

WEBBER WENTZEL

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Advocate Shaun Abrahams
National Director of Public Prosecutions

Per email: skabrahams@npa.gov.za

CC

Adv Torie Pretorius Sc

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Your reference

Our reference

Date

Mr M Hathorn
3005789

8 July 2016

Dear Advocate Abrahams

INQUESTS RE: THE LATE NEIL AGGETT AND THE LATE AHMED TIMOL

Our earlier meetings and correspondence between 2015 and this year in respect of the above matters refer. We refer more specifically to our meeting on 14 June 2016 with Adv. Torie Pretorius and our email to him dated 21 June 2016, a copy of which is attached for your easy reference.

At our meeting with Adv Pretorius on 14 June 2016, he agreed that both the Aggett and Timol inquests should be reopened without delay. He further advised us that he would be recommending such advice to you. He also mentioned that he would recommend that the inquests take place in the High Court.

In our aforesaid letter to Adv Pretorius we set out why these decisions should be taken as soon as possible. Essentially, we pointed out that key witnesses are old and sickly and their passing before the reopening of the inquests would have a devastating impact on the interests of justice, as well as generating a very poor public impression of the NPA.

Although we do not believe there is much more to be done in terms of further investigations we note that there will be some lead time before the inquests can be heard in the High Court and that any outstanding investigations can take place during this period.

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We felt that the decision should have been taken within 2 weeks of our meeting with Adv. Pretorius. More than 2 weeks have elapsed since that meeting. Should a decision not be taken imminently our instructions are to take the necessary legal steps to secure such a decision.

Should you require further information or would like to meet with us again, we remain ready to assist you and to meet at any time convenient for you. We look forward to hearing from you per return.

Yours sincerely


WEBBER WENTZEL

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Moray Hathorn

Subject: FW: Inquests: Aggett/Timol

From: Moray Hathorn
Sent: 21 June 2016 09:25
To: 'Torie Pretorius (JP)'
Subject: RE: Inquests: Aggett/Timol

Dear Torie,

Re: opening of Inquests: Aggett and Timol cases

Firstly, thank you for meeting the team representing the families at the NPA on 14 June 2016.

As you requested, we address an email to you to set out why we believe the decision to reopen the Aggett (1988) and Timol (1971) inquests should be taken as a matter of urgency.

The main reason is that both cases are old and witnesses are ageing and some may die in the near future. If the decisions are delayed any further and witnesses pass away before the inquests can be reopened, aside from the devastating impact this will have on the interests of justice, it is likely that an extremely negative public perception will be generated.

In particular, the following witness are at an advanced age (in their 70s or 80s) and/ or some are in very poor health:

- George Bizos,
- Roelf Venter,
- Salim Essop,
- Charles Smith.

We note your original thinking that these matters be kept on hold pending the Simelane prosecution but we are of the view that there is no connection between these matters and the Simelane case to justify this approach.

We pointed out that once decisions to reopen are taken there will inevitably be a lead in time of several months before the actual inquests can take place. This means that there will still be ample time to carry out any outstanding investigations.

We are of the considered view that there is no reason why the decision to reopen these 2 inquests cannot be taken in the next few days, or at the very latest within the next 2 weeks.

We look forward to hearing from you at your earliest convenience.

Yours sincerely
Moray Hathorn
Partner

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