

IN THE HIGH COURT OF SOUTH AFRICA

WESTERN CAPE DIVISION, CAPE TOWN

CASE NO.: I01/2022
ORIGINAL CASE NO: 50/70

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

CLOSING ARGUMENTS
ON BEHALF OF THE HARON FAMILY

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INTRODUCTION

1. Imam Abdullah Haron's death more than 53 years ago was brought about by the direct acts and omissions of the Security Branch during his detention in solitary confinement. He died in a police cell on 27 September 1969 at the prime of his life. He was 45 years' old, a happily married man and the father of three minor children. His humble beginnings and religious insights informed his decision to fight against Apartheid. The Security Branch regarded him as an "enemy of the state" and treated him harshly and cruelly, ultimately leading to his death.
2. It is our submission that this Honourable Court will have little difficulty in reversing the finding of Additional Magistrate JSP Kuhn that nobody was to blame and that he succumbed to injuries caused in large part by an accidental fall down a flight of stone stairs. His finding handed down on 9 March 1970 reads:

"Cause or likely cause of death: Myocardial Ischaemia; a likely contributing cause being disturbance of the blood clotting mechanism and blood circulating due, in part, to trauma superimposed on a severe narrowing of a coronary artery.

*Whether the death was brought about by any act or omission involving or amounting to an offence on the part of any person: a substantial part of the said trauma was caused by an accidental fall down a flight of stone stairs. On the available evidence I am unable to determine how the balance thereof was caused."*¹

3. It has been some 25 years since the Truth and Reconciliation Commission ("TRC") concluded that:

*The commission finds that, although it is not in a position to reverse the findings of the inquest court, the detention without trial of the Imam Abdullah Haron was undoubtedly a gross violation of human rights, and his death was caused directly or indirectly by his experiences at the hands of the security police.*²

4. Getting to the truth of what happened to Imam Haron ("Haron") during his security detention has been a difficult exercise. The events took place more than 50 years ago and the only versions available are that of the police. According to the police version he died alone so there are no witnesses to his last moments. The prevailing culture of

¹ Inquest record A1, page 168; NPA Vol A3, p 246: 25 – 247: 5

² TRC Report, Vol 3, Ch 5, p 405, para 68

the Security Branch saw a closing of the ranks and the concocting of fabricated versions before the 1970 Inquest to conceal the truth of what happened.

5. Notwithstanding these challenges, we are satisfied that sufficient fresh evidence, particularly of a forensic nature, has been placed before this Court to warrant an overturning of the first inquest court finding. It is abundantly clear that the conduct of the Security Branch caused the death of Haron. The evidence points unequivocally to an unrelenting programme of vindictiveness and brutality that was directed against Haron.
6. We submit that the evidence placed before this Court warrants the overturning of the 1970 inquest finding. The re-opened inquest has explored what transpired over the fateful 123 days when Haron was held in solitary confinement and tortured by members of the Security Branch. The re-opened inquest has exposed not only the brutality of the Security Branch, but also the utterly disgraceful conduct of certain medical professionals, as well as the flagrant bias of the inquest magistrate and prosecutor. The interrogators, and those who colluded with them, never had to answer for their crimes, but history will record their evil and shameful deeds for future generations to see. Their names will live on in ignominy.
7. This inquest has come too late for Galiema Haron, who passed away on 29 September 2019, exactly 50 years to the day of the funeral of her late husband. She went to her grave without the closure she so deserved. The post-apartheid South African state failed the Haron family and many other families waiting for truth and justice from the Apartheid era.
8. At least since the time of the TRC proceedings the roles of the key perpetrators have been known. If the authorities had complied with their duties under law, some of the role players could have faced justice in the years following the winding up of the TRC. However, they failed to act, and all the main perpetrators have died in the ensuing years.³
9. The TRC noted that no prosecutions resulted from complaints of torture, even though the use of torture was highlighted in several inquests and political trials. The TRC referred to the cases of Ahmed Timol, Neil Aggett, Lindy Mogale and others as examples.⁴ The TRC lamented the fact that magistrates and judges seldom protected detainees or ruled in their favour, even though patterns of abuse were repeatedly

³ See list of deceased Security Branch officers attached hereto as Annexure "C"

⁴ TRC Report, Vol 6, Ch 2, p 620, [para 38](#)

demonstrated.⁵ Notwithstanding these findings, post-apartheid police and prosecutors were not moved to act until in recent years.

10. The Haron case was one of hundreds referred by the TRC to the National Prosecuting Authority ("NPA"). Regrettably these cases were deliberately suppressed⁶ and only picked up again in recent years following withering pressure by families and civil society organisations.
11. The Supreme Court of Appeal, which dismissed former apartheid policeman Joao Rodrigues's bid for a permanent stay of his prosecution for the 1971 murder Ahmed Timol, said it was "*perplexing and inexplicable*" why these cases were suppressed:

*"... the Executive adopted a policy position conceded by the State parties that TRC cases would not be prosecuted. It is perplexing and inexplicable why such a stance was taken both in the light of the work and report of the TRC advocating a bold prosecutions policy, the guarantee of the prosecutorial independence of the NPA, its constitutional obligation to prosecute crimes and the interests of the victims and survivors of those crimes."*⁷

12. Most of these cases cannot be revived. As in the Haron case, suspects, witnesses, and family members have died. The harm visited upon these families and their communities is incalculable. They deserve nothing less than a full, open and independent commission of inquiry as to how and why justice was denied to them.
13. We pay tribute to the Haron family members, Shamela Shamis, Muhammed Haron and Fatiema Masoet-Haron as well as their friends and comrades in the political movement who kept his memory alive and pushed for this inquest to be re-opened. They never gave up the fight for truth and justice.
14. In order to assist this Honourable Court navigate the evidence, we attach to these heads of argument the following documents:
 - 14.1 Annexure "A": Detailed Chronology from Birth to 1972.
 - 14.2 Annexure "B": List of witnesses in the 1970 and re-opened inquests.

⁵ *Ibid* at para 39

⁶ *Thembi Nkadimeng v National Director of Public Prosecutions and Others* Case No. 3554/2015, Gauteng Division. Court papers available [here](#). See also *Rodrigues v The National Director of Public Prosecutions* [2019] 3 All SA 962 (GJ) at paras 21 – 23

⁷ *Rodrigues v The National Director of Public Prosecutions and Others* (1186/2019) [2021] ZASCA 87 (21 June 2021) at para 26; see also the 2019 [representations](#) of Lukhanyo Calata and other families to the Judicial Commission of Inquiry into Allegations of State Capture

- 14.3 Annexure "C": Members of Security Branch dates of death.
- 14.4 Annexure "D": List of exhibits in the 1970 and re-opened inquests.
- 14.5 Annexure "E": Index to transcripts of the 1970 and re-opened inquests.⁸

The structure of these heads of argument

15. The heads of argument are structured as follows:

- 15.1 First, we consider the background to the re-opening of the inquest and the factual background of the Imam Abdullah Haron. In the factual background, we consider his political activism, detention and interrogation, and death and post-mortem.
- 15.2 Next, we look at the 1970 inquest into Imam Haron's death presided over by Magistrate JSP Kuhn. In this section we consider:
 - 15.2.1 the submissions by the State,
 - 15.2.2 the submissions by the Haron family,
 - 15.2.3 the findings,
 - 15.2.4 the bias of Apartheid-era magistrates and prosecutors,
 - 15.2.5 the bias of Magistrate Kuhn,
 - 15.2.6 the bias of the prosecutor, Mr JS van Graan; and
 - 15.2.7 our conclusion on the bias.
- 15.3 We then turn to the re-opened inquest and consider the following:
 - 15.3.1 the testimonies of the family members who reflected on the loss of Haron,
 - 15.3.2 the evidence of Johannes Burger, who is the only living member of Security Branch who was based at Maitland Police Station when Haron was detained,
- 15.4 Next, we discuss the history of abuse of detainees by the Security Branch.

⁸ The full record of the Re-opened Inquest can be viewed or downloaded on this [link](#)

- 15.5 We then consider similar fact evidence of torture endured by other detainees who were abused in the same detention facilities and/ or abused by the same police officers.
- 15.6 The next section covers the medical evidence of the abuse of Haron. Here we consider the expert evidence of Dr Molefe and Dr Naidoo.
- 15.7 We then turn to Haron's health before and during his detention, as well as the medical treatment he received while in detention.
- 15.8 The next section we deal with is the alleged fall. Firstly, we consider the evidence from the 1970 inquest regarding the fall, after which we consider evidence from the re-opened inquest.
- 15.9 Next, we discuss Haron's death and the conduct of his post-mortem, as well as the cause of death.
- 15.10 In the section titled, "Cover-up" we consider the investigation into Haron's death and the steps taken to conceal what really happened during his detention.
- 15.11 Next, we set out the probabilities of what really happened to Haron.
- 15.12 We then address the question of legal liability for crimes arising from the death of Haron in detention.
- 15.13 We then deliver our proposed recommendations and findings for this Honourable Court's consideration.
- 15.14 Finally, we offer our conclusions.

THE RE-OPENING OF THE INQUEST

- 16. On 4 December 2019 the Haron family legal team made detailed written representations ("Haron family representations") to the National Director of Public Prosecutions ("NDPP"), providing new evidence and setting out the grounds for the re-opening of the 1970 inquest in terms of section 17A of the Inquests Act No. 58 of 1959.
- 17. Lieutenant Colonel Deon Petersen ("Petersen") was appointed as the investigating officer by the South African Police Services ("SAPS"), and he prepared a dossier in the absence of the 1969 / 1970 docket.

18. On 31 May 2022, some 2.5 years after the family representations to the NDPP, the Minister of Justice requested the Judge President of the Western Cape Division of the High Court to designate a judge to re-open the inquest.⁹
19. To extract this decision, the attorneys had to place the NPA and the Minister of Justice on terms in September 2021 and again in April 2022. In our respectful view, such steps should not have been necessary.
20. The 2022 inquest under case number I01/2022 ("the re-opened inquest") was presided over by the Honourable Justice Thulare, who heard evidence from 6 to 11 November 2022 and 14 to 16 November 2022.
21. The NPA called three witnesses: Petersen, Dr Itumeleng Molefe, and retired Captain Johannes Hendrik Hanekom Burger.
22. The Haron family called twelve witnesses: Thivash Moodley, Shamela Shamis, Muhammed Haron, Zainal Makda, Doctor Segaran (or "Steve") Naidoo, Jeremy Patrick Cronin, Diane Rose Sandler, Robert Wilcox, Yousuf Gabru, Stephanie Kemp, Shirley Gunn, and Fatiema Masoet-Haron.
23. The NPA handed up three bundles of documents which form part of the record and the Haron family handed up 20 exhibits.

