

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATION
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION
OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION
CASES (TRC CASES)**

HELD AT:

Sci-Bono Discovery Centre, Corner Mirriam Makeba & Helen Joseph Street,
Newtown, Johannesburg

BEFORE:

The Honourable Retired Madam Justice Sisi Khampepe – Chairperson
Retired Judge Diale Kgomo - Commissioner
Advocate Andrea Gabriel SC - Commissioner

SWORN STATEMENT

I, the undersigned,

BHEKOKWAKHE HAMILTON CELE

do hereby state under oath as follows:

- 1 I am an adult male and a retired former Minister of Police and National Commissioner of Police.
- 2 The facts contained in this affidavit are within my personal knowledge, unless the context indicates otherwise, and are true and correct.
- 3 I depose to this affidavit to assist the Khampepe Commission of Inquiry into Allegation of Attempts Having Been Made to Stop the Investigation and Prosecution of Truth and Reconciliation Cases. In September 2025, I

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was approached by the Evidence Leaders of the TRC Cases Commission with a request for information relating to my previous roles as the former Minister of Police as well as National Commissioner of Police; and, in particular, the role I played in the refusal to authorise funding for the litigation costs for the prosecution of members of the South African Police Services as well as former members of the security branch services.

4 I have structured my statement as follows:

4.1 first, I provide the background of my upbringing, life experiences and political orientation, which informed my approach and decisions relating to the funding of cases involving the prosecution of members and former members of SAPS who were accused of gross violation of human rights;

4.2 second, I deal with the requests, pleas and litigation relating to the authorisation of litigation funding for SAPS members who were facing prosecution relating to gross violations of human rights;

4.3 third, I explain my role as Minister of Police in the period between February 2018 to June 2024 and my understanding of my role as Minister of Police regarding the investigation of TRC Cases by SAPS; and

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4.4 finally, I address the question of my responsibility as former National Commissioner for SAPS in ensuring that TRC Cases were investigated.

MY BACKGROUND, LIVED EXPERIENCES AND POLITICAL ORIENTATION

5 To appreciate my approach to my previous roles relevant to the Terms of Reference of this Commission, it is important that I place before this Commission my background, life experiences and political activism. These experiences will inform the backdrop against which I submit the Commission ought to view and judge the evidence that follows.

6 I was born in Mzumbe, Port Shepstone, on the 22nd of February 1952. The very fact of the recordal of my birth is deeply intertwined with how the crime of apartheid impacted my own life. The apartheid police, upon my arrest and detention as a political prisoner in the fight against the evil system of apartheid, came to prison to give us identity documents. My birth date in the document handed to me was incorrectly reflected as 22 April 1952, instead of 22 February 1952. When I brought this error to the attention of the police who was handing me my identity document, the policeman remarked; "*Criminals and prisoners have no choices, take what we give you.*"

7 My mother was 18 years old when she gave birth to me and died when I was nine months old. My father worked for the South African Railways

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Services and was forty-four years old when he died. I was just seventeen years old. My father was an “*Induna*” at work and I was very close to him and would visit him at work. He was a deputy to the Railway Manager but was not called a manager but an “*Induna*” as he was black.

8 I was schooled at Inala in Fairview and attended Mthwalume High School up until what was then called “*JC*”. [That is short for Junior Certificate, which is now Grade 10.] I could not pursue Matric as my father had passed on. After my father died, I wanted to finish Matric and pursue my dream of being an attorney. I approached the Railways Manager requesting for funding from the bursary reserved for the children of rail workers. The Railway Manager who worked with my father informed me that he could not help me because, in his words: “*We cannot send a black child to school, because there would be nobody to carry heavy bags to load into the wagons.*”

9 After passing JC and having failed to secure funding to complete my Matric, I worked at a hospital called Greenville Hospital at the medical laboratory department as an assistant. An opportunity arose whilst I was at Greenville Hospital for me to receive training as a medical technician at Umthatha Hospital. I seized that opportunity. Yet, my burning desire to complete Matric remained with me. Having completed the training, I then worked at Mseleni Hospital, saved money, and went back to school to finish Matric. Upon completing Matric, I proceeded to Mbumbulu College of Education and obtained a Certificate in Education. I am thus a teacher by profession.

