

AD 1

er/breakdown



Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

TO: ACTING HEAD, DSO

FROM: HEAD: SNPU REF: A/INV/TRC

DATE: 10 FEBRUARY 2003

RE: BREAKDOWN OF TRC INVESTIGATIONS

SCORPIONS

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TRC INVESTIGATIONS
1/02
MAMELODI 10 AND OTHER CASES - CHARGE: MURDER

Referral

Request by DNDPP that the DSO honour an undertaking given to the Mamelodi community that the bodies of the deceased would be located in return for co-operation by the community in the investigations.

Nature of Case

Security forces targeted the comrades in Mamelodi. Three separate murders were committed in different parts of the country. The TRC held separate amnesty hearings for different groups of perpetrators causing confusion as to the identities of all the perpetrators.

Nature of Investigators

(i) Location of original police dockets and mortuary related documents;

- (ii) Verification of D'Oliveira Investigating Unit section 204 witness's allegations;
- (iii) Identification of all perpetrators;
- (iv) Identification of witnesses;
- (v) Identification of alleged burial site of victims;
- (vi) Location of original inquest records;
- (vii) Exhumation process;
- (viii) Identification of remains by DNA analysis;
- (ix) Re-opening of inquests and possible prosecution of section 204 witness (if original statement proved false) and perpetrators who did not receive amnesty.

Role Players

- (i) Researchers to trace all TRC material;
- (ii) SAPS DNA laboratory to conduct DNA tests;
- (iii) Chief State Pathologist to conduct exhumation and fresh **post mortems**;
- (iv) SAPS Services and Violent Crime to provide expertise in exhumation;
- (v) Khumani support group to liaise with victims' families.

2/02

CCB Western Cape Activities

Referral

Legal Resources Cape Town request for prosecution of unsuccessful amnesty applicants for the following crimes:

- (i) Bombing of Early Leading Centre;
- (ii) Conspiracy to kill Dullah Omar;
- (iii) Conspiracy to kill Glavin Evans.

Nature of Investigations

- (i) Identify certain amnesty applicants as section 204 witnesses and others as accused;
 - (ii) Identify the strongest of the three cases;
 - (iii) Establish the links between these charges and the Wouter Basson trial where the same role players were involved;
 - (iv) Locate the original police dockets and the initial investigation done by the DPP Cape Town;
 - (v) Locate the TRC material;
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- (vi) Liaise with Legal Resources Centre for access to their material and victims who may be used as state witnesses;
- (vii) Locate evidence in the possession of the original firm of Attorneys of the victims;
- (viii) Institute a prosecution.

Role Players

- (i) Researchers to locate all background material;
- (ii) Dr Pretorius to assist with the Wouter Basson related issues;
- (iii) SAPS and DPP to advise on their investigations;
- (iv) Legal Resources and other legal firms to make available their material.

3/02

CARL NIEHAUS - CHARGE ASSAULT

Referral

Investigation by Head DSO to investigate allegations that Niehaus was tortured in detention.

Nature of Investigation

Background information and victim traced. Victim however did not desire a prosecution and file closed. Report submitted to Head, DSO.

4/02

THO HANDGRENADE ATTACKS

Charge

Possession of Grenades and Terrorism.

Referral

DPP Free state requested decision to be made on former APLA Commander.

Investigation

Evidence thoroughly perused and opinion furnished that there were no prospects of a successful prosecution. Charges were withdrawn and reports furnished to Head DSO and NDPP. Case closed.

5/02

SKOULIDES - CHARGE MURDER**Referral**

Victim's sister alleged that her brother had been framed for a murder committed by the security forces.

Nature of Investigation

- (i) Locate original murder docket and court record;
- (ii) Locate TRC investigation which alleged that the wrong person had been convicted;
- (iii) Establish if any other persons were responsible and if so whether a prosecution can be instituted.

Other Role Players

- (i) Researchers to obtain all the relevant background material;
- (ii) DPP and SAPS to furnish details of original trial;
- (iii) Former TRC investigator to explain the nature of his investigation.

6/02

KWAGGASNEK LESOTHO INCIDENT - CHARGES MURDER**Referral**

NDPP instructed that the remains of PAC members murdered in Lesotho be brought back to RSA.

Nature of Investigation

- (i) Trace next of kin of victims;
- (ii) Locate burial site in Lesotho;
- (iii) Establish exhumation and repatriation requirements from SA Foreign Affairs and Lesotho Government.
- (iv) Repatriate remains.

Role Players

- (i) Victims next of Kin;
 - (ii) Lesotho Government;
 - (iii) SA Foreign Affairs.
- 

7/02

TABLE MOUNTAIN MASSACRES - CHARGES MURDER**Referral**

DNDPP Hofmeyer requested that the matter be looked into.

Nature of Investigation

- (i) Provisional Head of Detective Service informed that the docket had been lost, the investigating unit disbanded and the investigating officer had left the force;
- (ii) The DPP KZN confirmed that her records had been destroyed and the prosecutor had resigned and emigrated;
- (iii) The TRC's final report will have to be awaited before any further action can be taken.

8/02

BATONDO / TRANSKEI - CHARGE MURDER**Referral**

Refusal of amnesty by TRC.

Nature of Case

An ANC supporter was shot dead by members of the Transkei police. They absconded before a prosecution could be instituted. It later emerged that they were hidden at Vlakplaas and given new identities.

Investigation

- (i) Locate original police docket;
- (ii) Locate original DPP's file;
- (iii) Locate TRC material (amnesty and Vlakplaas);
- (iv) Trace role players and consider prosecutions.

Other Agencies

- (i) Researchers
 - (ii) DPP Umtata
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9/02

SAP GENERAL VAN RENSBURG. MOTHERWELL/BRIAN NGULUNGA KILLINGS**CHARGES: MURDER****Referral**

Refusal of Amnesty

Nature of Case

It is alleged that General Van Rensburg ordered the killing of five security force members to prevent them from revealing how he was involved in third force activities. In the Motherwell matter three other security force members were convicted but have noted an appeal against their convictions. They have also applied for amnesty. Van Rensburg was refused amnesty but has noted a review with the High Court. In the Ngulunga matter Van Rensburg never applied for amnesty but was implicated by the applicants.

Investigations

- (i) DPP Grahamstown has requested the unit to take over the SCA appeal;
- (ii) TRC and Justice have requested to assist in setting up the new amnesty hearings;
- (iii) Locate original inquests;
- (iv) Police dockets;
- (v) Trace original witnesses;
- (vi) Conduct new investigations arising from amnesty hearings;
- (vii) Extract the relevant positions from the De Kock trial;
- (viii) Locate criminal records and civil material in possession of the State Attorney and Registrar;
- (ix) Prepare for prosecution after amnesty process completed.

Other Agencies

- (i) Researchers;
 - (ii) DPP Grahamstown;
 - (iii) State Attorney Cape Town
 - (iv) TRC
 - (v) Department Law Enforcement Justice
 - (vi) Registrar Cape Town, Port Elizabeth and Bloemfontein.
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10/02

SAP GENERAL VAN DER MERWE / LESOTHO RAID - CHARGE: MURDER**Referral**

Amnesty Refused

Nature of Case

Raid by security forces on ANC base in Lesotho.

Investigations

- (i) Awaiting outcome of state appeal in S versus Basson on jurisdiction on conspiracy to commit crimes. In the light of the Basson judgment the RSA courts have no jurisdiction;
- (ii) Locate TRC material;
- (iii) Locate State Security Council material;
- (iv) Locate material in possession of Lesotho Government;
- (v) Locate material in ANC possession.

Other Agencies

- (i) Researchers;
- (ii) State Archives;
- (iii) ANC;
- (iv) Adv Pretorius.

/02

IFP / ERMELO BLACK CATS - CHARGES: MURDER**Referral**

Refusal of Amnesty

Nature of Case

Series of attacks on ANC supporters by IFP Investigation originally conducted by D'Oliveira Unit. Section 204 witnesses however refused amnesty. Several accused however were arrested and continue to appear in court.

Nature of Investigations

- (i) Locate original investigation;
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- (ii) Locate Registers records;
- (iii) Locate Goldstone Commission Investigation;
- (iv) Locate TRC material;
- (v) Trace witnesses;
- (vi) Decide whether to prosecute.

Other Agencies

- (i) Researchers;
- (ii) State Archives;
- (iii) Register and DPP Pretoria.

2/02

IFP VERSUS TRC - CHARGE: CIVIL APPLICATION

Nature of Case

IFP brought an application to have the TRC's findings that it committed Human Rights Abuses set aside.

Nature of Investigations

- (i) Request by both the TRC and Justice that this unit make its material implicating the IFP available.
- (ii) Watching brief on the proceedings declares since it impacts on investigations involving the IFP;
- (iii) On 29 January 2003 the matter was settled on the basis that the TRC's findings would stand;
- (iv) File closed.

13/02

NTOMBI KHUBEKA - CHARGE: KIDNAPPING MURDER

Referral

Refusal of Amnesty

Nature of Case

ANC supporter kidnapped and tortured. Applicants members of KZN SAP Security Branch denied killing her. Medical evidence however established that she was shot to death.



Nature of investigations

- (i) Locate TRC material;
- (ii) Locate medical expert brought in by TRC from United Kingdom;
- (iii) Locate D'Oliveira investigation;
- (iv) Trace witnesses and in particular section 204 ones;
- (v) Prepare for prosecution.

Other Agencies

- (i) Researchers;
- (ii) Medical expert.

1/02

PHILIP POWELL - CHARGE: POSSESSION OF HAND GRENADES**Referral**

NDPP

Nature of Case

Powell received 70 tons of weapons from Vlakplaas Commander De Kock prior to 1994 election.
Powell fled to UK prior to NDPP deciding to prosecute him.

Nature of Investigations

- (i) Locate D'Oliveira investigation;
 - (ii) Extract relevant portions of De Kock trial;
 - (iii) Locate ITU investigation and KZN Government documentation;
 - (iv) Locate Goldstone Commission enquiry;
 - (v) Locate DPP KZN's files;
 - (vi) Locate witnesses;
 - (vii) Obtain military expert to identify origin of explosives;
 - (viii) Follow up Police Intelligence allegations that Powell returned to RSA;
 - (ix) Establish Powell's whereabouts in UK;
 - (x) Advise NDPP to set aside DPP KZN's decision not to prosecute.
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Other Agencies

- (i) Researchers
- (ii) State Archives;
- (iii) NIA;
- (iv) Police Intelligence
- (v) Defence Intelligence
- (vi) Nick Rowell (UK involvement)
- (vii) DPP KZN

15/02**PIET SNYDERS - CHARGE: MURDER****Referral**

DSO Chinese Syndicate Investigation.

Nature of Case

Subject was a member of Vlakplaas who was involved with De Kock. DSO has advised that he is actively involved in current organized crime and is interested to know whether he can be charged for a TRC case so as to disrupt his activities.

Nature of Investigations

- (i) Trace TRC material;
- (ii) Interview De Kock and other Vlakplaas operators;
- (iii) Establish if there is a strong case in respect of which he was refused or failed to apply for amnesty.

Other Agencies

Researchers

16/02**KZN IFP HIT SQUADS - CHARGE: MURDER****Referral**

Failure to apply for amnesty by perpetrators.



Nature of Case

KwaZulu-Natal Police officers implicated several high ranking IFP officials as ordering a series of murders. None of the implicated parties applied for amnesty however the DPP KZN declined to prosecute. The persons implicating them were all granted amnesty.

Nature of Investigations

- (i) Locate ITU investigation;
- (ii) Locate Goldstone Commission Enquiry;
- (iii) Locate original KZN Police dockets;
- (iv) Locate TRC material;
- (v) Locate High Court record of State versus Hlongwane and two others;
- (vi) Trace witnesses;
- (vii) Advise NDPP whether DPP KZN's decision can be overturned.

Other Agencies

- (i) Researchers
- (ii) State Archives
- (iii) DPP KZN

17/02

VICTORIA MXENGE - CHARGE: MURDER

Referral

In Public Interest

Nature of Case

The subject was the wife of Griffiths Mxenge the ANC lawyer who was murdered by Dirk Coetzee and other Vlakplaas operatives. Her murder however remains unsolved.

Nature of Investigations

- (i) Locate original inquest and police docket;
 - (ii) Locate TRC material;
 - (iii) Follow up information relating to Askaris and former KZN security branch member;
 - (iv) Establish if the crime can be solved.
- 

Other Agencies

Researchers

18/02

MPHAHLELA APLA KILLINGS - CHARGE: MURDER

Referral

High Public Interest / Failure to apply for Amnesty

Nature of Case

The subject was a senior member of APLA and suspected of orchestrating many of APLA's murders in the early 1990's. He did not apply for amnesty and has never been charged.

Nature of Investigations

- (i) Locate original SAP investigations into APLA attacks;
- (ii) Debrief original SAP investigators;
- (iii) Debrief SAP Intelligence operators;
- (iv) Locate original court records where prosecutions of subjects' subordinates instituted;
- (v) Trace witnesses;
- (vi) TRC material;
- (vii) Goldstone Commission Enquiries;
- (viii) Establish if there are grounds to prosecute on any charges.

Other Agencies

- (i) Researchers
- (ii) SAPS Detective Service
- (iii) SAPS Intelligence Service
- (iv) DPP's
- (v) NGO organizations with a special interest in APLA.

19/02

STEVE BIKO - CHARGE: MURDER

Referral

Refusal of Amnesty

Nature of Case

Subject died in police detention. Amnesty refused DPP Grahamstown declined to prosecute.

Nature of Investigations

- (i) Locate original inquest;
- (ii) TRC material;
- (iii) Material in possession of Legal Resources Centre;
- (iv) Locate sole surviving medical expert;
- (v) Advise NDPP whether DPP Grahamstown's **nolle prosequi** should be overturned.

Other Agencies

- (i) Researchers
- (ii) Medical experts
- (iii) Legal Resources Centre
- (iv) DPP Grahamstown

20/02

PEBCO 3 - CHARGE: KIDNAPPING/MURDER

Referral

Refusal of Amnesty

Nature of Case

1985 the PEBCO 3 disappeared without trace. The TRC refused amnesty to members of the Eastern Cape Security Branch for their Kidnapping and murder. The DPP Grahamstown refused to prosecute.

Nature of Investigations

- (i) Locate original SAP investigation;
 - (ii) Locate civil claims instituted by deceased's family;
 - (iii) Goldstone Commission Enquiries;
 - (iv) Relevant positions of State versus De Kok;
 - (v) TRC material;
 - (vi) Re-evaluate original section 204 witness;
 - (vii) Trace witnesses;
- 

- (viii) Determine whether DPP's decision should be overturned.

Other Agencies

- (i) Researchers
- (ii) State Attorney, Port Elizabeth
- (iii) State Archives
- (iv) Dr D'Oliveira

21/02

CRADOCK 4 - CHARGE: KIDNAPPING / MURDER

Referral

Refusal of Amnesty

Nature of Case

Cradock activists were kidnapped and murdered. A formal inquest before the Judge President ECD found that unknown members of the Security Forces were responsible. Amnesty was refused to members of the Eastern Cape Security Branch.

Nature of Investigations

- (i) Locate original police docket;
- (ii) Locate formal inquest before regional court President;
- (iii) Locate formal inquest before Judge President;
- (iv) Locate Goldstone Commission Enquiry;
- (v) TRC material;
- (vi) Locate witnesses;
- (vii) Determine whether there are grounds to prosecute.

Other Agencies

- (i) Researchers
 - (ii) NGO's
 - (iii) State Archives
 - (iv) Register Port Elizabeth
- 

22/02

WINNIE MANDELA - CHARGES: MURDER / KIDNAPPING**Referral**

High Public Interest: Failure to apply for Amnesty

Nature of Case

The DPP Johannesburg prosecuted the subject on a charge of kidnapping. In a HRV hearing of the TRC a large number of other serious charges were levelled at her. She never applied for amnesty. Commissioner Fivaz directed that these allegations be investigated.

Nature of Investigations

- (i) Locate original court record;
- (ii) Locate investigation by Commissioner Fivaz;
- (iii) TRC material;
- (iv) Trace witnesses;
- (v) Establish if there are grounds to prosecute.

Other Agencies

- (i) Researchers
- (ii) DPP Johannesburg
- (iii) SAPS Detective Service

23/02

SAP GEBNERAL ENGELBRECHT - CHARGE: DEFEATING THE ENDS OF JUSTICE**Referral**

High Public Interest / Failure to apply for Amnesty

Nature of Case

De Kok implicated the subject as assisting in covering up Vlakplaas killings. He did not apply for amnesty however the DPP Pretoria declined to prosecute him.

Nature of Investigations

- (i) Locate Haarms Commission;
 - (ii) Locate Goldstone Commission;
- 

- (iii) Locate inquest records of all killings;
- (iv) Extract relevant positions of De Kok's trial;
- (v) Access DPP report
- (vi) Trace witnesses;
- (vii) TRC material;
- (viii) Determine whether DPP's decision can be overturned.

Other Agencies

- (i) Researchers
- (ii) DPP Pretoria

24/03

SAP GENERAL SMIT - CHARGE: DEFEATING THE ENDS OF JUSTICE

Referral

High Public Interest / Failure to apply for Amnesty

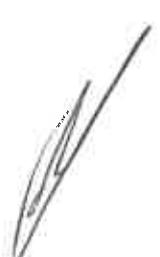
Nature of Case

Similar allegations as against Engelbrecht however none of these have ever been investigated.

Nature of Investigations

- (i) Interview De Kok and other Vlakplaas operatives;
- (ii) Locate Haarms Commission;
- (iii) Locate Goldstone Commission Enquiry;
- (iv) TRC material;
- (v) Determine whether there are grounds to prosecute.

Other Agencies

- (i) Researchers
 - (ii) State Archives
- 

25/02

ANC HIERARCHY - CHARGES: TREASON**Referral**

Refusal of Amnesty

Nature of Case

Amnesty was refused to 37 prominent ANC members including the President and several Cabinet Ministers who claimed to have been collectively responsible for the ANC's campaign of violence.

Nature of Investigations

- (i) TRC material;
- Establish if there are any grounds upon which to prosecute.

Other Agencies

Researchers

26/02

SMIT MURDERS - CHARGE: MURDER**Referral**

High Public Interest

Nature of Case

1977 a prominent Cabinet Minister and his wife were murdered in highly suspicious circumstances. The crimes remain unsolved.

Nature of Investigations

- (i) Locate all existing material;
- (ii) Trace witnesses;
- (iii) Identify the perpetrators and determine whether there are sufficient grounds for prosecution.

27/02

NELSON SITHOLE - CHARGE: MURDER**Referral**

Request by deceased's family.

Nature of Case

Deceased was a prominent activist in Cape Town. He was murdered by unknown persons. The family however believe that he was murdered by known perpetrators and the killing covered up by police.

Nature of Investigations

- (i) Locate original docket and inquest record;
- (ii) Locate DPP Cape Town's file;
- (iii) Investigate material in possession of victims attorney;
- (iv) Trace alleged eye witnesses;
- (v) Determine if there are grounds to prosecute.

Other Agencies

- (i) Researchers
- (ii) SAPS
- (iii) DPP Cape Town
- (iv) Family Attorney

28/02

CASWELL CASTRO KHUMALO - CHARGE: MURDER**Referral**

Request by Deceased's next of kin for remains of deceased to be traced.

Nature of Case

Deceased murdered by members of Soweto Security Branch. Perpetrators granted amnesty however remains of deceased never found.

Nature of Investigations

- (i) TRC material;
- (ii) Interview perpetrators;
- (iii) Locate original SAPS investigation;
- (iv) Attempt to trace remains

Other Agencies

- (i) Researchers
- (ii) Institute for Violence and Reconciliation
- (iii) SAPS

29/02

ANTOR LUBOUWSKI - CHARGE: MURDER

Referral

High Public Interest

Nature of Case

Suspect was a high ranking member of SWAPO murdered in Namibia. Suspicion is that he was murdered by the CCB Crime remains unsolved.

Nature of Investigations

- (i) Haarms Commission
- (ii) Goldstone Commission;
- (iii) D'Oliveira Investigation;
- (iv) Evidence in possession of Namibian Government;
- (v) Outcome of State appeal in S v Basson relating to jurisdiction for conspiracy;
- (vi) Trace witnesses and TRC material;
- (vii) Determine whether there are grounds to prosecute (see (v)).

Other Agencies

- (i) Researchers
- (ii) State Archives
- (iii) Namibian authorities

30/02

RIGHT WING AMNESTY APPLICATIONS - CHARGE: TERRORISM

Referral

Divisional Headquarters SAPS Intelligence

Nature of Case

Request by SAPS to assist in profiling of right wing involvement in current wave of terrorism.

Nature of Investigations

SAPS furnished with a complete breakdown of each and every right wing amnesty application.

Investigation complete.

Other Agencies

- (i) Researchers
- (ii) Police Intelligence

02

BOTSWANA CROSS BORDER RAID / SOWETO SECURITY BRANCH - CHARGE: MURDER

Referral

High Public Interest

Nature of Case

Soweto Security Branch involved in a series of attacks which were not fully investigated by TRC.

Nature of Investigations

- (i) TRC material;
- (ii) Original D'Oliveira Unit Investigations;
- (iii) Outcome of State appeal in S v Basson relating to conspiracy;
- (iv) Trace witnesses;
- (v) Trace evidence in possession of Botswana Government;
- (vi) Determine whether there are grounds to prosecute.

Other Agencies

- (i) Researchers
- (ii) SAPS
- (iii) Botswana Government

32/02

TRANSKEI COUP DE AT - CHARGE: MURDER**Referral**

High Public Interest / Failure to apply for Amnesty

Nature of Case

An attempt was made to overthrow Bantu Holimisa's Transkei Government. The plot failed and it is alleged that the conspirators were murdered by the Transkei security forces.

Nature of Investigations

- (i) Existing evidence in possession of the former Transkeian authorities;
- (ii) TRC material;
- (iii) Trace witnesses;
- (iv) Determine if there are grounds to prosecute;

Other Agencies

- (i) Researchers
- (ii) DPP Eastern Cape
- (iii) SANDF

33/02

CISKEI COUP DE AT - CHARGE: MURDER**Referral**

High Public Interest

Nature of Case

Two prominent Ciskei leaders attempted to overthrow Oupa Quoza's Government and were killed in the process. Allegations have been made that they were murdered and that South Africa's Military Intelligence was involved.

Nature of Investigations

- (i) Locate formal inquest in Ciskei High Court;
 - (ii) Locate record of prosecution of Quoza in Ciskei High Court;
 - (iii) TRC material;
- 

- (iv) Trace witnesses;
- (v) Determine whether there are grounds to prosecute.

Other Agencies

- (i) Researchers
- (ii) DPP Ciskei
- (iii) SANDF

34/02

CHADWICK - CHARGE: MURDER

Referral

High Public Interest

Nature of Case

The subject was charged by the DPP Johannesburg for killing a number of persons in order to advance the cause of the IFP. He absconded to the United Kingdom before the trial commenced. Upon arrival there he claimed to be mentally ill and has been committed to an institution. Interpol has raised the issue as to whether his extradition is warranted.

Nature of Investigations

- (i) Confirm availability of original witnesses;
- (ii) Confirm current mental status of accused;
- (iii) Establish whether extradition can be effected.

