

Inquests into apartheid era killings: where have all the perpetrators gone?

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THE names Joao Rodriques, Seth Sons, Neville Els, 'Spyker' van Wyk, James Taylor, Steve Whitehead, Genis, Benzien, Harold Snyman, Gideon Nieuwoudt, Ruben Marx, Daantjie Siebert, and Johan Beneke, may not mean much to most South Africans.

These names are, however, associated with surveillance, arrests, abuse and torture, which resulted, in the very least, in the ongoing trauma of our leaders and, at worst, are names associated with deaths in detention.

These names of apartheid era Special Branch members and many more, are names etched into the memory of our courageous compatriots and their families who resisted the apartheid state; names such as Dr Hoosen Haffejee, Steve Biko, Neil Aggett, Imam Abdullah Haron, Mapetla Mohapi and Ahmed Timol, to name but a few.

There are some who would want us to believe that the Special Branch members named were professionals just doing their jobs. But in several cases it was found that the deaths were clearly motivated 'by ill-will and spite', to quote the Truth and Reconciliation Commission's Amnesty Committee, in the case of Steve Biko.

The Truth and Reconciliation Commission (TRC) recommended between 300 and 400 cases for further investigation and prosecution. To date, not one of the security branch members have been prosecuted.

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The most known of the security branch members named in the media recently is that of Joao Rodriques, who was complicit in the death of Ahmed Timol.

Rodriques has been using every legal loophole in the book to ensure that he does not face prosecution.

His initial arguments were that the National Prosecuting Authority (NPA) should have acted immediately after the TRC recommendation was made, more than 20 years ago.

He argues further that he is old and that he has nothing further or different to add to previous testimonies.

On June 28, 2019, the South Gauteng High Court dismissed his application for a permanent stay of prosecution. He is now appealing this landmark decision, which will be heard on September 18, 2019.



Rodriques was hiding in plain sight until his own daughter unmasked him.

The NPA spokesperson, Luvuyo Mfaku, confirmed (in 2017) that dockets would be opened against two other security branch policemen, Neville Els and Seth Sons, involved in the Timol murder. To date no action has been taken.

The case of Steven Whitehead, the security policeman implicated in the death in detention of trade unionist and medical doctor Neil Aggett should be of great embarrassment to the new democratic order.

A search on the internet confirms how Whitehead was celebrated in the intelligence community both locally and internationally, without mention of his involvement in the killing of Dr Neil Aggett.

Whitehead died a day after it was announced by former Justice Minister Masutha that the inquest into the killing of Dr Aggett will be opened.

The case of Dr Hoosen Haffejee adds more intrigue to this quest into the lives of former security branch members.

Again, an announcement was made that an inquest into the death of Dr Haffejee will be done. But this time around, the decision was halted on the suggestion that another similar case will allow for a simultaneous inquest.

When lawyers for the Haffejee family threatened legal action against this National Prosecution Authority (NPA) decision to halt the inquest, the NPA announced that the inquest would proceed, only to be informed that, within days of this announcement, one of the key people implicated in the killing of Haffejee, Colonel James Taylor, had died. The family is livid.

Hoosen Haffejee was only 26 years old when he is said to have committed suicide by hanging on his own trousers.

Former security branch policeman Mohun Deva Gopal gave evidence before the Truth and Reconciliation Commission and informed them that he was present while Haffejee was interrogated, assaulted and tortured.

Gopal maintained that Taylor initiated the assault. Haffejee was stripped naked and Taylor then proceeded to slap and punch him when he refused to divulge any information.

The lawyers appointed by the family of Ash Shaheed Imam Abdullah Haron are collecting statements from people who were interrogated by 'Spyker' van Wyk. It is reported by several former detainees how Spyker boasted about his involvement in the interrogation of Imam Haron.

The testimonies of former detainees will be added to the dossier that will be presented to the National Director of Public Prosecutions (NDPP), Shamila Batohi.

She will then decide if there is compelling evidence based on the review of the earlier inquest docu-

ment, where the apartheid state's version of a fall down the stairs will be challenged using modern forensic investigation methods, affidavits of friends and family members and testimonies of former detainees.

The Hawks have similarly conducted their own investigation and their dossier will also contribute to the decision of the NDPP.

The family is hopeful that the NDPP will soon review the information and forward her decision to the Minister of Justice.

The minister then formally announces the reopening of the inquest and requests the judge president to allocate a court and a judge who will listen to the evidence that is presented, and make a new judgement.

We have spent many years, correctly too, in remembering our fallen heroes.

Our magnanimity as a people has caused us to take our focus away from the perpetrators, the security branch members, the public order or, as we knew them, the riot police and the South African Defence Force (SADF) military intelligence operatives who murdered our friends and family in exile.

The TRC recommended prosecutions, especially in cases where lives were lost.

Let us make sure that justice is not delayed any longer.

If justice continues to be delayed or denied, defiance will become necessary.

Cassiem Khan is the co-ordinator of the Imam Haron Commemoration Committee.