

OPENING STATEMENT: THE JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES

THE DULCIE SEPTEMBER CASE

INTRODUCTION

1. The Legal Resources Centre (LRC) acts for the family of the late Dulcie September. It takes its instructions from Dulcie's nephew Michael Arendse. He represents the family in its relationship with the LRC.

BIOGRAPHY OF DULCIE SEPTEMBER

2. Dulcie September was appointed the ANC's Chief Representative to France, Switzerland and Luxembourg at the end of 1983. She was stationed at the ANC office in Paris.
3. Her time in Paris was marked by her fierce commitment to imposing strict sanctions on the apartheid regime and ensuring that countries stuck to them, making enemies both in government and those with business interests in Southern Africa.
4. On March 29, 1988, between 9:45 and 10:00, Dulcie September was shot five times in the front of the head with a .22 calibre silenced rifle in the hallway as she was entering the ANC's office at Rue des Petites-Ecuries, 4th floor, Paris-10. There were no witnesses save for one resident of the building, a Mr. De Crepy, who heard footsteps running down the stairs after the shots were fired and saw two men, estimated to be in their 40s, running down the stairs.

THE APPROACH TO THE LRC

5. The LRC was initially approached by Jacqueline Derens, French anti-apartheid activist and former colleague of Dulcie September, towards the end of 2017, when she heard former LRC director Steve Kahanovitz address a conference in France. During a visit by Michael Arendse, eldest nephew of Dulcie September, and other family members in late March 2018 to attend events in Paris, France to commemorate September's assassination, a meeting was held between family members and senior officials from the town of Arcueil, where September had lived, to explore ways to reopen the case in France and South Africa and to get the two countries to co-operate in the investigation. Michael Arendse then secured a meeting with Kahanovitz in April 2018 in Cape Town.

LRC's PAIA REQUESTS

6. The LRC directed a request in terms of PAIA to the SA Embassy in France, and to DIRCO. The response led to the disclosure of an archived box in South Africa, retrieved by the LRC, but containing only documents relating to Dulcie September's life in SA before going into exile.
7. The LRC's search (in June/July 2015) also led to the South African Historical Archives (SAHA), specifically their Section 29 documents from the TRC and their Right to Truth project findings, both of which had been classified for many years and had only recently come to the public eye through the tireless work of SAHA. The LRC's check of the Section 29 records at SAHA produced nothing of note on the September murder.

THE FRENCH INVESTIGATION

8. The family did not ask the South African authorities to investigate Dulcie's death believing this obligation lay with the French authorities. However, the family did brief the LRC to conduct investigations in South Africa.

11. The French Authorities officially closed their docket on the Dulcie September murder in 1992, after it was ruled by French judge Claudine Forkel that there was no new evidence.

THE TRC INVESTIGATION

12. At the TRC the case was investigated by Swedish policeman Jan Åke Kjellberg. In his statement dated 25 November 2025 made for submission to this Commission he inter alia says:

“On 13 February 1998, a meeting was held with Dr Torie Pretorius in his office in Pretoria.

Concerning the investigation into the assassination of Dulcie September in Paris on 29 March 1988, Dr Pretorius disclosed the following information:

Based on intelligence received from an undisclosed source, Dr Pretorius reported that the weapon employed in the assassination was allegedly sent from South Africa to the London Embassy via diplomatic mail. The gun was handled by a representative of the National Intelligence Service (NIS) in London and subsequently collected by another NIS representative stationed at the South African Embassy in Paris. This individual reportedly travelled by car from Paris to London to collect the weapon.

No detailed information was provided regarding the identities of those involved, the vehicles used, or the precise timing of the transfer.”

Dr Pretorius was a senior NPA prosecutor. The family submits that the Commission should call Dr Torie Pretorius to give evidence on his knowledge of the investigation into the death of Dulcie September and why, despite his knowledge, the investigation into her death was delayed until 2022.

THE FAMILIES' APPROACH TO YVES LAURIN

13. After Michael Arendse had met with the LRC in April 2018, French barrister Adv Yves Laurin agreed in August 2018 to act pro Bono for September's family in France. In his representations to the French

authorities he described the murder of Dulcie as a crime against humanity.

14. **It appears from Yves Laurin's investigation that the French hold an important document dated 6 May 1988. In regard to this document Laurin states:** "Another note also from May 6, 1988, still five weeks after the assassination, is not accessible to me because "these are documents whose consultation seems likely to cause excessive harm to the interests protected by law (fundamental interests of the State in the conduct of external relations) and which are otherwise not directly related to your research".

THE INVOCATION OF THE MUTUAL LEGAL ASSISTANCE ON CRIMINAL MATTERS TREATY BETWEEN SOUTH AFRICA AND FRANCE

15. Michael Arendse was informed by the Directorate for Priority Crime Investigation in November 2002 that it had started to investigate the assassination.
16. In October 2025 the application of the Director of Public Prosecutions, Western Cape to invoke the Mutual Legal Assistance on Criminal Matters Treaty between SA and France in the September matter was granted. This treaty must be read with the International Co-Operation in Criminal Matters Act, No 75 of 1996. This Act commenced on 1 January 1996. The treaty was ratified by Parliament on 11 November 2002, and it came into force on 1 March 2004 and it was published in Government Gazette 27371 dated 18 March 2005.
17. The question arises: why has it taken South Africa until 2022 to begin to investigate the Dulcie September case? We believe that Dr Pretorius can shed light on the answer to this question. His answer can, we submit, assist this Commission find the answers required of it in terms of its terms of reference contained in Proclamation Notice 264 of 2025. So too we submit that the documents which we have asked the Commission to call for in terms of paragraphs 1, 2 and 3

of our email to the Secretary of the Commission dated 3 February 2026 can help answer this question.

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Legal Resources Centre

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