Other Agencies

- (i) DPP Johannesburg
- (ii) Interpol
- (iii) SA Foreign Affairs
- (iv) British Authorities

35/02

TRAIN VIOLENCE - CHARGE: MURDER

Referral

High Public Interest



Nature of Case

It has been alleged that the high levels of train violence in the early 1990's were orchestrated by the security forces. The TRC never properly investigated the allegations.

Nature of Investigations

- (i) Trace and interview security forces members who has been suspected of orchestrating the violence;
- (ii) Determine whether there are sufficient grounds to prosecute.

36/02

REGGIE HADEBE - CHARGE: MURDER**Referral**

High Public Interest

Nature of Case

Prominent ANC leader killed in Richmond. TRC unable to find any evidence as to the perpetrators.

Nature of Investigations

- (i) Locate ITU investigations;
- (ii) TRC material;
- (iii) Identify perpetrators and determine if there are grounds to prosecute.

Other Agencies

Researchers

37/02

DULCIE SEPTEMBER - CHARGE: MURDER**Referral**

High Public Interest

Nature of Case

The subject was a high ranking ANC official killed in France. The allegation is that she was murdered by the CCB. The TRC's investigations were seized by NIA because of their sensitive nature.

Nature of Investigations

- (i) Locate TRC material in possession of NIA;
- (ii) Identify perpetrators and determine if there are grounds to prosecute;
- (iii) Locate evidence in possession of French authorities;

Other Agencies

- (i) Researchers
- (ii) NIA
- (iii) French Government

38/02**RIGHT WAY BOMBINGS - CHARGE: MURDER****Referral**

Failure to apply for Amnesty

Nature of Case

Several right wingers convicted of bombings implicated high ranking officials of the AWB in their amnesty applications. The implicated parties failed to apply for amnesty.

Nature of Investigations

- (i) TRC material;
- (ii) Original police dockets and court records;
- (iii) Interview amnesty applicants;
- (iv) Determine whether there are grounds to prosecute perpetrators.

Other Agencies

- (i) Researchers
- (ii) DPP's
- (iii) SAPS

39/02**REVEREND GEORGE WAUSCHOPE - CHARGE: MURDER****Referral**

Minister of Justice and Constitutional Development

Nature of Case

The subject absconded from the High Court Johannesburg in 1989 when facing a charge of murder. The PAC has requested the Minister to grant the subject immunity from prosecution in order for him to return to the RSA.

Nature of Investigations

A comprehensive separate report has been compiled and the Minister advised not to accede to the PAC's request.

Other Agencies

- (i) DPP Johannesburg
- (ii) SAPS

40/02

SOUTH AFRICAN DISAPPEARANCE PROJECT - CHARGES: UNKNOWN**Nature of Case**

Request by NGO organization to trace persons who disappeared during the TRC period as a result of violence. It was agreed that they would channel all their queries to our researchers and would also make available to us information in their possession relevant to our investigations.

Other Agencies

- (i) Researchers
- (ii) NGO organization

41/02

PRO JACK - CHARGE: MURDER**Referral**

Refusal of Amnesty

Nature of Case

Murder of ANC member by other ANC members. Amnesty refused.

Nature of Investigations

- (i) TRC material;
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- (ii) Original police investigation;
- (iii) Trace witnesses;
- (iv) Determine if there are grounds upon which to prosecute.

Other Agencies

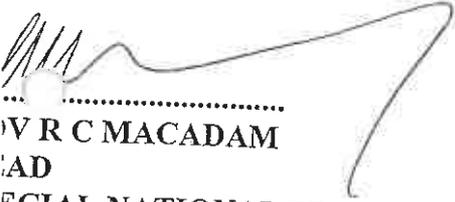
- (i) Researchers
- (ii) SAPS

GENERAL COMMENTS

1. It is anticipated that the successful investigation of the above will lead to the detection of further unsolved crimes.

Now that researchers have been appointed the TRC material is being evaluated on a systematic basis which will also lead to further investigations being registered.

Due to the small number of staff members the investigations are prioritised according to their degree of urgency however it remains the policy of my office to deal with the matters holistically once the final report of the TRC has been received and analysed.



.....
V R C MACADAM
AD
ECIAL NATIONAL PROJECTS

AD2

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Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

SCORPIONS

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Cell: 082 498 6033

TO: DEPUTY HEAD *Copy to booth 5/5/03*

CC: CIO A G LEASK

FROM: HEAD SNP

DATE: 5 MAY 2003 REF: A/INV/5/03 TRC

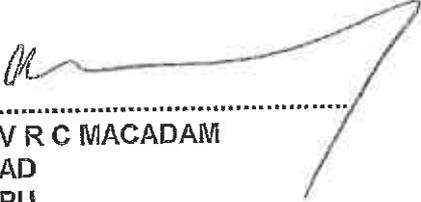
RE: INQUEST: AHMED TIMOL

1. On 2 May 2003 I was requested to investigate the above matter by the deceased's nephew Imtiaz Timol (082 445 2086) after he had been referred to my office by Minister Pahad in the President's Office.
2. The following documentation has been made available:
 - (i) Extract from George Bizoz's Book;
 - (ii) Article by Ivor Powell;
 - (iii) TRC hearing; and
 - (iv) Details of the SAPS members involved in the interrogation.
3. Imtiaz further informed me that:
 - (i) the inquest record has been destroyed;
 - (ii) he has the contact details of a fellow detainee now in England who can assist;
 - (iii) he has photographs of the body of the deceased; and
 - (iv) Ivor Powell informed him that Sgt Rodriguez had told his daughter what had really happened.



4. The following investigation focus areas are identified:

- (i) George Bizoz must be interviewed to establish whether he has the post mortem report and any other information;
- (ii) Ivor Powell (DSO Cpt) must be interviewed re 3(iv);
- (iii) Researchers to establish whether there is any additional TRC material and whether the policeman involved after linked to any other human rights abuses;
- (iv) the other detainee will have to be interviewed; and
- (v) once all the evidence has been obtained the Chief State Pathologist will have to be requested for an opinion on the injuries and the claim that the witness fell from a 10 storey building.


.....
ADV R C MACADAM
HEAD
SNPU



MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
CAPE TOWN
2003-03-25
KAAPSTAD
MINISTERIE VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No., 2003

NATIONAL PROSECUTING AUTHORITY ACT, 1998

Determination of Powers, Duties and Functions of a Special Director of Public Prosecutions

under section 13(1)(c) of the National Prosecuting Authority Act, 1998(Act No. 32 of 1998), I, hereby confer, impose and assign the following powers, duties and functions on or to Advocate ANTON ROSSOUW ACKERMAN SC, a Special Director of Public Prosecutions, appointed in terms of the said provisions:

To exercise the powers, carry out the duties and perform the functions necessary, within the Office of the National Director of Public Prosecutions as directed by the National Director and—

- (a) in particular, to head the Priority Crimes Litigation Unit and to manage and direct the investigation and prosecution of crimes contemplated in the Implementation of the Rome Statute of the International Criminal Court Act, 2002(Act No. 27 of 2002), and serious national and international crimes, which include acts of terrorism and sabotage committed under the Internal Security Act, 1982(Act No. 74 of 1982), high treason, sedition, foreign military crimes committed by mercenaries, or such other priority crimes to be determined by the National Director; and
- (b) generally, giving such advice or rendering such assistance to the National Director as may be required to exercise the powers, carry out the duties and perform the functions which are conferred or imposed on or assigned to him by the Constitution or any other law.

Given under my Hand and the Seal of the Republic of South Africa at.....PRETORIA.....on this.....24th.....day of.....MARCH.....Two Thousand and Three.

T. M. Mbeki
T. M. MBEKI
President

P. M. Maduna
P. M. MADUNA
Minister of the Cabinet

AD4

sl/ audit trc cases



Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

TO: NDPP REF: TRC GENERAL

CC: HEAD DSO
HEAD OPERATIONS
ADV ACKERMANN

FROM: HEAD SNPU

DATE: 15 MAY 2003

RE: AUDIT OF TRC CASES

SCORPIONS

P. O. Box 752,
SILVERTON
0001

VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

Tel: (012) 845 6431
Cell: 082 498 6033

A. CASES BEING PREPARED FOR PROSECUTIONS:

1. MOTHERWELL BOMBING

(a) Leg One

The accused were all refused amnesty. On review however the High Court ordered that their applications be reheard because the TRC failed to lead evidence. Investigations conducted by my office indicate that the accused supplied a false motive for killing the deceased. Evidence will be made available to the TRC so that amnesty can be refused on a proper basis. This will open the way for legs two and three.

(b) Leg Two

The three accused convicted in the 1996 prosecution were granted leave to appeal against their convictions to the SCA. I have taken over the argument of the appeal from the DPP Eastern Cape due to the fact that the prosecutor has retired.

(c) Leg Three

The prosecution of SAP General van Rensburg for ordering the killing of the Motherwell Four.

2. **BRIAN NGULUNGA**

The prosecution of SAP General van Rensburg for ordering the killing of Brian Ngulunga.

3. **PEBCO 3**

The prosecution of the Security Branch members responsible for the kidnapping of the deceased at Port Elizabeth Airport.

4. **WAUCHOPE**

Prosecution of AZAPO leader George Wauchope for murder and other related charges. I am awaiting the Minister's response to representations by the accused that he not be prosecuted.

5. **POWELL**

The prosecution of Phillip Powell for possessing hand grenades in April 1994. The matter is with the NDPP.

6. **NQUTU ARMS CACHE**

The prosecution of J. M. Nqobobo and others for the concealment of the weapons found in the Nqutu Bunker in May 1999.

7. The prosecution of the CCB members responsible for the bombing of the Early Learning Centre (it must however be established that the accused did not receive indemnity in terms of the Indemnity Act of 1990).

B. POTENTIAL FURTHER PROSECUTIONS ARISING FROM THE ABOVE

1. Murder of the PEBCO 3

There is currently no reliable evidence on the murder charge. If the accused are however convicted of kidnapping it is likely that at least one of them may supply information as to the killings in order to obtain a lesser sentence.

2. Cradock 4

There is no reliable evidence on this case. The TRC however established that the crime was committed by the same people who were involved in the Motherwell and PEBCO 3 cases. The successful prosecution of these cases could lead to some of the perpetrators coming forward also to obtain lesser sentences.

C. NEW CASES BEING EVALUATED FOR PROSECUTION PURPOSES

1. Murder of the COSAS 4
2. Murder of Askari Strongman Sambo
3. Murder of detainee on the East Rand by "Timol" Coetzee
4. Murder of Askari Dan Maboto
5. Allegations by IFP sentenced prisoner to have knowledge of murders in the East Rand from 1988
6. 447 dockets relating to APLA handed over by SAPS Crimes Against the State Unit
7. 6-8 dockets linking AWB to Pre election bombings previously dealt with by Advocate Fick

D. HIGH INTEREST CASES WHICH REQUIRE ATTENTION IRRESPECTIVE OF THE NATURE OF AVAILABLE EVIDENCE

1. Murder of Victoria Mxenge
2. Kidnapping, torture and murder of Ntombi Khubeka
3. Kidnapping, torture and murder of Nokutulu Simelane
4. Decision by DPP Pretoria not to prosecute SAP General Engelbrecht
5. Uninvestigated allegations against SAP General Bassie Smit
6. Ciskei Coup De AT
7. Transkei Coup De AT

8. Pre Election Train Violence in Gauteng
9. Murder of Reggie Hadebe
10. Murder of Dulcie September
11. Refusal of Amnesty to 37 High Ranking ANC officials
12. Decision by DPP KZN not to prosecute IFP hit squads

E. REPRESENTATIONS TO INVESTIGATE SPECIFIC CASES

1. Death in detention Ahmed Timol
2. Murder of UDF activist Nelson Sithole
3. Murder of Pro Jack
4. Murder of IFP families in Table Mountain by A. M. Zulu
5. Murder of ANC supporter Batondo
6. False Conviction of Skouldies
7. Assault on A. Bult
8. Vlakplaas member Piet Snyders
9. Murder of Castro Khumalo

F. CASES IN THE PROCESS OF BEING CLOSED

1. Assault on Carl Niehaus- complainant does not desire a prosecution
2. APLA murder Mphahlela attacks on police stations: lack of reliable evidence
3. Mphahlela murder charges- lack of admissible evidence against him
4. Winnie Mandela- lack of reliable evidence
5. Steve Biko- crime prescribed in 1997
6. Smit Murders- perpetrators deceased
7. Ermelo Black Cats- lack of reliable evidence
8. IFP Murders Chadwick- accused in a mental institution in the United Kingdom

G. ASSISTANCE TO OTHER AGENCIES

1. Police Intelligence supplied with a breakdown of AWB amnesty hearings to assist in profiling of persons currently involved in Right Wing Activities
2. TRC supplied with material relating to IFP human rights abuses to assist them to oppose IFP application to have findings against it set aside

H. REPARATIONS RELATED ACTIVITIES

1. Exhumation of bodies of Mamelodi 10
2. Reparations of remains of victims in the Kwaggasnek incident in Lesotho
3. Representations by members of the public to locate their missing relatives
4. Partnership with SA Disappearance Foundation

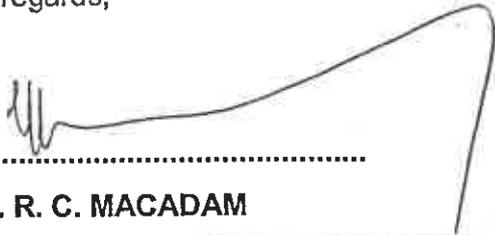
I. INVESTIGATION PUT ON HOLD PENDING THE APPEAL IN THE BASSON CASE RELATING TO JURISDICTION FOR CONSPIRACY TO COMMIT CRIMES OUTSIDE THE RSA

1. Murder of Anton Lubauwski
2. Lesotho Raid
3. Botswana Raid
4. Swaziland Raid

J. POLICY CONSIDERATIONS

1. Prosecutions not to be conducted on a piece meal basis except where special circumstances (e.g. witness on point of death, accused about to leave RSA or engaged in current criminal activities)
2. Once all the cases earmarked for prosecution have been investigated a presentation will be given to the NDPP in order for him to confirm the prosecution strategy. Thereafter prosecutions will be instituted
3. After convictions have been obtained attention will be given to cases which currently had evidence since convictions may act as incentive for perpetrators to come forward

Kind regards,



.....

ADV. R. C. MACADAM

HEAD

SNPU

ADS AP4

er/trc



Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

SCORPIONS

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.
Weavind Park
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Pretoria
South Africa

Tel: (012) 845 6431
Cell: 082 498 6033

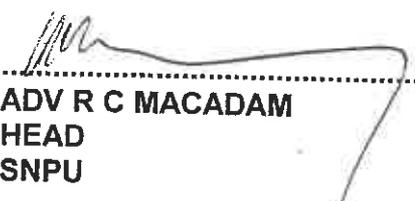
**TO: HEAD OPERATIONS
ADV G LEDWABA**

FROM: HEAD SNPU

DATE: 22 MAY 2003 **REF: A/INV/TRC**

RE: TRC INVESTIGATIONS

1. As discussed earlier with you it has been decided to incorporate all the TRC cases as a national project with a budget. Individual investigations will be declared as legs of the national project and not treated as individual projects:
2. I enclose herewith:
 - (i) The National Project Proposal;
 - (ii) Application for a section 28 declaration - Motherwell
 - (iii) Application for a section 28 declaration - Brian Ngulunga
 - (iv) Application for a section 28 declaration - PEBCO 3
 - (v) Application for a section 28 declaration - Nelson Sithole
 - (vi) Application for a section 28 declaration - Mamelodi 10.
3. The Nqutu Arms Cache A/INV/14/02 TRC has already been referred to you and your decision is still outstanding.


ADV R C MACADAM
HEAD
SNPU



AD6

er/portfolio



Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

SCORPIONS

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.

Weavind Park
0001
Pretoria
South Africa

Tel: (012) 845 6431

Cell: 082 498 6033

TO: NDPP
FROM: ADV A R ACKERMAN SC
SPECIAL DIRECTOR
DATE: 23 MAY 2003 REF:
RE: REQUEST FOR MEETING: MY NEW PORTFOLIO

1. I hereby request as a matter of urgency a meeting to discuss the following agenda:

- 1.1 TRC Matters - 40 minutes
 - (a) Progress made by Advocate Macadam's Office;
 - (b) Progress made into ANC/AWB investigations supervised by Advocate Fick; and
 - (c) Proposal for the further management of cases by my Office and the DSO.

1.2 Office Accommodation/staff - 10 minutes

1.3 Report Back Wouter Basson Appeal - 5 minutes

1.4 Rome Protocol/Hague Convention - 5 minutes

2. The meeting should be attended by the following persons:

- (a) Yourself;
- (b) DNDPP Auxiliary Services;
- (c) DNDPP DSO;



- (d) Myself;
- (e) Advocate R C Macadam;
- (f) Advocate O M Tongwane; and
- (g) CIO Leask.

3. Kindly request your secretary to advise Advocate Macadam (8456431) of the date and place of the meeting.



.....
ADV A R ACKERMAN SC
SPECIAL DIRECTOR

AD7

er/trc cases



Office of the Head
Special National Projects
Directorate of Special Operations
HEADQUARTERS

INTERNAL MEMORANDUM

SCORPIONS

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.
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0001
Pretoria
South Africa

Tel: (012) 845 6431
Cell: 082 498 6033

TO: NDPP
CC: DR RAMAITE
ADV MCCARTHY
FROM: ADV A R ACKERMAN SC
SPECIAL DIRECTOR
DATE: 26 MAY 2003 REF: A/INV/TRC
RE: TRC CASES

A. CASES AS MANAGED BY THE NDPP/DSO

1. From 1998 to 2000

Advocate Brink Ferreira was appointed to head a team of advocates and fell directly under the NDPP.

2. From 2001 to 2003

In January 2001 Advocate Macadam was appointed to replace Advocate Ferreira and the portfolio transferred to the Head DSO. Macadam was however almost immediately transferred to the Witness Protection Office and thereafter a task team was set up under the Head of Operations.

3. From March 2002 to date

(i) In March 2002 Macadam took over the unit which eventually became the Special National Projects Unit of the DSO Headquarters. He established that:

- (a) there was no filing system;
- (b) no investigations had been conducted;



- (c) no cases identified for prosecution;
 - (d) no investigators were attached to the unit;
 - (e) all the professional staff had left except Advocate Tongwane;
 - (f) there was no proper administrative component; and
 - (g) all that appears to have been done since 1998 was for various amnesty judgements to be closed off.
- (ii) In May 2002 a CIO and 3 Senior Special Investigators were appointed. They however were not released of their other duties until November 2002.
- (iii) He conducted an audit of existing work and identified 21 cases worthy of investigation. The state of the cases was such that the prospect of successful prosecutions was poor.
- (iv) He drafted detailed proposals indicating how the situation could be improved. He identified additional resources in particular the need to appoint people with TRC expertise. The majority of his requests have not been supplied.
- (v) On 1 June 2002 Advocate Sonn suspended all further work on TRC cases.
- (vi) Advocate McCarthy instructed that priority be given to TRC cases in mid August 2002.
- (vii) The following steps were undertaken:
- (a) urgent attention was given to cases where there were outstanding criminal proceedings or representations had been received from victims or human rights groups;
 - (b) existing amnesty applications were classified and cases identified which had prosecution potential;
 - (c) a business plan was completed and delegations as required by the NPA Act made;
 - (d) the DPP's were requested to complete an audit of all cases relating to the TRC dealt with by their offices;
 - (e) SAPS were requested to complete a similar audit;

- (f) protocols were entered into with all relevant stake holders; and
 - (g) efforts were made to get resources.
- (viii) On 1 December 2002 two part time researchers and a Senior State Advocate were appointed and an audit of the TRC data base commenced. These cases relate primarily to the former security forces. See annexure.
 - (ix) As a result of the three audits in February 2003 41 cases were identified for investigation, registered and the focus areas of each investigation defined.
 - (x) The 41 investigations have been incorporated into a National Project and budgeted. Cases are being registered on Eagle Eye.
 - (xi) Six applications for declarations in terms of section 28(1)(a) have been lodged.
 - (xii) As at May 2003 the status of the cases is:

(a) Investigations completed	:	7
(b) Investigations closed	:	6
(c) Investigations being prepared for prosecution	:	7
(d) Investigations put on hold lack of resources	:	17
(e) Investigations put on hold Basson appeal	:	4
 - (xiii) The unit in addition carries the National Sunflower Oil Project and Operation Black Widow.
 - (xiv) The Office is functioning properly and is only hampered by lack of resources.

B. CASES DEALT WITH BY ADVOCATE FICK

1. SAPS appointed a retired SAPS members to investigate cases against the ANC and also the AWB for pre election bombings.
2. A number of dockets were collected but investigations suspended due to an instruction from your office in January 1999.

3. Certain cases were closed because amnesty was granted.

4. I will personally make a decision on the case of the President and 36 prominent ANC members who were refused amnesty.

C. CASES RESULT WITH BY ADVOCATE PRETORIUS

Advocate Pretorius is currently attached to DSO HQ and is dealing with an enquiry into the death of Samora Machel a question of law in terms of section 333, Act 51 of 1977 arising from State versus Basson and allegations relating to mercenary activities.

D. PROPOSAL FOR FURTHER MANAGEMENT OF CASES

1. That Advocate Fick's cases be transferred to my unit so that a full audit may be conducted in order to establish whether any of them have prosecution potential. All such cases will further be managed by myself. On 22 May 2003 I instructed that investigations be reopened on matters identified by myself.

2. That Advocates Macadam and Pretorius be transferred to my office but retain their delegations as members of the DSO.

3. That I assume personal responsibility for all cases currently being handled by Macadam, Fick and Pretorius. Since I am directly managing cases which are being investigated by the DSO it is suggested that it be expedient and prudent that I be given an appointment in terms of section 7(4)(a)(1)(aa) and authorized to perform the powers of a Director in terms of sections 27, 28 and 29 of the NPA Act for these cases. Your guidance in this matter is sought.

4. That urgent attention be given to the outstanding resources identified by Advocate Macadam.

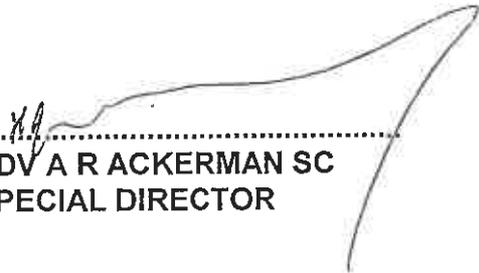
5. That I report monthly to:

- (i) You;
- (ii) Dr Ramaite; and
- (iii) Advocate McCarthy (in so far as DSO matters are concerned).



E. PERFORMANCE CONTRACTS, BUSINESS PLAN AND IMPLEMENTATION THEREOF AND OFFICE STRUCTURE

These matters are receiving attention. I enclose herewith a proposal for the immediate Office Structure for your approval.