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- 10 In 1975, I moved to Lamontville Township and got involved in political activities rooted in community struggles. My political consciousness and activism was rooted in community issues rather than student politics. Together with Lesetja, Jabu Sithole, Terror Lekota and others I was part of "JORAC", which was the Joint Rent Committee. JORAC involved all the townships in Durban who were not part of the KwaZulu Government, such as Clermont, Lamontville, Chesterville and KwaMashu. I was part of the *Asinamali* protests, a campaign that was aimed at resisting the bus fare increases from 43 cents to 48 cents.
- 11 In 1983, through my political activism, I became part of the delegation from Durban that went to Cape Town as part of the launch of the United Democratic Front, where Dr Alan Boesak inspired and sparked fire in us through his melodious and thundering voice. I then began to be part of the underground structures of the African National Congress in Lamontville specialising in the propaganda unit with a focus on graffiti. We would paint walls with slogans such as "*Free Mandela*" and "*Oliver Tambo is coming*" to conscientise the Black population about the political situation in the country.
- 12 I was arrested and detained for the first time in 1984 and taken to the 14th Floor of the CR Swart Building. There, a Colonel Botha, who became my nemesis throughout my political career, arrested me in the early hours, around 2 am, in Lamontville and took me to the 14th Floor. There, there was a window with loose bars – thin bars and I was very thin at the time. He encouraged me to jump out of the window and told me that there are

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brave people who had jumped from this window before. I did not and have lived to tell the tale.

13 I had many encounters with Colonel Botha from then on, and also with Colonel Hunter, whose speciality was swearing at me in IsiZulu. When I was released, I realised that I was arrested with Pravin Gordan and Professor Coovadia. Then Advocate Zak Yacoob and attorney Dhaya Pillay legally represented all of us.

14 In August 1985, Victoria Mxenge was killed. I was a leader within the UDF at the time and could not sleep in one place. When I came to Mrs Mxenge's house, fresh blood from her body was all over the soil. This was the second prominent person whose death I witnessed after Mr Msizi Dube. There was chaos in Durban following Mrs Mxenge's death. Much of Umlazi township was reduced to ashes. There was a place called Star Point 5 and its roof kissed the floor. Umlazi was an IFP stronghold then. In one incident after Mrs Mxenge's death, Colonel Botha loaded me into a Hippo, and with his colleagues stepped on top of me whilst I was laying on the floor with guns cocked and pointed at me, right in my ear.

15 After Mrs Mxenge's death, I was getting arrested almost daily. I then received a message from my commander-in-chief, Mr Jacob Zuma, to leave the country. I went to Mrs Madlala who was my foster mother and told her that I was leaving the country. Mrs Madlala loved me very much.

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- 16 I lived in Soweto for three weeks, not leaving the safe house for fear of being recognised. I then crossed to Mbabane in what was then Swaziland. On the day when we were to cross to Maputo, news of us leaving was leaked. We were arrested and kept at Siteki Police Station in Swaziland. For the first time in my life, I spent twenty-seven days without taking a bath. I saw lice for the first time coming out of me.
- 17 When I got to Maputo, I was debriefed by my commander, Mr Zuma, and Ms Sue Harris who gave me the following options: either I continue with my education, or I go to Angola for military training in the camps. I chose Angola, where I was trained for eight months with Mr Fana Hlongwana and others. From there, I proceeded to Lusaka Political Military Command where I met former ANC President Oliver Tambo for the first time. There I also met ANC Khumalo, also known as Mr Ronnie Kasrils, who was a regular contributor to the *Sechaba* publication, as well as Mr Vusi Mavimbela who used to write speeches for President Oliver Tambo.
- 18 In late 1987, I was dispatched back to the country. However, I was first stationed in Swaziland and had to depart from there into the country. I had a clash with my escorter *en route* when he communicated to me that there were delays and I could not cross the border until the following day. I told him that I would either go back to Maputo or carry on with my journey. We were trained that delays are a signal for betrayal.
- 19 Indeed, when I was arrested by Colonel Botha later on, he asked me how I came back into the country because they were following me and

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expected me to be handed over to them. They then lost track of me. That guy who was my escorter ended up being a state witness in the case against Mr Ibrahim Ibrahim.

