to identify all the outstanding material located in public and private archives. At our last meeting we decided to offer a contract employment to a former TRC researcher who had extensively worked on the State Security Council and was ideally based to do the dedicated research which was necessary. She had indicated her willingness to work for us, but due to the lockdown activities, her appointment has not been able to be taken further through our strict procurement processes.
6. Further efforts were made through the Head of our Prosecution Service to locate the missing docket as it was called for by a previous incumbent of his office. This failed to locate the docket. The disappearance of this docket is in fact no excuse for not continuing with the investigation. I am extremely concerned about the remarks attributed to the investigator in paragraph 4 of your letter and am taking this matter up with his commanding officer.
7. The docket contained nothing more than the relevant extracts of the last Goniwe inquest as well as the amnesty proceedings. These records are easily re-obtainable. In fact, I personally handed the investigating officer the judgment of the amnesty committee as well as the heads of argument which were filed in the Goniwe inquest and other relevant documentation (these documents identified the relevant role players and could easily be used to reconstruct the docket).
8. My office contacted Rhodes University in order to purchase an electronic copy of the inquest record in its possession. The University raised an issue regarding compliance with our procurement policies. We were in the process of resolving this issue. In addition we established that certain records were available in a provincial archive, but only in hard copy form. The archive lacks the capacity to convert the documents to an electronic format which would have necessitated one of our researchers having to travel to the Eastern Cape to physically peruse the documents and make copies of those deemed to be relevant. Our researcher

GP  
LC

**INVESTIGATION INTO THE MURDER OF THE CRADOCK 4**

also obtained a copy of the book published by Chris Nichol森 to extract relevant information.

9. Unfortunately a major stumbling block was encountered due to a lack of buy-in from the DPCI which is responsible for the investigation of the case. This is not limited to this case, but relates to all the numerous other TRC matters.
10. Attempts at my level to get a proper buy-in failed to produce positive outcomes, resulting in the escalating the matter to the NDPP and then Head NPS.
11. This resulted in a meeting between us and the Head DPCI on the 31<sup>st</sup> of January 2020 where I tabled my concerns. The Head DPCI undertook to seek approval to appoint former members who had TRC experience on a contract basis. He was provided by myself with a list of ex-police officers who were willing to do the work. I also wrote to the commanding officer expressing my concerns about TRC cases and requesting him to consider having investigators working full time on these matters and not having to accommodate them in between their other investigations. I had no response to this letter which was preceded by a lengthy meeting between myself and him.
12. I would have again escalated the position with the DPCI had it not been for the lockdown. A consequence of the DPCI not having commenced the investigation was that our nodal point decided at short notice to leave the NPA at the end of March 2020. A new nodal point has been appointed, but due to the lockdown I have not been able to brief him fully on the matters that he must take over. There are several matters over and above those mentioned here.
13. Unfortunately it is extremely difficult to give proper attention to these matters at the present time. Although I am every day at the office, because I have to attend to state security and management issues the majority of role players are not able to report for duty complicating engagements with them. I have been advised that the DPCI are also extremely constrained in what investigations they can currently conduct.


GP  
LC



**INVESTIGATION INTO THE MURDER OF THE CRADOCK 4**

14. I am taking the issue of investigations up with the Unit Commander and will revert to you as soon as I receive a response. However, it is anticipated that proper attention to the cases will only be able to commence once the current restrictions are lifted.
15. I apologise for being amiss in not communicating further with you after our meeting. I did however have telephonic discussions with Cliff Marion and was unfortunately from October 2019 to January 2020 fully occupied with addressing extremely serious international matters as well as having to take urgent action regarding a terrorist organization that was on the point of carrying out a terrorist attack on the country.