.....
ADV A R ACKERMAN SC
SPECIAL DIRECTOR



er/structure

OFFICE STRUCTURE

LEGAL

1. Head : Special Director
AR Ackerman SC

- Deputy Director Public Prosecutions : R C Macadam
- Deputy Director Public Prosecutions : J P Pretorius
- Deputy Director Public Prosecutions : O M Tongwane /
To be appointed

2. Administrative
 1. Executive Secretary : To be appointed
(Ms T Pienaar acting
in a temporary
capacity)
 2. Senior Administrative Officer : To be appointed
 3. Dictaphone/Litigation Typist : To be appointed
 4. Administrative Assistant : To be appointed

3. Investigators

Seconded from the DSO HQ to finalize existing investigations

CIO Leask
SSI Maangwaale
SSI Jonker
SSI Van der Merwe
SSI Piet Pieterse
SSI N de Lange

AD8



**The National Prosecuting Authority of South Africa
Igunya Jikelele Labetshutshisi Bo Mzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika**

**National Director of Public Prosecutions
VGM Building
National Prosecuting Authority
21 October 2003**

The Head:

Priority Crimes Litigation Unit

**RE: PROSECUTIONS EMANATING FROM THE TRUTH AND
RECONCILIATION COMMISSION**

In terms of the powers given to me under the Presidential Proclamation of 24 March 2003 I hereby direct that your unit assumes responsibility for the investigation and prosecution of all cases emanating from the Truth and Reconciliation Commission.


B.T. Ngcuka

National Director of Public Prosecutions



Annexure "D"

AD9

Ⓢ
C

AD9

er/lalla

The Divisional Commissioner
Crime Intelligence
South African Police Service
PRETORIA

Date: 4 June 2003

ATTENTION: COMMISSIONER LALLA

Dear Commissioner Lalla

ASSISTANCE INVESTIGATION OF CASES ARISING FROM THE TRC

The National Director has created the Priority Crimes Litigation Unit in his office to deal with the investigations and prosecutions of cases arising from the TRC.

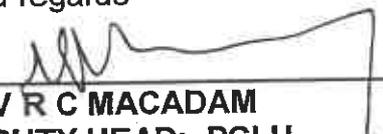
The assistance of your office is sought in connection with the following matters:

(i) Allegation that Ms Mandela took part in the killing of Chris Hani. An intelligence report was provided by your Pietersburg office to me. I requested your Director Hankel to assist in identifying the informant in order to assess the reliability of his allegations. He has in turn referred the matter to you. The National Director has expressed his desire that a speedy final decision be made concerning whether Ms Mandela should be prosecuted for TRC related matters.

(ii) Motherwell Bombing / Brian Ngulunga / De Kock / General Nick van Rensburg.

A number of investigations are in progress concerning allegations that General Van Rensburg ordered De Kock to kill various security branch members in order to prevent them from defecting to the ANC. If the records maintained by the former security branch relating to the incidents are still available these might contain valuable information which can shed more light on the allegations. I have been informed that your office is now the custodian of these records and would be grateful if agreement could be reached to gain access thereto.

Kind regards



ADV R C MACADAM
DEPUTY HEAD: PCLU



AD10

AD 10

Investigations

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

Tel: (012) 845 6434
Cell: 082 498 6033

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

INTERNAL MEMORANDUM

TO : CIO Leask
FROM : Adv M G Ledwaba
DATE : 15 JULY 2003

SUBJECT : SNPU INVESTIGATIONS

1. Due to the recent creation of the PCLU it has become necessary to re-define the mandate and operations of the SNPU as follows:

(i) TRC cases

I have decided that SAPS must take over the investigations of all such cases currently handled by you. Your files should be closed off and all the material given to the PCLU. It must also be given the storeroom currently being used. Notwithstanding the above decision Adv TONGWANE must finalize the Black Cats and Winnie Mandela cases. Due to the fact that NDPP has requested a speedy finalization of the two matters this must be done before 30 July 2003. I have also transferred the two researchers to the PCLU. It may be necessary for your investigators to introduce certain witnesses with whom they have dealt to the SAPS investigators and you are accordingly authorized to conduct the necessary handovers.

(ii) Operation Sunflower

Advocate MACADAM will continue to oversee the disruptive action with the Consumer Council with your assistance. Once the SAPS report is received and evaluated, I will make a decision on the final disposal of the case.

/fp

Adv M G Ledwaba
HEAD : OPERATIONS

Adv PRETORIUS has been delegated to assess all cases currently being investigated by both SAPS and the DSO. (I have communicated separately to the Regional Head Gauteng in this regard). I will make a decision as to the involvement of the DSO in such investigations once I have received a report from Adv ACKERMANN.

(v) Foreign Mercenaries

SAPS must continue with the investigations under the direction of the prosecutor arranged by Adv ACKERMANN. You may give limited assistance to SAPS and the prosecutor on specific aspects when necessary.

(iv) Operation Final Curtain

Adv TONGWANE must oversee the finalization of the investigation and conduct the prosecutions which may arise.

(iii) Operation Black Widow

AD11

G.P.S. 002-0222

SAP 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X302

Verwysing Reference	3/9/9/1(93)
Navrae Enquiries	Div Comm De Beer
Telefoon Telephone	(012) 393 2191
Faksnommer Fax number	{ 012 } 393 2193

Afdelingskommissaris/Divisional
Commissioner
Speurdiens / Detective Service
Hoofkantoor / Head Office
PRETORIA
0001

2003-09-26

Advocate AR Ackermann, SC
Special Director
Head: Priority Crimes Litigation Unit
National Prosecuting Authority
Church Square
PRETORIA
0001

Dear Advocate Ackermann

INVESTIGATION OF TRC CASES

Your letter dated 20 August 2003, as well as the preceding discussion between ourselves, have reference.

As agreed at our meeting, I have discussed your request for the assistance of the South African Police Service, to investigate cases emanating from the TRC processes, with the National Commissioner. It is evident from your letter that the investigation and prosecution of these cases were referred to the National Director of Public Prosecutions, by the President. Our understanding was that this referral was politically inspired. As you know, a large number of cases to be investigated are those of ex-policemen. It is therefore understandable that you first endeavoured to have these cases investigated by the Directorate for Special Operations(DSO).

From your letter it is firstly not clear why the DSO do not have the legal mandate to investigate the cases emanating from the TRC, and secondly, why it was not possible to obtain a Presidential Proclamation to provide such mandate if it was lacking. Your letter only states that: "In March 2002, consideration was given to the issue of a Presidential proclamation, but problems were encountered in this regard."

You are aware of the fact that the capacity created for the D'Oliveira Committee is presently with the DSO.

2

In view of the nature of the investigations, the fact that the President has referred it to the National Director, and that it seem to be common cause that the initial understanding was that the DSO would have investigated it, the opinion is held that you, or the National Director should approach the President, and confirm the instruction of the President on who he wants to investigate these cases.

If the President indicates that the South African Police Service should be involved in the investigations, the instruction should be obtained in writing. Upon receipt of such instruction, the South African Police Service shall of course assist, and the terms of reference, as well as issues such as logistics, number of investigators, command, can be discussed, as well as other relevant issues.

You are therefor requested to approach the President on the matter, where after we can take the matter further, if necessary.

Kind regards.



DIVISIONAL COMMISSIONER: DETECTIVE SERVICE
JF DE BEER



er/memo

Office of the Head
Priority Crimes Litigation Unit
HEADQUARTERS

INTERNAL MEMORANDUM

TO: ADV GEOPH LEDWABA

CC: 1. NDPP
2. DR S RAMAITE SC
3. ADV LF MCCARTHY SC

FROM: ADV A R ACKERMANN SC

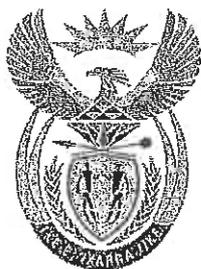
SUBJECT: INVESTIGATION OF TRC CASES BY THE DSO

DATE: 11 NOVEMBER 2003

P. O. Box 1511
SILVERTON
PRETORIA
0127

VGM Building
123 Westlake Str
Weavind Park
0184

Tel: (012) 845 6431
Fax: (012) 845 7224



Dear Geoph

1. In the light of current developments, I am constrained to document the history of the above saga.
 - i) In 2001 the NDPP decided that the DSO was responsible for the investigation and prosecution of the above cases. Both Advocates Sonn and McCarthy made a number of public statements creating an impression that the DSO was making a sincere effort to do justice to the cases. In addition Advocate Sonn gave the President a full briefing on the matter.
 - ii) In 2002 the SNPU was established in order to investigate the cases.
 - iii) In 2003 and in response to the TRC's final report, the President placed the responsibility for the investigation and prosecution of TRC matter on the NDPP
 - iv) In May 2003 I gave the NDPP and his Deputies a full briefing on all TRC cases identified for prosecution.



My prosecution strategy was endorsed and Advocate McCarthy indicated that there would be no problem in having the cases declared in terms of Section 28 of the NPA Act. The NDPP briefed the Minister and Justice Portfolio Committee accordingly.

- v) Shortly thereafter and in the same month you were presented with applications in terms of Section 28 relating to the cases.
- vi) In July 2003 you verbally informed me that you were not prepared to sign the declarations and were withdrawing the DSO from the further investigation of the cases. A letter to this effect was given to the CIO Leask by you. (Copy attached)
- vii) In response thereto I requested Commissioner De Beer to appoint the police to take over the investigations. After a series of meetings with him, he approached the National Commissioner who indicated that the police would only investigate upon written instruction of the President (Copy of De Beer's letter is attached). His primary reason was that the SAPS had transferred all their members with appropriate experience to the DSO in order to capacitate it to conduct these investigations.
- viii) After receipt of De Beer's letter, I made several unsuccessful attempts to contact you to discuss the matter. Eventually I had to report the matter to Dr Ramaite.
- ix) On 3 November 2003 you informed me that you would sign the declarations in terms of Section 28(1)(b) and would appoint SSI De Lange to conduct the necessary investigations.
- x) On 6 November 2003 Dr Ramaite informed Adv Macadam that he had discussed the matter with Adv McCarthy who indicated that the DSO would investigate.
- xi) On 10 November 2003, Adv Macadam presented you with Section 28(i)(b) declarations. You informed him:
 - a) That you are not prepared to sign any declarations
 - b) De Lange would not be appointed despite the fact that it was explained to you that he was part of the initial investigation and familiar with all the witnesses and the facts of the cases.
 - c) That during the course of 10 November 2003 another investigator will be appointed.
 - d) The President should not be approached to involve SAPS

2. As at the date of this letter I have heard nothing further from you. I am constrained to express my concern at the above state of affairs. Since July 2003 no investigations have been conducted. There are certain cases which could have been prosecuted which have prescribed. There is both National and International pressure to institute prosecutions (e.g. Simelane's case). An amnesty hearing for the Motherwell Matter has been set down for early March 2004 and the TRC was given an undertaking that certain investigations would be conducted and made available to the committee. The availability of witnesses and high public interest dictate that the other cases be brought to trial as soon as possible. The failure to do so will bring the *bona fides* of the National Prosecuting Authority into serious dispute and do irreparable damage

Since I do not have any investigative capacity, I am powerless to deliver on my mandate. For the sake of justice and expediency, I appeal to you to assign De Lange and another investigator to investigate these cases and to sign the declarations in terms of Section 28(1)(b). This chapter in our country's history must be closed without further delay.

Kind regards



ADV AR ACKERMANN SC
SPECIAL DIRECTOR
HEAD: PCLU

AD13

er/ckcis

Office of the Head
Priority Crimes Litigation Unit
HEADQUARTERS

INTERNAL MEMORANDUM

TO: HEAD OF OPERATIONS: DSO
FROM: NDPP
DATE: 8 DECEMBER 2003
RE: INVESTIGATION OF TRC CASES BY THE DSO

P. O. Box 1511
SILVERTON
PRETORIA
0127

VGM Building
123 Westlake Str
Weavind Park
0184

Tel: (012) 845 6431
Cell: 082 498 6033
Fax: (012) 845 7224

I have decided in terms of section 28(1)(b) of Act 32 of 1998 that the following three cases arising from the TRC be investigated by the DSO.

- (i) Kidnapping, assault and murder of the PEBCO 3;
- (ii) Murder of Brian Ngulunga;
- (iii) Murder of Motherwell 4; and
- (iv) Attempted murder of Reverend Frank Chikane.

Kind regards



B T Ngcuka
.....
B T NGCUKA
NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS
24/02/04

2

[Handwritten mark]

AD14

Office of the
National Director of Public
Prosecutions



The National Prosecuting Authority of South Africa
Isonyo Jikelele Labetshuishisi boMzantsi Afrika
Die Nasionale Vervolgingsgesog van Suid-Afrika

25 February 2004

Victoria & Griffiths
Mxenge Building,
123 Westlake Avenue,
Weavind Park, Silverton

P/Bag X752

Pretoria

0001

Tel: (012) 845-6000

www.npa.gov.za

A/INV/5/03/TRC

Imtiaz Cajee
P O Box 1888
GARSFONTEIN EAST
0060

Dear Sir

INVESTIGATION INTO TIMOL CASE

I acknowledge receipt of your fax of 18 February 2004 and have to inform you that the case is registered under the above reference number. Last year investigations were conducted into the allegations that former security branch officer Rodrigues had confessed to his daughter who in turn informed IVOR POWELL.

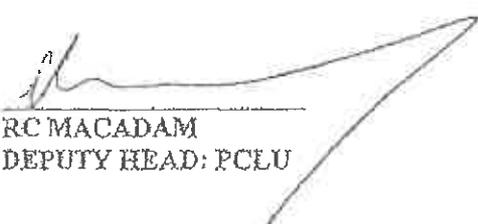
The investigations produced negative results. I confirm that you furnish me with the following documents:

- i) Extract Bizos' book
- ii) Article Powell
- iii) TRC transcripts
- iv) INPUT Detainee
- v) Photographs

The testimony of a detainee who was held out of the window was not included.

I would be grateful if you would furnish me with a copy of it as well as any other relevant material, which you may have. The case will again be considered the light thereof.

Kind regards


RC MACADAM
DEPUTY HEAD: PCLU



APIS



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

PD

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

er/trc (ns)

Office of the National Director of Public Prosecutions

Victoria & Griffiths
Mxenge Building,
123 Westlake Avenue,
Weaving Park, Silverton

P/Bag X752
Pretoria
0001
(12) 845-6000
www.npa.gov.za

TO : ADV M G LEDWABA
HEAD OF OPERATIONS

FROM : NDPP

DATE : 26 FEBRUARY 2004

REF: A/INV/25/02 TRC
A/INV/18/02 TRC

RE : REFERRAL OF TRC CASES TO THE DSO IN TERMS OF
SECTION 28(1)(b) OF ACT 32 OF 1998

I have decided to refer the following matter to the DSO for investigation in terms of section 28(1)(b) of Act 32 of 1998. Crimes of murder, attempted murder and conspiracy or incitement to commit murder committed in an organized fashion by Letlapa Mphahlela with reference to the APLA attacks on the St James Church and Heidelberg Tavern situated in Cape Town.


B T NGCUKA
NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS



[Handwritten mark]

AD16

6

TRC COMMITTEE MEMBERS				
NAME	DEPT.	CONTACT No.	EMAIL	
Anton Ackermann	NPA (PCLU)	012-845 6474	arackermann@npa.gov.za	
Mthunzi Mhaga	NPA (PCLU)	012-845 6398	mcmhaga@npa.gov.za	
Dr S Ramaite	NPA (NSSD)	012-845 6765	msramaite@npa.gov.za	Convenor
Marlyn Raswiswi	Justice	012-315 1730 0826600463		
Yvonne Mabule	NIA	012-427 4498 0827872853	yvonnem@nia.gov.za	
Philip Jacobs	SAPS	012-395 0063	jacobspc@saps.gov.za	
Josias Lekalakala	SAPS	0825745870	mjlekalakal@telkomsa.net	
Brian Koopedi	NIA	012-4262602 0824168357	bkoopedi@nia.gov.za	
AT Mngwengwe	NPA(DSO)	012-845 6470	atmngwengwe@npa.gov.za	
NVE Ngidi	NPA(DSO)	012-845 6401	nvengidi@npa.gov.za	
		<u>PRINCIPALS</u>		
Adv Vusi Pikoli	NPA(NDPP P)	012-845 6758		
Kalyani Pillay	NPA	012-845 6749		
Loyiso Jafta	Presidency	012-300 5458		
M Simelane	DG justice	012-315 1730		
ME Manzini	NIA			




AD 17

6

MINUTES OF TRC COMMITTEE MEETING 12 October 2006Members Present:

- | | |
|--------------------------|------------------|
| 1. Adv Vusi Pikoli | (NPA) |
| 2. Adv Kalyani Pillay | (NPA) |
| 3. Mr ME Manzini | (NIA) |
| 4. Mr Loyiso Jafta | (PRESIDENCY) |
| 5. Mr Simelane | (DG JUSTICE) |
| 6. Dr Ramaite | (NPA & Convenor) |
| 7. Adv Anton Ackermann | (NPA) |
| 8. Comm. Philip Jacobs | (SAPS) |
| 9. Mr Brian Koopedi | (NIA) |
| 10. Mr NVE Ngidi | (DSO) |
| 11. Mr AT Ngwengwe | (DSO) |
| 12. Ms Yvonne Mabule | (NIA) |
| 13. Ms Marilyn Raswiswi | (JUSTICE) |
| 14. Mr Josias Lekalakala | (SAPS) |
| 15. Mthunzi Mhaga | (NPA) |

Apologies : none— National Commissioner

1. Opening Remarks by the NDPP who gave a detailed background of the cases emanating from the conflict of the past with particular reference to TRC matters. He indicated that the establishment of the committee is derived from the policy guidelines which were approved by parliament in December 2005 on prosecution of all TRC matters. The NDPP had attended a meeting with DGs from SAPS, NIA, justice and a representative from the office of the Presidency where it was decided that a committee should be established. Cases in possession of PCLU and SAPS have to be identified and an update on their status is also required. SAPS has to provide investigating officers for all cases identified for prosecution. The NDPP emphasised the fact that he will decide on each prosecution and not the committee. The role of the committee will be to make recommendations to the NDPP on each case.
2. Mr Manzini indicated that these cases need to be prioritised and the process needs to be fast tracked.
3. Dr Ramaite indicated that there is a need for a task team of investigators to work on these cases.
4. The NDPP further indicated that Dr Ramaite is the convenor for the committee and the PCLU will report to Dr Ramaite directly.

The meeting was then closed after the NDPP asked the committee to meet after the meeting with the Principals.

Committee Meeting

Dr Ramaite requested PCLU and SAPS to compile an audit report of all cases in their possession and that the PCLU will take charge of investigations being assisted by SAPS. The committee will then deal with all cases including matters that have been closed by the PCLU. Mr Ngidi indicated that committee members will not be rubber stamper to decisions already made by the PCLU and he was supported by Mr Koopedi who said they are prepared to go through volumes of records in all cases.

Mthunzi was then mandated to arrange a suitable date for the next meeting. Indeed a date was arranged for the 25/10/2006 at the DSO boardroom.

Prof. FN

AD18

Helena H. Zwart

From: Helena H. Zwart
Sent: Thursday, June 05, 2008 1:20 PM
To: Silas Ramaite
Subject: TRC Task Team

Dear Dr Ramaite

Attached please find a memo from Adv Ackermann, addressed to yourself.

Regards

Helena

6/5/2008



ADIB

/Z56 forms

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

Tel: (012) 845 6431
Cell: 082 498 6033

INTERNAL MEMORANDUM

TO: DR MS RAMAITE SC
DEPUTY NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS

FROM: ADV AR ACKERMAN SC
SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS
AND HEAD: PCLU

SUBJECT: TRC TASK TEAM

DATE: 5 JUNE 2008

Dear Dr Ramaite

With reference to the meeting between you, Adv Macadam and myself earlier this morning, I confirm the following:

1. That Adv Macadam will supervise and manage Adv Mhaga's activities in respect of TRC matters;
 2. That Adv Macadam will attend all meetings of the Task Team;
 3. That Adv Macadam will be involved in all high level discussions with the Acting NDPP in connection with TRC matters;
 4. That attention will be paid to the status of all investigations registered to date and in this regard, Dr Bukau will also be co-opted to deal with certain matters;
 5. That the prosecutors will not perform functions which will usurp the duties of SAPS and NIA;
- 

6. That the PCLU, as contemplated by the Guidelines, will be responsible for the operational management of TRC matters under your supervision and that of the NDPP.

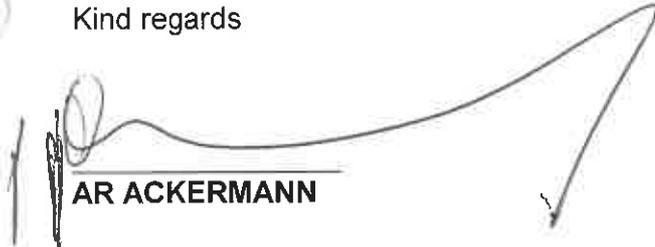
An additional matter which I wish to bring to your attention is the Pebco 3 matter, where the accused are due to appear on a final remand in the Port Elizabeth High Court on 5 August 2008. The accused had, since 2004, appeared in the High Court on indictment, but on each occasion, the matter has been postponed, due to the fact that the review of their refusal of amnesty by the TRC has not been finalized. The DoJ&CD is responsible for compiling a record and enrolling the review before the TPD. To date, this has not taken place and on each occasion when we take this matter up, we are informed that documents are missing, etc. On more than one occasion, we had been asked to consider withdrawing the criminal case, because of the problems with finalizing the review.

The fact that the matter has not gone to trial is of considerable distress and dissatisfaction with the victims. They have complained to the Minister and have also displayed their dissatisfaction at court on the dates of the postponements.

A decision must be taken as to how the next court appearance will be managed. We believe that this should first be discussed between ourselves and the Acting NDPP, whereafter the Task Team must be consulted and thereafter, a memorandum submitted to the Minister.

Our *prima facie* views are that the Court would not grant another postponement and in any event, this would not be acceptable to the victims. The review is only for the benefit of the accused and one option would be to proceed with the prosecution. We however believe that a judge is highly unlikely to order a trial when the accused has the opportunity of receiving amnesty and is in no way to blame for the failure to have the review process finalized. We would also have to establish whether the matter is in fact at this stage ready for trial, since the witnesses were last consulted almost five years ago. The Court may require or we would be obliged to call someone senior from the DoJ&CD to testify under oath as to the reasons for the delay with the review. We see both the NPA and the DoJ&CD being criticized severely by the victims and the media.