FACTUAL BACKGROUND

24. In this section we set out an overview of the life of Haron, who was a family man, a religious leader and a political activist. The overview also covers his arrest, interrogation, torture, death and the aftermath.
25. We refer this Honourable Court to the detailed Chronology from Birth to 1972 in annexure "A" which provides a general overview of his life and a more detailed day by day account of Haron's time in solitary confinement.
26. Haron was born on 8 February 1924 in Newlands, Cape Town.¹⁰ He was the youngest of five children.¹¹ Haron's mother died when he was two months old; and when his father remarried, he was entrusted to the care of his aunt Miriam.¹² He completed

⁹ Minister of Justice and Correctional Services Ronald Lamola Approves Inquest on Imam Haron, [Press Statement](#), 31 May 2022

¹⁰ South African History Online, [Imam Abdullah Haron](#), Archive 2. Produced 17.02 2011. Updated 10.02. 2023

¹¹ *Id*

¹² Barney Desai & Cardiff Marney, *The Killing of the Imam*, Imam Abdullah Haron Education Trust 2012 (first published in 1978) ("Desai"), p22

primary school in Cape Town¹³ and afterwards pursued Islamic studies in Mecca for two years.¹⁴

27. Haron married Galiema Sadan in March 1950 and together the couple had three children: Shamela born in 1954, Muhammed born in 1955 and Fatiema born in 1963.¹⁵
28. As an indication of the high regard in which the congregation of Al-Jamia Mosque in Stegman Road, Claremont held him, Haron was appointed in 1955 as their Imam. He was the youngest Imam who had served at that mosque.¹⁶ An Imam is a Muslim religious leader, a recognised authority on Islamic theology and law and a spiritual guide.¹⁷
29. He founded the progressive Claremont Muslim Youth Association ("CMYA") in 1958, which began publishing a monthly newsletter known as the Islamic Mirror in 1959. The CMYA maintained close contact with several activists including Alex la Guma, Albie Sachs, Prof. Hoffenberg, and Robert Sobukwe.¹⁸
30. Haron gave Friday sermons and public lectures during the late 1950s and 1960s, in which he was critical of the Apartheid regime's racial laws. The mosque also ran the Imbadurahmen study circle that discussed social and political ideas.¹⁹

Political activism

31. 1960 was a tumultuous year in the history of South Africa, and popular opposition to Apartheid became more visible, such as the protest marches called by the Pan Africanist Congress ("PAC") against pass laws in Langa and Nyanga near Cape Town. In Sharpeville 69 protestors were gunned down by the police.²⁰ The government then declared a State of Emergency, detaining some 18 000 people, and passing the Unlawful Organisations Act. The African National Congress ("ANC") and the Pan

¹³ South African History Online, [Imam Abdullah Haron](#), Archive 2

¹⁴ *Id*

¹⁵ Desai, pp 23 & 24; *Galiema Haron (born Sadan) N.O v Minister of Justice & Another* (Case No. I 805/1970, Cape Provincial Division) particulars of claim, para 1 and 4

¹⁶ South African History Online Haron Archive; Desai, p 18

¹⁷ [What Is the Role of the Imam in Islam?](#) Learn Religions, 25 January 2019

¹⁸ South African History Online, [Imam Abdullah Haron](#), Archive 2

¹⁹ South African History Online, [Imam Abdullah Haron](#), Archive 2

²⁰ South African History Online, [State of Emergency follows Sharpeville massacre](#), Produced 16 March 2011. Last Updated 22 August 2019

Africanist Congress ("PAC") were banned, and these organisations were forced to go underground.²¹

32. These political developments informed Haron's decision to begin working with organisations struggling for the liberation of the majority of South Africans.²² Soon after the end of the State of Emergency in August 1960, Haron served on a fundraising committee which provided money for the legal defence of victims of the security police.²³
33. On 7 May 1961, at a meeting at the Cape Town Drill Hall, he gave an impassioned speech describing the Group Areas Act as "*inhuman, barbaric and un-Islamic*". He described the law as "*a complete negation on the fundamental principles of Islam... (they are) designed to cripple us educationally, politically and economically... We cannot accept (this type of) enslavement.*"²⁴
34. From the *minbar* (pulpit) of his mosque, he appealed to his congregation to fast for the duration of a general strike called in opposition to South Africa's decision to leave the Commonwealth and to promulgate a new Republican Constitution.²⁵ It was during this period that Haron discovered that police informers had been placed in his congregation.²⁶
35. During early 1960 Haron became known to Sergeant Johannes van Wyk ("van Wyk"), a member of the notorious Security Branch, because of his active role in anti-Apartheid organisations.²⁷ Van Wyk was widely referred to as "Spyker". There are different theories as to why he was given this moniker. "Spyker" translates to "Nail" in English. One theory as to how he obtained this nickname relates to allegations made against him of driving nails under the fingers of an anti-apartheid activist, and the name stuck.²⁸
36. The Security Branch was a notorious section of the former South African Police, yet not much was known about its operating structures. Legislation such as the Terrorism Act

²¹ O'Malley, [Pre-Transition \(1902-1989\): Chronologies: 1960](#), Nelson Mandela Foundation

²² Desai, p28

²³ Desai, p39

²⁴ South African History Online, [Imam Abdullah Haron](#), Archive 2

²⁵ Desai, p40

²⁶ Desai, p 41

²⁷ Vol A2: Exhibit O (van Wyk affidavit, para 2)

²⁸ Re-opened inquest transcript, 07 November 2022, p 115: 10 – 21

83 of 1967 ("the Terrorism Act"), granted the Security Branch wide powers to track down, detain and torture suspected activists and opponents of Apartheid.²⁹

37. In 1961, the CMYA began circulating the "*Call of Islam*", an anti-Apartheid pamphlet. By this stage, Haron was in close contact with black South Africans from Langa, Gugulethu, and Nyanga engaged in anti-Apartheid work.³⁰ He converted some of them to Islam.³¹ He was known affectionately by the people of the townships as "*mfundisi*" (Priest).³²
38. In the early 1960s Haron delivered sermons emphasising the concept of brotherhood in Islam and urged Muslims to support black South Africans in their fight against the racist Apartheid regime.³³
39. He was closely connected with Barney Desai, an anti-Apartheid activist, who was prominent amongst the coloured community of the Cape.³⁴ Through his connection with Desai, Haron began to support the underground activities of the PAC, as well as those of the ANC.³⁵
40. Haron became involved with the Coloured People's Congress ("CPC") and raised funds for them. Although he did not become a member, some CPC meetings took place in his home.³⁶ Along with other resistance movements, the CPC was banned by the Apartheid regime in 1960.
41. In late 1965, while the CPC was functioning underground Haron became a member.³⁷ It was also around this time that Haron was identified as a "security risk" by Major Dirk Kotze Genis ("Genis") of the Cape Town Security Branch.³⁸

²⁹ O' Malley, Mac Maharaj: [Security Branch](#), Nelson Mandela Foundation

³⁰ South African History Online, [Imam Abdullah Haron](#), Archive 2

³¹ Desai, p 39

³² South African History Online, [Imam Abdullah Haron](#), Archive 2

³³ *Id*

³⁴ South African History Online [Rissik Haribhai "Barney" Desai](#), Produced 17.02 2011, Updated 02.09.2019

³⁵ *Id*

³⁶ Desai, p 40

³⁷ Desai, p 42

³⁸ Vol A2, Exhibit D (Genis affidavit, para 2)

42. In 1966, Haron and his wife travelled to Mecca where he reconnected with Ebrahim Desai, Barney Desai's brother.³⁹ Together, they lobbied members of the Islamic World Council, urging them to intercede with their governments against Apartheid.⁴⁰
43. Haron engaged directly with PAC members when he travelled to Cairo and addressed a conference of Muslim representatives, which was attended by members of both the PAC and ANC.⁴¹ He became involved in a plan to recruit young men to undertake short courses of guerrilla training outside South Africa, under the auspices of leaving the country to go on *haj*, a religious pilgrimage to Mecca.⁴²
44. Haron thereafter met with Canon John Collins of St Pauls Cathedral.⁴³ Collins had founded the organisation, Christian Action, which had established the Defence and Aid Fund to assist victims of Apartheid. Collins channelled funds to Haron to assist those left poor and destitute through their political activities.⁴⁴
45. Before returning to South Africa, Haron was warned that he was at risk as he was being targeted by the Security Branch. He was advised to emigrate. He investigated moving to Canada, but his visa was rejected.⁴⁵
46. The Security Branch, and in particular, van Wyk and Genis, began to pay intermittent visits to Haron's home. They also raided the Stegman Road mosque looking for incriminating materials. His bank accounts were also scrutinised.
47. In December 1968, Haron departed for Mecca on his own.⁴⁶ He then proceeded to Cairo.⁴⁷ He went on to travel to Holland and London. The purpose of his trip to London was to make arrangements for his daughter, Shamela, who wished to become a radiographer.⁴⁸
48. In London, Haron confided in Barney Desai that there were informers everywhere and he was continuously being harassed by Security Branch members who were trying to persuade his employers to fire him.⁴⁹ Barney Desai advised Haron to leave South Africa

³⁹ Desai, p 43

⁴⁰ Desai, p 46

⁴¹ South African History Online [Rissik Haribhai "Barney" Desai](#)

⁴² Desai, p 48

⁴³ Desai, p 49

⁴⁴ Desai, p 50

⁴⁵ South African History Online, [Imam Abdullah Haron](#), Archive 2

⁴⁶ Desai, p 56

⁴⁷ Desai, p 57

⁴⁸ Desai, p 57

⁴⁹ Desai, p 57

or not to return from his visit.⁵⁰ Haron's passport was due to expire in March 1969. He suggested that if it was not renewed, he would know that the time had come to leave South Africa.⁵¹

49. When Haron's passport expired, the authorities did not respond to his request for renewal. During May 1969, Haron was instructed by the Security Branch to appear at Caledon Square Police Station.⁵²

Haron's detention under section 6 of the Terrorism Act

50. Haron was arrested by the Security Branch on 28 May 1969, on the day of *Milad Un Nabie*, the celebration of the birth of Prophet Muhammad.⁵³ Van Wyk and Genis arrived at Haron's home and took him to Caledon Square Police Station where he detained under section 6 of the Terrorism Act.⁵⁴ Genis was in charge of the Haron investigation, and Van Wyk carried out the investigations.⁵⁵

51. Genis in his affidavit before the first inquest explained that Haron was detained on suspicions of:

- 51.1 Giving instructions to recruit students who were going to study overseas and young Muslims who were going on pilgrimages.
- 51.2 Being involved in the pursuit of the aims and objects of the banned PAC.
- 51.3 Receiving thousands of rands from abroad through different banks for unlawful purposes.
- 51.4 Contravening currency regulations by taking large sums of money abroad.
- 51.5 Visiting terrorist headquarters in Cairo and contacting members of the PAC movement.
- 51.6 Meeting with known terrorists and accepting instructions from them; and
- 51.7 Continuously communicating in secret with terrorists overseas.⁵⁶

⁵⁰ Desai, p 57

⁵¹ Desai, p 58

⁵² Desai, p 59

⁵³ Desai, p 61

⁵⁴ Vol A3, p 96: 23 - 25 (Van Wyk testimony 1970 inquest)

⁵⁵ Vol A3, pp 6: 21 – 7: 1 (Genis testimony 1970 inquest)

⁵⁶ Vol A2: Exhibit D (Genis affidavit, para 4)

52. No charges were brought against Haron despite the apparently intensive investigations which took place during more than four months of detention.