Regards



**ADV CHRIS MACADAM**  
**ACTING SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS**  
**HEAD: PRIORITY CRIMES LITIGATION UNIT**

DATE: 20 April 2020

OP  
LE



"B"

Privaatsak/Private Bag X 1500, SILVERTON

Reference	CATS 05/06/2016
Enquiries	Brig N Xaba Col MS Mahlangu
Tel	079 889 9582 082 778 2835
E mail	<a href="mailto:XabaN@saps.gov.za">XabaN@saps.gov.za</a>

**SECTION HEAD  
CRIMES AGAINST THE STATE AND TOMS  
SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME  
INVESTIGATION  
SILVERTON**

The Acting Special Director  
Priority Crime Litigation Unit  
National Prosecuting Authority  
HEAD OFFICE

#### **INVESTIGATION INTO THE MURDER OF CRADOCK 4: CATS CAS 05/06/2016**

Your email dated 20 April 2020 refers.

The Investigating Officer visited the families of Cradock 4 in Eastern Cape to appraise them about the investigation on the 19 to 22 March 2019.

The investigator also visited the King Williamstown State archives to look for Inquest transcripts and other documentation that could further the investigation.

Hence the docket was reported missing in the offices of the National Prosecuting Authority, Silverton, the Investigator reconstructed the new docket.

The docket is fully reconstructed with the help of former Brigadier Marion who is employed by the Human Rights Foundation.

All the relevant information has been gathered and the docket file will be presented before Advocate Nico Henning of Grahamstown DPP's office for perusal and guidance after the lockdown.

**BRIGADIER  
SECTION HEAD: CRIMES AGAINST THE STATE AND TOMS  
SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
N XABA**

Date:

2020/04/23

cl  
lc

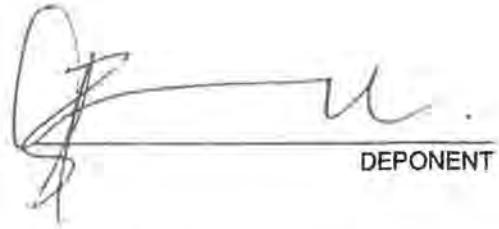
## STATEMENT OF LUKHANYO CALATA

**Statement of Mr. Lukhanyo Calata, South African identity number 811118 5457 08 9 employed at 4 Stirling Street, District Six, Cape Town, 8001.**

1. I hereby make oath and state as set out below. Where the information in this statement is not within my personal knowledge, that will either be clear from the context or I will make an express reference.
2. I am the son of the late Fort Calata. My father was murdered, along with his colleagues, Matthew Goniwe, Sparrow Mkhonto and Sicelo Mhlauli (who became known as the "Cradock 4") by members of the security branch of the South African Police Force, namely Eric Taylor, Johann van Zyl, Gerhardus Lot and Nic Janse van Rensburg on 27 June 1985.
3. Notwithstanding the fact that two separate inquests have been held (in 1987 and 1992) in relation to the murders of the Cradock 4, no one has yet to be as responsible for the murders of the Cradock 4 – some 35 years after their murder.
4. I am aware that a criminal docket has previously opened in relation to the murders of the Cradock 4, but that the docket has "gone missing".
5. During a meeting held at the offices of the National Prosecuting Authority ("NPA") (located at VGM Building, 123 Westlake Avenue, Weavind Park, Silverton, South Africa) on 12 September 2019 to discuss the status of the investigation in relation to the murder of the Cradock 4, Advocate Chris Macadam ("Adv. Macadam") (the Acting Special Director of Public Prosecutions) advised that he did not know the status of the docket, but that the docket in relation to the Cradock 4 murders was the subject of an anti-corruption unit investigation as it had been removed from the office of the NPA and had not been located since.
6. In a letter sent by Adv. Macadam for the Priority Crimes Litigation Unit of the NPA dated 20 April 2020 (a copy of which is attached marked "A"), Adv. Macadam stated in paragraph 6 thereof that "efforts were made through the Head of the Prosecution Service to locate the missing docket as it was called for by a previous incumbent of this office" but that those efforts had "failed to locate the docket".
7. The fact that the docket had gone missing was also recorded in a letter sent by Brigadier N Xaba, the Section Head: Crimes against the State of the Directorate for Priority Crimes to the NPA on 23 April 2020. In that letter (a copy of which is attached marked "B"), Brigadier Xaba states in the fourth paragraph thereof that the "docket was reported missing in the offices of the National Prosecuting Authority".
8. The fact that the missing docket was called for by the previous incumbent of the office of the NPA, Advocate Nomgcobo Jiba, and thereafter went missing without a trace must be investigated.