Kind regards



AR ACKERMANN



AD19

Helena Zwart (H)

From: Helena H. Zwart
Sent: 09 July 2008 04:41 PM
To: Anton R. Ackerman
Subject: TRC work
Importance: High

Dear Anton

While I am out the office next week, I recommend that you oversee the following work on TRC matters:

1. Pebco 3:

- 1.1 Tessie Bezuidenhout promised to come to the office so that an affidavit can be compiled confirming the fact that the record of the review had been filed with the High Court and giving reasons for the fact that this was not done already. She must be contacted and arrangements made for the affidavit to be compiled.
- 1.2 Adv Bukau was given a copy of my letter to Koole's attorney, placing certain facts on record and confirming that it was in his client's best interests that the matter be postponed. She should contact him and obtain a written confirmation.
- 1.3 Jan Wagener undertook to furnish an updated medical report in respect of Van Zyl, confirming that he is not fit to appear in court and also indicating that the matter should be postponed pending the review. I did not have time this week to meet again with him. However, one of the advocates should meet with him and resolve these issues. He has a spare copy of the CD which should be collected from his office.
- 1.4 Marion is meeting with the victims in PE from 20 – 22 July 2008. I have asked him to contact Madeleine to get the details of the victims support group which the Minister appointed to work with the families and that he should liaise with them in his contact with the families. I had also raised the desirability of Adv Mhaga being present in PE at the same time to meet with the families and explain the reasons for the further postponement of the matter.
- 1.5 It must also be established by Marion whether Venter and Mogai are still available and confirm their statements.
- 1.6 Consideration must be given to whether it is necessary for Marion to also submit an affidavit for use at the Court hearing. This would be to confirm that the witnesses, upon whose strength the prosecution was instituted, are still available.
- 1.7 Christo Nel indicated that the matter will be heard before either Jansen J or Liebenberg J and that he did not foresee that there would be any objection to a postponement. According to Jan Wagener, the earliest date for the review would be November 2008. It is likely that judgment would be reserved and probably only handed down in February 2009. Further, according to him, the party losing the review would definitely appeal to the SCA. It is therefore desirable that the matter again be postponed to August 2009 so as to enable the appeal to be finalised.
- 1.8 Van Zyl never applied for amnesty for assault. Therefore, even if the review was decided in his favour, he would still face prosecution on the assault charge. Koole has not applied for a review and therefore, can still be prosecuted for kidnapping and assault. If all of the urgent matters have been addressed, then the advocates should be instructed to locate the missing evidence in the docket. Andrew Leask has indicated that a member of his staff can download the data on "Eagle I". I have given Adv Bukau Leask's email, containing her contact details. Wagener's disk should also be perused. It would appear that Piet Jonker at one stage made material available for the purpose of compiling the record of the review. Arrangements should be made with Tessie Bezuidenhout for one of the advocates to review the documentary evidence which forms part of the review since certain of the missing portions of the docket could be filed there. A comprehensive memo should be compiled, setting out in a systematic

manner all further investigations necessary should the matter go to trial. The arrangement with the DSO as far as Marion is concerned is merely to confirm the availability of the witnesses upon whose evidence the decision to prosecute is taken. A new investigating officer would have to be appointed, so the instruction would have to be written in such a manner that a newcomer would be able to identify what is required. An executive summary of all the evidence should be compiled.

1.9 The evidence given by the State witnesses should be perused to establish whether there are any contradictions between such evidence and their statements in the docket. Any such contradictions should be described in detail and an opinion expressed as to whether they are fatal as far as the witnesses' credibility is concerned.

2. Anton Lubowski

2.1 Late last year, Mrs Lubowski requested her husband's murder to be reinvestigated and alleged that an explanation should be provided why Torie Pretorius and Neels de Lange did not follow up evidence which her attorneys had provided earlier to them.

2.2 Adv Mhaga apparently had meetings with various people. He should compile a comprehensive report, describing in detail what was conveyed to him by them and what follow-up actions, if any, were undertaken by himself. He should also file any documents acquired by him and should submit a report, setting out the relevance of such documentation.

2.3 A convicted diamond smuggler, Courtney Clark, repeatedly phoned Helena, requiring an appointment with me to arrange *inter alia* the arrest of Torie Pretorius. He was informed that I could not speak to him as I was not authorised to gather intelligence. Peter Bishop of the DSO also contacted him and explained that any allegations would have to be made to an investigating officer and followed up according to police procedures. Today, his advocate phoned me and I advised her that if he had any information on the Lubowski matter, he should reduce it to writing and submit it to her. She should peruse it and submit it to the PCLU if she considers it relevant to the Lubowski matter. It was specifically explained to her that any allegations could only be followed up by SAPS. It was explained to her that only Namibia had jurisdiction for acts committed in that country and that consideration could only be given if evidence was presented of a conspiracy formulated in South Africa as a result of which Achesen committed the murder. I pointed out to her that to date, no such evidence has been forthcoming and she agreed that it was unlikely that there would be a breakthrough.

3. St James/Heidelberg Tavern

3.1 The documentary evidence relating to these matters in a box under the table next to the safe should be analysed and a comprehensive report compiled, identifying all aspects thereof that would be relevant to Mphahlele.

3.2 The amnesty hearings are on the Justice website. An advocate must be appointed to peruse the evidence of the applicants in order to establish to what extent they implicate Mphahlele in the attacks.

3.3 Most of his claims to have ordered the attacks were made to the media. A comprehensive memorandum, setting out the law relating to the admissibility of this evidence must be compiled. Particular attention must be paid to the fact that the media will claim privilege and how this claim can be dealt with.

3.4 A detailed memorandum outlining all further investigations must be compiled.

3.5 His book is also in the office and must be read in order to determine its relevance to the investigation.

4. Simelane matter

4.1 A detailed analysis of the evidence in the docket must be conducted, identifying problem areas including legal issues and all aspects requiring investigation.

4.2 The TRC evidence must be analysed in order to establish whether it materially contradicts the statements in the docket.

4.3 A detailed analysis must be made of Howard Varney's report and the merits of his points in favour of a prosecution carefully analysed.

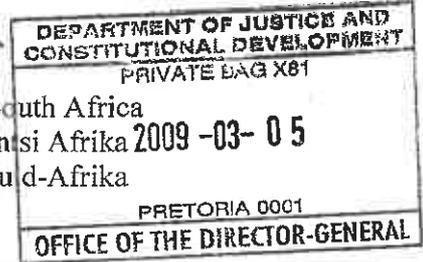
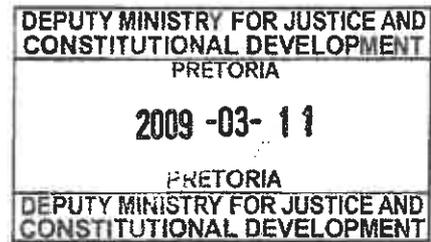
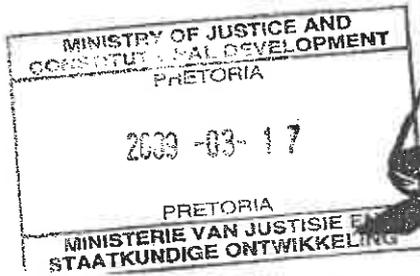
Kind regards

Chris



AD 20

3/16/2



The National Prosecuting Authority of South Africa
Igunya Jikelele Labetshutshisi Bo Mzansi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

MEMORANDUM

**TO: MR ME SURTY, MP
MINISTER OF JUSTICE & CONSTITUTIONAL
DEVELOPMENT**

**FROM: ADV MJ MPSHE SC
ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

SUBJECT: TRC TASK TEAM

DATE: 17 FEBRUARY 2009

1. PURPOSE OF MEMORANDUM

The purpose of this memorandum is to inform the Minister of my intention to reconvene the TRC Task Team and to advise him of matters relating thereto.

2. BACKGROUND

- 2.1 The TRC Guidelines provide for the creation of a Task Team made up of representatives from SAPS, NIA and DoJ&CD to, within the scope of their mandates, assist the members of my office to evaluate the TRC material. In terms of the Guidelines, the duty to decide whether or not to prosecute lies with me.
- 2.2 Since 2007, the Task Team has not sat, due to the fact that matters relating to it were tabled before the Ginwala Commission. The effect thereof was that investigations into TRC matters could not continue.

- 2.3 The victims were dissatisfied with the lack of progress being made in their matters and in certain cases, appointed lawyers who declared the intention to institute legal proceedings against the NPA. Certain interventions from my office were necessary in urgent matters.
- 2.4 The Ginwala Commission did not make any findings which impact on the functioning of the Task Team and consequently, I have deemed it imperative to reconvene the Task Team so that work on the TRC cases can commence.

3. BRIEFING

- 3.1 Members of my office have met with the Divisional Commissioner of the Detective Service of SAPS and the Deputy Director General: Operational Support of NIA. Both agencies have indicated their willingness to again participate in the Task Team and to perform duties within their agencies' mandates.
- 3.2 After I have received feedback from you, I intend submitting written invitations to the relevant Directors General, inviting them to nominate staff members to form part of the Task Team and to arrange a date for the first meeting of the Task Team.
- 3.3 No requests to investigate TRC matters have been received since November 2007 and it is anticipated that once the matters on hand have been dealt with, that the chapter on these cases may be closed. In its report released in 1998, the TRC did in fact recommend that a time limit should be imposed on such prosecutions.
- 3.4 The following matters are on hand at present:

3.4.1 *S v Van Zyl & Ano*

The accused were indicted in the Port Elizabeth High Court as early as 2004. Their case has now been postponed to late June 2009 for the High Court review of the refusal of amnesty in respect of Van Zyl.

3.4.2 *Anton Lubowski Assassination*

Although the deceased was murdered in Namibia, the family have requested the NPA to investigate the possibility of the murder being committed in pursuance of a conspiracy formulated in South Africa. Because the enquiry is limited to

a conspiracy charge, this offence will prescribe in September 2009.

3.4.3 The kidnapping and murder of the *Cradock 4*

The victims are co-applicants in the application to have the TRC Guidelines declared unconstitutional. The case was the subject of an inquest presided over by the Judge President of the Eastern Cape Division of the High Court and amnesty was refused in respect of the Security Branch members who came forward, admitting complicity in the murder.

3.4.4 The kidnapping and disappearance of *Nokuthula Simelane*

The victim disappeared in 1983 and no evidence has come forward regarding her suspected murder, nor have her remains been recovered. Some information relating to her kidnapping and torture was obtained by the TRC. I have decided in this matter that it would be most appropriate to hold a formal inquest.

3.4.5 The *Heidelberg Tavern and St James Church Massacres*

The current Head of the PAC has claimed responsibility for ordering these attacks. He has never applied for amnesty and victims have called for his prosecution.

3.4.6 Warrant of arrest: *Philip Powell*

This relates to a receipt of a substantial quantity of armaments by Philip Powell from former Vlakplaas Commander de Kock. Powell has made representations that a warrant for his arrest be cancelled. The TRC granted amnesty to De Kock and others in connection with the matter and made findings against Powell.

3.4.7 The *Samora Machel* air crash

This matter has to date not been dealt with as a TRC matter, despite the fact that the TRC held a special hearing into the case and no one applied for amnesty. The former Minister for Safety & Security made a statement that SAPS was conducting a full investigation into the matter. The matter periodically surfaces in the media and also affects our country's relationship with Mozambique. In order to enable

this matter to be effectively investigated, I have decided that this matter must now be dealt with by the Task Team.

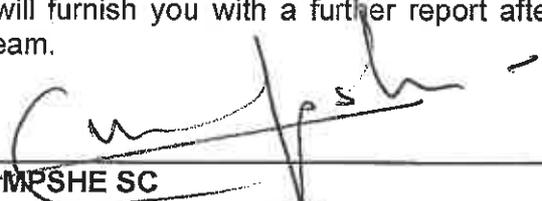
3.4.8 The murder of Rick Turner

Information has been received regarding the firearm which was used in the killing. This information must be followed up by SAPS.

3.4.9 Allegations against Security Branch member, General Basie Smit

When Vlok and others pleaded guilty to the poisoning of Rev Chikane, they implicated General Smit as being involved in the plot. He never applied for amnesty and was not prepared to plead guilty. A case against him based on these allegations has been investigated.

4. All of the above matters, except for the Pebco 3 case, require investigations by SAPS before I can make a decision whether are sufficient grounds to institute prosecutions or not.
5. Although the Pretoria High Court has declared the Guidelines unconstitutional and an appeal has been noted, there is no reason why the investigations cannot proceed in the interim.
6. Given the unique circumstances surrounding TRC cases, NIA has been requested to compile a threat analysis of the risks attached to such investigations. I will forward the analysis to you upon receipt thereof so that you can brief the affected Ministries.
7. I will furnish you with a further report after the first meeting of the Task Team.



 ADV. M. J. MPSHE SC

ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

DATE: 03.03.09.

NOTED


 ADV M SIMELANE

DG: DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT

DATE:

It may be useful that the Minister first discuss these matters with the JMC Ministers so that the acting NDPP can be advised how to proceed especially on what the mandate of the N.P.A. is on these matters if at all.

06/3/9

I cannot find fault with the approach proposed. In fact, in law, NDPP must proceed with prosecutions or not if requested. To ensure this does not take place in isolation, the Task Team was established, as part of remedial policy. As this is a sensitive matter, I agree without

12/3/9
ADV J DE LANGE
DEPUTY MINISTER OF JUSTICE & CONSTITUTIONAL DEVELOPMENT
DATE: consultations with NECT Resident

✓
NOTED

Support Davis view

MR ME SURTY, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DATE: 2009-07-29

*investigations must proceed!
However, matters can be raised in IMC meeting.*

Helena Zwart (H)

From: Sibongile Mzinyathi
Sent: 20 May 2009 07:50 AM
To: Willie Hofmeyr (WA); Helena Zwart (H); Aubrey T. Mngwengwe
Cc: Mokotedi Joseph Mpshe; Silas Ramaite; Anton R. Ackerman
Subject: RE: Investigators for TRC cases

Thanda

This is for your information/attention.

Kind regards

S Mzinyathi

From: Willie Hofmeyr (WA)
Sent: 19 May 2009 08:56 PM
To: Helena Zwart (H)
Cc: Mokotedi Joseph Mpshe; Silas Ramaite; Anton R. Ackerman; Sibongile Mzinyathi
Subject: RE: Investigators for TRC cases

Hi

It sounds like a good idea, but let me do some consultation in the DSO on the issue.

Regards

Willie

From: Helena Zwart (H)
Sent: Mon, 18 May 09 13:23
To: Willie Hofmeyr (WA)
Cc: Mokotedi Joseph Mpshe; Silas Ramaite; Anton R. Ackerman
Subject: Investigators for TRC cases

Dear Willie

I met this morning with Commissioner Lalla concerning the appointment of SAPS investigators to investigate the TRC cases where victims have asked the NPA to look at prosecutions. We have been taking quite a beating due to the fact that nothing has been done on these matters for a number of years and in fact, in certain cases, the victims are threatening us with *mandamus* applications. In this regard, Commissioner Lalla asked me to provide him with the names of three/four investigators who had the necessary experience. We are only looking at a small number of cases, plus-minus nine. Obviously, no progress at all will be made if the investigators do not have previous knowledge of the relevant Apartheid security structures and role players therein.

The only persons I could think of off-hand, were CSI Marion and three/four of his KZN DSO investigators, who were previously involved with the Goldstone Commission and ITU. All these persons have indicated their willingness to transfer to SAPS. Commissioner Lalla indicated that the TRC investigations would constitute a special tasking and the investigators would be permitted to finalise these cases before taking on other commitments. He also indicated that he would pay the costs of the investigations from his budget. This would ensure that they could deal with these matters irrespective of whether they are located in DPCI or any other police structure. He asked me to communicate directly with you on this issue.

Kind regards

Chris Macadam



From: Bezuidenhout Colla - Superintendent [mailto:BezuidenhoutColla@saps.org.za]
Sent: 07 July 2009 08:56 AM
To: Helena Zwart (H)
Subject: RE: TRC cases

AD22B

Hallo Helena,

Comm Lalla agreed to the meeting but requested that we involved Deputy National Commissioner Dramat. Welma will speak to his office and let you know. We are currently looking at the week of the 20th July.

Regards,

Colla

Superintendent Colla Bezuidenhout
Staff officer: Divisional Commissioner: Detective Service
Tel : +27 12 393 1024
Fax : +27 12 393 2193
Cell : +27 82 778 3694

From: Helena Zwart (H) [mailto:hzwart@npa.gov.za]
Sent: 01 July 2009 11:34 AM
To: Bezuidenhout Colla - Superintendent
Subject: TRC cases

AD 22 A

Dear Colla

Can you set up a short meeting with the Commissioner when he is available to discuss the TRC matters? We are under intense pressure and have been called upon to report on progress to the Minister and the Justice Portfolio Committee. The one matter which requires investigation prescribes on 12 September 2009 and this case must be fully investigated and the family afforded an opportunity to exercise their right to a private prosecution before the crime prescribes.

Our previous discussions on this topic did not materialise due to the fact that Willie Hofmeyr was not appointed as the head of DPCI.

Kind regards

Chris Macadam

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AD22 C

Helena Zwart (H)

From: Helena Zwart (H)
Sent: 07 July 2009 10:52 AM
To: Silas Ramaite
Cc: Anton R. Ackerman
Subject: TRC cases

Dear Silas

Commissioner Lalla will set up a meeting with me and Commissioner Dramat to discuss the TRC investigations in the week of 20 July 2009. I have asked him in the interim to at least appoint an investigating officer for the Lubowski matter, because of the fact that the case will shortly prescribe.

Kind regards

Chris Macadam

Helena Zwart (H)

From: Lalla Rayman - Divisional Commissioner [LallaR@saps.org.za]
Sent: 14 July 2009 08:32 AM
To: Helena Zwart (H)
Subject: RE: TRC cases requiring investigation

Dagsê Helena

Kommissaris Dramat se kantoor het nou net geskakel hy wil die vergadering uitstel na Augustus. Hy is nie beskikbaar volgende week nie.

Ek sal die nuwe datum met jou kommunikeer.

Groete

Welma

-----Original Message-----

From: Helena Zwart (H) [mailto:hzwart@npa.gov.za]
Sent: 13 July 2009 04:08 PM
To: Lalla Rayman - Divisional Commissioner
Subject: TRC cases requiring investigation
Importance: High

Beste Welma

Aangeheg vind asb. 'n lys van die TRC-sake wat by die vergadering bespreek gaan word. Sal jy asb. so vriendelik wees om dit aan te stuur na die twee Kommissarisse, aangesien ons nog nie Kommissaris Dramat se kontakbesonderhede het nie?

Het Colla die dringendheid van die Lubowski-saak met jou bespreek?

Baie dankie en groete!

Helena Zwart
NPA

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AD22E

Helena Zwart (H)

From: Helena Zwart (H)
Sent: 16 July 2009 08:41 AM
To: Chris Macadam
Subject: FW: TRC prosecutions

Dear Chris

Thanks for the info.

Silas

From: Helena Zwart (H)
Sent: 15 July 2009 03:45 PM
To: Silas Ramaite
Subject: TRC prosecutions

Dear Silas

I was due to meet Commissioners Dramat and Lalla next week to discuss TRC investigations, but Commissioner Dramat requested that the meeting be postponed to August 2009. I have indicated that I have no objection to the postponement, but indicated that as an interim measure, an investigating officer should be appointed immediately to investigate the *Lubowski* matter, which prescribes on 12 September 2009. The family have already briefed counsel and indicated that if we do not prosecute, they intend considering a private prosecution.

I have informed the Commissioners that by no later than 12 August 2009, the ANDPP would have to make a decision based on a fully investigated docket. I am still waiting for a response, but we would have to have a cut off date by no later than the end of next week, because none of the allegations have been adequately investigated and not even the best investigator would remotely be able to do justice to the case in a short period.

If we don't get any response from SAPS, I suggest that the ANDPP inform the Minister.

If no investigations are done, we would have no option but to hand over the files to the family so at least not to deprive them of their right to a private prosecution. They will obviously go to the media and there will be an uproar because there are allegations of a high level conspiracy formulated in South Africa to kill the deceased, using an international assassin.

Kind regards

Chris Macadam

AD22F

Helena Zwart (H)

From: Willie Hofmeyr (WA)
Sent: 20 July 2009 03:26 PM
To: Helena Zwart (H)
Cc: Silas Ramaite
Subject: RE: TRC investigations

Will do my best, hoping to see him today or tomorrow.

Regards

From: Helena Zwart (H)
Sent: Mon, 20 Jul 09 10:51
To: Willie Hofmeyr (WA)
Cc: Silas Ramaite
Subject: TRC investigations

Dear Willie

Since the beginning of the year, I have been liaising with Commissioner Lalla as regards the appointment of investigators for these matters. I was to have a meeting with Commissioners Dramat and Lalla to discuss these matters this week, but Commissioner Dramat postponed the meeting to August 2009.

I requested Commissioner Lalla, as an interim measure, to at least appoint an investigating officer to investigate the Lubowski matter. This relates to a conspiracy to murder him, formulated in South Africa and such offence prescribes on 12 September 2009. The family have instructed counsel who has indicated that they require a decision to be made whether to prosecute or not before 12 August 2009, because if the decision is not to prosecute, then the family wish to obtain legal advice as to the institution of a private prosecution and must comply with all the requirements of Section 7 of Act 51 of 1977 before 12 September 2009.

I was contacted this morning by Commissioner Lalla, who informed me that his entire Organized Crime Structure has been transferred to Commissioner Dramat and consequently, he cannot appoint an investigating officer. He has informed me that you deal directly with Commissioner Dramat (I do not have any contact details for him.) and advised that I request you to secure Commissioner Dramat's intervention.

At present, all we have is an incomplete D'Oliveira Unit inquiry, but there are several indications that there was in fact a CCB conspiracy to murder Lubowski. These allegations must be investigated so that Adv Mpshe SC can make a properly informed decision and appraise the Minister. It may well be necessary to appraise the Namibian Government due to their long standing interest in the matter. Obviously, it will be extremely damaging for the NPA for this matter to prescribe before anything is done to investigate the allegations.

Herby Heap, who was in the DSO (VGM) was part of the D'Oliveira Unit and is currently earmarked for Crime Intelligence. In my view, he is suitably qualified to, at short notice, attend to what has to be done. If necessary, his S&T expenditure can be carried out of our budget.

Please let me know if you can help, as this matter is extremely urgent.

Kind regards

Chris Macadam

2009/07/23



Helena Zwart (H)

From: DPCI:Head [dpci.head@saps.org.za]
Sent: 28 August 2009 02:02 PM
To: Helena Zwart (H)
Subject: FW: TRC/Nuclear matters

Good day Mr Macadam,

We wish to acknowledge receipt of your e-mail. DNC Dramat is unable to meet with you presently but will revert back to you in due course.

Thank you

Secretary : Pumla N Mphothulo
The Head : Directorate for Priority Crime Investigations
6th Floor Koedoe Building
Tel : 012 393 5463
Fax : 012 393 5079
Cell : 082 778 3664
E-mail : (internal) DPCI : Head
(external) dpci.head@saps.org.za

From: Bezuidenhout Colla - Superintendent
Sent: 27 August 2009 07:18
To: Helena Zwart (H)
Cc: DPCI:Head
Subject: RE: TRC/Nuclear matters

Good morning,

Commissioner Dramat's office is at room 627, 6th floor, Koedoe building (opposite Police Head office in Pretorius str). His office number is 012 393 5463 and email dpci.head@saps.org.za His secretary is Pumla.

I will ask Comm Lalla about joining the meeting and will inform Helena.

Regards,

Colla

Superintendent Colla Bezuidenhout
Staff officer: Divisional Commissioner: Detective Service
Tel : +27 12 393 1024
Fax : +27 12 393 2193
Cell : +27 82 778 3694

From: Helena Zwart (H) [mailto:hzwart@npa.gov.za]
Sent: 26 August 2009 12:19 PM
To: Bezuidenhout Colla - SuperIntendent
Subject: TRC/Nuclear matters

Dear Colla

2009/09/16



I recently had a telcom with your Commissioner in which he advised that the TRC and the nuclear matters which we have previously discussed would now have to be attended to by Commissioner Dramat. Is it possible to provide me with Commissioner Dramat's address and fax number so that I can set up a meeting with him? Would your Commissioner be amenable to facilitate the meeting, as it might help if the two of us can inform Commissioner Dramat of the history of these matters.