Solitary confinement and interrogation

53. Mrs Catherine Taylor, a member of parliament of the then United Party, raised Haron's detention in parliament on 10 and 13 June 1969. The Minister of Police, Mr Muller, replied to her stating that it was "*not in the public interest*" to know why Haron was detained.⁵⁷
54. Throughout his detention, Haron was held in solitary confinement. He was kept in his cell and only authorised people had access to him. According to Genis: "*Hy was alleen in die sel aangehou en slegs gemagtigde persone het tot hom toegang gehad*".⁵⁸
55. Haron was interrogated almost daily by Genis, van Wyk, Sergeant AJ van Wyk, Lieutenant Colonel Pienaar, Captain Geldenhuys and Major Kotze. There were other interrogators as well, but Genis as the officer in charge, did not know who they were.⁵⁹
56. It was ascertained during the 1970 inquest that Sergeant Andries Van Wyk, "Spyker" van Wyk's brother,⁶⁰ and Major Kotze were also involved in the interrogations of Haron, yet neither provided affidavits or were called to testify.⁶¹
57. These were long hours of interrogation sessions, from approximately 8 am to late afternoon or night, sometimes to midnight.⁶²
58. Haron was interrogated at Caledon Square Police Station and Maitland Police Station ("Maitland"), and possibly elsewhere as well (between 17 and 19 September 1969).⁶³ Genis tried to conceal Haron's absence over the three day period from the first inquest court.⁶⁴ It was only after Cooper SC, representing the family, insisted that the Maitland station commander, Captain Pieter Louis Malan, submit the incident book that it was

⁵⁷ South African History Online, [Imam Abdullah Haron](#), Archive 2

⁵⁸ Vol A2: Exhibit D (Genis affidavit, para 6(a)). Translated as: "He was held alone in the cell and only authorised persons had access to him"

⁵⁹ Vol A3, p 7:20-8:10 (Genis testimony 1970 inquest)

⁶⁰ Vol B, (Petersen affidavit) p 3, para 6

⁶¹ Vol A3, p 6: 14 – 19 (Genis testimony 1970 inquest)

⁶² Vol A3, p 6: 10 - 19 (Genis testimony 1970 inquest)

⁶³ Vol A3, p 119: 6 – 120: 3 (Malan testimony 1970 inquest)

⁶⁴ Vol A3, p 15: 9 – 19 (Genis testimony 1970 inquest)

discovered that Haron had been absent from Maitland between 17 to 19 September 1969.⁶⁵

59. A statement of van Wyk's during the 1970 inquest hearing indicates how intense and frequent the interrogations were, "*Your Worship the position is he was interrogated on so many days and at so many different times that it makes it impossible for me to remember times.*"⁶⁶
60. Haron's interrogation can be divided into four periods:
 - 60.1 the first period being from his arrest until the end of June,
 - 60.2 the second from 1 to 11 July which culminated in a written statement,
 - 60.3 the third from 12 July until 16 September when the Security Branch were dissatisfied with Haron's written statement, and
 - 60.4 the fourth from 17 to 19 September which culminated in an interrogation which ended at about 21h00 on the 19th followed by the claim of a fall down the stairs.
61. When Haron entered detention, he had a clean bill of health. His steady decline in his health correlated, not unsurprisingly, with the increasing intensity of his interrogations, until his eventual immobility and death.
62. During the second period of interrogation, he twice consulted with a doctor because of a pain in his left chest over various ribs in the axillary midline ("in line with armpit")⁶⁷ and a localised tenderness over the lower ribs; and general malaise and weakness.⁶⁸
63. During the third and fourth periods of interrogation, when the Security Branch increased their pressure on Haron for a confession, he had two consultations with a doctor (once on a Sunday).⁶⁹ Towards the end he was suffering considerable head, chest and stomach pain. However, the Security Branch opted not to get medical treatment for him, but administered pain tablets themselves to Haron on different days, which included scheduled medication only available on prescription.⁷⁰

⁶⁵ Vol A3, p 119 (Malan testimony)

⁶⁶ Vol A3, p 108: 11 – 13 (Van Wyk testimony 1970 inquest)

⁶⁷ NPA Vol A3, p 79: 5 – 7 and p 80: 6 – 9 (Geldenhuis testimony 1970 inquest)

⁶⁸ NPA Vol A2: Exhibit R (Gosling affidavit, para 1); NPA Vol A3, pp 95 – 100 (Gosling testimony 1970 inquest)

⁶⁹ NPA Vol A2: Exhibit I (Rademeyer affidavit, paras 7 – 10); NPA Vol A3, pp 40: 19 - 41: 8; NPA Vol A2: Exhibit G (Malan affidavit, para 14)

⁷⁰ NPA Vol A3, p 84: 11 – 23 (Geldenhuis testimony 1970 inquest); Re-opened inquest transcript, 09 November 2022, p 217: 24 (Dr Molefe)

Death and post-mortem

64. Whilst in detention, Haron arranged for a message to be smuggled out on a piece of toilet paper to Canon Collins. The message stated, "*if you hear that I have died in prison by accident, you will know it will not have been an accident.*"⁷¹
65. On the day of his death, Haron stood by the cell door and barely moved. He told Constable Johannes Hendrik Hanekom Burger ("Burger") that his stomach hurt. Burger said that he did not want to see a doctor and instead asked for painkillers and toilet paper, both of which were provided.⁷²
66. 123 days after his arrest Haron died alone in his cell. He was found lying in a foetal position on the floor of his cell at about 10h15 on Saturday, 27 September 1969.⁷³
67. Haron's body was moved to the Salt River mortuary where Dr Schwar conducted the post-mortem the next day, recording 27 bruises of various sizes, colours and locations, as well as a fractured rib.⁷⁴
68. After Haron's death, Collins held a memorial in England, praising him for not betraying those who supported him.⁷⁵

1970 INQUEST

69. After the death of Haron in police custody on 27 September 1969, an inquest court, in terms of the Inquests Act 58 of 1959 ("Inquests Act"), presided over by Additional Magistrate JSP Kuhn ("Magistrate Kuhn"), under case number 50/1970 ("1970 inquest"), sat during February and March 1970.
70. The Haron family was represented W E Cooper SC and Advocate B M Kies, instructed by Frank Bernadt & Joffe. Mr JS van Graan represented the State.⁷⁶

⁷¹ Denis Herbstein *White Lies: Canon Collins and the secret war against apartheid*, James Currey Publishers 2004, p 159 ("Herbstein")

⁷² Vol A3, p 54: 12 – 55: 5 (Burger testimony 1970 inquest)

⁷³ Vol A3, p 55: 14 - 19 (Burger testimony 1970 inquest)

⁷⁴ Vol A3, p 152: 25 – 153: 2 (Schwär testimony 1970 inquest); Vol A2: Exhibit S (Schwär report)

⁷⁵ Herbstein, p 159

⁷⁶ Vol A1, DDP15, Copy: Detainee file of Haron, p 134

Submissions by the State

71. It was the State's case that Haron's health was already weak and that it was most probable that he died of coronary thrombosis.⁷⁷
72. Van Wyk and Genis alleged that Haron had fallen down a staircase during the evening of 19 September 1969. The State's case put the fall front and centre as the explanation of Haron's injuries. The state's submission was that if his injuries had contributed to his death, such injuries were caused by the fall down the stairs and not brought about by the act of any person.⁷⁸
73. Adv van Graan on behalf of the State conceded that there were two classes of bruises, which happened at different times, but argued that if the fall injuries caused Haron's death, then he died of natural causes. If, however, he died of non-fall related injuries, which could not be explained, then the court could not make a finding that any person was responsible for Haron's death.⁷⁹
74. The State argued that there was no evidence of an assault, as there was no explanation for the red bruises and that it was possible that Haron injured himself in his cell.⁸⁰

Submissions by the Haron family

75. Cooper SC submitted that Haron had been beaten by the Security Branch for the purpose of extracting a statement from him.⁸¹ This was not an isolated incident but happened at different times.⁸² While Haron was reluctant to give a statement, the Security Branch managed to obtain a statement from him, but when they discovered that he had not been truthful, they set about obtaining another statement.⁸³
76. Cooper SC submitted that the evidence did not make it clear what happened with Haron between 17 and 19 September⁸⁴ but his stasis and pattern of ill-health from 20

⁷⁷ Vol A3, p 224: 12 - 18 (Van Graan closing address at 1970 inquest)

⁷⁸ Vol A3, p 224: 19 – 225: 2

⁷⁹ Vol A3, p 225: 19 – 226: 20

⁸⁰ Vol A3, p 226: 7 - 12 (Van Graan closing address at 1970 inquest)

⁸¹ Vol A3, p 249:18-19 (Cooper SC closing address at 1970 inquest)

⁸² Vol A3, p 232:1-3, p 240:7-15

⁸³ Vol A3, p 233:2-10

⁸⁴ Vol A3, p 234:23-25

September to his death was that of a man suffering from the after-effects of a severe trauma.⁸⁵

77. Cooper SC submitted that the court should not accept that there had been a fall on 19 September 1969.⁸⁶ He asserted that the medical evidence inferred that Haron's injuries were caused by trauma, that is force applied to his person.⁸⁷
78. Finally, Cooper SC submitted that the court should find that Haron died as a result of a heart attack which was triggered by trauma⁸⁸; and that on the evidence, such trauma could only have been caused by those in the employ of the Security Police.⁸⁹

The findings

79. The finding of Magistrate Kuhn handed down on 9 March 1970 makes for pitiful reading. His finding amounted to four paragraphs comprising half a page.⁹⁰ He did not even bother to provide reasons to explain or substantiate his findings which exonerated the police of all wrong doing.
80. Given the overwhelming medical evidence of injuries endured by Haron while in detention, Kuhn could not wish away the evidence that trauma led to the worsening of Haron's condition.
81. Kuhn had to accept that the claimed staircase fall could not explain all the injuries since they were of different ages. He attributed "*a substantial part*" part of the trauma to the police version of an "*accidental fall down a flight of stone stairs*" but claimed that he was unable to determine how the balance of the trauma was caused. This was so, even though it was undisputed that the injuries occurred while Haron was in the custody of the police and no other explanation was put up by the police.
82. Within three weeks of the handing down of the inquest finding Major Dirk Kotze Genis was promoted to Lieutenant Colonel on 1 April 1970.⁹¹

⁸⁵ Vol A3, p 236:13-15

⁸⁶ Vol A3, p 242:15-16

⁸⁷ Vol A3, p 238:1-3

⁸⁸ Vol A3, p 245:14-15

⁸⁹ Vol A3, pp 245:14-246:1

⁹⁰ Vol A1, page 168

⁹¹ Vol B, DDP 24(i), p 825 (Genis SAP Personnel File)

Bias of Apartheid-era magistrates and prosecutors

83. The Apartheid system introduced structural bias into the criminal justice system, particularly in the magistrates' courts, in favour of the Apartheid agenda.⁹² Magistrates were appointed predominantly from the public service rather than the legal fraternity. They were appointed by the Minister of Justice in terms of s 9 of the Magistrates' Courts Act No. 32 of 1944. The majority were former prosecutors who often interacted with Security Branch members.⁹³
84. Magistrates and district surgeons were tasked with ensuring the well-being of detainees. This placed magistrates at the “coal face” of the Apartheid’s government’s engagement with political prisoners.⁹⁴
85. The TRC had the following to say about the magistracy as a whole:

*“The Commission deplores and regrets the almost complete failure of the magistracy to respond to the Commission’s invitation, the more so considering the previous lack of formal independence of magistrates and their dismal record as servants of the Apartheid state in the past.”*⁹⁵
86. The TRC also concluded that collusion had taken place between police and prosecutors, who collaborated with police to undermine the cases of victims and/or their families.⁹⁶
87. In an affidavit provided to the Re-Opened Inquest into the Death of Neil Hudson Aggett, the late Advocate George Bizos SC (Bizos) referred to the state of the magistracy in South Africa under Apartheid.⁹⁷ He pointed out that most apartheid-era magistrates had no real desire to reach the truth.⁹⁸ It appeared that some of these magistrates saw it as their duty to protect organs of the state, such as the police. Magistrates tended not to interrogate police versions that vigorously.
88. Bizos noted that apartheid-era inquest courts tended to minimize evidence of the ill-treatment of detainees.⁹⁹ Official police versions were often contradicted by forensic

⁹² Paul Gready and Lazarus Kgalema, “Magistrates under Apartheid: A case study of professional ethics and the politicisation of justice”, [South African Journal on Human Rights](#), Vol 19, 2003

⁹³ *Id*

⁹⁴ *Id*

⁹⁵ TRC Report, Vol 4, Ch 4, [p 108](#)

⁹⁶ TRC Report, Vol 5, Ch. 6, Findings and Conclusions, [p 253](#), para 158, sub-para b

⁹⁷ His affidavit can be accessed on this [link](#)

⁹⁸ Aggett Re-opened Inquest Exhibit [G1](#) p 4 para 15

⁹⁹ Aggett Re-opened Inquest Exhibit [G1](#) p 5 para 18

pathologists who examined the bodies of detainees. Magistrates typically ignored such expert evidence and uncritically accepted the versions of police witnesses.