20 So, I walked into South Africa from Maputo wearing a leather jacket and ostrich shoes. I had to fend for myself with no escorter. I walked to the taxi rank in Pongola and the first mistake I made was to ask what the taxi fare was from the taxi driver. We knew then that almost all the taxi drivers were working with members of the security forces. I was saved by one of the ladies who took an interest in my leather jacket and told the taxi driver that she too did not know what the correct taxi fare was, owing to the recent increases. I then took a taxi to Mkuze and then Empangeni where I blended nicely with my fancy clothes. My destination was Durban, more specifically Lamontville.

21 In Lamontville, I never saw the sun because I was hiding inside the house the whole day. I was going to meet with Mr Vusi Shabalala in respect of the information and propaganda until I was arrested yet again. I was driving Mr Jabu Sithole 's car and there was a trunk inside. I put this trunk in my house at KwaNyuswa. When Colonel Botha and the police came to my house, searched and found this trunk with political publications - it dawned on the police that they were dealing not with mosquitoes and ants but a serious political activist. The aim was now to break me.

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- 22 I was arrested and placed in solitary confinement for seven months. Whoever invented solitary confinement as a terror method is evil. There, you do not kill mosquitos, they become your friends. You know and can identify ants as they walk up and down. You give them names.
- 23 A policeman used to smuggle a copy of the Mail and Guardian for me. I would not rush to read it all. I disciplined myself to read only segments of it a day. During this time, the police would continue to interrogate me in ways I am ashamed to mention here for fear of impugning my dignity and manhood. They almost broke me and made me betray myself. They were evil and torturous. They told me that Mr Zuma was in the country and was working with them and that he had given them all information pertaining to me. That I was finished. The Mail and Guardian saved me. There, I read that Mr Zuma was still in Maputo and had given a speech. Therefore, when the police came to me the following morning, my strength was regained. The sad part is that in solitary confinement, the only reading material is the Bible. This made me hate the Bible.
- 24 Therefore, when I became an MEC for Safety and Security in the KwaZulu-Natal Government after the 1994 elections, I had to make peace and reconcile with the fact that Colonel Botha and others like him were now my colleagues. I admit that this was a bitter pill to swallow. The pill remained stuck in my throat. It is still stuck.
- 25 That apartheid era crimes and apartheid as a crime against humanity was equated to the struggle I and members of the liberation movements

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waged against apartheid were equated, is something that I could not, and still cannot accept. I was angry when the uMkhonto Wesizwe was disbanded and in the manner in which it was disbanded. But that is a story for another day.

- 26 What has all of this to do with the Terms of Reference of this Commission and my role as a former Minister of Police and National Commissioner? Below, I connect the dots beginning with my role as a Minister of Police and specifically with my refusal to fund the litigation costs of members of the security branch and SAPS members like Colonel Botha who had committed gross human rights violations. I also deal with my responsibility as the Minister of Police in the investigation of TRC Cases.