Kind regards

Chris Macadam

Deputy Director of Public Prosecutions
Office of the National Director of Public Prosecutions
National Prosecuting Authority of South Africa
Tel: (012) 845 6431
Fax: (012) 845 6337
Mobile: 082 498 6033

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AD23

Priority Crimes Litigation Unit



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshutshisi hoMzantsi Afrika
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18 January 2010

Assistant Commissioner Lebeya
Directorate for Priority Crime Investigations
South African Police Service
Private Bag X302
PRETORIA
0001

Dear Commissioner Lebeya

INVESTIGATION BY SAPS OF CRIMINAL OFFENCES ARISING FROM THE TRC

My letter dated 13 July 2009, addressed to Deputy National Commissioner Dramat and Divisional Commissioner Lalla, and our meeting of 26 November 2009 have reference.

The issue related to the appointment of investigators to investigate the 11 matters identified by the NPA, which were itemised in my letter of 13 July 2009. Subsequently, the Acting National Director of Public Prosecutions declined to prosecute in the Lubowski matter and consequently, only the remaining 10 cases on the list required attention.

Senior Superintendent Bester of your office attended our meeting and informed you that he was in possession of a number of further dockets which he felt also required investigation. On 6 December 2009, I had a meeting with Senior Superintendent Bester and established that these dockets related to cases against the Liberation Movements in respect of which a decision was taken in 2004 by the then National Director not to prosecute. It should be noted that in the main, all the suspects implicated in the dockets had applied for and received amnesty. I therefore informed Senior



Justice in our society, so that people can live in freedom and security



"Together beating the drum for service delivery"

Private Bag X752,
PRETORIA
0001

VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

INTERNAL MEMORANDUM

TO : DR JP PRETORIUS SC
ACTING SPECIAL DIRECTOR OF PUBLIC
PROSECUTIONS: PCLU

FROM : ADV RC MACADAM
SDDPP: PCLU

DATE : 4 FEBRUARY 2016 (Opinion requested on even
date)

SUBJECT : OPINION: REOPENING TIMOL/AGGETT
INQUESTS

REF : 10/3/1/PCLU

Dear Torie

Tel: X126431

1. This opinion is provided arising from a meeting between members of the NPA and Messrs Varney, Dutton and others. An oral presentation was given, motivating the reopening of both inquests.
2. In order to address the request, it is necessary to briefly refer to the relevant provisions of the Inquest Act:
 - 2.1 Section 5 requires that an inquest be held in respect of each natural death where the deceased is suspected of having died of unnatural causes.
 - 2.2 Section 16 requires the inquest Magistrate to make findings as to:
 - 2.2.1 the identity of the deceased
 - 2.2.2 the date and cause of death
 - 2.2.3 whether the death was caused by a criminal act on the part of any person
 - 2.3 Section 17 requires the Magistrate to refer the inquest to the DPP in the event of either not being able to determine the death or in the event of a finding of criminal liability. He is also required to refer the matter to the DPP irrespective of his findings if so requested.



- 2.4 Section 17(2) empowers the DPP at any time [my emphasis] after receipt of the inquest request the Judicial Officer to reopen the inquest and take further evidence.
- 2.5 Section 17A(1) also empowers the DPP to request the Minister to request the Judge President to appoint a Judge to reopen the inquest.
3. Sections 17(2) and 17A(1) both empower the DPP to cause inquests to be reopened on the basis of further evidence. The sole difference is whether the Minister and the Judge President must be involved and whether the inquest would be reopened by the original Inquest Court or by a Judge appointed by the Judge President. The invocation of section 17A(1) would be a more time-consuming process and would also place a burden on the High Courts which are under pressure with their existing civil and criminal rolls.
4. In my view, it would be appropriate to invoke section 17(2) where the new evidence would lead to certain of the original findings being amended, but would have no other public interest consequences, e.g. a prosecution or in a transparent manner to test the new evidence orally. Section 17A(1) would in my view be appropriate if there was high public interest in the new evidence, but the DPP was of the view that it should first be tested before instituting a prosecution.
5. It has to be stated that if the DPP is of the view that new evidence justifies the institution of a prosecution, then there is no need to first reopen the inquest before instituting the said prosecution.
6. The background to the two cases is as follows:

6.1 Achmed Timol

- 6.1.1 He died in detention in Johannesburg in October 1971 while under interrogation by the Security Branch having been arrested on charges linked to his involvement with the SACP.
- 6.1.2 The then Attorney General declined to prosecute and a formal inquest was held in the Johannesburg Regional Court, which handed down a verdict that he had committed suicide and that the police were not responsible for his death.
- 6.1.3 Shortly after the establishment of the PCLU in 2003, Mr Timol's nephew (a member of the NIA) approached the unit and indicated that he had established that the inquest record and docket were not available. (Governmental archive directives require the destruction of documentation after a certain period.)
- 6.1.4 He however alleged that the daughter of Sergeant Rodrigues (who had been alone with the deceased immediately before he fell to his death) had approached Ivor Powell (then a journalist) and informed him that her father had confessed to her that the deceased had been murdered. The NDPP had directed that the DSO must assist the PCLU with the investigation of TRC matters. The DSO reported that the journalist had been interviewed, denied the allegation and produced the newspaper article which he had written, which contained no confession or new evidence. In the circumstances the DSO deemed it inappropriate to approach Rodrigues or his daughter. The nephew was satisfied with this explanation and the matter was not taken further.

- 6.1.5 In late 2015, I however asked the DPCI to register an enquiry due to extensive publicity given to the matter by the media and as a result of statements made by Adv Bizos SC and the family.

6.2 Neil Aggett

- 6.2.1 Dr Aggett died in police custody in Johannesburg in 1982 after a lengthy period of detention and interrogation by the Security Branch.
- 6.2.2 The then Attorney General declined to institute a prosecution and a formal inquest was held before a Regional Court Magistrate in Johannesburg. He handed down a verdict to the effect that the deceased had committed suicide and that the police were not responsible.
- 6.2.3 In 2013, a group of Dr Aggett's friends submitted a petition to the President and Minister of Justice, calling for the prosecution of the police officials responsible for his death.
- 6.2.4 As a result of this petition, the PCLU requested the DPCI to open an enquiry.

7. The status of the PCLU/DPCI investigations:

7.1 Achmed Timol (I/O Captain Ben Nel)

- 7.1.1 It has been established that the original inquest and docket are not available.
- 7.1.2 A copy of the inquest donated by the family attorney to Wits has been downloaded. It is missing 652 pages, which include the evidence and cross-examination of all the police officers involved. However, on the remaining evidence it was possible to establish who the witnesses were and what the issues in dispute were.
- 7.1.3 Captain Nel has been requested to canvas the availability of all the witnesses, i.e. the police officers, medical doctors and members of the deceased's family.
- 7.1.4 It has been established that other detainees who were never called as witnesses could possibly shed light on the matter. The first is a Mr Mohammed Essop, who was arrested at the same time as Timol. The second is Quentin Jardine, whose identity, it is alleged, led to the deceased deciding to commit suicide. The third is a Mr Pahad, whom it is alleged was arrested arising from Timol's interrogation. Ms Fullard has been tasked to uplift the detention files from DoJ&CD so that Captain Nel can conduct the necessary investigations in this regard.
- 7.1.5 It has been established that the TRC appointed a journalist, Piers Pigou, as an investigator and he dealt with the Timol matter. He has indicated that he is available for an interview when he returns to the country. As a matter of interest, it was in fact he who approached Sergeant Rodrigues and not Ivor Powell. His notes reflect that Rodrigues stood by his original statement. It may therefore be that Timol's nephew confused the two journalists and what Rodrigues said.
- 

- 7.1.6 It has been established that Gordon Winter published a book in which he claimed to have first-hand knowledge of the Timol incident. Ms Fullard has undertaken to establish whether he is alive and where he is residing.
- 7.1.7 A Methodist priest in the UK made public statements to the effect that when Timol's body was viewed in the mortuary, it showed signs of gross mutilations. This claim would have to be followed up although it is in conflict with the evidence of the three doctors who testified at the inquest, including a pathologist, appointed by the family.
- 7.1.8 What also has to be followed up is whether the police, who were involved in the incident, were involved in other cases, which could have a bearing on their version in this matter. It would also have to be established whether there were other incidents involving detainees which would be relevant.

7.2 Neil Aggett (I/O Col Sam Mahlangu)

- 7.2.1 Col Mahlangu indicated that he was unable to locate the original inquest and docket.
- 7.2.2 He however established that a copy of the inquest was available on the Wits website and requested the PCLU to peruse it and to thereafter indicate whether further investigations were required.
- 7.2.3 The record is in the regional of some 8 500 pages and has been uploaded in blocks, which makes online reading time-consuming. Obviously downloading 8 500 pages would place an extreme burden on the office's printing facilities.
- 7.2.4 It has however been established that Adv Bizos SC, who acted for the family, conceded that there was no evidence to justify the conclusion that the deceased had been murdered. (Adv Bizos SC was assisted by a private pathologist and other medical experts.) He however submitted that Whitehead and Cornwright (the two officers responsible for Aggett's interrogation) should be prosecuted for culpable homicide. If the learned advocate is in fact correct, then the crimes prescribed in 2002 and no prosecution is feasible as requested by the deceased's friends.
- 7.2.5 The matter is however complicated by the fact that the former Deputy Judge President of the KZN High Court (Nicholson DJP) has published a book, alleging that the facts of the Aggett matter demonstrate unequivocally the crime of murder by induced suicide. If the learned Judge is correct, then the NPA would still have jurisdiction to prosecute on a charge of murder.
- 7.2.6 It has been established that Goosen, Pollock and Erasmus applied for amnesty on charges relating to breaking into the house of Aggett's parents, looking for evidence to support the claim that he had committed suicide. The TRC material has been uplifted and has been perused.
- 7.2.7 Aggett's detention file was also uplifted, but it contains no relevant information.
- 7.2.8 Deborah Quin was given the list of witnesses, who testified at the inquest and was requested to establish their availability, present whereabouts and

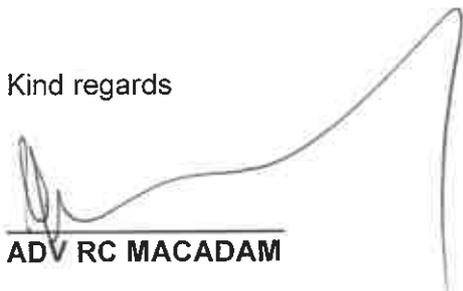
also whether any of them were connected to other incidents which would be relevant. She is also looking into the issue of whether there were other deaths in detention at the same time, which could be relevant. She has already indicated that Cornwright is deceased and that Auret van Heerden, who was in detention in close proximity to Aggett, is currently in an old age home in the USA.

8. Currently the two matters are not receiving the attention of the PCLU due to firstly, operational constraints which arose since October 2015. (Adv Bukau was given an urgent espionage-related case and uncertainty surrounded Adv Macadam's position due to the NDPP on 8 October 2015, indicating that he had not cancelled his appointment as the OECD Foreign Bribery Prosecutor.) In a meeting with Adv Macadam in September 2015, the NDPP raised the issue as to whether the TRC matters should be taken away from the PCLU. As a result of all these uncertainties, a memorandum was prepared in January 2016, requesting the NDPP to confirm whether the PCLU should continue to deal with TRC cases or whether they should be referred to the DPPs. A response to this memorandum is still outstanding.
9. In my view, a decision on the request made by Messrs Dutton *et al* cannot be taken solely by the NPA.
 - 9.1 Both are the subject of enquiries being conducted by the DPCI and clearly the views of the relevant senior managers within the DPCI should be canvassed.
 - 9.2 In the Aggett matter a group of his former colleagues has formed an association, "*Friends of Neil Aggett*", which has called for the prosecution of the police officials involved. The request to reopen the inquest runs contrary to the group's position. The group has a direct interest in the matter and its view should be consulted.
 - 9.3 Also in regard to the Aggett matter, although Cornwright is dead, Whitehead is still available and would clearly be affected by the reopening of the inquest. He would be entitled to legal representation, access to relevant material and the right to challenge any new evidence.
 - 9.4 In the Timol matter, it still has to be established whether any of the police involved in his interrogation are still alive and whether any new evidence could result in a prosecution of them on a charge of murder.
10. In my view, it would be inappropriate at this stage to reopen the two inquests. On what has been placed before me it would not appear that Mr Dutton has conducted a comprehensive investigation which would justify all the relevant factors which would have to be taken into consideration by both the NPA and the presiding officers of the inquests.
 - 10.1 The original inquests are not available and consequently the NPA would have to request Wits to make available its originals and to pay for all the relevant copies to be made.
 - 10.2 A decision would have to be taken as to whether to invoke section 17(2), 17A(1), which would require a determination as to whether the witnesses and suspects are available, whether a charge of murder is feasible, whether a *viva voce* hearing, which would involve having to provide the suspects with legal representation, is necessary.
 - 10.3 In my view, a Presiding Officer and the Judge President (if section 17A(1) is invoked) would be reluctant to reopen the inquests, to receive only Dutton's evidence and before the police have concluded their investigations and the NPA decided that there are no prospects of a successful prosecution. This would be particularly apposite in

the Aggett matter where there are 8 500 pages of evidence to be perused, numerous witnesses who would be required to be recalled and where Whitehead could still be prosecuted.

11. In my view therefore, it would be inappropriate to accede to the request prior to the conclusion of the DPCI investigations and the NPA deciding not to prosecute. I am of the view that even if a decision not to prosecute is taken, then there would be new evidence which would justify the reopening of the inquests. At this stage it is not possible to predict what the consequences of this new evidence would be and therefore it cannot be predicted:
 - 11.1 whether the additional statements should simply be placed before the Regional Court, which could in chambers consider them and elect to amend the original Magistrate's findings
 - 11.2 whether a Judge should be appointed to hear the additional evidence *viva voce*
12. Having said that, it has to be, in the strongest possible terms, stated that it is imperative that the NDPP make a decision as to whether the TRC cases must remain with the PCLU or not. It will serve no purpose to decline the request, but to be placed in the position that two or more years down the line the cases have not been finalised because either the DPCI or NPA or both are unable to commit the necessary resources to finalise the matters timeously. It has to be emphasised that the Aggett matter requires a considerable amount of work due to the volume of evidence to be assessed, which may include an MLA request to the USA to interview Van Heerden. In the Timol matter there are also indications that evidence may be located in the UK, which would also have to be accessed through an MLA process.
13. Currently a member of the PCLU could give almost fulltime attention to the two matters. However, it is only to be anticipated that this will not be the case when shortly the unit's current workload will increase.
14. It is recommended that you:
 - 14.1 advise the NDPP not to accede to the request to reopen the inquests until the investigations have been concluded and a decision taken not to prosecute
 - 14.2 request the NDPP to, as a matter of urgency, make a decision as to whether the TRC matters must remain with the PCLU.

Kind regards



ADV RC MACADAM



Helena

AD25

From: Gabriele Mohale [<mailto:Gabriele.Mohale@wits.ac.za>]

Sent: 31 March 2016 03:05 PM

To: Helena Zwart (H)

Cc: Michele Pickover; Paiki Muswazi

Subject: Neil Aggett inquest records

Dear Advocate Macadam ,

Your attached letter to our Principal Curator refers. Unfortunately Michele Pickover is on leave and asked me to respond.

We very much welcome your Office looking into the case of Neil Aggett. We digitised these records in 2013 when the matter first came up, knowing that our set of records of the inquest was the only surviving one.

Before we proceed with possibly handing over the collection records, some of which are fragile, could we maybe suggest submitting the bulk of digital files to you? We could either send you the multipage PDF, or even the single page TIFF files. You would have seen that the print quality is very good, as the records have been scanned at 300dpi in colour.

Please advise if this would agree with you,

Warm Regards,

Gabriele Mohale

Gabriele Mohale (Mrs.)

Archivist

Historical Papers Research Archive

William Cullen Library

University of the Witwatersrand

Johannesburg, South Africa



Tel: +27 +11 717-1940

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e-mail: Gabriele.Mohale@wits.ac.za

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UNIVERSITY OF THE WITWATERSRAND
JOHANNESBURG



From: Helena Zwart (H) [hzwart@npa.gov.za]

Sent: 31 March 2016 02:03 PM

To: Michele Pickover

Cc: Chris Macadam

Subject: Neil Aggett formal inquest record

Dear Ms Pickover

Please find the attached letter for your attention.

Kind regards

Helena Zwart

National Prosecuting Authority: S.A.

A handwritten signature in black ink, appearing to be the initials 'HJ' or similar, located in the bottom right corner of the page.

FW: FW: Neil Aggett inquest records

From Chris Macadam <cmacadam@npa.gov.za>
Date Thu 11/27/2025 2:48 PM
To Muzikayifani A. Madlala <MMadlala@npa.gov.za>

 1 attachment (13 KB)
image003.png;

From: "Helena Zwart (H)" <hzwart@npa.gov.za>
Date: 01/04/2016 at 13:07:34
To: "Chris Macadam" <cmacadam@npa.gov.za>
Subject: FW: Neil Aggett inquest records

From: Gabriele Mohale [mailto:Gabriele.Mohale@wits.ac.za]
Sent: 01 April 2016 12:52 PM
To: Helena Zwart (H)
Subject: RE: Neil Aggett inquest records

Dear Helena,

My reply, with attachments, to your email bounced back, saying it has been rejected. The file size of the attachments is around 14MB – could that be the reason?

Please advise.

Kindly,

Gabriele

Gabriele Mohale (Mrs.)



Archivist

Historical Papers Research Archive

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e-mail: Gabriele.Mohale@wits.ac.za

<http://www.historicalpapers.wits.ac.za/>

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From: Helena Zwart (H) [<mailto:hzwart@npa.gov.za>]

Sent: 01 April 2016 11:40 AM

To: Gabriele Mohale

Subject: RE: Neil Aggett inquest records

Dear Gabriele

Is it possible to send us one document in PDF format just to see how it is going to print, please?

Kind regards



AD26

Nonceba MN. Monageng

From: Sibongile Mzinyathi
Sent: Tuesday, 07 May 2019 08:01
To: Chris Macadam; Maria Mutshivhana
Cc: Pfanani Malova (PG); Nonceba MN. Monageng
Subject: RE: Request for interview with Adv Batohi

Dear NDPP and Adv Macadam

I will await the confirmation of the meeting from Nonceba/Maria.

Kind regards

S Mzinyathi

From: Chris Macadam <cmacadam@npa.gov.za>
Sent: Monday, May 6, 2019 2:10 PM
To: Maria Mutshivhana <MMutshivhana@npa.gov.za>
Cc: Sibongile Mzinyathi <smzinyathi@npa.gov.za>; Pfanani Malova (PG) <pgmalova@npa.gov.za>
Subject: FW: Request for interview with Adv Batohi

Please advise I have a meeting at 9am tomorrow with the SANDF but otherwise free. I would also like to add terrorism which raises the same issues and wont add too much extra time to the meeting

From: Shamila Batohi <SBatohi@npa.gov.za>
Sent: 06 May 2019 08:38 AM
To: Chris Macadam <cmacadam@npa.gov.za>; Maria Mutshivhana <MMutshivhana@npa.gov.za>
Cc: Sibongile Mzinyathi <smzinyathi@npa.gov.za>; Bulelwa Makeke <bmakeke@npa.gov.za>; Jan Daniel JD. Schmidt <jdschmidt@npa.gov.za>
Subject: Re: Request for interview with Adv Batohi

Maria

Please schedule a meeting.

Sent from my iPhone

On 03 May 2019, at 15:11, Chris Macadam <cmacadam@npa.gov.za> wrote:

Dear NDPP I think we need a frank and detailed discussion on this . I am busy with an audit of the cases and am concerned that the absence of a full time research capacity linked to poor quality police investigations we may well ,despite our good intentions and hard work, be back in the position that the victims will accuse us of letting them down. I am also concerned about creating false expectations. Regards chris

From: Shamila Batohi <SBatohi@npa.gov.za>
Sent: 02 May 2019 06:22 PM
To: Sibongile Mzinyathi <smzinyathi@npa.gov.za>; Bulelwa Makeke <bmakeke@npa.gov.za>; Chris Macadam <cmacadam@npa.gov.za>
Subject: RE: Request for interview with Adv Batohi

If we are going to do it, then we need to provide a script that is approved before.

AD27



Priority Crimes Litigation Unit

TO: ADV RJ DE KOCK
 ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NATIONAL PROSECUTION SERVICES

FROM: ADV RC MACADAM
 ACTING SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS
 HEAD: PRIORITY CRIMES LITIGATION UNIT (PCLU)

RE: REPORT ON TRC CASES

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1. The following cases have all been referred to the DPPs and the police given instructions to take the dockets to the Nodal Points for allocation to individual prosecutors.
2. **DPP EASTERN CAPE (EC):**
 - 2.1. **Cradock Four:** Murder. Under investigation.
 - 2.2. **Highgate Hotel:** Under investigation.
 - 2.3. **Mdaka / Mthimkhulu:** Under investigation.
 - 2.4. **PEBCO 3:** Under investigation.
3. **DPP FREE STATE (FS):**
 - 3.1. **Ladybrand Four:** Disappearance. Murder suspected. Under investigation.
4. **DPP JOHANNESBURG (JHB):**
 - 4.1. **Dr Neil Aggett:** Death in detention. Inquest re-opened, but postponed *sine die* pending COVID-19.
 - 4.2. **Ernest Dipale:** Death in detention. To be joined to **Aggett** matter once investigation concluded.
 - 4.3. **Matthews Mabelane:** Death in detention. Investigation outstanding.
 - 4.4. **Eustice Bimbo Madikela; Ntshingo Mataboge & Fanyana Nhlapo:** Murder. Under investigation.
 - 4.5. **Suliman Babla Saloojee:** Death in detention. Under investigation.

Justice in our society, so that people can live in freedom and security

- 4.6. **Sono & Shabalala:** Murder. Under investigation.
 - 4.7. **Ahmed Timol: S v Rodrigues.** Accused charged with murder of detainee. Matter pending in JHB High Court for SCA ruling on an application for leave to appeal against a dismissal of an application for a stay of prosecution.
5. **DPP KZN:**
- 5.1. **Dr Hoosen Haffejee:** Death in detention. Inquest re-opened. Enrolment put on hold pending COVID-19.
 - 5.2. **Ntombikayise Khubeka / Kubeka:** Murder. Under investigation.
 - 5.3. **Dr Albert Luthuli:** Suspected murder. Under investigation.
 - 5.4. **Oupa Mdondo:** Murder. Under investigation.
 - 5.5. **Bayempin Mzizi:** Death in detention. To be joined to **Haffejee** matter once investigation concluded.
 - 5.6. **Jameson Ngoloyi Mngomezulu:** Murder. Decision taken not to prosecute in 2000 by the DPP: PTA and accepted by the then NDPP. Lawyers however require a prosecution against the General in respect of whom the decision was made. The matter now falls under the DPP: KZN. It has to be established if there are grounds for the decision to be reviewed. A decision has furthermore to be made in respect of other persons who have been implicated but were not part of the original decision.
 - 5.7. **Griffiths Mxenge:** Murder. Prosecution instituted and amnesty granted. New allegation as regards the possible involvement of Eugene de Kock must however be investigated.
 - 5.8. **Musa Phewa:** Disappearance. Case linked to that of **Ntombikayise Khubeka / Kubeka**. Under investigation.
 - 5.9. **Rick Turner:** Murder. New allegation as regards the possible involvement of Durban Security Branch must however be investigated.
6. **DPP LIMPOPO:**
- 6.1. **Peter Nchabeleng:** Death in detention. Under investigation.
 - 6.2. **Jacobus van der Merwe:** Murder. Under investigation.
7. **DPP MPUMALANGA:**
- 7.1. **Adreano Louis Bambo (aka Strongman):** Murder. Decision taken not to prosecute in 2000 by the DPP: PTA and accepted by the then NDPP. Lawyers however require a prosecution against the General in respect of whom the decision was made. The matter now falls under the DPP: Mpumalanga. It has to be established if there are grounds for the

decision to be reviewed. A decision has furthermore to be made in respect of other persons who have been implicated but were not part of the original decision.

