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"J4"

Extract of Criminal Allegations from JZ van Niekerk's Police File¹ Exhibit "J2"

Notes

DOB : 24 January 1932 at Groendraai

Joined South African Police on 25 October 1949

Height 6-foot ½ inch Weigh at attestation 163 lbs.

Married with two children

Retired (Pension) from South African Police on 31 January 1987 with the rank of Colonel

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The front cover of a police docket Brooklyn RCI 2/7/59

Charge: **Murder altered to Culpable Homicide**

Date of Crime: 1 July 1959

Accused **JZ Van Niekerk** and one other.

(See below under "Pages 71 – 119).

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Summary of Assault allegations in Pietermaritzburg RCI 21/7/71.

Nine counts of assault

Suspects: **Lieutenant J.Z. van Niekerk; Captain J.H Gloy** and eleven other Security Branch policemen.

Allegation: The complainants allege that while these policemen were investigating charges under the Terrorism Act against them they were all assaulted.

¹ The documents in this file are not filed chronologically or in a logical order. The file is a sheath of random and scrambled paper. Aspects of this affidavit were dealt in the evidence of Frank Dutton.

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The suspect members deny the allegations against them.

Page 25Summary of Assault allegations in Pietermaritzburg RCI 393/9/71

Nine counts of assault

Accused/ Suspects: **Lieutenant J.Z. van Niekerk; Captain J.H Gloy** and one other Security Branch policeman.

Allegation: It is alleged that during **March 1971** the SB policemen assaulted the complainant with a stick, an iron and strangled him during a terrorist related investigation.

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Misconduct sheet reflecting a conviction for **Assault Common** in the Supreme Court on 19 May 1960 in Pretoria (geskrap). Van Niekerk was fined £20 or two months imprisonment.

Page 36

Letter from the Divisional Commissioner to the Commissioner of SA Police in which it is agreed to **pay R4000 in settlement of the civil claim** against the SA Police to Mrs Joyce Dineka in compensation for the death of her husband at Brooklyn police station on 1 July 1959.

Page 71 – 118

A series of statements concerning an incident which occurred at Brooklyn Police station on 1 July 1959.

Background summary of investigating officer: A group of men were arrested on suspicion of house robbery and taken to Brooklyn Police station where they were all assaulted during a drunken interrogation by J.Z van Niekerk and several other policeman (all unrelated to Timol matter). **During the assaults and interrogation one of the men, Phillip Dineka, collapsed and died.**

The matter came before the Supreme Court. Constable van der Merwe and Native Constable Meshack were convicted for culpable homicide. They were sentenced to a term of imprisonment. **JZ van Niekerk was convicted for assault common and sentenced to a fine.**

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Summary of **Assault allegations** in Pietermaritzburg RCI 393/9/71.

Assault

Accused/ Suspects: Lieutenant **J.Z. van Niekerk**; **Captain J.H Gloy** and one other Security Branch policeman.

Allegation: It is alleged that on 19 February 1971 the SB policemen **assaulted the complainant with a stick, an iron and strangled him during a terrorist related investigation.**

Wilfred Matsheke alleges that he was taken to a forest by three white policemen. **He was struck multiple blows on the head with a stick, and an iron. He was also struck on his hand and arms in his attempt to ward off the blows. He was also struck with the stick on his buttocks and throttled.**

Page 123- 127

A summary of the statements taken in respect of the alleged assault mentioned on page 122.

Pages 129 – 134

A complaint against JZ van Niekerk for failing to carry out the instructions of General Visser in regard to a housebreaking matter which resulted in an **official warning to Colonel van Niekerk on 29 March 1992.**

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Summary of Assault allegations in Pietermaritzburg RCI 21/7/71 (see page 23 above)

Nine counts of assault

Accused: **Lieutenant J.Z. van Niekerk; Captain J.H Gloy** and eleven other Security Branch policemen (not related to the Timol matter).

Allegation: The complainants allege that while these Security Branch policemen were investigating charges under the Terrorism Act against them they were **assaulted** on different occasions.

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Count 1: Albert Kwezi will allege that he was arrested on 10 February 1971 and transferred to Pietermaritzburg. He was taken to a **sound proof office** and sat on a chair. **He was pushed off and fell on the floor. He was forced to sit on an imaginary chair. He was repeatedly slapped. Hot water was poured on his hands and shirt. He was forced to make admissions.**

Count 2: R.C. Wilcox will allege that he was **forced to sit on an imaginary chair. He was forced to stand on bricks, and to hold bricks above his head while running on the spot. He was sworn at continuously. He was forced to make admissions.**

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Count 3: Venkatrathman will allege that he was forced to stand against a wall with his hands above his head. He was forced to hold books above his head. He was kicked on his legs and punched. His arm was twisted. He was hit repeatedly with the wooden handle of a feather duster on his head. He broke down and made a statement.

Count 4: Pindiso Zimanbani - On 16 December 1970 he was hit with a stick on his buttocks. He was tied to a tree and blindfolded. Objects were placed in his ear and onto his penis and legs. He was given electrical shocks which were very painful.

He was tied to a tree for four days and only released to eat meal or for interrogation. After Christmas, he was again shocked.

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Count 5: Mogami Josiah Moeng. He was interrogated on 20 January 1971. He was slapped in the face by van Niekerk. Pins and pebbles were placed in his shoes.

He was taken to Pondoland and forced by Gloy and van Niekerk to stand the whole night. He was physically assaulted by two bantu policemen.

He was again forced to stand an entire night.

Count 6: Kader Hassim was arrested on 17 February 1972 at Greytown. He was made to stand the entire night. He was refused water. Later he was threatened with a revolver. Colonel Rooi Rus Swanepoel pulled his hair.

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Count 7: Dan Gedeon Mahanjaha was arrested on 15 December 1970. He was taken to a small house in the bushes near Bizana where he was interrogated by white and bantu policemen. The two white policemen assaulted him with a sjambok. He was hung from a tree by using handcuffs and while so suspended he was given electric shock and kicked. Stones were put in his shoe and he was forced to wear these shoes. These assaults continued for three days.

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Count 8 : Frank Anthony was arrested on 2 February 1971 in Cape Town. He was forced to sit on an imaginary chair. His feet were kicked out from beneath him causing him to fall to the floor. He was forced to stand on bricks

Page 144Count 9

Ncikwa Nagi Vimba- He does not wish to lay a charge of assault.

Pages 145 – 155

Statements and evidence in the 9 assault matters.

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SAP 69 form recording **van Niekerk's conviction on two counts of assault common at Brooklyn police station on 1 July 1959** before the Supreme Court, Pretoria on 19 May 1960. He was fined £20 or two months imprisonment.

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Additional statements and documents concerning Brooklyn RCI 2/7/59 (mentioned above)