MY REFUSAL TO FUND THE COSTS OF PROSECUTING FORMER MEMBERS OF SAPS, THE SECURITY BRANCH POLICE AND SAPS MEMBERS IN SERVICE FOR COMMITTING OR ALLEGEDLY COMMITTING CRIMES AGAINST HUMANITY

- 27 My position then and it continues to be that SAPS ought not to have extended monies to pay for the legal costs of lawyers who were in essence providing legal representation of members of SAPS like Colonel Botha who had tortured, kidnapped and killed innocent activists who were fighting for the liberation of this country. I did not wake up and become a Minister of Police. I had a history before then, which I carried with me into this position. When I had to make decisions as a Minister of

M.J. Botha

Police and issues came across my desk, I approached them with all of my biographical experience. Insofar as police matters were concerned, I had a painful history. I had lost comrades, graves had been dug up by Madeleine Fullard's Unit, the Missing Persons Unit, where I had stayed in the same premises. I had seen exhumations of bodies of my friends in sitting positions indicating that they were buried alive.

28 When I took office I had also become aware that the state had spent some R218 million for the prosecution of Dr Wouter Basson who had used his medical knowledge to wage biological warfare against black people inside and outside the country, only for him to be found not guilty. Moreover, millions of rands of state money had been paid to lawyers who had defended Wouter Basson in his criminal trials and those lawyers possibly held the same ideology as Wouter Basson – a hatred for all black persons. This remained a sore point for me: how is it that Black people were required to fund Dr Basson's legal fees, in effect to defend him from charges levelled against him for harming Black people! Regarding the legal fees incurred by the State in such circumstances, I also attach the fees in respect of Rodrigues, following a PAIA application by Mr Imtiaaz Cajee as "BC1".

29 When I sat down with the Evidence Leader of the Commission who explained to me how my refusal to pay for such legal fees contributed to or had the effect of stopping the prosecution of TRC Cases against police officers charged with committing gross human rights violations - against such victims as the COSAS Four and Nokuthula Simelane - how the

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perpetrators indeed had died without having been prosecuted; I understood the consequence of my decisions.

30 However, I am constrained to record that I struggled and still struggle to come to terms with the following: how could government be obligated to fund, through taxpayers' money, including taxes paid by black people, the litigation costs of those who committed crimes against humanity, particularly against black people. This was my limitation then and remains my limitation to this day. If this limitation condemns me, I am willing to go back to jail for it and be condemned.

31 I am aware that the courts had indeed ruled that SAPS has an obligation to pay for the litigation costs of former security branch members. I am further aware of the rule of law issues arising from the judgments of the courts insofar as litigation costs are concerned, obligating me to pay for these costs. Legally and as far as the rule of law is concerned, I should have and ought to have not challenged the payment of legal costs. Indeed, I did, later on, in line with the rule of law, agree to the payment of these litigation costs. I attach hereto, a newspaper article detailing my reluctant position in what the article terms a '*somersault*', as annexure "**BC2**".

32 Notwithstanding the '*somersault*', personally, I remain unconvinced that SAPS ought to have paid or be required to pay for the legal fees of the former security branch police. The payment of the legal fees does not provide a guarantee that those prosecuted will tell the truth during trial or

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that they will be convicted, as occurred in the case of Dr Wouter Basson. These perpetrators and those accused, in my view, must pay for their own legal costs or rely on legal aid. After all, they are accused of having committed crimes against humanity, the crime of apartheid.

33 The State did not contemplate what the impact of the experiences of those who were part of the liberation movement and were grossly abused therefore would have on implementing the TRC recommendations and facilitating prosecutions by further protecting and benefiting perpetrators.

34 I have detailed my background and experiences not as an excuse or justification for my actions but rather as context against which my position must be evaluated. The positions taken are more nuanced than a simple black and white answer to the questions posed by the Terms of Reference.

35 I accept that as a result of the position I adopted there are members of the security branch who never faced prosecutions and that affected members of the families appearing before this Commission and beyond. I also acknowledge the pleas from the Legal Resources Centre, the Foundation for Human Rights and others whose voices were not brought to my attention, as the Minister of Police. However, right or wrong, I struggle with how and why democratic South Africa expects me to pay for the crimes Colonel Botha committed.