7.2. **Japie Maponya:** Murder. Decision taken not to prosecute in 2000 by the DPP: PTA and accepted by the then NDPP. Lawyers however require a prosecution against the General in respect of whom the decision was made. The matter now falls under the DPP: Mpumalanga. It has to be established if there are grounds for the decision to be reviewed. A decision has furthermore to be made in respect of other persons who have been implicated but were not part of the original decision.

7.3. **Johannes Sweet Sambo:** Murder. Decision taken not to prosecute in 2000 by the DPP: PTA and accepted by the then NDPP. Lawyers however require a prosecution against the General in respect of whom the decision was made. The matter now falls under the DPP: Mpumalanga. It has to be established if there are grounds for the decision to be reviewed. A decision has furthermore to be made in respect of other persons who have been implicated but were not part of the original decision.

8. DPP MTHATHA:

At this moment in time no cases.

9. DPP NORTHERN CAPE (NC):

At this moment in time no cases.

10. DPP NORTH WEST (NW):

10.1. **Richard & Irene Motasi:** Murder. Under investigation.

11. DPP PRETORIA (PTA):

11.1. **Steve Biko:** Death in detention. Under investigation.

11.2. **Nicodemus Kgoate; Solomon Modipane & Jacob Monnakgotla:** Deaths in detention. Under investigation.

11.3. **Mthokozisi Welcome Khanyile:** Murder. Under investigation. Matter involves some of the same suspects who were involved in the **Strongman Bambo** case above.

11.4. **Moses Morudi:** Murder. Under investigation.

11.5. **Caiphus Nyoka:** Murder. Under investigation.

11.6. **Nokuthula Simelane: S v Coetzee and Others.** Murder. Prosecution to commence in Pretoria High Court in October 2020.

11.7. **Peter Thabuleka:** Kidnapping. Under investigation.

12. **DPP WESTERN CAPE (WC):**

- 12.1. **Imam Abdullah Haroon / Haron:** Death in detention. Under investigation.
- 12.2. **Heidelberg Tavern:** Murder. Under investigation.
- 12.3. **Ashley Kriel:** Amnesty granted. However allegations regarding false testimony before TRC must be investigated.
- 12.4. **St James Church massacre:** Murder. Under investigation.
- 12.5. **Williams & Waterwitch:** Alleged murder. Appointment of investigating officer awaited. (Deceased part of **Ashley Kriel**-cell)

- 13. This demonstrates that there are currently **39** cases with the DPPs but, as is illustrated, the majority of the matters are waiting for the finalisation of investigations. As indicated to you in meetings, I have raised concerns about the quality of investigations as well as the decision to locate these investigations in a component of the DPCI in Pretoria, which has, in addition, a heavy case load of other serious matters. These matters were discussed with the Head: DPCI at the end of January 2020 and certain interventions were promised. In certain of the matters the families have approached the Foundation for Human Rights (FHR), who has in turn engaged lawyers firms. This results in threats of litigation if decisions are not taken.
- 14. I would recommend that a meeting with the Head: DPCI again be scheduled, particularly when regard is had to the below.
- 15. As part of the NDPP's public statements regarding the prioritisation of the TRC matters, the lockdown was used to undertake an audit of all the deaths in detention matters from 1963 to 1990 as well as other matters which warrant investigations. This has identified 85 further cases which would require investigation and referral to the DPPs. This would result in the DPPs who currently do not have cases, now being seized with matters and that a large number of cases would have to go to the DPP: JHB. I was planning to call for a meeting with the Unit Commander regarding these matters, but if you agree that a meeting with the Head: DPCI should be arranged, then this should be tabled at that meeting.
- 16. The cases already referred include matters which may be connected but were committed in the jurisdictions of different DPPs. The nodal points have been requested to work collectively on these matters so as to detect similar fact evidence and possibly consolidate cases.
- 17. As indicated above, there was a decision taken in 2000 not to prosecute a General linked to six (6) murders committed across four (4) provinces. Lawyers have requested that four (4) of these matters be considered and in addition new suspects have been identified. If there are grounds to justify a review of the original decision, then the other two cases would have to be looked at.

Kind regards



**ADV R. C. MACADAM
ACTING SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS:
HEAD PRIORITY CRIMES LITIGATION UNIT (PCLU)**

Date: 25 MAY 2020

COMMENTS:

**ADV RJ DE KOCK
ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
HEAD: NPS**

Date:



A028

National Prosecution Service



Reference number:

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Dear General Lebeya
LebeyaSG@saps.gov.za

INVESTIGATION OF TRC CASES

I would like to request a follow-up meeting with you relating to the above matters arising from the meeting of 31 January 2020 between yourself, the National Director and Advocates Mzinyathi and Macadam.

During this meeting, certain concerns were raised regarding the investigation of TRC cases resulting in you indicating that you would make certain interventions to address the concerns.

The Priority Crimes Litigation Unit (PCLU) has conducted an audit of all TRC matters, which has established that there are 42 cases which have been referred to the Directors of Public Prosecution. With the exception of 4 cases, all these matters are reflected as awaiting the finalisation of investigations. The NPA is under intense pressure to have these matters finalised and I would like to have the opportunity to discuss with you how this will be done. I would like to identify the following matters for discussion:

- The process of appointing former police officers with TRC experience on a contract basis.
- The use of provincial investigators.
- The development of a research capacity within the investigations.

The PCLU has also identified no the less 62 further TRC matters which would require investigation before these matter can be referred to the DPPs. A list of the cases is attached hereto as Annexure A. It is necessary to establish what

capacity the DPCI has to undertake these further investigations so as to ensure a proper referral to the DPPs.

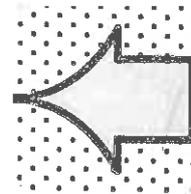
I would be grateful if you could indicate when you will be able to meet with me. I will be accompanied by the Head PCLU.

Regards

Adv R de Kock

Acting Deputy National Director of Public Prosecutions

Date:



**SIGN
HERE**



LIST OF ALL PRIORITY CRIMES LITIGATION UNIT (PCLU)'s **TRC** CASES:

DPP: **EASTERN CAPE**

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • PEBCO 3 <ul style="list-style-type: none"> ○ CATS CAS 23/05/2016 & HENDRIK VERWOERD AIRPORT CR 17/07/1990 ○ Capt Ben Nel ○ Kidnapping and murder of 3 Port Elizabeth (PE) activists • Highgate Hotel <ul style="list-style-type: none"> ○ CATS CAS 24/05/2016 & CAMBRIDGE CR 14/05/1993 ○ Capt Ben Nel ○ Attack on hotel in 1993 by unknown assailants • Cradock 4 <ul style="list-style-type: none"> ○ CATS CAS 05/06/2016 & SWARTKOPS CR 13/07/1985 ○ Col Makua ○ Kidnapping and murder of 4 Cradock activists • Steve Biko <ul style="list-style-type: none"> ○ CATS CAS 03/12/2017 & INQUEST PTA 573/1977 ○ Lt Col Patsa ○ Death in detention relating to prominent activist. Injured in PE, but died in PTA in detention. See also DPP: PTA • Caleb Mayekiso <ul style="list-style-type: none"> ○ Col Ripa ○ Death in detention in 1969 • Sipho Maxwell Mtimkhulu & Topsy Madaka <ul style="list-style-type: none"> ○ Kidnapping and murder of 2 PE activists. Perpetrators granted amnesty, but inquest must be held 	<ul style="list-style-type: none"> • Nobandla Bani [1987 death in detention] • George Botha [1976 death in detention] • Benedict Mashoke [1986 death in detention] • Mapetla Mohapi [1976 death in detention] • Eric Mtonga [1987 death in detention] • Lungile Tabalaza [1978 death in detention] • Bellington Tyita [1964 death in detention]

= 6	= 7

DPP: FREE STATE

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • Ladybrand Four <ul style="list-style-type: none"> ○ CATS CAS 33/11/2016 ○ Capt Ben Nel ○ Disappearance of 4 MK operatives after being detained by Security Branch • Mpilo Atwel Mapekeza <ul style="list-style-type: none"> ○ Colonel Ripa ○ Killing of MK operative in Lesotho, but case linked to Ladybrand Four one 	
= 2	= 0

DPP: JOHANNESBURG

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • Ahmed Timol (S v Rodrigues) <ul style="list-style-type: none"> ○ JHB CENTRAL CAS 798/10/2017 & INQUEST OF AHMED TIMOL ○ Capt Frans Mathipa ○ Prosecution of Rodrigues in progress • Dr Neil Aggett (and Ernest Dipale) <ul style="list-style-type: none"> ○ CATS CAS 10/06/2016 & INQUEST 139/82 ○ W/O Kgamanyane ○ Aggett inquest in progress. Dipale to be added. Minister's authorisation in process of being obtained • Matthews Mabelane <ul style="list-style-type: none"> ○ CATS CAS 03/10/2017 & JHB INQUEST 28/1977 ○ Capt Frans Mathipa ○ Death in detention 	<ul style="list-style-type: none"> • Pans Malatji [1983 death in detention] • Sipho Malaza [1977 death in detention] • Elmon Malele [1977 death in detention] • Jacob Mashabane [1969 death in detention] • Edward Mzolo [1976 death in detention] • Lawrence Ndzanga [1977 death in detention] • Leong Pin [1966 death in detention] • Andries Raditsela [1985 death in detention] • Clayton Sizwe Sithole [1990 death in detention] • Lucas Tihotlhomisang [1990 death in detention] • Wellington Tshazibane [1976 death in detention]

<ul style="list-style-type: none"> • Lolo Sono & Siboniso Shabalala / Tshabalala <ul style="list-style-type: none"> ○ ORLANDO CAS 392/11/1988 & 393/11/1988 ○ Lt Col Peter Mhlongo ○ Murder of 2 youths linked to Mandela Football club • Suliman Babla Saloojee <ul style="list-style-type: none"> ○ CATS CAS 11/03/2018 ○ Capt Frans Mathipa ○ Death in detention • Eustice Bimbo Madikela, Ntshingo Mataboge & Fanyana Nhlapo (Krugersdorp Bombing / COSAS 4 case) <ul style="list-style-type: none"> ○ CATS CAS 04/03/2018 ○ Serg Tjiane ○ 4 youths killed in explosion by Security Branch • Ernest Dipale (see Dr Neil Aggett) • Mlahleni Ignatius Mthebule <ul style="list-style-type: none"> ○ CATS CAS 32/11/2016 ○ Capt Ben Nel ○ Disappearance of MK operative in Johannesburg (JHB). Presumed dead. MPTT to provide more information • Nokuthula Simelane <ul style="list-style-type: none"> ○ JHB CENTRAL CAS 1469/02/1996 ○ Col Makua ○ Only suspect linked to her kidnapping in JHB deceased. ○ Case relating to murder proceeding in Pretoria (PTA) High Court: S v Coetzee and Others. See also DPP: PTA 	<ul style="list-style-type: none"> • Unknown man [1976 Death in detention]
= 9	= 12

DPP: KZN

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • Ntombikayize Khubeka (and Phewa) <ul style="list-style-type: none"> ○ CATS CAS 10/03/2018 & CR SWART CR 01/09/1987 ○ W/O Moloto 	<ul style="list-style-type: none"> • Aaron Khoza [1977 death in detention] • Samuel Malinga [1977 death in detention]

- | | |
|---|---|
| <ul style="list-style-type: none"> ○ Disappearance of 2 MK operatives at hands of Security Branch • James Ngoloyi Mngomezulu <ul style="list-style-type: none"> ○ CATS CAS 09/03/2018 ○ W/O Moloto ○ Killing of MK operative arising from De Kock prosecution • Dr Hoosen Haffejee <ul style="list-style-type: none"> ○ CATS CAS 4/10/2017 & INQUEST of 1997 ○ W/O Kgamanyane ○ Death in detention. Re-opened inquest due to proceed in March 2021. Mzizi inquest to be re-opened and joined • Dr Albert Luthuli <ul style="list-style-type: none"> ○ CATS CAS 15/05/2018 ○ W/O Kgamanyane ○ Investigation to determine whether in fact he was accidentally killed in train accident • Oupa Mdondo <ul style="list-style-type: none"> ○ CATS CAS 34/05/2016 ○ Capt Ben Nel ○ Killing of MK operative by Security Branch. Perpetrators granted amnesty, but inquest must be held • Musa Phewa (see Khubeka) <ul style="list-style-type: none"> ○ CATS CAS 02/09/2017 ○ Capt Ben Nel ○ Disappearance • Mzizi (see Haffejee) • Goodwill Collin Sikhakhane <ul style="list-style-type: none"> ○ Case flowing out of Eugene de Kock's prosecution. Killing of MK operative • Griffiths Nxenge <ul style="list-style-type: none"> ○ Dirk Coetzee and others granted amnesty, but case re-opened due to claim that Eugene de Kock was also involved • Dr Rick Turner <ul style="list-style-type: none"> ○ Unsolved murder of activist. New information regarding possible killers being followed up • Michael Ncetywa (Mcetywa) | <ul style="list-style-type: none"> • Joseph Mdluli [1976 death in detention] • Ephraim Mthethwa [1984 death in detention] |
|---|---|

<ul style="list-style-type: none"> ○ Request by family member to investigate death of father arising from amnesty hearing 	
= 11	= 4

DPP: LIMPOPO

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • Jacobus van der Merwe <ul style="list-style-type: none"> ○ CATS CAS 07/09/2018 & THABAZIMBI CR 43/4/1979 ○ Capt Ben Nel ○ Kidnapping and murder of farmer allegedly by MK operatives. Body still has to be found • Peter Nchabeleng <ul style="list-style-type: none"> ○ CATS CAS 02/06/2018 & SESHEGO INQUEST 1/1987 ○ Const Ubisi ○ Killing at Sekhukune police station. Currently very little information available 	<ul style="list-style-type: none"> • Tshlfiwa Mupphe [1981 death in detention] • Samuel Tshikudo [1984 death in detention]
= 2	= 2

DPP: MPUMALANGA

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<p>Three cases listed below arise from prosecution of Eugene de Kock and allegation by him that he was acting under instructions from General Krappies Engelbrecht. Decision not to prosecute Engelbrecht was taken in 2000, but investigation is in progress to determine whether decision should be reviewed or not:</p> <ul style="list-style-type: none"> • Japie Maponya <ul style="list-style-type: none"> ○ CATS CAS 32/05/2016 ○ Capt Ben Nel • Johannes Sweet Sambo <ul style="list-style-type: none"> ○ CATS CAS 13/03/2018 & KOMATIPOORT CAS 14/07/1991 	<ul style="list-style-type: none"> • Simon Mndawe [1983 death in detention]

<ul style="list-style-type: none"> ○ Const Ubisi • Adreano Louis Bambo <ul style="list-style-type: none"> ○ CATS CAS 05/09/2018 & KOMATIPOORT CAS ○ 221/01/1996 ○ W/O Kgamanyane 	
= 3	= 1

DPP: MTHATHA

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • CLOSED - Batandwa Ndondo / Batanda Nondondo <ul style="list-style-type: none"> ○ MK operative shot dead by Viakplaas Askaris ○ Case CLOSED Oct 2020 after endorsement of 2003 <i>nolle</i> • Solomzi Talakumina <ul style="list-style-type: none"> ○ Colonel Ripa ○ MK operative shot by his comrades. Body secretly buried. Body exhumed by Transkei police but thereafter disappeared. Remains still to be located • Murder of 5 youths in 1993 <ul style="list-style-type: none"> ○ W/O Ngcanga ○ Case reported by Nodal Point. ○ Father of deceased was PAC member. SAPS, believing father harboured APLA members, attacked home at night. 5 children were killed, thinking they were APLA members ○ <u>Note</u>: Possibly SANDF and NOT SAPS 	<ul style="list-style-type: none"> • Mthayeni Cutsela [1971 death in detention] • Ngeni Gaga [1965 death in detention] • Pongolosa Hoye [1965 death in detention] • Twatifeni Joyi [1977 death in detention] • Manana Mgqweto [1981 death in detention] • Thalo Mosala [1976 death in detention] • Saul Ndzumo [1980 death in detention] • Mxolisi Sipele [1984 death in detention] • Sithembele Zokwe [1988 death in detention]
= 2	= 9

DPP: NORTH WEST

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED

<ul style="list-style-type: none"> • Richard & Irene Motasi: <ul style="list-style-type: none"> ○ CATS CAS 03/03/2018 ○ Captain Hattingh ○ Security Branch killings. Certain suspects granted amnesty, but investigation in progress to establish whether other persons were also involved or not. Crime may also have been committed in PTA. See also DPP: PTA • Moses Morudi <ul style="list-style-type: none"> ○ CATS CAS 02/03/2018 ○ Const Ubisi ○ Disappearance of MK operative after being kidnapped by Security Branch operatives. Crime may also have been committed in PTA • Boiki Thlapi <ul style="list-style-type: none"> ○ Col C Mathe (Vryburg) ○ KLERKSDORP INQUEST 49/94 & STILFONTEIN CAS 10/11/2006 ○ Disappearance of activist after being detained by police. Allegation is that body was thrown down mine shaft 	<ul style="list-style-type: none"> • Brian Ngqulunga [Case flowing out of Eugene de Kock's prosecution. Crime may also have been committed in PTA. DPP: PTA, however, declined to prosecute Genl Krappies Engelbrecht]
= 3	= 1

DPP: NORTHERN CAPE

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
	<ul style="list-style-type: none"> • Xoliso Jacobs [1986 death in detention] • Phakamile Mabija [1977 death in detention]
= 0	= 2

DPP: PRETORIA

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED



- **Nokuthula Simelane.** See remarks under **DPP: JHB**
- **Richard & Irene Motasi**
 - CATS CAS 03/03/2018
 - Captain Hattingh
 - Security Branch killings. Certain suspects granted amnesty, but investigation in progress to establish whether other persons were also involved or not. As crime may also have been committed in **NW**, reporting by **DPP: NW**
- **Nicodemus Kgoathe, Solomon Modipane & Jacob Monnakgotla**
 - CATS CAS 07/03/2018 & INQUEST PTA 02/02/1969
 - Lt Col Patsa
 - Deaths in detention in 1969
- **Steve Biko**
 - CATS CAS 03/12/2017 & INQUEST PTA 573/1977
 - Lt Col Patsa
 - Death in detention relating to prominent activist. Injured in PE, but died in PTA in detention. See also **DPP: EC**
- **Welcome Khanyile**
 - CATS CAS 05/03/2018 & INQUEST 6/1993
 - Capt Mamabolo
 - Killing of IFP member by Security Branch
- **Peter Thabuleka**
 - CATS CAS 06/03/2018
 - Capt Mamabolo
 - Kidnapping of MK operative by Security Branch
- **Moses Morudi [DPP: NW]**
- **James Lenkoe**
 - Death in detention in 1969
- **Brian Ngqulunga**
 - Case flowing out of Eugene de Kock's prosecution. Crime may also have been committed in **NW**
- **James Hamakwayo** [1966 death in detention]
- **Looksmart Ngudle** [1963 death in detention]
- **Haugula Shongyeka** [1966 death in detention]
- **Jundes Tubakwa / Judea Boloma Tubakwa** [1968 death in detention. Brig Xaba requested on 4 Aug 2020 to register investigation and appoint I/O. Case to be dealt with by **DPP: PTA**]
- **Ah Yan** [1967 death in detention]

<ul style="list-style-type: none"> ○ DPP: PTA, however, declined to prosecute Genl Krappies Engelbrecht ● Caiphus Nyoka <ul style="list-style-type: none"> ○ DAVEYTON CAS ○ Col Beukman, DPCI Germiston ○ Ex-Security Branch member confessing to media during 2019 that he killed activist 	
= 10	= 5

DPP: WESTERN CAPE

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> ● Heidelberg Tavern <ul style="list-style-type: none"> ○ CATS CAS 25/05/2016 & WOODSTOCK CAS 628/12/1993 ○ Capt Ben Nel ○ Attack by APLA ● St James Church massacre <ul style="list-style-type: none"> ○ CATS CAS 26/05/2016 & CLAREMONT CAS 539/07/1993 ○ Capt Ben Nel ○ Attack by APLA ● Ashley Kriel <ul style="list-style-type: none"> ○ CATS CAS 14/04/2016 & ATHLONE INQUEST 23/1987 ○ Capt Ben Nel ○ Shooting of MK member by Security Branch ● Imam Abdullah Haroon <ul style="list-style-type: none"> ○ CATS CAS 08/03/2018 & INQUEST 50/1970 ○ Lt Col L Thokolo ○ Death in detention in 1969 ● Coline Williams & Robbie Waterwitch <ul style="list-style-type: none"> ○ DPCI ENQ 22/08/2020 ○ Capt van Beulen ○ 2 MK members killed in explosion in 1989 	<ul style="list-style-type: none"> ● Elijah Loza [1977 death in detention] ● Bellington Mampe [1963 death in detention] ● Luke Mazwembe [1969 death in detention]
= 5	= 3

DPP: INADEQUATE INFORMATION IN RESPECT OF CASES BELOW TO DETERMINE IN WHICH DPP'S JURISDICTION DEATHS TOOK PLACE

TRC CASES WHICH MUST STILL BE REFERRED	TRC CASES WHICH MUST STILL BE REFERRED
<ul style="list-style-type: none"> • Makompe Kutumela [1986 death in detention] [DPP LIMP?] 	<ul style="list-style-type: none"> • Donald Thabela Madisha [1990 death in detention] [DPP LIMP?]
<ul style="list-style-type: none"> • Alfred Makaleng [1988 death in detention] [DPP MPUM / LIMP / JHB?] 	<ul style="list-style-type: none"> • Ernest Mamashila [1976 death in detention] [DPP PTA?]
<ul style="list-style-type: none"> • Simon Marule [1986 death in detention] [DPP JHB / PTA?] 	<ul style="list-style-type: none"> • Dumisani Mbatha [1976 death in detention] [DPP JHB / PTA?]
<ul style="list-style-type: none"> • Mr Khehla Nkutha [Abduction 23 Feb 1978 and subsequent death. New request received from family member. Very little information available] [DPP KZN / MPUM?] 	<ul style="list-style-type: none"> • Dr Nanaoth Ntshunsha [1977 death in detention] [DPP MPUM?]
<ul style="list-style-type: none"> • William Tshwane [1976 death in detention] [DPP JHB / PTA?] 	<ul style="list-style-type: none"> • Unknown [1968 Death in detention] [DPP?]