89. Improbable testimony of police witnesses was invariably rubber-stamped by inquest magistrates.¹⁰⁰ Police versions that deceased detainees were treated with care and consideration were readily accepted by the courts notwithstanding evidence of pre-death injuries.¹⁰¹
90. Mothle J, in the *Re-opened inquest into the Death of Ahmed Timol*, held that:

“It will be remiss of this Court not to address an issue on which Bizos’ evidence put a spotlight. This is the impropriety role played by some in the magistracy, prosecuting authorities and medical experts in the past inquest proceedings. Bizos’s evidence reveals the role of some of these public officials in being complicit in exonerating members of the Security Branch from the crimes they committed. The 1972 inquest into the death of Timol is one such example. From the outset, it had to take a Court order to allow Timol’s family and their lawyers access to case documents before the inquest commenced. The evidence of the 1972 inquest further demonstrates how the prosecution made no effort to obtain evidence other than that of the police and the magistrate attempting to explain away the ante mortem injuries, without any shred of evidence supporting his statement about a brawl.”¹⁰²

91. It is within this context that the bias of Magistrate Kuhn needs to be examined.

Bias of Magistrate Kuhn

92. Magistrate Kuhn concluded that Haron’s alleged ‘accidental fall’ down a flight of stone stairs contributed to the trauma that caused his death. This was his finding despite:
 - 92.1 evidence that Haron had a broken rib at the costochondral junction, a haematoma over the lumbosacral area, clots in the deep veins of his calves and 27 bruises of various ages and locations that could not be explained by a fall down a few stairs,
 - 92.2 a demonstrated period of an inability to walk at a later stage of his detention, and
 - 92.3 similar fact evidence of assault and torture in Security Branch detention.

¹⁰⁰ Aggett Re-opened Inquest Exhibit [G1](#) p 5 para 19

¹⁰¹ See the findings of bias made against Magistrate Kotze in [Re-opened Inquest into the Death of Dr Neil Hudson Aggett](#) (445/2019; 139/1985) [2022] ZAGPJHC 110 (4 March 2022) at paras 265, 270 and 283

¹⁰² [The re-opened inquest into the death of Ahmed Essop Timol](#) [2017] ZAGPPHC 652 para 341

93. The bias of Magistrate Kuhn manifested itself in different ways. He stopped counsel for the Haron family from asking relevant questions. He failed to ask pertinent questions and he presented scenarios to protect Security Branch members. We will deal with each in turn.

Stopping family counsel from asking relevant questions

94. Throughout the testimonies of the police, Kuhn demonstrated a protective attitude towards them. The passages below are but two examples of a number of such protective instances.

Example 1:

MR PIENAAR: Your Worship, I do not know whether the way we obtain written statements is relevant here, I do not believe it is.

*COURT: Mr Cooper, I wonder if the question, as you put it, is actually relevant? Whether it would have been desirable, what does it actually have to do with it?*¹⁰³

MR COOPER: Your Worship, the relationship between the parties, the police and the deceased, who detained him, is the crux of the matter. What happened, which statement, why there were certain actions and there were not certain actions. It is closely related to the real, the true cause of the person's death.

*COURT: Yes, well, in any event, the witness says that he is not anxious to discuss their methods, and the Court rules in his favour.*¹⁰⁴

Example 2:

MR COOPER: But was the procedure with interrogation not that you and Sergeant van Wyk would be together during interrogation of the deceased?

*MR GENIS: Is the process we follow relevant, Your Worship?*¹⁰⁵

MR COOPER: No, but I just want to establish what the procedure is.

MR GENIS: Is it relevant?

¹⁰³ Vol A3, p 61: 20 – 25 (Pienaar testimony 1970 inquest)

¹⁰⁴ Vol A3, p 62: 1 – 9 (Pienaar testimony 1970 inquest)

¹⁰⁵ Vol A3, p 34: 21 – 25 (Genis testimony 1970 inquest)

*COURT: If the witness does not want to say what the procedure is, Mr Cooper, I am not going to force him to.*¹⁰⁶

Failure to ask pertinent questions

95. During the 1970 inquest there were a number of occasions on which the presiding magistrate failed to ask pertinent questions. Some of the instances are described below.
96. Genis identified other Security Branch members who had interrogated Haron, namely Sergeant A J van Wyk and Major Kotze.¹⁰⁷ Magistrate Kuhn did not enquire why no affidavits had been submitted by these Security Branch members, neither did he enquire how often Haron was interrogated, under what circumstances and when.
97. Kuhn failed to ask questions regarding the medical treatment Haron received and the reasons for his health concerns. Cooper SC asked Geldenhuys why a district surgeon in Cape Town had not seen Haron when he was unwell on Monday, 7 July 1969, and why instead Geldenhuys had driven to Belville to have Haron seen by the district surgeon from that area.¹⁰⁸ Geldenhuys said he could not provide a reason for this decision. This should have raised alarm bells, however, Kuhn declined to adopt an inquisitorial approach required in an inquest to ascertain the truth.
98. Geldenhuys testified that on Saturday, 20 September 1969, Haron said he was unwell. Geldenhuys claimed that Haron wanted to see a member of the Security Branch rather than a doctor. Sometime later, Geldenhuys brought from his home opiate-based painkillers only available on prescription.¹⁰⁹ Kuhn did not probe why a Security Branch member was dispensing medication that a doctor should have prescribed.
99. Kuhn did not question Dr Petrus Jacobus Viviers ("Viviers") about his ethical duties as a doctor. Viviers was the first district surgeon in Belville and when questioned about his medical examination of Haron, he claimed not to remember and stated that he did not interact with political prisoners.¹¹⁰ He also failed to document when and what he prescribed to Haron.¹¹¹

¹⁰⁶ Vol A3, p 35: 1 – 5

¹⁰⁷ Vol A3, p 6: 14 – 15

¹⁰⁸ Vol A3, p 79: 4 – 19

¹⁰⁹ VolA3, p 84: 19 - 22 (Geldenhuys testimony 1970 inquest)

¹¹⁰ Vol A3, p 73: 24 - 25 and p 74 (Viviers testimony 1970 inquest)

¹¹¹ Vol A3, p 77: 5 (Viviers testimony 1970 inquest)

100. Kuhn failed to ask pertinent questions such as, how Haron broke his rib and why Haron may have been afraid to speak about the pain he was experiencing.
101. Kuhn failed or declined to interrogate the different ages of the bruises, the extensive nature of the bruises, and Haron's inability to walk at a later stage.
102. When similar fact evidence of assaults perpetrated on Alan Brooks and Stephanie Kemp by van Wyk was led, Kuhn displayed irritation rather than interest.¹¹²

Presenting scenarios to protect Security Branch members

103. Perhaps, the most telling example of bias is to be found in the intervention of the court when Dr Helman ("Helman"), a specialist surgeon, was being cross examined by Cooper SC. Helman was a former state pathologist and he had commented on the post-mortem report by Schwär. Helman stated that:

*"Going by the description of the bruises, and looking at the stairs, it is my opinion that all the bruises could not have been caused by falling down the stairs."*¹¹³

104. Unusually, Kuhn was confronted with a state witness, Dr Helman, who contradicted the version of the Security Branch that Haron's injuries had been caused by the alleged fall down the stairs.¹¹⁴
105. In an apparent attempt to salvage the Security Branch case, Kuhn insisted that Cooper SC put a version to Dr Helman that Haron had gone down a full flight of stairs, half on his side and half on his backside.¹¹⁵ When Cooper SC pointed that this was not van Wyk's evidence, he nonetheless insisted that the version of Haron falling (not sliding) down a full flight of stairs be put to Helman.¹¹⁶ When Cooper SC then attempted to refer Helman to van Wyk's evidence on record, which made no mention of Haron falling, the magistrate attempted to prevent Cooper SC from doing so by saying that it was not necessary.¹¹⁷

COURT: Mr Cooper, I must correct a probable wrong impression here. I want to refer you again to Van Wyk's evidence, as it stands on the record, I do not say

¹¹² Vol A3, pp 112: 22 - 113: 20 (Van Wyk testimony 1970 inquest)

¹¹³ Vol A3, p 207: 7 - 9 (Helman testimony 1970 inquest)

¹¹⁴ Vol A3, pp 218:17 – 222:19 (Helman testimony 1970 inquest)

¹¹⁵ Vol A3, p 219:6 - 14 (Helman testimony 1970 inquest)

¹¹⁶ Vol A3, pp 220:24 – 221:10 (Helman testimony 1970 inquest)

¹¹⁷ Vol A3, pp 221:24 – 222:20 (Helman testimony 1970 inquest)

that is the truth, but you are not putting Van Wyk's complete picture to the witness. Van Wyk said as follows on page 72:

"After we walked ... [Court quotes] ... to a landing and down. Well, that is the last part of the stairs. I do not know exactly how many stairs there are."

Then if one has his affidavit ...

UNIDENTIFIED MALE SPEAKER [Cooper]: 11 stairs.

UNIDENTIFIED MALE SPEAKER: His affidavit, which is the other part of his evidence, because he adheres to his affidavit ...

UNIDENTIFIED MALE SPEAKER: No, we are not now trying to analyse his evidence to see where he tells the truth, but we must also put this picture to the witness, this one of the full flight of stairs and that he went down half on his side and half on his ...

UNIDENTIFIED MALE SPEAKER [Cooper]: With respect, sir, the evidence if properly analysed does not suggest that he went down the full flight of stairs. His original affidavit does not say so and his evidence, if one reads where he sums it up at the bottom of page 72, line 31, makes it perfectly clear:

"It was the last part of the stairs." It is not the whole flight of stairs.

UNIDENTIFIED MALE SPEAKER: He means the last flight of steps, Mr Cooper.

UNIDENTIFIED MALE SPEAKER [Cooper]: No, but – with respect – he was just dealing with one flight and it was the last steps, because if you read his affidavit:

"The last stairs fell to the bottom."

UNIDENTIFIED MALE SPEAKER: Well, I do not agree with you that that is the only implication that can be placed on his evidence.¹¹⁸

106. The exchange is a further example of Magistrate Kuhn intervening to secure a favourable outcome for the Security Branch.