MY OBLIGATIONS AS MINISTER OF POLICE IN THE INVESTIGATION OF TRC CASES

M. J. Botha

- 36 As indicated above, I was the Minister of Police between February 2018 and June 2024. As the Executive head of the police, there is a separation between myself as an Executive Member and the operational aspects relating to police members, who act under the command of Provincial Commissioners and ultimately the National Commissioner.
- 37 What I accept firmly is that the police are charged with the investigation of all crimes within the Republic of South Africa. This is an obligation flowing from section 204 of the Constitution and is given effect to by the South African Police Services Act, the various regulations, policies, directives and practice manuals regulating the functions of the South African Police Services. It is this regulatory framework in its entirety that must be considered when examining the investigative role of the police relating to the investigation of TRC Cases.
- 38 As a Minister, during my time, I never stopped or interfered with any investigation of TRC Cases. During my tenor as Minister, I never received complaints or concerns that the police were not providing investigative support for the investigation of TRC Cases. Nor can any evidence be adduced, to my recollection, pointing to such a failure.
- 39 The Constitution is clear, at section 204 thereof that the police are to investigate crime. The crimes that the police investigate are, as a matter of course, brought to the attention of the police by complainants who are members of the public. Police also engage in preventative strategies where they proactively combat crime. TRC Cases stemming from the

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final report of the TRC, were, as part of the South African Government strategy handed over to the NPA for investigation and prosecution. It is for this reason that the various NPA units have approached the police in a manner akin to that of complainants approaching the police to investigate TRC Cases. As indicated earlier, although in my role as Minister of Police I was remote from the dockets and ordinary investigations as these are operational issues, I have never stood in the way of or stopped the investigation of TRC Cases.

MY POSITION AS THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES – 2008 TO 2011

40 When I took over as the National Commissioner of the South African Police Services in 2009, I was operational. In effect, what I could not do as the Minister of Police later on in 2018 to 2024, I was obligated and empowered to do as the National Commissioner.

41 I take responsibility for the delays that occurred during that period. However, as I detail hereunder, in my capacity of Commissioner there were several matters that required my attention and to which police resources had to be deployed during that period.

42 During that period, one matter that required focused attention was ensuring that the Soccer World Cup that we hosted in 2010 was not disrupted by criminals at any level. It was a historic occasion for the country and any lapse would have major adverse consequences for the country and its economy.

M. J. BHE

43 I need to record that long before the bid was awarded to us, countries that were competing to hosting the World Cup were mounting attacks on South Africa as a host based on the crime levels in South Africa. Thus, as the National Commissioner, the weight of ensuring that these attacks are reduced to nought fell on my shoulders. As a result, we had to travel extensively – visiting major cities in various parts of the world, and senior Police Officers had to make presentations and put together teams to ensure that South Africa presents itself as a safe destination to host Africa's first World Cup.

44 South Africa hosted a safe world cup because of the dedication of SAPS resources. The price we paid was indeed high, as most resources were diverted to this goal. In my respectful view, given the circumstances, as a country we did well and enhanced this country's reputation for major international events. That our obligations in respect of other matters were delayed is the unfortunate price that had to be paid.

CONCLUSION

There can never be justification or excuse for any failure to investigate or prosecute TRC Cases. I place before this Commission the nuances involved and argue that this is not a matter where issues are black and white and only about constitutional obligations and legislation. The issues are about real people and their histories and how in my case, one Bhekokwakhe Hamilton Cele navigated his biographical experiences and also tried to fulfil his constitutional obligations in a democratic South Africa with leaders and

M. J. BHE

opponents who had a past, in the brutality of the system we lived in called apartheid.


BHEKOKWAKHE HAMILTON CELE
DEPONENT

Thus, signed and sworn before me, on the **20th day of June 2026**, after the deponent has acknowledged that he knows and understands the contents of this affidavit and that it is binding on his conscious, the Regulations contained in **Government Notice No R 1258 of 21 July 1972**, as amended and **Government Notice No. R 1648 of 19 August 1977**, as amended, having been complied with.