= 10

NAMIBIAN CASES:

TRC CASES	TRC CASES
<ul style="list-style-type: none"> • Alpheus Madiba [1967 death in detention] 	<ul style="list-style-type: none"> • Michael Shivute [1969 death in detention]

= 2 Although these deaths took place in Namibia, Security files are available. Investigations will be conducted locally and, if necessary, matters referred to DPP: Namibia

ZIMBABWEAN CASES:

TRC CASES
<ul style="list-style-type: none"> • Joe Ndzingo Gqabi [31 July 1981 assassination in Harare. New request received from family member. Very little information available]

= 1

GRAND TOTAL OF ALL TRC CASES:

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED	TRC CASES UNSURE OF	FOREIGN CASES
= 53	= 46	= 10	= 3

= 112

[SCB 30 Nov 2020]



CONFIDENTIAL LIST OF ALL TRC CASES: FULL DETAILS

DPP: EASTERN CAPE

ALREADY REFERRED TRC CASES: = 7				
No	Matter	Case particulars	Comments	Outcome / status
1	Steve Biko	<u>Docket:</u> CATS CAS 03/12/2017 & PTA Inquest 573/1977 <u>I/O:</u> Lt Col Cleopatra Patsa <u>Cell:</u> 072 574 3492	Death in detention relating to prominent activist. DPP EC must make decision re assault. Then DPP PTA must decide whether to prosecute for failure to render medical assistance at Pretoria prison	No feedback reports submitted
2	Craddock 4 <u>PCLU</u> Ref: 10/3/5/TRC - 5/2015 (PCLU)	<u>Docket:</u> CATS CAS 05/06/2016 & Swartkops CR 13/07/1985 <u>I/O:</u> Col Joe Makua <u>Cell:</u> 082 779 8596 <u>Prosecutor:</u> HM Ackermann	Kidnapping and murder of 4 activists. Investigations ongoing after lawyers acting for families of deceased launched Court application.	NPA's affidavit to be drafted
3	Highgate Hotel	<u>Docket:</u> CATS CAS 24/05/2016 & Cambridge CR 14/05/1993 <u>I/O:</u> Capt Ben Nel /// Col Ripa <u>Cell:</u> 082 779 8688 <u>Prosecutor:</u>	Attack on hotel in 1993 by unknown assailants	No feedback received
4	Caleb Mayekiso <u>PCLU</u> Ref: 10/3/5/TRC - 11/2020 (PCLU)	<u>Docket:</u> <u>I/O:</u> Col Ripa <u>Cell:</u> <u>Prosecutor:</u>	Part of 1969 DEATHS IN DETENTION . Prosecutor(s) in task team to peruse evidence. Liaise with DPP PTA and WC	No feedback received
5	Sipho Maxwell Mtimkhulu & Topsy Madaka <u>PCLU</u> Ref: 10/3/5/TRC - 9/2020 (PCLU)	<u>Docket:</u> <u>I/O:</u> Col Ripa <u>Cell:</u> <u>Prosecutor:</u>	To be investigated together with PEBCO 3 & CRADOCK 4	No feedback received
6	PEBCO 3 <u>PCLU</u> Ref: 10/3/5/TRC - 3/2015 (PCLU)	<u>Docket:</u> CATS CAS 23/05/2016 & Hendrik Verwoerd Airport CR 177/1990 <u>I/O:</u> Capt Ben Nel /// Col Ripa <u>Cell:</u> 082 779 8688 <u>Prosecutor:</u>	Kidnapping and murder of 3 Port Elizabeth (PE) activists	No feedback received

7	Gwaza Duckworth Twalo PCLU Ref: 10/3/5/TRC – 6/2021 (PCLU)	Docket: I/O: Cell: Prosecutor:	Detained Jan 1980 in Aliwal North, Eastern Cape. Officially released in May 1980, but never seen again. Documentary proof to effect he was still in custody of Security Police HQ in Pretoria in Sept 1980. Reps received by relative. Referred to DPP EC on 19 May 2021	Investigation to be opened by DPCI with monitoring by DPP EC. No feedback at all
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TRC CASES WHICH MUST STILL BE REFERRED: = 7				
No	Matter	Case particulars	Comments	Outcome / status
1	Nobandla Bani		1987 death in detention	
2	George Botha		1976 death in detention	
3	Benedict Mashoke		1986 death in detention	
4	Mapetla Mohapi PCLU Ref: 10/3/5/TRC – 8/2021 (PCLU)		1976 death in detention	
5	Eric Mtonga		1987 death in detention	
6	Lungile Tabalaza		1978 death in detention	
7	Bellington Tyita		1964 death in detention	

DPP: FREE STATE

ALREADY REFERRED TRC CASES: = 2				
No	Matter	Case particulars	Comments	Outcome / status
1	Ladybrand Four PCLU Ref: 10/3/5/TRC - 2/2020 (PCLU)	Docket: CATS CAS 33/11/2016 I/O: Capt Ben Nel Cell: 082 779 8688 Prosecutor: Adv SW Mthethwa	Disappearance of 4 MK operatives after being detained by Security Branch. Maqekeza below to be part of investigation	Death certificate obtained of Antonie Jagga (suspect). Investigations ongoing
2	Mpilo Maqekeza Atwel	Docket: PCOMM ENQ 01/10/2020 I/O: Col Ripa Cell: Prosecutor: Adv SW Mthethwa	Deceased (MK operative) killed / assassinated in 1987 in Lesotho. Although DPCI & DPP do NOT have jurisdiction, one of Ladybrand Four victims was involved in Lesotho incident. Case also linked to Solomzi Talakumina	Investigations ongoing

			matter being dealt with by DPP MTHATHA.	
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TRC CASES WHICH MUST STILL BE REFERRED: = 0				
No	Matter	Case particulars	Comments	Outcome / status
1				

DPP: JOHANNESBURG

ALREADY REFERRED TRC CASES: = 7				
No	Matter	Case particulars	Comments	Outcome / status
1	Dr Neil Aggett PCLU Ref: 10/3/5/TRC - 3/2019 (PCLU) and Ernest Dipale PCLU Ref: 10/3/5/TRC - 6/2019 (PCLU)	Docket: CATS CAS 10/06/2016 & Inquest 139/82 I/O: W/O Kgamanyane Cell: 071 481 3671 /// 072 966 4723 Prosecutor: Adv JJ Mlotshwa & S Singh	Re-opening of inquest and joinder with that of Aggett as ordered by Minister	After transcription of record / evidence and arguments by parties, judgment is awaited
2	COSAS 4 / Krugersdorp Bombing (Eustice Bimbo Madikela, Ntshingo Mataboge & Fanyana Nhlapo) PCLU Ref: 10/3/5/TRC - 13/2020 (PCLU)	Docket: CATS CAS 04/03/2018 I/O: Serg Tjiane Cell: 082 463 4332 Prosecutor: Adv Deon van Wyk	4 youths killed in explosion by Security Branch. Name of 4 th deceased unknown.	Investigations still ongoing. I/O must obtain warning statements from other suspects Confession obtained from Mfalapitsal who appeared in court. Was released on warning. Intends to plead guilty. Matter remanded to 1 Oct 2021
3	Matthews Mabelane	Docket: CATS CAS 03/10/2017 & Inquest JHB 28/1977 I/O: Capt Frans Mathipa Cell: 082 923 7015 Prosecutor: Adv Aiden Maharaj /// Adv Mohamed	Death in detention	Investigations still ongoing. Deceased's family requested inspection <i>in loco</i> at JHB Central police station
4	Mlahleni Ignatius Mthebule	Docket: CATS CAS 32/11/2016 I/O: Capt Ben Nel Cell: Prosecutor: Adv Mathews Rampyapedi	Disappearance of MK operative in Johannesburg (JHB)	Investigations still ongoing
5	Suliman Babla Saloojee PCLU Ref: 10/3/5/TRC - 1/2020 (PCLU)	Docket: CATS CAS 11/03/2018 I/O: Capt Frans Mathipa Cell: 082 923 7015 Prosecutor: Adv Deon Barnard	Death in detention	Investigations still ongoing

6	Lolo Sono & Siboniso Shabalala / Tshabalala (Mandela Football club (MFC)) PCLU Ref: 10/3/5/TRC - 8/2020 (PCLU)	Docket: I/O: Const Ubisi Cell: 079 509 0873 Prosecutor: Adv Paul Schutte	Murder of 2 youths linked to Mandela Football club (MFC). Other possible deceased also identified / linked e.g. Susan Maripa	Investigations still ongoing
7	Ahmed Timol PCLU Ref: 10/3/5/TRC - 1/2018 (PCLU)	Docket: JHB Central CAS 798/10/2017 & Inquest I/O: Capt Frans Mathipa Cell: 082 923 7015 Prosecutor: Adv S Khumalo & S Singh	Case of S v Joao Rodrigues part-heard	SCA dismissed appeal. Matter remanded to 30 Sept 2021 pending application to ConCourt, BUT ACCUSED DIED ON 6 SEPT 2021

TRC CASES WHICH MUST STILL BE REFERRED: = 13				
No	Matter	Case particulars	Comments	Outcome / status
1	Pans Malatji		1983 death in detention	
2	Sipho Malaza		1977 death in detention	
3	Elmon Malele		1977 death in detention	
4	Jacob Mashabane		1969 death in detention	
5	Edward Mzolo		1976 death in detention	
6	Lawrence Ndzanga		1977 death in detention	
7	Leong Pin		1966 death in detention	
8	Andries Raditsela		1985 death in detention	
9	Clayton Sizwe Sithole		1990 death in detention	
10	Smit murders PCLU Ref: 10/3/5/TRC - 7/2020 (PCLU)		Assassinations. Currently dealt with by PCLU, but will be referred to JHB	
11	Lucas Tihotlhomisang		1990 death in detention	
12	Wellington Tshazibane		1976 death in detention	
13	Unknown man		1976 Death in detention	

DPP: KZN

ALREADY REFERRED TRC CASES: = 17				
No	Matter	Case particulars	Comments	Outcome / status

1	<p>Dr Hoosen Haffejee</p> <p>PCLU Ref: 10/3/5/TRC - 4/2019 (PCLU)</p> <p>(and Bayempini Mzizi)</p>	<p><u>Docket:</u></p> <ul style="list-style-type: none"> Durban OCIU ENQ 38/06/2021 CATS CAS 4/10/2017 Inquest 957/1997 <p><u>I/O:</u> W/O Kgamanyane /// Colonel Motlhe /// Capt Mbhele</p> <p><u>Cell:</u> 071 481 3671 /// 072 966 4723 /// 079 325 7901</p> <p><u>Prosecutor:</u> Adv Denardo Macdonald</p>	<p>Death in detention. Re-opened inquest commenced in 2021. Although DPP KZN was asked to timeously request Mzizi inquest to be re-opened by Min and joined with that of Haffejee, only Haffejee inquest proceeded</p>	<p>Inquest set down from 16 Aug – 17 Sept 2021</p>
2	<p>Mohseen Jeenah</p> <p>PCLU Ref: 10/3/5/TRC - 10/2021 (PCLU)</p>		<p>1994 allegedly shot and killed (together with 3 other men) by police in Durban. Case referred by PCLU in Sept 2021</p>	
3	<p>Aaron Khoza</p>	<p><u>Docket:</u> Durban OCIU ENQ 50/06/2021</p> <p><u>I/O:</u> Capt. Myeni</p> <p><u>Cell:</u> 071 481 3446</p> <p><u>Prosecutor:</u> Adv N Dunywa</p>	<p>1977 death in detention.</p> <p>On own initiative DPP migrated matter to KZN without official referral from PCLU HQ</p>	<p>Hospital and prison records have been requested</p>
4	<p>Ntombikayize / Ntombi Khubeka</p> <p>PCLU Ref: 10/3/5/TRC - 3/2020 (PCLU)</p> <p>(Musa Phewa and Zama Sokhulu)</p>	<p><u>Docket:</u></p> <ul style="list-style-type: none"> Durban OCIU ENQ 36/06/2021 CR Swart CR 01/09/1987 Durban Central CAS 547/03/2021 CATS CAS 10/03/2018 <p><u>I/O:</u> W/O Solly Moloto /// Colonel Motlhe</p> <p><u>Cell:</u> 082 770 4903 /// 079 886 6618</p> <p><u>Prosecutor:</u> Adv Ncedile Dunywa</p>	<p>Disappearance of MK operatives at hands of Security Branch.</p> <p>Consultation with S204 witness (Mbane) unsatisfactory. He is not credible single witness. W/O Moloto will render support during re-exhumation. Col Motlhe new I/O</p>	<p>Investigations ongoing. Exhumation of Khubeka's body was ordered. I/O busy consulting stakeholder re date of exhumation as well as transport of remains to Argentina</p>
5	<p>Dr / Chief Albert Luthuli</p> <p>PCLU Ref: 10/3/5/TRC - 5/2019 (PCLU)</p>	<p><u>Docket:</u></p> <ul style="list-style-type: none"> CATS CAS 15/05/2018 Durban OCIU ENQ 39/06/2021 <p><u>I/O:</u> W/O Kgamanyane /// Capt Mathipa /// Col Motlhe</p> <p><u>Cell:</u> 071 481 3671 /// 072 966 4723 /// 079 886 6618</p> <p><u>Prosecutor:</u> Adv Naveen N.B. Sewparsat</p>	<p>Must be established whether he was accidentally killed in train accident!</p> <p>W/O Kgamanyane will assist to source funds for appointment of external experts</p>	<p>DPCI will pay expert fees. DPCI HQ will apply for funds</p>
6	<p>Oupa Madondo / Mdondo @ Oupa Ronald "Scorpio" Madondo</p> <p>PCLU Ref: 10/3/5/TRC - 20/2020 (PCLU)</p>	<p><u>Docket:</u></p> <ul style="list-style-type: none"> CATS CAS 34/05/2016 CATS 08/02/2016 Durban OCIU ENQ 40/06/2021 <p><u>I/O:</u> Capt Ben Nel /// Lt. Colonel Steyn</p> <p><u>Cell:</u> 082 779 8688</p>	<p>Killing of MK operative by Security Branch. Perpetrators granted amnesty, but inquest must be held.</p> <p>Clarification sought re identity of person in respect of whose</p>	<p>Investigations ongoing</p>

		Prosecutor: Mziwodumo Miza	killing amnesty was granted	
7	Samuel Malinga	Docket: Durban OCIU ENQ 51/06/2021 I/O: Capt Myeni Cell: 071 481 3446 Prosecutor: Adv N Dunywa	1977 death in detention. On own initiative DPP migrated matter to KZN without official referral from PCLU HQ	Investigations are continuing
8	Michael Mcetywa / Ncetywa PCLU Ref: 10/3/5/TRC - 7/2019 (PCLU)	Docket: • Pongola CR12/11/1993 • Durban OCIU ENQ 44/06/2021 I/O: W/O Moloto /// Capt. Myeni Cell: 082 770 4903 /// 071 481 3446 Prosecutor: Adv Penny Pillay Ref: 10/2/4/1-5/2020	Request by family member to investigate death of father arising from amnesty hearing. Complainant (Zolile Mcetywa), however, died in interim	Investigations ongoing
9	Joseph Mdluli	Docket: Durban OCIU ENQ 48/06/2021 I/O: Capt. Myeni Cell: 071 481 3446 Prosecutor: Adv N Dunywa	1976 death in detention. On own initiative DPP migrated matter to KZN without official referral from PCLU HQ	Investigations are ongoing
10	James Ngoloyi Mngomezulu PCLU Ref: 10/3/5/TRC - 10/2020 (PCLU)	Docket: • CATS CAS 09/03/2018 • Durban OCIU ENQ 37/06/2021 I/O: W/O Solly Moloto /// Colonel Motlhe /// Lt Col Steyn Cell: 082 770 4903 /// 079 492 8334 Prosecutor: Adv Ncedile Dunywa	Killing of MK operative. Part of CASES FLOWING OUT OF DE KOCK'S PROSECUTION. Liaise with DPP Mpumalanga and Pta.	Investigations ongoing. Possible S204 statement obtain from person present during kidnapping. Consultations are ongoing with persons who received amnesty
11	Ephraim Thami 'Shakes' Mthethwa	Docket: Durban OCIU ENQ 49/06/2021 I/O: Col Motlhe Cell: 079 886 6618 Prosecutor: Adv N Dunywa	1984 death in detention. On own initiative DPP migrated matter to KZN without official referral from PCLU HQ	Investigations are ongoing
12	Griffiths Mxenge / Nxenge (and Victoria Mxenge / Nxenge) PCLU Ref: 10/3/5/TRC - 12/2019 (PCLU)	Docket: Durban OCIU ENQ 45/06/2021 & 46/06/2021 I/O: W/O Kgamanyane /// Colonel Motlhe /// Lt Col Steyn Cell: 079 492 8334 Prosecutor: Adv N Dunywa	Dirk Coetzee and others granted amnesty, but case re-opened due to claim that DE KOCK was also involved. Must be dealt with as part of Haffejee inquest	Investigations ongoing
13	Bayempini Mzizi (and Haffejee)	Docket: Durban OCIU ENQ 42/06/2021	See above	See above

	PCLU Ref: 10/3/5/TRC - 13/2019 (PCLU)	<u>I/O:</u> W/O Kgamanyane /// Colonel Motlhe /// Capt Mbhele <u>Cell:</u> 071 481 3671 /// 072 966 4723 / 079 325 7901 <u>Prosecutor:</u> Adv Denardo Macdonald		
14	Musa "Sbu" Phewa (Ntobikayise Khubeka and Zama Sokhulu) PCLU Ref: 10/3/5/TRC - 1/2017 (PCLU)	<u>Docket:</u> • CATS CAS 02/09/2017 • Durban OCIU ENQ 41/06/2021 <u>I/O:</u> W/O Solly Moloto /// Colonel Motlhe <u>Cell:</u> 082 770 4903 /// 079 886 6618 <u>Prosecutor:</u> Adv Ncedile Dunywa	See above. Consultation with witness (Mbane) unsatisfactory. He is not credible single witness. Applications for amnesty could not be traced	Investigations ongoing to ID suspects and obtain statements.
15	Goodwill Collin Sikhakhane	<u>Docket:</u> • Greytown CR 154/6/1994 • Durban OCIU ENQ 47/06/2021 <u>I/O:</u> W/O Moloto /// Capt Myeni <u>Cell:</u> 071 481 3446 <u>Prosecutor:</u> Adv N Dunywa	Killing of MK operative. Part of CASES FLOWING OUT OF DE KOCK'S PROSECUTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP Mpumalanga and PTA	Investigations ongoing
16	Zama Sokhulu (Ntobikayise Khubeka and Musa "Sbu" Phewa)	<u>Docket:</u> Durban OCIU ENQ 02/08/2021 <u>I/O:</u> Col Mothle <u>Cell:</u> 079 886 6618 <u>Prosecutor:</u> Adv N Dunywa	See above. On own initiative DPP migrated matter to KZN without official referral from PCLU HQ	Investigations are continuing
17	Dr Rick Turner PCLU Ref: 10/3/5/TRC - 11/2019 (PCLU)	<u>Docket:</u> Durban OCIU ENQ 43/06/2021 <u>I/O:</u> Lt. Colonel Steyn <u>Cell:</u> 079 492 8334 <u>Prosecutor:</u> Adv N Dunywa	Unsolved murder of activist. New information regarding possible killers being followed up	Investigations ongoing

TRC CASES WHICH MUST STILL BE REFERRED: = 0

No	Matter	Case particulars	Comments	Outcome / status
1				

DPP: LIMPOPO**ALREADY REFERRED TRC CASES: = 2**

No	Matter	Case particulars	Comments	Outcome / status
1	Peter Nchabeleng	<u>Docket:</u> CATS CAS 02/06/2018 & Seshego Inquest 1/8 <u>I/O:</u> Const Ubisi <u>Cell:</u> 079 509 0873	Killing at police station. Currently very little information available	Investigations ongoing

2	Jacobus van der Merwe	<u>Docket:</u> CATS CAS 07/09/2018 & Thabazimbi CR 43/4/79 <u>I/O:</u> Capt Ben Nel <u>Cell:</u> 082 779 8688	Kidnapping and murder of farmer allegedly by MK operatives. Body still has to be found	Investigations ongoing
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TRC CASES WHICH MUST STILL BE REFERRED: = 2				
No	Matter	Case particulars	Comments	Outcome / status
1	Tshlfhiwa Mupphe		1981 death in detention	
2	Samuel Tshikudo		1984 death in detention	

DPP: MPUMALANGA

ALREADY REFERRED TRC CASES: = 3				
No	Matter	Case particulars	Comments	Outcome / status
1	Adreano Louis Bambo <u>PCLU Ref: 10/3/5/TRC - 8/2019 (PCLU)</u>	<u>Docket:</u> CATS CAS 05/09/2018 & Komatipoort / Nelspruit CAS 221/01/1996 <u>I/O:</u> Const Ubisi <u>Cell:</u> 079 509 0873	Part of CASES - DE KOCK'S PROSECUTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP KZN and PTA.	Investigations ongoing
2	Japie Maponya	<u>Docket:</u> CATS CAS 32/05/2016 & Krugersdorp CAS 245/12/1994 <u>I/O:</u> Capt Ben Nel <u>Cell:</u> 082 779 8688	Part of CASES FLOWING OUT OF DE KOCK'S PROSECUTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP KZN and PTA.	Investigations ongoing
3	Johannes Sweet Sambo <u>PCLU Ref: 10/3/5/TRC - 9/2019 (PCLU)</u>	<u>Docket:</u> CATS CAS 13/03/2018 & Komatipoort CAS 14/07/1991 <u>I/O:</u> Const Ubisi <u>Cell:</u> 079 509 0873	Part of CASES - DE KOCK'S PROSECUTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP KZN and PTA.	Investigations ongoing

All three cases arise from prosecution of **EUGENE DE KOCK** and allegation by him that he was acting under instructions from **GENERAL KRAPPIES ENGELBRECHT** [PCLU Ref: 10/3/5/TRC - 1/2021 (PCLU)]. Decision not to prosecute **ENGELBRECHT** was, however, taken in 2000 by DPP PTA, but investigation is in progress to determine whether decision should be reviewed or not.