N 5

LC Gf  
Le

  
 \_\_\_\_\_  
 DEPONENT

I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at LAKE TOWN on the 22 day of **SEPTEMBER 2020**, the regulations contained in Government Notice No. R 1258 of 21 July 1972, as amended, and Government Notice No. R 1648 of 19 August 1977, as amended, having been complied with.





**COMMISSIONER OF OATHS**

Full Names: S. YOLO

Business Address: 28 Duntour Street

Office: Lake Town Constable

CP  
LC

*South African Police Service**South African Police Service*

Private Bag X1500, Silverton

Fax No: 012 846 4442

My reference: 26/30/1

Enquiries: Maj Gen Ledwaba  
Brig Xaba

Tel no: 082 319 9489

E-mail: [dpcihead@saps.gov.za](mailto:dpcihead@saps.gov.za)THE NATIONAL HEAD  
DIRECTORATE FOR PRIORITY CRIME  
INVESTIGATION  
SILVERTON  
0127

2020-10-23

Cliffe Dekker Hofmeyr Inc  
1 Protea Place  
SANDTON  
2196

Dear Mr Tim Fletcher

**ALLEGED REFUSAL BY SAPS TO OPEN CRIMINAL CASE FOR INVESTIGATION OF  
MISSING CRADOCK FOUR**

Your letter dated 4 October 2020 to the offices of the Minister of Police and the National Commissioner of Police respectively, has bearing on this matter.

The docket on the alleged missing Cradock four, was reconstructed and transferred to the Director of Priority Crime Investigation (DPCI) in the Eastern Cape (EC), for investigation.

The Eastern Cape DPCI registered the following cases:

- KwaZakhele CAS 39/07/2020 Matthew Goniwe
- Swartkops CAS 60/07/2020 Sparrow Mkhonto
- Swartkops CAS 61/07/2020 Sicelo Mhlauli
- Swartkops CAS 62/07/2020 Fort Calata

The abovementioned cases are receiving the necessary attention from the team of investigators from the DPCI EC.

1 GP  
LC



**ALLEGED REFUSAL BY SAPS TO OPEN CRIMINAL CASE FOR INVESTIGATION OF MISSING CRADOCK FOUR**

Regarding the original missing docket on the Cradock four, the South African Police Service (SAPS) has opened a criminal case for defeating the ends of justice and theft of a docket, as per Silverton CAS 88/10/2020 on 1 October 2020. The complainant is Mr Lukhayo Calata, who is the son of the late Fort Calata.

This case is being investigated by the Provincial Investigating Unit (PIU) of Johannesburg, which falls under the SAPS's Gauteng Provincial Office.

Yours sincerely

  
**LIEUTENANT GENERAL**  
**NATIONAL HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION**  
**(DR/ADV) SG LEBEYA (SOEG)**

Date: 2020 -10- 23

2 GP  
LC

**SUID-AFRIKAANSE POLISIEDIENS****SOUTH AFRICAN POLICE SERVICE**

Privaatsak/Private Bag x1500 Silverton 0127

Verwysing Reference	26/30/1
Navrae Enquiries	Brigadier N Xaba Colonel JN Makua
Telefoon Telephone	0823199489
Faksnommer	012 401 3235

**THE COMPONENT HEAD  
SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
SILVERTON  
0127**

Cliffe Dekker Hofmeyr Inc  
1 Protea Place  
SANDTON  
2196

Dear Tim Fletcher

**RE: REFUSAL BY SAPS TO OPEN A CRIMINAL CASE INTO THE MISSING CRADOCK  
FOUR, OUR DOCKET: SILVERTON CAS 86/10/2020**

The matter was first reported as Silverton CAS 88/10/2020 which was later rectified as Silverton CAS 86/10/2020.