COMMISSIONER OF OATHS (RSA)
Mfanakayise Jeffery Zondo
Attorney of the High Court and Conveyancer
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Full Names and Surname: Mfanakayise Zondo
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BC 1



the doj & cd

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Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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MY REF :5385/17/Z59 tmoI inuest
MY REF :4319/2018/Z59 RODERIGUES CRIMINAL TRIAL

M E M O T O : OFFICE OF THE CLO

ATTENTION : Mr R ISAACS

RE: REPLY OF ACCESS OF RECORDS

This serves as a reply request made by **Imtiaz Ahmed Cajee**, requesting the following three records:

1. The costs of inquest the death of **Ahmed Essop Timmol**- Case Number IQ01/2017 incurred by State Attorneys.
2. Criminal matter- Case Number 1555/06/2018 cost incurred by the State Attorneys.
3. Application for the S342. A matter between Joao Rodrigues/ NPA Case Number 76755/2018 cost incurred by the State Attorneys.

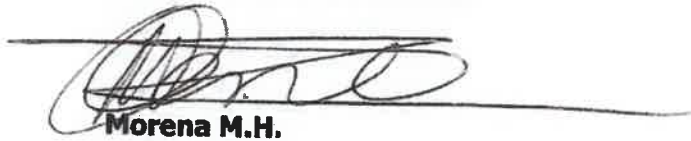
Kindly note that in our records the legal fees paid in all the cases or matters to date amounts to **R 3, 585, 205.92** (Three million five hundred and eighty-five thousand two hundred and five rand ninety-two cents) being the global amount of all matters mentioned above. The amount compromises of legal fees of private attorney, junior and senior legal counsel.

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This only evidencing costs incurred by the State attorney under the above reference numbers. And the amount cannot be broken down as to who was paid what as that might encroach on private individuals, but it only suffices that is in the public interest to disclose costs incurred by the State attorneys but same cannot be said in disclosing specifically financial status of individuals who didn't give consent. further see Ben Minnaar Attorneys memo marked "R".

I trust the disclosure suffices.



Morena M.H.

For: State Attorney

Be 1

"R"

BEN MINNAAR ATTORNEYS

190 MELT MARAIS STREET

WONDERBOOM AH X 1

PO BOX 15774

SINOVILLE

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PRETORIA

Tel: 0824462644

27 September 2019

Enq: B MINNAAR

My Ref: 101/10/2018 Rod

Email: benjaminnaar@gmail.com

Your Ref: 4319/2018/F2Z59

BY E-MAIL:

Attention: Herren Morena

State Attorney

Pretoria

Dear Sir,

STATE VS J A RODRIGUES

As to progress in this matter please note the following.

In preparation for the full court hearing in the stay of proceedings matter the court papers were indexed and paginated and heads of argument filed. Bundles were prepared with case law referred to.

All the other parties filed their papers and the matter was heard on 28 and 29 March 2019.

Mr Rodrigues appeared from time to time in the criminal proceedings where Monama J handled the matter. It was postponed on 8 April to 9 May 2019. On 9 May the matter was postponed to 28 June 2019. We briefed and consulted with an expert witness, Prof Saayman, a pathologist and obtained his opinion.

The judgment in the stay of proceedings matter was handed down on 3 June 2019 and the application was dismissed with no order as to costs. Client provided instructions to appeal the ruling and advice from senior counsel was that there are good prospects on appeal. An application for leave to appeal was drawn and served. On 28 June Mr Rodrigues appeared in the criminal matter and it was postponed to 2 August 2019. Although two counsel were briefed on instructions from SAPS only one counsel appeared at the postponements of the criminal matter.

BENJAMIN MINNAAR, B PROC, UP

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BCI

"R!!"

There were also numerous consultations in chambers on the postponement dates as Monama J was also in charge of the case management of the matter.

On 2 August 2019 the criminal matter was postponed to 25 September 2019. Heads of argument were drawn and filed for application for leave to appeal and a supplementary application was also drawn and filed. The supplementary ground was based on the provisions of section(17)(a)(ii) of the Superior Courts Act.