TRC CASES WHICH MUST STILL BE REFERRED: = 1				
No	Matter	Case particulars	Comments	Outcome / status
1	Simon Mndawe		1983 death in detention	

DPP: MTHATHA

ALREADY REFERRED TRC CASES: = 2				
No	Matter	Case particulars	Comments	Outcome / status
1	Murder of five (5) youths in Mthatha in 1993 PCLU Ref: 10/3/5/TRC - 17/2020 (PCLU)	Docket: I/O: W/O Ngcanga Cell: 082 319 8093 Prosecutor: Not yet allocated	Case reported by DPP. Father of deceased was PAC member. SAPS, believing father harboured APLA members, attacked home at night. 5 children were killed, because SAPS thought they were APLA members NB: Apparently SANDF. NOT SAPS	Investigations ongoing
2	Solomzi Talakumina PCLU Ref: 10/3/5/TRC - 12/2020 (PCLU)	Docket: I/O: Serg Mkhulisa Cell: 071 481 2407 Prosecutor: Not yet allocated	MK operative shot by comrades in 1986 during operation. Body secretly buried in Tsolo. Later unlawfully exhumed by Transkei police but remains thereafter disappeared. Still missing Case also linked to one of Mpilo Atwel Mapekeza being dealt with by DPP FS.	Investigations ongoing

TRC CASES WHICH MUST STILL BE REFERRED: = 9				
No	Matter	Case particulars	Comments	Outcome / status
1	Mthayeni Cutsela		1971 death in detention	
2	Ngeni Gaga		1965 death in detention	
3	Pongolasha Hoye		1965 death in detention	
4	Twasifeni Joyi		1977 death in detention	
5	Manana Mgqweto		1981 death in detention	
6	Thalo Mosala		1976 death in detention	
7	Saul Ndzumo		1980 death in detention	
8	Mxolisi Sipele		1984 death in detention	
9	Sithembele Zokwe		1988 death in detention	

DPP: NORTH WEST

ALREADY REFERRED TRC CASES: = 4				
No	Matter	Case particulars	Comments	Outcome / status
1	Moses Morudi	<u>Docket:</u> CATS CAS 02/03/2018 <u>I/O:</u> W/O Ndawo <u>Cell:</u> 082 632 5882	Disappearance of MK operative after being kidnapped by Security Branch operatives. Crime may also have been committed in PTA. Liaise with DPP PTA. DPP NW to submit reports	Investigations ongoing
2	Richard & Irene Motasi <u>PCLU Ref:</u> 10/3/5/TRC – 4/2021 (PCLU)	<u>Docket:</u> CATS CAS 03/03/2018 <u>I/O:</u> Capt Loretta Hattingh /// Capt Moss <u>Cell:</u> 082 373 9558 /// 082 574 9904	Security Branch killings. Certain suspects granted amnesty, but investigation in progress to establish whether other persons were also involved or not. Crime may also have been committed in PTA. Liaise with DPP PTA. DPP NW to submit reports	Investigations ongoing
3	Brian Ngqulunga	<u>Docket:</u> <ul style="list-style-type: none"> • Ga-Rankuwa CR 238/07/1990 • CATS CR 10/12/2020 <u>I/O:</u> Const Chiseve <u>Cell:</u> 082 542 1093	Part of CASES FLOWING OUT OF DE KOCK'S PROSECUTION. Formerly allocated to DPP PTA. See comment above re GENERAL ENGEL-BRECHT!	Investigations ongoing
4	Boiki Thlapi <u>PCLU Ref:</u> 10/3/5/TRC - 2/2017 (PCLU)	<u>Docket:</u> Stilfontein CAS 10/11/2006 Klerksdorp Inquest 49/94 <u>I/O:</u> Lt Col C Mathe /// Lt Col Mokoka (f) <u>Cell:</u> 082 6677 550 /// 078 326 6747 <u>Old DPP PTA Ref:</u> PVT92040T	Disappearance of activist after being detained by police. <u>Allegation:</u> Body was thrown down mine shaft.	Investigations ongoing

TRC CASES WHICH MUST STILL BE REFERRED: = 0				
No	Matter	Case particulars	Comments	Outcome / status
1				

DPP: NORTHERN CAPE

ALREADY REFERRED TRC CASES: = 1				
No	Matter	Case particulars	Comments	Outcome / status
1	Nutuse Booi Mantyi	<u>Docket:</u> <ul style="list-style-type: none"> • DPCI ENQ 02/05/2021 	Shot dead by police on 16 Jun 1985 in De Aar, Cape province.	Investigations ongoing

PCLU Ref: 10/3/5/TRC-5/2021 (PCLU)	<ul style="list-style-type: none"> Inquest 13/85 I/O: Serg Greef (Karoo Region TRC team, Bloem) Cell: 0715677471 Commander: Capt Moleko Cell: 0820675225 Prosecutor: Adv S Weyers /// Adv Mpho M. Makhaga (Johny)	Received from DPP NC. Referred in May 2021	
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TRC CASES WHICH MUST STILL BE REFERRED: = 2				
No	Matter	Case particulars	Comments	Outcome / status
1	Xoliso Jacobs		1986 death in detention	
2	Phakamile Mabija		1977 death in detention	

DPP: PRETORIA

ALREADY REFERRED TRC CASES: = 7				
No	Matter	Case particulars	Comments	Outcome / status
1	Steve Biko	Docket: CATS CAS 03/12/2017 & PTA Inquest 573/1977 I/O: Lt Col Cleopatra Patsa Cell: 072 574 3492	Injured in PE, but died in PTA in detention. DPP EC must make decision re assault. Then DPP PTA must decide whether to prosecute for failure to render medical assistance at Pretoria prison	No feedback reports submitted
2	Nicodemus Kgoathe, Solomon Modipane & Jacob Monnakgotla PCLU Ref: 10/3/5/TRC - 5/2020 (PCLU)	Docket: CATS CAS 07/03/2018 & PTA Inquest 02/02/69 I/O: Lt Col Cleopatra Patsa Cell: 072 574 3492	Part of 1969 DEATHS IN DETENTION.	Prosecutor(s) in task team to peruse evidence
3	Mthokozisi Welcome Khanyile PCLU Ref: 10/3/5/TRC - 4/2020 (PCLU)	Docket: CATS CAS 05/03/2018 & Inquest 6/93 I/O: Capt Mamabolo Cell: 082 822 8336	Killing of IFP member by Security Branch. Part of CASES FLOWING OUT OF DE KOCK'S PROSECUTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP KZN and Mpumalanga	Investigations ongoing to trace witnesses for their affidavits Supervised by Adv Mosing
4	James Lenko / Lenkoe	Docket: I/O: Cell:	Part of 1969 DEATHS IN DETENTION. Prosecutor(s) in task	Investigations ongoing

	PCLU Ref: 10/3/5/TRC - 2/2021 (PCLU)		team to peruse evidence. Liaise with DPP EC and WC.	
5	Peter Maluleka / Thabuleka PCLU Ref: 10/3/5/TRC - 6/2020 (PCLU)	<u>Docket:</u> CATS CAS 06/03/2018 <u>I/O:</u> W/O Mamabolo <u>Cell:</u> 082 822 8336	Kidnapping of MK operative by Security Branch. Decision must still be made. Supervised by Adv Mosing	Investigations ongoing
6	Caiphus Nyoka PCLU Ref: 10/3/5/TRC - 10/2019 (PCLU)	<u>Docket:</u> PCOMM Enq 04/10/2019 <u>I/O:</u> Col LJ Kekana <u>Tel:</u> 012 301 5400 <u>New I/O:</u> Col Beukman <u>Cell:</u> 082 568 4502 <u>Commander:</u> Col Gounden	Ex-Security Branch member (Marais) confessed to media during 2019 he killed activist. Subsequently insinuated he is mentally ill. Webber Wentzel involved. Adv Mzinyathi personally handling matter. I/O regularly provides updates	Investigations ongoing
7	Nokuthula Simelane PCLU Ref: 10/3/5/TRC - 4/2015 (PCLU)	<u>Docket:</u> JHB Central CAS 1469/02/1996 <u>I/O:</u> Col Makua <u>Cell:</u> <u>Prosecutor:</u> Advs R Mathenjwa & A Barnard	<u>Case:</u> S v Coetzee and Others. NB: Case on list of DPP PTA, BUT prosecuted by DPP JHB and report submitted by DPP JHB	Trial set down in Pretoria High Court from 2-27 Aug 2021. Matter remanded to 12 Oct 2021 for NDPP's decision re request to review DPP PTA's two decisions

TRC CASES WHICH MUST STILL BE REFERRED: = 5

No	Matter	Case particulars	Comments	Outcome / status
1	James Hamakwayo		1966 death in detention	
2	Looksmart Ngudle		1963 death in detention	
3	Haugula Shongyeka		1966 death in detention	
4	Jundes Tubakwa / Judea Boloma Tubakwa		1968 death in detention	Brig Xaba requested on 4 Aug 2020 to register investigation and appoint I/O. Case to be dealt with by DPP PTA
5	Ah Yan		1967 death in detention	

DPP: WESTERN CAPE**ALREADY REFERRED TRC CASES: = 6**

No	Matter	Case particulars	Comments	Outcome / status
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1	Anton Fransch PCLU Ref: 10/3/5/TRC - 9/2021 (PCLU)		Deceased killed in shootout with police in 1989 in Athlone. Referred on 18 Aug 2021.	Investigations must be instituted
2	Imam Abdullah Haroon PCLU Ref: 10/3/5/TRC - 1/2019 (PCLU)	Dockets: CATS CAS 08/03/2018 & Inquest 50/1970 CATS ENQ 2/11/2017 I/O: Lt Col Thokolo New: Col Petersen /// Capt Naicker Cell: 073 460 4729 Commander: Lt Gen Vearey Prosecutor: Adv A Stephen, Mopp & Damerell /// Adv Riley	Part of 1969 DEATHS IN DETENTION. Prosecutor(s) in task team to peruse evidence. Liaise with DPP PTA and EC.	Investigations ongoing
3	Heidelberg Tavern PCLU Ref: 10/3/5/TRC - 2/2015 (PCLU)	Docket: CATS CAS 25/05/2016 & Woodstock CAS 628/12/1993 I/O: Capt Ben Nel Cell: 082 779 8688 Prosecutor: Adv A Stephen & D Damerell Ref: 10/2/11/1/1/73/19	APLA attack. 23 Jun 2020: DPP WC <i>nollied</i> case 13 Jul 2020: PCLU enquired about: <ul style="list-style-type: none"> Docket (never received) Whether Mr Fourie ever informed No reply received	Nov 2020: <i>Nolle</i> decision held back until investigations in St James Church massacre are concluded
4	Ashley Kriel PCLU Ref: 10/3/5/TRC - 14/2019 (PCLU)	Docket: CATS CAS 14/04/2016 & Athlone Inquest 23/1987 I/O: Capt Ben Nel Cell: 082 779 8688 New: Capt Naicker & Col Petersen Prosecutor: Adv A Stephen /// Adv Demerell /// Adv Riley	Shooting of MK member by Security Branch Klatzow moved to UK Significant progress made with investigations	ORIGINAL DOCKET & INQUEST CANNOT BE TRACED! Investigations ongoing
5	St James Church massacre PCLU Ref: 10/3/5/TRC - 1/2015 (PCLU)	Docket: CATS CAS 26/05/2016 & Claremont CAS 539/07/1993 I/O: Capt Ben Nel Cell: 082 779 8688 Prosecutor: Adv A Stephen Ref: 10/2/9/1/1-1/2020	APLA attack	Investigations ongoing
6	Coline Williams & Robbie Waterwitch PCLU Ref: 10/3/5/TRC - 2/2019 (PCLU)	Docket: DPCI Enquiry CAS 22/08/2020 I/O: Captain Van Beulen, (DPCI CATS WC) Cell: 071 481 3259 (Commander: Col Clive J Ontong) Prosecutor: Adv A Stephen & D Damerell /// Adv Riley	2 MK members killed in explosion in 1989. To be investigated together with Kriel.	Investigations ongoing

TRC CASES WHICH MUST STILL BE REFERRED: = 3				
No	Matter	Case particulars	Comments	Outcome / status
1	Elijah Loza		1977 death in detention	
2	Bellington Mampe		1963 death in detention	

3	Luke Mazwembe		1969 death in detention	
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DPP: INADEQUATE INFORMATION IN RESPECT OF CASES BELOW TO DETERMINE IN WHICH DPP'S JURISDICTION DEATHS TOOK PLACE

UNKNOWN DPP TRC CASES WHICH MUST STILL BE REFERRED: = 10				
No	Matter	Case particulars	Comments	Outcome / status
1	Makompe Kutumela		1986 death in detention [DPP: LIMP?]	
2	Donald Thabela Madisha		1990 death in detention [DPP: LIMP?]	
3	Alfred Makaleng		1988 death in detention [DPP: JHB / LIMP / MPUMALANGA]	
4	Ernest Mamashila		1976 death in detention [DPP: PTA?]	
5	Simon Marule		1986 death in detention [DPP: JHB / PTA?]	
6	Dumisani Mbatha		[1976 death in detention] [DPP: JHB / PTA?]	
7	Khehla Nkutha (MALE) PCLU Ref: 10/3/5/TRC 18/2020 (PCLU) -		Abduction 23 Feb 1978 and subsequent death. [DPP: KZN / MPUMALANGA?]	New request received from family member. Very little information available. Dr Pretorius guides investigation
8	Dr Nanaoth Ntshunsha		1977 death in detention [DPP: MPUMALANGA?]	
9	William Tshwane		[1976 death in detention [DPP: JHB / PTA?]	
10	Unknown		1968 Death in detention [DPP?]	

REPRESENTATIONS TO HEAD: NPS

REPRESENTATIONS RECEIVED RE POSSIBLE TRC CASES: = 1				
No	Matter	Case particulars	Comments	Outcome / status

1	Complaint against international banks (Open Secrets) PCLU Ref: 10/3/5/TRC - 14/2020 (PCLU)			
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Request to prosecute CEOs of European Banks for bank activities during apartheid era. Complainant objected to case being allocated to Dr Pretorius and being dealt with by the unit of Brigadier Xaba (DPCI). Matter taken up by Head: NPS and Adv Macadam with General Lebeya. Gen Lebeya was not prepared to remove case from that unit. Complainant made reps to Head: NPS. Response unknown

NAMIBIAN CASES:

NAMIBIAN TRC CASES: = 2				
No	Matter	Case particulars	Comments	Outcome / status
1	Alpheus Madiba		1967 death in detention	
2	Michael Shivute PCLU Ref: 10/3/5/TRC – 7/2021 (PCLU)		1969 death in detention	Dr Pretorius guides investigation

Although deaths took place in **NAMIBIA**, security files are available. If domestic investigations can link SA perpetrators to deaths, matters must be referred to applicable DPP. Any relevant information / evidence of use in foreign jurisdiction ought to be shared with **DPP: NAMIBIA**

ZIMBABWEAN CASES:

ZIMBABWEAN TRC CASE: = 1				
No	Matter	Case particulars	Comments	Outcome / status
1	Joe Ndzingo Gqabi PCLU Ref: 10/3/5/TRC – 16/2020 (PCLU)		31 July 1981 assassination in Harare	New request received from family member. Very little information available. Dr Pretorius guides investigation

Although killing took place in **ZIM**, local investigations might link SA perpetrators to assassination, in which case matter must be referred to applicable DPP. Any relevant information / evidence of use in foreign jurisdiction ought to be shared with **DPP: ZIM**

SUMMARY:

DPP Office	No of cases already referred	No of cases still to be referred
DPP: EC	7	7

DPP: FS	2	0
DPP: JHB	7	13
DPP: KZN	17	0
DPP: LIMPOPO	2	2
DPP: MPUMALANGA	3	1
DPP: MTHATHA	2	9
DPP: NC	1	2
DPP: NW	4	0
DPP: PTA	7	5
DPP: WC	6	3
UNKNOWN DPPs	-	10
REPS TO HEAD: NPS	1	-
NAMIBIA	-	2
ZIMBABWE	-	1
TOTAL:	59	55

GRAND TOTAL OF ALL TRC CASES:

TRC CASES ALREADY REFERRED	TRC CASES WHICH MUST STILL BE REFERRED	TRC CASES UNSURE OF	FOREIGN CASES
= 59	= 42	= 10	= 3

= 114

[SCB 20 Sept 2021]

A031

 Outlook

FW: RE: REQUEST TO REOPEN INQUEST INTO THE DEATH OF MR BAYEMPINI MZIZI

From Chris Macadam <cmacadam@npa.gov.za>
Date Tue 12/2/2025 12:31 PM
To Muzikayifani A. Madlala <MMadlala@npa.gov.za>

 3 attachments (41 KB)
image001.jpg; image003.png; image004.png;

From: "Chris Macadam" <cmacadam@npa.gov.za>
Date: 24/06/2021 at 15:24:59
To: "Nledile Dunywa" <nlediled@npa.gov.za>
Cc: "Ashika Sewchurran" <ASewchurran@npa.gov.za>, "Denardo C. Macdonald" <dcmacdonald@npa.gov.za>, "Emma Jute (E)" <ejute@npa.gov.za>, "Elaine Zungu" <EZungu@npa.gov.za>, "xaban@saps.gov.za" <xaban@saps.gov.za>
Subject: RE: REQUEST TO REOPEN INQUEST INTO THE DEATH OF MR BAYEMPINI MZIZI

Hi , the issue is that we want to join the this matter to the haffejee one where a judge has been appointed. It is a complicated process to reopen and join inquests which involve action from the NDPP, minister and JP. Deborah Quinn had obtained extensive archive material which must be converted into evidence. Of importance is the 83year old living in Umlazi who was detained with the 2 deceased and complained of torture, two policemen who arrested Mzizi but never testified at the inquest, confirmation that the 2IC of the DBN Security branch is the same person as Deborah identified as living in Pretoria. Mo and Yunus Shaik who were arrested later implicated the same policemen as having tortured them. Of utmost importance is the fact the advocate who acted for the family[Meskin]died but left all his court papers with his daughter in Durban> Steve Naidoo needs the written pm report and photographs taken at PM and in the cell to make clear findings as to the injuries/cause of death. The I/O should fetch the boxes and check if the missing documents are there. I have copied Brig Xaba as he is overall in charge of investigations and we are experiencing similar problems in other regions. I am available for an MT meeting to run through everything if needed . regards chris

From: Nledile Dunywa
Sent: Wednesday, June 23, 2021 11:16 AM
To: Chris Macadam <cmacadam@npa.gov.za>; Elaine Zungu <EZungu@npa.gov.za>
Cc: Ashika Sewchurran <ASewchurran@npa.gov.za>; Denardo C. Macdonald <dcmacdonald@npa.gov.za>; Susan Bukau <sbukau@npa.gov.za>
Subject: RE: REQUEST TO REOPEN INQUEST INTO THE DEATH OF MR BAYEMPINI MZIZI



 Outlook

FW: RE: RE-Opened Inquest: Ernest Dipale

From Chris Macadam <cmacadam@npa.gov.za>
Date Thu 11/27/2025 1:38 PM
To Muzikayifani A. Madlala <MMadlala@npa.gov.za>

 1 attachment (26 KB)
image001.jpg;

From: "Chris Macadam" <cmacadam@npa.gov.za>
Date: 26/02/2021 at 17:29:31
To: "Jabulani J. Mlotshwa" <jjmplotshwa@npa.gov.za>,"Susan Bukau" <sbukau@npa.gov.za>
Cc: "Xaba N - Brigadier" <XabaN@saps.gov.za>,"Torie Pretorius (JP)" <jppretorius@npa.gov.za>
Subject: RE: RE-Opened Inquest: Ernest Dipale

Dear JJ has Dipale's detention file when he was detained with Aggett been presented? I gave a copy to Frank. It shows that a magistrate was prevented from seeing him .On the 2nd visit he complained of being tortured and on the 3rd told that if he continues complaining he will be sent to the Free State where he will see no one. With Mamasela you have Dirk coetzee's amnesty judgment where Joe was implicated as playing the leasing role in the attack on joyce Dipale's house Madelaine has also given a nice report on Joe's activities around this time > looks like all Webber Wentzel's criticisms are proving to be wrong

From: Jabulani J. Mlotshwa
Sent: Friday, February 26, 2021 3:57 PM
To: Chris Macadam <cmacadam@npa.gov.za>; Susan Bukau <sbukau@npa.gov.za>
Cc: Xaba N - Brigadier <XabaN@saps.gov.za>
Subject: RE-Opened Inquest: Ernest Dipale

Dear Colleagues

We have almost lead all the necessary evidence in this re-opened inquest.



On Monday and Tuesday we will lead the evidence of the LCRC officer whom we requested to take photographs of the cell in which Mr Diplae was found hanging and the manufacturers of the cell blankets to show to the court whether it would have been possible for Mr Dipale to tear a strip of the blanket with his hands, to use same to hang himself with (no sharp object or knife or anything else was found in the cell which Dipale could have used to tear a strip of the blanket with).

All indications are that Mr Joseph Mamasela and or Deetleefs or both had a hand in the death of the deceased.

The investigating officers have had big challenges in serving the subpoena on Mr Mamasela.

I have now sought the assistance of General Kadwa of the DPCI to assist the investigating officers to serve the subpoena on Mamasela.

I have advised the Judge of this predicament and he awaits a report of the progress in this regard.

I do not think that the Judge will allow us to "close" the hearing of this inquest without the testimony of Mamasela.

Regards



Jabulani J. Mlotshwa
Deputy Director Public Prosecutions
National Prosecuting Authority

Innes Chambers Building,
Cnr Pritchard & Kruis street
Johannesburg, 2000
Private Bag X8, Johannesburg, 2000

Tel: +27 11 220 4002
Ext: 114002
Cell: +27 73 502 9602

E-mail: jjmlotshwa@npa.gov.za
Web: www.npa.gov.za



From: imtiaz cajee <imtiazahmedcajee@gmail.com>

Sent: Saturday, April 16, 2022 1:58 PM

To: Chris Macadam <cmacadam@npa.gov.za>

Cc: Rodney J. De Kock <rjdekokk@npa.gov.za>; Shamila Batohi <SBatohi@npa.gov.za>

Subject: ASSISTANCE REQUIRED

AD 16

A033

Dear Adv Macadam

Hope you are well?

As you are aware, the passing of Rodrigues has brought an end my journey to uncover the true circumstances to my beloved Uncle Ahmed Timol's murder in October 1971.

In your supporting affidavit on behalf of the NDPP submitted to the Full Bench of the South Gauteng High Court,

As per Page 35 of your attached affidavit, 7.1.4 it reads as follows:

7.1.4 It has been established that other detainees who were never called as witnesses could possibly shed light on the matter. The first is a Mr Mohammed Essop, who was arrested at the same time as Timol. The second is Quentin Jardine, whose identity, it is alleged, led to the deceased deciding to commit suicide. The third is a Mr Pahad, whom it is alleged was arrested arising from Timol's interrogation. Ms Fullard has been tasked to uplift the detention files from DoJ&CD so that Captain Nel can conduct the necessary investigations in this regard.

It would be appreciated if you can share the source of information related to QUENTIN JARDINE as it is alleged his identity led to my Uncle to commit suicide. This is an important piece of information that I have not come across over the years of my investigation.

Your assistance in this query is highly appreciated.

Kind Regards



FW: Re: ASSISTANCE REQUIRED

From Chris Macadam <cmacadam@npa.gov.za>

Date Thu 11/27/2025 2:09 PM

To raymond christopher macadam <rcmacadam@mweb.co.za>; Muzikayifani A. Madlala <MMadlala@npa.gov.za>

FIDE

1 attachment (90 KB)

image002.png;

From: "imtiazhmedcajee" <imtiazhmedcajee@gmail.com>
Date: 21/04/2022 at 10:54:54
To: "Chris Macadam" <cmacadam@npa.gov.za>
Cc: <SBatohi@npa.gov.za>, <rjdekokock@npa.gov.za>
Subject: Re: ASSISTANCE REQUIRED

Dear Advocate Macadam

Many thanks for your response. All the best for your retirement.

I will follow up with Ms Fullard accordingly.

Kind Regards

Imtiazh Ahmed Cajee
<http://www.ahmedtimol.co.za>

On Thu, Apr 21, 2022 at 10:37 AM Chris Macadam <cmacadam@npa.gov.za> wrote:

Dear Mr Cajee, I retired in October last year and have no access to my TRC files. When I worked on this case some years previously I tried to gather as much information as possible from a variety of sources. One narrative [I cannot recall the source] was to the effect that the police had seized documents where a Quinton was mentioned and that your uncle's interrogation was aimed at trying to compel him to reveal who he was. It was suggested that the person was in fact Quinton Jardine. I asked Ms Fullard to establish whether DOJ had detention files on all persons who could feature in the case including Jardine. She confirmed the existence of a number of files including one for Jardine and I requested that they all be obtained. By the time I was given new duties they had not been received. Everything I had collected was given to the then investigating officer Captain Nel who should be able to assist you. regards