The case is investigated by Gauteng Provincial Investigation Unit (PIU) under the command of Brigadier .CE Louw: contact number 082 778 7806 with the email address: [LouwCE@saps.gov.za](mailto:LouwCE@saps.gov.za). The investigating officer is Sergeant HP Mojapelo with the contact number 073 261 8784.

You are therefore advised to directly communicate with Brigadier Louw for an update on the progress of this investigation.

Kind regards

**MAJOR GENERAL  
COMPONENT HEAD: SERIOUS ORGANISED CRIME  
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
MS-LEDWABA N. Xaba**

Date: 2021-03-26

GP  
LC

**From:** Tim Fletcher <Tim.Fletcher@cdhlegal.com>  
**Sent:** Tuesday, 18 May 2021 11:47  
**To:** GP:Specific Crimes Prov Head - Brig Louw <LouwCE@saps.gov.za>  
**Cc:** Tim Smit <Tim.Smit@cdhlegal.com>  
**Subject:** REFUSAL BY SAPS TO OPEN A CRIMINAL CASE INTO THE MISSING CRADOCK FOUR, OUR DOCKET: SILVETON CAS 86/10/2020 [CDH-JHBDocs.FID4634116]

Dear Brigadier Louw

I enclose a letter received from Major General Ledwaba and Brigadier Xaba and ask that you arrange as soon as possible for us to have the following information so that we know how far the investigation has progressed and we are then in a position to report to and advise our clients.

In regard to the investigation

1. Was an affidavit was taken from Advocate Chris Macadam as it seems that the docket was taken from his custody in the offices of VGM(PCLU);
2. Was an affidavit was taken from the former Investigating Officer Captain Masegela;
3. Does Captain Masegela have a receipt as to who he handed the docket to at VGM Building (NPA Head Office);
4. Was the video footage for the day on which the docket was taken, viewed to establish who took possession of the docket. We understand that interaction and visits to VGM Building are tightly controlled under considerable security;
5. Was former DNDPP Nomgcobo Jiba interviewed? This in regards to the report from Mr Macadam that suggests that Adv Jiba called for the docket;
6. Was the document trail - with regard to the docket - investigated? Our understanding is that there is a standard operating procedure (SOP) that no document, docket or file can be taken or received without a signature. If this was not done was it investigated why this happened and who was responsible for this? If so were any departmental steps instituted against the responsible person? We suggest in this context that if the Cradock 4 docket was taken against a signature, it would not be difficult to trace the last person who took responsibility for the docket.
7. Was a physical search for the document performed in the offices and filing facilities at VGM Building and all occupants made aware that the docket was missing and being sought?
8. Was a check and search conducted at the SAPS Offices of origin where the cases were registered (SAPS Swartskop and KwaZakele - Eastern Cape). In this regard the original Crime Registers were:
  - a. KwaZakele CR 373/06/1985;
  - b. KwaZakele CR 212/06/1985;
  - c. Swartskop CR 12/07/1985;
  - d. Swartskop CR 13/07/1985;
  - e. Swartskop CR 140/06/1985;

GP  
LC

9. We understand that when the Scorpions were disbanded all their material, files, dockets and other material were handed over to the DPCI against a receipt and all of those materials were stored in containers on Promat Building DPCI Head Office in Silverton. Were these containers searched for the docket?

10. Did the investigating Officer interview Colonel Makua of the DPCI Pretoria?

By posing these questions we do not suggest that we know better than the SAPS how to conduct an investigation. We also do not propose that the questions we have raised are the only questions that might be asked or lines of investigation that might be followed in an enquiry of this nature. But you will understand that the investigation of the missing docket has been delayed for so long and that it forms part of the greater matter, which is a stain on the history of our country and a stain on the history of the police, that we must push for answers.

Your assistance is appreciated.