Bias of Prosecutor: Mr J S van Graan

107. In *Timol v Magistrate, Johannesburg* 1972 (2) SA 281 (T) the court noted that the legislature provided for the presence of the prosecutor at an inquest "*because of his*

¹¹⁸ Vol A3, pp 218: 17 – 220: 1 (Helman testimony 1970 inquest)

relationship with the Attorney-General, who has a real interest in the proceedings” and that a “prosecutor, we think, is also present so that he can assist in bringing out the truth.”¹¹⁹

108. It is apparent from the 1970 inquest record that the prosecutor, Mr J S van Graan, not only failed to act without bias; but also failed to take steps to uncover the truth behind Haron's death.
109. Neither an affidavit from Sergeant AJ van Wyk, nor Major Kotze was obtained although both were involved in the interrogation of Haron. Once the prosecutor had established that Security Branch members who interrogated Haron had not deposed to affidavits and consequently would not give oral testimony, he should have enquired why they had not made affidavits, and then instructed the investigating officer to locate them and take their statements.
110. The similar fact evidence of the torture of Stephanie Kemp and Alan Brooks was dismissed by the prosecutor as “*swartsmeerdery*” (“blackmail”).¹²⁰ The prosecutor accepted without question van Wyk's claims that torture allegations were concocted to slander the Security Branch, and in all “political investigations” there were always such allegations made to garner political publicity.¹²¹
111. The following statement by the prosecutor, when the issue of Haron's three-day absence from Maitland Police Station was before the court, revealed his eagerness to suppress the truth and assist the Security Branch:

*Your Worship, just subject to this, that I think in the interest of the State I feel that we should not disclose where – although he was not here in the Cape Peninsula – we are not prepared to disclose where they had taken him to; during the course of investigations, he was taken to various places.*¹²²

112. A similar inappropriate alignment with the version of the Security Branch took place when the prosecutor addressed the court in closing:

The last witness [Dr Helman] tried to explain that all these injuries could not be sustained by falling down stairs. In my submission, Your Worship, we have

¹¹⁹ p 291: B - E

¹²⁰ Vol A3, p 117: 1 – 25 (Van Wyk testimony 1970 inquest)

¹²¹ Vol A3, p 117: 4 – 23 (Van Wyk testimony 1970 inquest)

¹²² Vol A3, pp 123: 25 – 124: 5 (Van Wyk testimony 1970 inquest)

*probably seen more people who feel [sic – "fall"], that [sic – "than"] what the last doctor has seen.*¹²³

113. This idea of a shared experience, presumably with the magistrate, which is presented as having more gravitas than the testimony of a medical expert, reinforces the bias of prosecutor.

Conclusion on bias

114. Impartiality and bias are defined in *Le Grange v The State* (040/2008) [2008] ZASCA 102 (18 September 2008) at paragraph 21 as:

*"Impartiality can be described – perhaps somewhat inexactly – as a state of mind in which the adjudicator is disinterested in the outcome and is open to persuasion by the evidence and submissions. In contrast, bias denotes a state of mind that is in some way predisposed to a particular result, or that is closed with regard to particular issues. Bias in the sense of judicial bias has been said to mean 'a departure from the standard of even-handed justice which the law requires from those who occupy judicial office'."*¹²⁴

115. In *S v Dube*¹²⁵ the SCA held that:

*"What the law requires is not only that a judicial officer must conduct the trial open-mindedly, impartially and fairly but that such conduct must be manifest to all those who are concerned in the trial and its outcome, especially the accused."*¹²⁶

116. It is submitted that the first inquest into Haron's death was riddled with examples of bias on the part of the presiding magistrate.

117. Kuhn misdirected himself in:

- 117.1 Accepting, without question, the say so of the police.
- 117.2 Paying no heed to the cause, nature and extent of Haron's injuries.
- 117.3 Refusing to apply his mind to the evidence of medical experts.

¹²³ Vol A3, p 225: 3 – 7 (Van Graan closing address at 1970 inquest)

¹²⁴ Ibid para 21

¹²⁵ [S v Dube](#) 2009 (2) SACR 99 (SCA)

¹²⁶ Ibid paras 7-8

117.4 Finding that the injuries, even though they occurred while in police custody, were not connected to the conduct of the police.

118. We submit that Kuhn conducted himself in manner that was predisposed to a particular result, namely the exoneration of the police from all wrongdoing. He went out of his way to give the police version a veneer of respectability. It was manifest to any casual observer of the first inquest that the magistrate paid no regard whatsoever to the standard of even-handed justice. His manifest bias was plain to see.

119. In the *re-opened inquest into the death of Ahmed Essop Timol* the court found that an inquest is an inquisitorial process:

*"... the inquest must be so thorough that the public and interested parties are satisfied that there has been a full and fair investigation into the circumstances of death."*¹²⁷

120. The first inquest into the death of Haron did not come remotely close to resembling a full and fair investigation. In our respectful view Magistrate Kuhn conducted a substandard inquiry aimed at rubber stamping the police version. He conducted himself disgracefully. We also saw no evidence of the prosecutor pursuing anything resembling a thorough investigation.

121. It is hardly surprising that the Haron family and the wider community regarded the first inquest as little more than an extension of the police cover-up dressed up with judicial gloss.

122. We accordingly submit that on this ground alone the finding of the first inquest warrants overturning.

RE-OPENED INQUEST

123. In this section we summarise the evidence led by the children of Haron, and thereafter we consider the evidence of retired Captain Burger, the only member of the erstwhile South African Police ("SAP") who testified at the re-opened inquest.

¹²⁷ [*The re-opened inquest into the death of Ahmed Essop Timol*](#) [2017] ZAGPPHC 652 at paras 13 and 14

Testimony of the family members

124. The loss of their father had a huge and ongoing impact upon Shamela Shamis, Muhammed Haron, and Fatiema Haron-Masoet. Shamela was 17 years old when their father died, and Muhammed and Fatiema, respectively 12 years and 6 years old.¹²⁸

Shamela Shamis

125. Shamela was living in London at the time of her father's detention and received a letter from him which had been smuggled out of prison.¹²⁹ It had been written on the back of a biscuit packet and gave her hope that they would soon meet again.¹³⁰

126. Shamela described how her father was the only coloured man working at Wilson-Rowntree, and how he interacted with his colleagues with ease and on an equal level.¹³¹ She remembered her father as a jovial man who never had a bad word to say about anyone.¹³²

127. She always had the clear impression of her father as someone who was in good health, something she also attributed to the fact that he unwaveringly fasted on Mondays and Thursdays.¹³³ They grew up in a strict Muslim home, and Shamela attended a madrasa her father started, which is a religious school for children, after her regular school.¹³⁴

128. When it came to Shamela's studies, her father always supported her and made all the arrangements for her to study radiography at a hospital in London and stay with his friends there.¹³⁵ She believed that he was eager for her to study overseas to keep her out of harm's way.¹³⁶

129. She described how her "*mother's world fell apart*" the day that the Security Branch came to their house to inform them that her father was dead. Furthermore, because of how well respected Haron was, the news was met with shock and disbelief both in South Africa, and abroad.¹³⁷

¹²⁸ Re-opened inquest transcript, 10 November 2022, p 327: 1

¹²⁹ Re-opened inquest transcript, 10 November 2022, p 341: 1 - 5

¹³⁰ Re-opened inquest transcript, 10 November 2022, p 338: 16 - 18

¹³¹ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 12

¹³² Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 11

¹³³ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 13 - 14

¹³⁴ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 8

¹³⁵ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 18

¹³⁶ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 17

¹³⁷ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 6

130. Shamela described the process of getting the case re-opened as an ordeal for the family, explaining that "*it has been a very long time for us as a family to stand and have our day in court*".¹³⁸ She reminisced about how she saw media reports that the crowd that gathered for her father's funeral was so large, it could not take place in a mosque but had to take place on a rugby field.¹³⁹

Muhammed Haron

131. Muhammed Haron testified to the character of his father and mother, and the psychological impact of his father's death. He recalled an encounter when he and a cousin dropped off food for his father at Caledon Square Police Station. He stood on Barrack Street and called up to his father: "Daddy! Daddy!". His father responded that he was okay and that they should not worry about him.¹⁴⁰ When giving evidence, Haron considered that moment, commenting that his father '*continued to reflect [his] positive spirit despite his negative surroundings*.'¹⁴¹
132. He remembered his father as a joyful, generous and happy-go-lucky person;¹⁴² and the weekend he heard that their father had died as "*one of the most traumatic weekends of [his] early life*."¹⁴³ The final days of his father's life in detention are excruciating memories.¹⁴⁴
133. Muhammed highlighted the re-traumatising impact that the outcome of the 1970 inquest had on him. It obscured the truth, with "*reckless reasons and defective legal outcomes*", it "*scarred [their] memories eternally*."¹⁴⁵
134. Muhammed described how the experience of being denied justice made him "cynical" towards the "*state for having dragged its feet, for having not responded to the needs of our society at large that have been oppressed*".¹⁴⁶ The ex-gratia payment made by the

¹³⁸ Re-opened inquest transcript, 10 November 2022, p 363: 23 – 25

¹³⁹ Haron Family Exhibit F4: Shamela Shamis affidavit, 04 November 2022, para 34

¹⁴⁰ Haron Family Exhibit F5: Muhammed Haron Affidavit *My Father's Final Days: Excruciating Memories*, 17 July 2022, p 112

¹⁴¹ Re-opened inquest transcript, 10 November 2022, p 407: 14 – 15

¹⁴² Re-opened inquest transcript, 10 November 2022, p 377: 20 - 23

¹⁴³ Haron Family Exhibit F5: Muhammed Haron Affidavit *My Father's Final Days: Excruciating Memories*, 17 July 2022, p 112

¹⁴⁴ As per the title of Haron Family Exhibit F5: Muhammed Haron Affidavit *My Father's Final Days: Excruciating Memories*, 17 July 2022, p 112

¹⁴⁵ Haron Family Exhibit F5: Muhammed Haron Affidavit *My Father's Final Days: Excruciating Memories*, 17 July 2022, p 118

¹⁴⁶ Re-opened inquest transcript, 10 November 2022, p 375: 5 – 9

state in the hope that the family would drop the matter and move on, did not have that effect.¹⁴⁷

135. He described the weight of grief and injustice that the family had to carry over the years as something that was difficult to talk about, even to family and friends, it was something they had to '*bear...in a silent manner.*'¹⁴⁸ Hearing of the political interference, which delayed justice even further, also '*disturb[ed] our hearts.*'¹⁴⁹

Fatiema Haron-Masoet

136. Fatiema Haron-Masoet was the last witness to testify in the re-opened inquest. Like her brother, she vividly recalled the day that van Wyk and Genis came to their home to inform her family of their father's death.¹⁵⁰ She was too young to understand what had happened, however, she remembered seeing the "*shadow of darkness and sadness*" overwhelm her mother.¹⁵¹ She recalled her mother's cries of pain and anguish.¹⁵² Due to their fundamentally changed circumstances, her mother had to move from their family home.¹⁵³
137. Fatiema spoke of sharing a small room with her mother in her grandmother's house, with all their belongings, including her mother's sewing machines crammed into the room.¹⁵⁴ Her family was scattered, with Shamela in the UK and her brother sent to live with family friends.¹⁵⁵ Her mother could not stop crying and she remembered her sobbing into her pillow at night, as she lay by her side. Fatiema could not do anything to help her, other than to hold her.¹⁵⁶
138. She witnessed her mother transform into a provider, adopting both the role of mother and father. This included learning how to drive so that she could get work as a seamstress at the drycleaners. She worked until she was 78 years old.¹⁵⁷ She also project managed building a new family home on the plot of land that she had saved up to buy.¹⁵⁸