On 9 September 2019 we consulted with General Groenewald to bring her up to speed with progress and take further instructions.

On 18 September 2019 the application for leave to appeal was heard in Johannesburg High Court. Some of the appearances in the criminal matter was not in the Johannesburg High Court, but in the High Court at Palm Ridge as Monana J sometimes sat at that court.

We are currently investigating the possibility of curtailing the proceedings. We have instructions to petitions the Supreme Court of Appeal as we are still of the opinion that we have good prospects on appeal to have a permanent stay of proceedings. Consultations we held with representatives of the NDPP on 20 September 2019 to discuss the possibility of curtailing the matter. Currently and if the Supreme Court of Appeal grant leave to appeal the matter will go to the Supreme Court and most likely end up in the Constitutional Court. This will be a prolonged and costly exercise and thus our attempt to curtail the matter.

The last appearance of Mr. Rodrigues in the criminal matter was on 25 September 2019 when the matter was postponed to 12 December 2019. A date was set for further meeting in chambers for case management for 21 October 2019.

We are currently drafting the petition to the Supreme Court of Appeal and will proceed with our attempts to shorten the proceedings and get finality.

We will keep you informed of progress.

Yours faithfully



B Minnaar

BENJAMIN MINNAAR, B PROC, UP

4

Police minister does an about-turn on paying legal fees for apartheid-era police officer

Mwangi Githahu | Published 3 years ago

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Minister of Police Bheki Cele. Picture: Elmond Jiyane/GCIS

Cape Town - Police Minister Bheki Cele has d... about-

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M.J. BHC

BC 2

In January, the South Gauteng High Court in Johannesburg issued an order dismissing Cele's application for leave to appeal last May's judgment directing the police to pay the legal fees of Christiaan Siebert Rorich, one of the accused in the Cosas 4 matter.

At the time, State Attorney Kobus Meier, representing the police minister, said that he had instructions from the minister to petition the SCA and if necessary the Constitutional Court on the matter.

However, the instructions have changed and Meier has since informed the legal team at the Legal Resources Centre (LRC), which is acting for the Cosas 4 families, that Cele had changed his mind about proceeding with the appeal to the SCA.

Cele had previously given Parliament an undertaking that investigations arising out of the TRC in terms of the Promotion of National Unity and Reconciliation Act were receiving the attention of the Hawks.

The Hawks have since hired investigators on a three-year contract basis and 34 of these investigators have been specifically assigned to investigate these TRC cases.

Last year, the National Prosecuting Authority (NPA) referred 129 cases from the TRC to the Hawks for further investigations.

Initially, the SAPS refused to pay Rorich's legal fees, citing mainly procedural arguments to justify the decision.

Foundation for Human Rights (FHR) spokesperson Kholekile Mnisi said this initial refusal was surprising, bearing in mind that they had readily agreed to pay the legal fees of former police officers in other apartheid-era cases, such as those of Ahmed Timol, Neil Aggett, Hoosain Haffejee and in the Haron inquests.

On Friday, after news of Cele's change of mind, Mnisi said:

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BC3

Rorich was a member of the SAP, the forerunner to the post-apartheid SAPS. The other accused, Thlomeki Mfalapitsa, was a former MK member turned police informer who later joined the Security Branch.

Rorich and Mfalapitsa are on trial for the murder of Eustice "Bimbo" Madikela, Itumeleng Peter Matabane, Fanyana Nhlapo, and the serious injury of Zandisile Musi.

The four anti-apartheid activists were members of the Congress of South African Students (Cosas) and they were collectively known as the Cosas 4.

FHR said in a statement that the payment of legal costs for former officers of the former SAP should be expedited in all TRC cases, including the Caiphus Nyoka, Musa Sbo Phewa and Ntombikayise Khubeka matters.

mwangi.githahu@inl.co.za

Cape Argus



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3

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