Sincerely

**Tim Fletcher**

Director - Dispute Resolution

Cliffe Dekker Hofmeyr Inc

Reg No: 2008/018923/21

1 Protea Place, Cnr of Fredman and Protea Place, Sandton, Johannesburg, 2196

Tel. +27 11 562 1061 Mobile. +27 83 325 0731 Fax. +27 11 562 1661

[tim.fletcher@cdhlegal.com](mailto:tim.fletcher@cdhlegal.com) | [www.cliffedekkerhofmeyr.com](http://www.cliffedekkerhofmeyr.com)

**Partner**  
From powerful partnerships come powerful solutions.

Johannesburg  
Cape Town  
Stellenbosch  
Nairobi

[CLICK HERE FOR MORE](#)

THE ONLY PLANTING  
KITI LAW LLP, KENYA

Cliffe Dekker Hofmeyr. The legal partner for your business.

Please consider the environment before printing this email.

The information in this email is confidential and is legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on it, is prohibited and may be unlawful. Whilst all reasonable steps are taken to ensure the accuracy and integrity of information and data transmitted electronically and to preserve the confidentiality thereof, no liability or responsibility whatsoever is accepted if information or data is, for whatever reason, corrupted or does not reach its intended destination.

This e-mail and any attachments thereto are strictly confidential and are intended solely for the use of the addressee. Should you not be the intended addressee, please delete this e-mail message immediately. While care is taken in preparing this document, no representation, warranty or undertaking (expressly or implied) is given and no responsibility nor liability is accepted by the SAPS as to the accuracy of the information contained herein, that the email is free of viruses, or for any damages that may occur from receiving or opening this email.

GP  
LC

**suleman@ubunye chambers.co.za**

**From:** GP:Specific Crimes Prov Head - Brig Louw <LouwCE@saps.gov.za>  
**Sent:** Wednesday, 19 May 2021 07:05  
**To:** GP:Detect PIU - Lt Col Manganyi  
**Cc:** Tim Fletcher  
**Subject:** FW: REFUSAL BY SAPS TO OPEN A CRIMINAL CASE INTO THE MISSING CRADOCK FOUR, OUR DOCKET: SILVETON CAS 86/10/2020 [CDH-JHBDocs.FID4634116]  
**Attachments:** CCE20201023\_0002.pdf

**[CAUTION]** This email originated from outside of CDH. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Col Manganyi

The trailing E mail and attachment has bearing on the matter.

Kindly obtain Silverton CAS 86/10/202 and bring to Midrand 10111 on 2021-05-20, as I will be attending a two day Bi lateral meeting.

Cc Good morning Mr Fletcher


Case docket will be obtained and perused.

Feedback will be submitted, or alternatively a meeting, where the subject can be discussed.

Thank you.

**FH#0122 BRIGADIER**

PROVINCIAL HEAD:SPECIFIC CRIME INVESTIGATION:  
DETECTIVE SERVICE GAUTENG  
CE LOUW

 082 778 7906

**Email:** [LouwCE@saps.gov.za](mailto:LouwCE@saps.gov.za)

**From:** Tim Fletcher <Tim.Fletcher@cdhlegal.com>  
**Sent:** Tuesday, 18 May 2021 11:47  
**To:** GP:Specific Crimes Prov Head - Brig Louw <LouwCE@saps.gov.za>  
**Cc:** Tim Smit <Tim.Smit@cdhlegal.com>  
**Subject:** REFUSAL BY SAPS TO OPEN A CRIMINAL CASE INTO THE MISSING CRADOCK FOUR, OUR DOCKET: SILVETON CAS 86/10/2020 [CDH-JHBDocs.FID4634116]

Dear Brigadier Louw

I enclose a letter received from Major General Ledwaba and Brigadier Xaba and ask that you arrange as soon as possible for us to have the following information so that we know how far the investigation has progressed and we are then in a position to report to and advise our clients.