¹⁴⁷ Re-opened inquest transcript, 10 November 2022, p 413: 21 – 414: 3

¹⁴⁸ Re-opened inquest transcript, 10 November 2022, p 414: 3 – 5

¹⁴⁹ Re-opened inquest transcript, 10 November 2022, p 437: 20 - 22

¹⁵⁰ Haron Family Exhibit F18: Fatiema Haron-Masoet Affidavit, 16 November 2022, p 2

¹⁵¹ Re-opened inquest transcript, 16 November 2022, p 913: 3

¹⁵² Haron Family Exhibit F18: Fatiema Haron-Masoet Affidavit, 16 November 2022, p 2

¹⁵³ *Id*

¹⁵⁴ *Id*

¹⁵⁵ Re-opened inquest transcript, 16 November 2022, p 915: 3 - 10

¹⁵⁶ Haron Family Exhibit F18: Fatiema Haron-Masoet Affidavit, 16 November 2022, p 2

¹⁵⁷ *Id*, p 3

¹⁵⁸ *Id*, p 4

139. From Fatiema's perspective, one of the challenges of losing her father at such a young age was that she felt she knew little about him and consequently felt 'inadequate' to speak on his behalf.¹⁵⁹ This inspired her to learn as much as she could about him from books and other resources, and yet she is still not satisfied with what she knows.¹⁶⁰ This feeling has also motivated her to pursue a quest for justice on her father's behalf.¹⁶¹
140. Along with her siblings, Fatiema never believed the version of the Security Branch of how her father died.¹⁶² Having heard the evidence at the re-opened inquest, she believes, without doubt, that their father was murdered.¹⁶³ From the inquest she hopes to obtain closure, as well as to prevent similar atrocities from happening again.¹⁶⁴
141. The family expressed their wish for the following outcomes:
- 141.1 that the findings of the 1970 inquest be overturned in their entirety,¹⁶⁵
 - 141.2 that the court finds that the evidence that their father fell down the stairs is declared to be a 'pack of legal lies',¹⁶⁶
 - 141.3 that each of the security policemen who were involved in the brutal interrogation of their father be found guilty of torture and calculated murder,
 - 141.4 that those who played a role in covering up these crimes, including the medical doctors, prosecutor and magistrate be posthumously stripped of their qualifications for their grossly unethical conduct,
 - 141.5 that the names of these persons be announced publicly, and they be publicly shamed for their disgraceful conduct,
 - 141.6 that the 1970 inquest be used as a model of how gross injustice was meted down in the apartheid era,
 - 141.7 that this Honourable Court help restore '*some sort of justice that has been missing for much of our lives.*'¹⁶⁷

¹⁵⁹ *Id*

¹⁶⁰ *Id*, p 4

¹⁶¹ *Id*, p 6

¹⁶² Re-opened inquest transcript, 16 November 2022, p 934: 12 – 14

¹⁶³ Re-opened inquest transcript, 16 November 2022, p 941: 17 – 19

¹⁶⁴ Re-opened inquest transcript, 16 November 2022, p 934: 25 – 935: 6

¹⁶⁵ Re-opened inquest transcript, 16 November 2022, p 937 – 938

¹⁶⁶ Re-opened inquest transcript, 16 November 2022, p 937: 4 – 7

¹⁶⁷ Re-opened inquest transcript, 16 November 2022, p 940: 2 – 6

EVIDENCE OF JOHANNES BURGER

142. In 1969, Johannes Hendrik Hanekom Burger ("Burger") was a 24-year-old constable in the SAP based at Maitland Police Station ("Maitland"). He was the only living police member that could be traced by the family's legal team. The family's attorneys referred Burger to the NPA who called him as a witness.
143. It was unfortunate to say the least that Burger was the only surviving police officer from that time. All the interrogators, as well as those exercising authority in the Security Branch and at Maitland have died. This is the terrible cost of justice delayed.

Evidence at the 1970 inquest

144. Burger gave written¹⁶⁸ and oral testimony at the 1970 inquest. In his statement before the first inquest Burger indicated that he held the rank of constable and drove a patrol car at Maitland Police Station.
145. He saw Haron many times during the time that Haron was detained at Maitland Police Station. Haron's cell door had two locks, with one key kept in the safe in the Indictment Office, and the other key was at all times in the possession of the patrol vehicle driver, which was Burger when he was on duty.
146. On several occasions Burger took to Haron the food brought by his family, which he would eat at 6:30 pm. Haron, who only ate in the evenings, ate very badly and sometimes when he did not eat, he would ask Burger to give his food to the other prisoners.
147. On many occasions he let Haron out of cell for exercise in the courtyard, sometimes in the mornings and sometimes in the afternoon. In the beginning Haron exercised and walked around the courtyard, moving for about 20 - 30 minutes at a time. Later in his detention Haron did not walk and instead stood in the sun when it was shining. Sometimes Haron did not even want to come out of the cell. Then the cell door was simply left open for fresh air for a while.
148. Burger claimed that Haron was always polite and talked to him about all kinds of things.
149. On the morning of 14 September 1969, after Haron showed him blood splatters in the latrine bowl in the cell and advised him that he passed blood with his stool, he reported

¹⁶⁸ Vol A2, Exhibit J (JHH Burger affidavit submitted to 1970 inquest)

this to Rademeyer, who later sent him to Nite-Kem to collect Anusol suppositories. Burger personally handed over three of the suppositories to Haron.

150. While Haron's cell was cleaned on 26 September 1969, he stayed and slept overnight in the so-called White cell. At about 8.20 am on 27 September 1969 Rademeyer ordered Burger to transfer Haron back to his cell. Burger carried his bedding and Haron carried his clothes, pillow and food. Haron was fully clothed at the time.
151. According to Burger, on the morning of his death, Haron had no complaints and was seemingly healthy, but he did not want to exercise and stood around in front of his cell door without moving. When there were five minutes left before Haron had to be locked up, Haron told Burger that his stomach hurt. Burger asked the deceased if he wanted to see a doctor. Haron apparently said no and instead asked for pain tablets and toilet paper, which Burger gave him. When he returned, Haron, still dressed in his clothes, was sitting with his feet on top of the toilet bowl in a position to defecate.
152. At about 10 am on 27 September, while Burger was in the charge office, Captain Malan came, and he and Rademeyer went to Haron's cell. They returned about 15 minutes later and informed Burger that Haron had been found dead. Burger then went to Haron's cell where he observed him lying on a mat, dressed in his pyjamas.

Oral testimony during cross-examination¹⁶⁹

153. Burger said he told Haron to walk around, take deep breaths, and in the beginning, he walked regularly but he did not do exercises with his arms or legs.¹⁷⁰
154. Burger noticed that during the last 14 days before his death Haron was not walking during his exercise times, although he did not observe him the whole of those two weeks as he was on night shift for part of the time.¹⁷¹
155. Burger was on night duty on the following dates: 17, 18, 19, 20, 21, 22 and 24 September 1969.¹⁷² He was off duty on Thursday 25 September¹⁷³ and he came on duty at 2 pm on Friday, 26 September 1969.¹⁷⁴
156. On 27 September 1969, Burger came on shift at 6 am, and from before 8 am until about

¹⁶⁹ Vol A3, pp 52: 5 – 57: 13

¹⁷⁰ VolA3, pp 56: 24 – 57: 13

¹⁷¹ VolA3, pp 55: 25 - 56: 9

¹⁷² Vol A3, p56: 7 - 8 (Burger)

¹⁷³ Vol A3, p56: 7 - 8 (Burger)

¹⁷⁴ Vol A3, p56: 8 - 9 (Burger)

8.30 am he saw Haron, who was in his cell, wearing his pyjamas underneath his own trousers.¹⁷⁵ When Burger opened the cell, Haron was standing and walked out of his cell normally.¹⁷⁶

157. Five minutes before Burger had to lock Haron in his cell again, Haron rubbed his stomach and said it was not feeling well.¹⁷⁷ Burger asked him if he wanted to see a doctor, but Haron apparently declined, instead asking for prescribed pain tablets which were in the charge office. Burger did not know how the pain tablets got there.¹⁷⁸

Re-opened inquest

158. The NPA handed up Burger's affidavit dated 9 September 2020 and marked it as Exhibit "X" at the re-opened inquest.

159. The personal file¹⁷⁹ of Burger, disclosed that by the time of his retirement from the police on 25 January 1997, he had received the following awards and commendations:

159.1 The SAP medal for loyal service.

159.2 The SAP star for loyal service.

159.3 The SAP star for merit.

159.4 The SAP medal for the combating of terrorism.

159.5 The SAP 75-year commemoration medal.

160. In his original affidavit before the first inquest dated 4 December 1969, Burger stated that he saw the deceased "many times" from the time he arrived at Maitland until the day he died on 27 September 1969. He also maintained that initially Haron exercised regularly in the courtyard, and it was only later that he simply stood in the sun. On the day of his death, he simply stood around in front of his cell door and did not want to move.¹⁸⁰

161. In his affidavit Malan states that Haron was kept alone in a double-locked cell. At all times one key was kept in the safe in the charge office and the other key was in the

¹⁷⁵ Vol A3, p 53: 14 - 25

¹⁷⁶ Vol A3, p 54: 12 – 15, p 54: 3 - 5

¹⁷⁷ Vol A3, pp 54: 22 – 55: 2

¹⁷⁸ Vol A3, p 55: 2 - 13

¹⁷⁹ NPA Exhibit DDP24 at page 1247

¹⁸⁰ Vol A2: Exhibit J

possession of the on-duty patrol car driver.¹⁸¹ The double lock system at the Maitland police cells was also dealt with by Burger during cross examination in his testimony during the re-opened inquest.¹⁸² He testified that the double lock system was only for “security detainees” and that he was a patrol car driver and kept the other key. Therefore, if anybody wanted to see Haron, they would need to call Burger.¹⁸³

162. In his affidavit of 9 September 2020, Burger confirmed the contents of his earlier affidavit of 4 December 1969. He stated in his affidavit that he never worked with Spyker van Wyk and did not know him personally.

163. Burger claimed that he was amazed to see the wounds on Haron's body as depicted on a diagram shown to him by Colonel Petersen on 9 September 2020.¹⁸⁴ The diagrams had been drawn by Dr Molefe and formed part of her expert report. In his affidavit he claimed that he did not understand why the deceased had not complained.¹⁸⁵

Moment of truth

164. Burger was asked, under cross-examination, whether there was anything missing from the evidence he gave before the first inquest, to which he might like to add or adjust. Burger responded that at the time in South Africa there were “*riots, limpet mines and tyres burning*”, and it felt as though South Africa was under siege. He fought on the Angolan border against “*external enemies*”. He believed there was a terrorist threat. He was a young man at the time.¹⁸⁶ He added, “[y]ou had to be silent about what you said”¹⁸⁷ In response to a request to elaborate, he responded by saying “[y]ou just answer or say what you have been given or being asked”.¹⁸⁸

165. Burger continued, still in response to this question, to state the following:

MNR BURGER: En 'n mens kan ook dan nie, vir wie moet ek dit vertel het van die Imam. Niemand vra vir jou vrae nie. Dit gaan goed. Die offisiere en die mense

¹⁸¹ Vol A2: Exhibit G (Malan affidavit, paras 2-4)

¹⁸² Re-opened inquest transcript, 14 November 2022, pp 633:1-9; pp 696:8-698:3; pp 698:16-701:17

¹⁸³ Re-opened inquest transcript, 14 November 2022, p 700

¹⁸⁴ Burger affidavit 9 September 2020

¹⁸⁵ NPA Vol B (DDP 1-20): Petersen affidavit p 7 and Burger affidavit 9 September 2020

¹⁸⁶ Re-opened inquest transcript, 14 November 2022, p 642 - 643

¹⁸⁷ Re-opened inquest transcript, 14 November 2022, p 641 line 20

¹⁸⁸ Re-opened inquest transcript, 14 November 2022, p 645 line 10

*wat die selle besoek het, nie een van hulle het 'n entry gemaak, die Imam kan nie loop nie of die Imam is seer.*¹⁸⁹

166. Translated into English as:

And one cannot then either, to whom should I have told this about the Imam. No one asks you questions. [Is it] going well. The officers and the people who visited the cells, none of them made an entry, the Imam cannot walk, or the Imam is hurt.

