

**IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

SCA CASE NO: 1186/2019

GLD Case NO: 76755/18

In the matter between:

**JOAO RODRIGUES**

Applicant

and

**NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

First Respondent

**MINISTER OF JUSTICE AND CORRECTIONAL**

**SERVICES**

Second Respondent

**MINISTER OF POLICE**

Third respondent

**IMTIAZ AHMED CAJEE**

Fourth Respondent

**SOUTHERN AFRICA LITIGATION CENTRE**

First *amici curiae*

**YASMIN SOOKA**

Second *amici curiae*

**DUMISA BUHLE NTSEBEZE**

Third *amici curiae*

**MARY BURTON**

Fourth *amici curiae*

**WENDY ORR**

Fifth *amici curiae*

**GLENDA WILDSCHUT**

Sixth *amici curiae*

**FAZEL RANDERA**

Seventh *amici curiae*

**SECOND TO SEVENTH *AMICI CURIAE* PRACTICE NOTE  
(FORMER TRC COMMISSIONERS)**

**1. NAME AND CASE NUMBER**

1.1. As above.

**2. NATURE OF THE APPEAL**

2.1 This is an appeal against a refusal of the lower Court to grant the applicant a permanent stay of prosecution in respect to his involvement in the death of Ahmed Timol, the anti-apartheid activist.

### 3. ISSUES ON APPEAL

3.1 The second to seventh *amici curiae* intend to make the following novel arguments to the Court:

3.1.1 A bold prosecutions policy, which has hitherto not been implemented by the first respondent, is the only mechanism by which the truth regarding apartheid-era crimes may be discovered;

3.1.2 South Africa cannot take its rightful place within the community of nations if it does not seriously prosecute its "own" crimes like apartheid domestically.

**3.1.3** Old age and/or delay may be a factor that a court could rely upon to impose a lighter sentence – or no sentence at all. But age or delay alone, as a factor requiring compassionate consideration, does not release a court from its obligation to consider and make a finding in respect of criminal liability.

### 4. ESTIMATED DURATION

4.1. One day.

### 5. THE RECORD

5.1 The entire record is in English and ought to be read.

### 6. CORE BUNDLE

6.1. Not applicable

### 7. RULE 8

8.1. The parties have complied with the Rule.

**KAMESHNI PILLAY, SC**

**KAMEEL PREMHID**

Counsel for the second to seventh *amici curiae*  
(The Former TRC Commissioners)

Chambers, Sandton

8 October 2020