In regard to the investigation

1. Was an affidavit was taken from Advocate Chris Macadam as it seems that the docket was taken from his custody in the offices of VGM(PCLU);
2. Was an affidavit was taken from the former Investigating Officer Captain Masegela;
3. Does Captain Masegela have a receipt as to who he handed the docket to at VGM Building (NPA Head Office);
4. Was the video footage for the day on which the docket was taken, viewed to establish who took possession of the docket. We understand that interaction and visits to VGM Building are tightly controlled under considerable security;
5. Was former DNDPP Nomgcobo Jiba interviewed? This in regards to the report from Mr Macadam that suggests that Adv Jiba called for the docket;
6. Was the document trail - with regard to the docket - investigated? Our understanding is that there is a standard operating procedure (SOP) that no document, docket or file can be taken or received without a signature. If this was not done was it investigated why this happened and who was responsible for this? If so were any departmental steps instituted against the responsible person? We suggest in this context that if the Cradock 4 docket was taken against a signature, it would not be difficult to trace the last person who took responsibility for the docket.
7. Was a physical search for the document performed in the offices and filing facilities at VGM Building and all occupants made aware that the docket was missing and being sought?
8. Was a check and search conducted at the SAPS Offices of origin where the cases were registered (SAPS Swartskop and KwaZakele - Eastern Cape). In this regard the original Crime Registers were:
  - a. KwaZakele CR 373/06/1985;
  - b. KwaZakele CR 212/06/1985;
  - c. Swartskop CR 12/07/1985;
  - d. Swartskop CR 13/07/1985;
  - e. Swartskop CR 140/06/1985;
9. We understand that when the Scorpions were disbanded all their material, files, dockets and other material were handed over to the DPCI against a receipt and all of those materials were stored in containers on Promat Building DPCI Head Office in Silverton. Were these containers searched for the docket?
10. Did the investigating Officer interview Colonel Makua of the DPCI Pretoria?

By posing these questions we do not suggest that we know better than the SAPS how to conduct an investigation. We also do not propose that the questions we have raised are the only questions that might be asked or lines of investigation that might be followed in an enquiry of this nature. But you will understand that the investigation of the missing docket has been delayed for so long and that it forms part of the greater matter, which is a stain on the history of our country and a stain on the history of the police, that we must push for answers.

Your assistance is appreciated.

Sincerely

**Tim Fletcher**

Director - Dispute Resolution

Cliffe Dekker Hofmeyr Inc

Reg No: 2008/018923/21

1 Protea Place, Cnr of Fredman and Protea Place, Sandton, Johannesburg, 2196

Tel. +27 11 562 1061 Mobile. +27 83 325 0731 Fax. +27 11 562 1661

[tim.fletcher@cdhlegal.com](mailto:tim.fletcher@cdhlegal.com) | [www.cliffedekkerhofmeyr.com](http://www.cliffedekkerhofmeyr.com)

GP  
LC





From powerful partnerships come powerful solutions.

Johannesburg  
Cape Town  
Stellenbosch  
Nairobi

[CLICK HERE FOR MORE](#)



CLIFFE DEKKER HOFMEYR

INCORPORATING  
KIETI LAW LLP, KENYA

Cliffe Dekker Hofmeyr. The legal partner for your business.

Please consider the environment before printing this email.

The information in this email is confidential and is legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on it, is prohibited and may be unlawful. Whilst all reasonable steps are taken to ensure the accuracy and integrity of information and data transmitted electronically and to preserve the confidentiality thereof, no liability or responsibility whatsoever is accepted if information or data is, for whatever reason, corrupted or does not reach its intended destination.

This e-mail and any attachments thereto are strictly confidential and are intended solely for the use of the addressee. Should you not be the intended addressee, please delete this e-mail message immediately. While care is taken in preparing this document, no representation, warranty or undertaking (expressly or implied) is given and no responsibility nor liability is accepted by the SAPS as to the accuracy of the information contained herein, that the email is free of viruses, or for any damages that may occur from receiving or opening this email.

GP  
LC