167. This passage sums up Burger's predicament as a young junior officer in the SAP. It is also a moment of lucidity and truth on his part.

167.1 It discloses firstly that he was aware of the dire condition of the Imam in the two weeks before his death, namely that he was hurt and could not walk.

167.2 And yet he asks with consternation *who was he was supposed to tell?* The clear implication was that nobody at Maitland Police Station, in particular his superiors, cared or would act on his concern.

167.3 The second implication is that for this reason, there was no point in telling anyone.

167.4 It follows that if nobody was willing to do anything about the health of the Imam, they were hardly going to make entries about his real state.

167.5 If such entries were not going to be made, then it stands to reason that they were not going to take concrete action such as arranging medical attention.

167.6 He discloses some frustration, or perhaps an attempt at exculpation, when he says that "even" those "in charge" were not doing anything.

167.7 The implication being that if those in charge would not do anything, he could hardly do so as a young junior policeman.

168. This passage stands in contrast to his subsequent attempts to obfuscate his own role in relation to Haron, where he avoided answering direct questions as to what exactly he reported and recommended to his superiors.

What Burger reported

169. When cross-examined about what appeared to be a deliberate effort not to document Haron's deteriorating health, Burger claimed he reported Haron's condition to his

¹⁸⁹ Re-opened inquest transcript, 14 November 2022 p 642: 23-25 and p 643: 1 - 2

superiors, but they did not record this in the occurrence book and that he could not be blamed for their failure to do so.¹⁹⁰

170. When asked under cross-examination whether he recorded Haron's inability to walk properly in his pocket book he did not answer, and instead stated that he handed his pocket book to his superiors and Colonel Peterson followed this up. After further cross-examination on this point, he claimed that he wrote in his pocket book¹⁹¹ without specifying whether he wrote about Haron's condition. When pressed on the matter and invited to state simply that he could not remember, he stated that he "*made an entry*".¹⁹²
171. On the balance of probabilities, we submit that this Honourable Court can accept Burger's initial "*who was I supposed to tell*" evidence, but it must reject his attempts to claim or imply that he made an entry recommending medical attention for Haron. If he had done so, he would have simply said so instead of offering obfuscation. Secondly, doing so, when on his evidence, his superiors did not care and would not act, would have brought him into conflict with them, or worse the Security Branch.

Knowledge of the Security Branch

172. When asked by the family counsel and the Court whether the police at Maitland had to follow the instructions of the Security Branch, he did not answer, saying he had nothing to do with them and never spoke to them as they always spoke through a superior officer, never to him.¹⁹³
173. When the family's counsel asked him whether he was aware of the reputation of the Security Branch as "*an elite, even a feared unit within the South African Police*", Burger replied:

*MNR BURGER: O, ek sal moet diep dink. I can't answer that sir because remember ons is nie Caledon Square nie. We're at Maitland. Maitland is how many kilometres from dinges? The only come to the station in relation to the Imam. That's the only time you hear they're around.*¹⁹⁴

174. In response to this unconvincing display of ignorance, the question was posed again, and the following response received:

¹⁹⁰ Re-opened inquest transcript, 14 November 2022, p 650 - 651

¹⁹¹ Re-opened inquest transcript, 14 November 2022, p 654: 10

¹⁹² Re-opened inquest transcript, 14 November 2022, p 654: 17

¹⁹³ Re-opened inquest transcript, 14 November, pp 659 - 660

¹⁹⁴ Re-opened inquest transcript, 14 November 2022, p 661: 1-3

*MR BURGER: I don't speak to them. The only time — not even mix with them. It is in relation to the Imam's unfortunate death and when I was called in to make a statement. That's all, no orders. I don't talk to them, I'm sorry. It's dangerous.*¹⁹⁵

175. A snippet of truth emerged when he stated “I'm sorry. It's dangerous.” Later when asked again, Burger states the following:

*MR BURGER: I don't want to lie to the Court. I don't want to lie to the gentleman. I never [thought] that. I never thought that, and I can't — I don't even think ill of anybody because it is not for me to say until I've got proof. Elite, feared, no. So, then you must have on different stations — on the station level also feared people because we're combatting crime.*¹⁹⁶

176. Ultimately counsel for the family put it to Burger that he was being “evasive”.¹⁹⁷
177. Throughout his testimony Burger continued to remain evasive regarding the reputation of the Security Branch. Under cross-examination Burger accepted that the Central Investigations Division (CID) should have investigated Haron's death and that it was unusual that the Security Branch took charge of the investigation into the death.
178. Burger disclosed that Pienaar wrote his statement and for all practical purposes decided what would go into the statement.¹⁹⁸

Feigned ignorance of the abuse of political detainees

179. When questioned about the notorious reputation of Spyker van Wyk, Burger responded by saying that he knew he was a difficult man but would go no further than that.¹⁹⁹ He claimed ignorance of the allegations of torture of detainees made against van Wyk.²⁰⁰
180. A further unbelievable averment made by Burger under cross-examination was that he only became aware of abuse of the political prisoners in 2020. He confirmed this claim again when the Honourable Justice Thulare posed the same question.²⁰¹

¹⁹⁵ Re-opened inquest transcript, 14 November 2022, p 661: 23-25 and p 662: 1-3

¹⁹⁶ Re-opened inquest transcript, 14 November 2022, p 662: 9 – 15

¹⁹⁷ Re-opened inquest transcript, 14 November 2022, p 663

¹⁹⁸ Re-opened inquest transcript, 14 November, pp 678: 12 - 679: 25

¹⁹⁹ Re-opened inquest transcript, 15 November 2022, p 747: 5

²⁰⁰ Re-opened inquest transcript, 15 November 2022, p 753: 1 - 10

²⁰¹ Re-opened inquest transcript, 14 November 2022, p 665: 17-19

MR VARNEY: So, are you seriously suggesting Mr Burger that it was only in September of 2020 when you were shown those diagrams that you finally learn[ed] that the security branch abused detainees in security detention?

MNR BURGER: I [know] the gentleman is [] good a[t] his job but I all I want to say to you sir, you mentioned now the detainees. I can't speak about detainees. Hierdie is iemand en iemand was so behandel.

COURT: I think what counsel wants to establish from you is whether you knew for the first time in 2020 about the abuse of political prisoners?

MR BURGER: Yes.

MR VARNEY: ...Mr Burger I just have to put it to you that I find it very difficult to believe that only in September 2020 did it dawn on you that serious allegations have been made against the security branch of torture and abuse in security detention and I put the following to you as well. You joined the police in 1963. You retired in 1997 and during all that period through the 60's, through the 70's, through the 80's and through the 90's, it was only in September 2020 that you heard for the first time of this kind of abuse by the security branch in security detention and I put it to you that [] evidence is false.

MNR BURGER: Dis vals?

MR VARNEY: It's false.

181. When pressed under cross-examination he admitted that he had heard about deaths in detention because he read the Cape Times and Die Burger.²⁰²

Burger's view of Haron

182. It was put to Burger that he had been awarded five medals and commendations by the SAP including the SAP Medal for the Combating of Terrorism. He was asked whether he had supported the government's fight against terrorism, he agreed that he was a supporter of the SAP, but not "*the political party in charge*".²⁰³
183. When asked during cross examination whether he knew Haron was involved in terrorist activities responded as follows:

²⁰² Re-opened inquest transcript, 14 November 2022, p 668: 13 -14

²⁰³ Re-opened inquest transcript, 14 November 2022, p 671 - 672

*The only thing I heard was he received, he accumulated money to send people to be trained. Now, you can be trained at anything, not to say out of the country. The only people who really know what has happened, is that same Spyker van Wyk you're talking about. I can't tell you. I'm honest with you.*²⁰⁴

184. Burger contradicted his earlier testimony during his examination in chief when he was asked why Burger was held in detention:

MNR BURGER: Edelaagbare, nooit wat hoor ek. Al wat ek gehoor het, hy was besig om geld in te samel vir terroris opleiding.

INTERPRETER: The only thing or what I heard is he was busy getting money for ... [terrorist training]

COURT: He was a political detainee.

*INTERPRETER: Sorry, M'Lord. I just want to bring this across. The only thing that I know that he was busy getting money so that he can get training for terrorism.*²⁰⁵

185. Under cross examination, Burger denied that he thought bad of Haron or regarded him as a terrorist, even though he was aware that Haron had been arrested for allegedly funding people to go for terrorist training.²⁰⁶

186. In our view his response was disingenuous.

The evasive witness

187. When asked about the recording of his statement by Pienaar and whether his account of his experiences with Haron might have been any different if it had not been the Head of the Security Branch in Cape Town taking his statement, Burger was characteristically evasive, claiming that what he thought was irrelevant.

MR VARNEY: My question is but for the fact that it was Colonel Pienaar sitting across the table from you, but for the fact that he was the officer commanding of the security branch in Cape Town, you might have said a whole lot more than you did?

²⁰⁴ Re-opened inquest transcript, 14 November 2022, p 673: 16-20

²⁰⁵ Re-opened inquest transcript, 14 November 2022, p 633: 10-20

²⁰⁶ Re-opened inquest transcript, 14 November 2022, p 674 - 675

MNR BURGER: Your Honour, ek kan nie daai vraag beantwoord nie, eerlik waar. I don't want to lie to the Court.

INTERPRETER: M'Lord, honestly, I can't answer the question. I cannot lie to the Court.

MR VARNEY: Well, when you say that you can't answer the question and you don't want to lie to the Court, what are we meant to make of that, Mr Burger?

MNR BURGER:Ek praat van die omstandighede van die verklaring. Ek moet dit net aanvaar as dit was ...[onduidelik] man, het ek daar gesit en my statement was gevat en klaar. Wat ek gedink het, dit is nie die saak nie. It cuts no [ice].

.....²⁰⁷

188. Counsel for the family explored with Burger the possibility that he might have monitored Haron at wash time. It appeared that the witness was aware of the ultimate aim of the line of questioning, namely, to ascertain whether he would have been able to observe some of the visible injuries on Haron. Burger became remarkably evasive. Although he admitted he was involved in monitoring exercises in the yard and the cleaning of cells, he claimed he could not remember if he monitored Haron or any other detainee ever washing themselves. He speculated that maybe the Security Branch took him for washing.²⁰⁸
189. Burger eventually accepted that detainees in police stations, particularly those held for weeks and months, were permitted to wash or shower, and that when doing so they were monitored. He accepted this saying “yes, *that is probably so*” but claimed he had never done such monitoring.²⁰⁹ In our view his response is improbable in the circumstances.
190. Burger agreed there were regular inspections at the cells but could not say if they were hourly or not.²¹⁰ He claimed that he did not do any cell inspections himself.

Denial of medical attention

191. Counsel for the family explained to Burger that earlier in Haron's detention he was permitted to see a doctor on 7 July for a pain in the chest, on 10 July for general

²⁰⁷ Re-opened inquest transcript, 14 November 2022, p 680 – 681. English translation of Burger's answer: “..... I am talking about the circumstances of the statement. I just have to accept it [as] it was...[unclear] man, I sat there, and my statement was taken and done. What I thought, that's not the case. It cuts no [ice].”

²⁰⁸ Re-opened inquest transcript, 14 November 2022, p 686 – 688

²⁰⁹ Re-opened inquest transcript, 14 November 2022, p 690 - 691

²¹⁰ Re-opened inquest transcript, 14 November 2022, p 693

weakness, and on 14 September for rectal bleeding. However, following his three-day extraction (17 – 19 September), even though he had similar complaints between 20 and 27 September, which included headaches, pains in chest and stomach, as well as rectal bleeding, he never saw a doctor. It was put to Burger that this was strange given that when he had similar ailments previously, he was able to see a doctor. He responded that he “*can’t answer that directly and say it is so*” but said that he “*can’t say it’s not true*”.²¹¹

192. The evidence of Captain Malan, who on 20 September spoke to Haron who complained of chest pain and placed his hand on his chest, was also put to Burger. According to Malan he looked like he was in pain. However, quite remarkably, Malan claimed he did not want to see a doctor but rather the Security Branch. Burger responded by saying he could not understand that.²¹² It was further put to Burger that later on the same day, when Haron complained of headaches, rather than call a doctor, Security Branch officer Geldenhuys was notified, and he went to his home to collect his own prescription medicine for Haron. Burger agreed it was strange, saying it “*doesn’t sound right to me*”.²¹³
193. It was ultimately put to Burger that in that period the Security Branch wished to keep Haron away from a doctor. His response was that he could “*not answer yes or no*”, but after he saw the diagram shown to him by Col Peterson in September 2020, he realised that “*the less people knew about Haron’s injuries, the better.*”²¹⁴
194. It is our respectful view that Burger’s realisation was not post-facto some 50 years later. On his own version, he was on duty at Maitland in the preceding 14 days prior to Haron’s death and had frequent contact with the Imam. At the minimum he would have seen Haron’s deteriorating condition and would have known that he was not receiving medical attention.
195. When counsel for the family asked if Burger was not alarmed when Haron was too tired or weak to leave his cell when he had the opportunity to do so, Burger responded by saying that he asked Haron on many occasions whether he wanted to see a doctor. Burger claimed that Haron did not want to see a doctor and that he could not force him to get medical attention.²¹⁵

²¹¹ Re-opened inquest transcript, 14 November 2022, p 721

²¹² Re-opened inquest transcript, 14 November 2022, p 723

²¹³ Re-opened inquest transcript, 14 November 2022, p 724

²¹⁴ Re-opened inquest transcript, 14 November 2022, p 725 - 726

²¹⁵ Re-opened inquest transcript, 15 November 2022, p 738

196. We submit that this evidence is highly improbable. Burger's refrain that he kept asking Haron if he wanted a doctor, to which Haron kept saying no, does not ring true. Haron did see doctors on 7 and 10 July and 14 and 15 September 1969. By way of example, on 14 September 1969 when Haron complained to Burger of blood in his stool, Burger told Rademeyer who called Col Pienaar. Pienaar instructed Rademeyer to call the district surgeon.²¹⁶ There was a clear chain procedure to be followed.
197. The medical evidence suggests the worst of the torture took place during the three-day extraction, leaving Haron seriously debilitated. According to Dr Naidoo, after this period, anyone would have seen that Haron was in a seriously incapacitated state.²¹⁷ He was making frequent complaints of pain. Yet post 19 September, Burger claimed that Haron was "*seemingly healthy*", when in fact he was broken and largely immobilised.
198. We submit that the Court must reject this evidence as false. We submit further that it must also reject as false the claim by Burger that Haron steadfastly refused to see a doctor during this period.
199. It should be noted that even where a detainee or prisoner does not wish to see a doctor, if the police observe someone in their custody in obvious pain, they are duty bound to provide medical attention. This is a legal duty imposed on them, which we will expand on later in these arguments.

Contrasting Burger's observations with the medical evidence

200. Burger was shown a life size cut-out model of a similar height and build as Haron on which the injuries sustained by Haron were depicted. The model was created by artist Haroon Gunn-Salie and the injuries depicted reviewed by Dr Naidoo.
201. Counsel for the family explained to Burger that according to Naidoo the yellow and blue injuries were quite severe in nature and that in Naidoo's view the injury on the Achilles heel would have immobilised Haron or caused him to limp. When asked whether Burger saw Haron limping in the last two weeks, Burger stated that Haron walked slowly.²¹⁸ This contradicts his testimony at the 1970 inquest when in response to a question posed by Cooper SC whether Haron worked slowly out of his cell on the day of his death, Burger responded that he walked "normally".²¹⁹
202. Burger agreed that the extent of the bruising indicated that they were the product of

²¹⁶ Vol A2: Exhibit I (Rademeyer affidavit)

²¹⁷ Re-opened inquest transcript, 11 November 2022, p 521: 3-7

²¹⁸ Re-opened inquest transcript, 15 November 2022, p 730: 16

²¹⁹ Vol A3, p 54 1-5

“hard assaults...”.²²⁰ Burger was told that Haron was interrogated almost daily until his death²²¹ and that the red coloured bruises on his shins indicated that he most probably was kicked as he lay immobilised on the floor of his cell.²²² Burger stated that *“I think I will be selling myself short, but I doubt [] the defence words.”*²²³

203. It was put to Burger that in light of *“the large bruising on the lower limbs that the two pathologists say were caused by blunt force injury and caused considerable pain, can you see why we see that [] a claim that he was in good condition as not believable?”*²²⁴ Burger conceded ex post facto that Haron had been tortured.
204. As mentioned above, Burger maintained that it was only in September 2020 when Col Petersen showed him the diagram that he realised that Haron had been tortured.²²⁵ The constant refrain that he was unaware that Haron was tortured is unsustainable.
205. Dr Naidoo stated that the extent and severity of the bruising on the limbs would be disabling and debilitating. Haron would have been mostly immobile. We submit that this Honourable Court should find that, at least in the last two weeks, Burger was well aware that Haron had been abused while in detention and was a seriously injured man.
206. In his evidence in chief, Burger stated that when Col Pienaar took his statement at Caledon Police Station, Pienaar showed him a diagram of the deceased depicting a blue mark on the left side where the stomach and ribs meet. He was informed by Pienaar that the bruise was the result of a fall at Maitland Police Station. Burger testified that he knew this was false, since if he had fallen on that staircase, which is only 4 steps, the injuries would most likely be on his knees.²²⁶ Even after being told an obviously false story by the Security Branch to explain away an injury, Burger still refused to admit the feared status of the Security Branch, or that they practiced torture until he saw diagrams depicting Haron’s injuries in September 2020.

The aspects on which Burger provided false evidence

207. Counsel for the family put it to Burger, that contrary to his claims in the re-opened inquest, on the probabilities he was in fact well aware:

²²⁰ Re-opened inquest transcript, 15 November 2022, p 732: 5

²²¹ Re-opened inquest transcript, 15 November 2022, p 743: 10-20

²²² Re-opened inquest transcript, 15 November 2022, p 748: 20-23

²²³ Re-opened inquest transcript, 15 November 2022, p 749: 1

²²⁴ Re-opened inquest transcript, 15 November 2022, p 750: 12-16

²²⁵ Re-opened inquest transcript, 15 November 2022, p 749

²²⁶ Re-opened inquest transcript, 14 November 2022, p 628: 8-10, 629

- 207.1 of the notorious reputation of the Security Branch;²²⁷
- 207.2 that the Security Branch abused detainees, and that his contention that he only became aware of such abuse in September 2020 is false;²²⁸
- 207.3 of the deteriorating condition of Haron over the last two weeks of his detention, as well as the reason for his ill health.²²⁹
208. In addition, the family counsel put to him:
- 208.1 That he and the Maitland police played their part in ensuring that no doctor saw Haron.²³⁰
- 208.2 And that he, and the police generally, perceived Haron as a 'subversive and a terrorist' and therefore not worthy of compassionate treatment.²³¹
209. In response to these assertions, Burger stated that he stood by his testimony.²³²
210. The Honourable Justice Thulare returned to the evidence of the pathologists and pointed out to Burger that Haron was a man with damaged muscles, having difficulty breathing, bruised and in pain, and asked again if Burger saw anything along these lines. Burger conceded Haron must have been in pain.²³³ Although acknowledging that Haron must have been in pain, Burger still maintained that Haron never complained to him.²³⁴
211. Under re-examination it was put to Burger by the family counsel that since he admitted to his Lordship that he was aware Haron was in pain, he was duty bound, as a police officer, to seek assistance for Haron.²³⁵ Burger claimed that he told the sergeant in charge about Haron's pain, but he was not allowed to take the matter further himself.²³⁶ In response the following observation was made:

²²⁷ Re-opened inquest transcript, 15 November 2022, p 769: 13 - 16

²²⁸ Re-opened inquest transcript, 15 November 2022, p 769: 1 - 5

²²⁹ Re-opened inquest transcript, 15 November 2022, p 770: 13 - 18

²³⁰ Re-opened inquest transcript, 15 November 2022, p 770: 13 - 18

²³¹ Re-opened inquest transcript, 15 November 2022, p 770: 23 - 25

²³² Re-opened inquest transcript, 15 November 2022, p 771: 3 - 4

²³³ Re-opened inquest transcript, 15 November 2022, p 782: 12 - 20

²³⁴ Re-opened inquest transcript, 15 November 2022, p 783: 9 - 10

²³⁵ Re-opened inquest transcript, 15 November 2022, p 785: 16 - 23

²³⁶ Re-opened inquest transcript, 15 November 2022, p 785: 16 - 23

MR VARNEY: You see the problem I have with your evidence Mr Burger is that you're not saying that you went to the sergeants and reported that the deceased needs to see a doctor urgently. That's not your evidence.

MNR BURGER: Ekskuus tog?

MR VARNEY: It's not your evidence that you went to the sergeant in the charge office and said to the sergeant the man needs to see a doctor. That's not your evidence.

MNR BURGER: No. Ek sê mos nou net, sersant, die Imam is onder pyn. U moet dit hanteer asseblief om die nodige mense te bel. Ek kan nie – ek gee hom nie instruksie nie. Ek rapporteer van die persoon se toestand, hoe hy voel.

INTERPRETER: I went to the sergeant and told the sergeant that, Sergeant, the person is in pain. It was just reporting. I can't give him instruction to take him to the doctor. It was his duty. I'm reporting.

MR VARNEY: You can't give him instructions, but you can make a recommendation or suggestion.

MNR BURGER: Agbare, miskien het ek daai voorstel gemaak. Ek kan nie 40 of 30 of hoeveel jare terug teruggink en daai dinge onthou nie. Maar al wat ek weet, alles wat daar verkeerd gegaan het, het ek gerapporteer, want waarvoor moet ek dit vir myself hou.

INTERPRETER: M'Lord, I made the suggestions back then, but I can't tell in fact that long, 30 years ago, M'Lord. And what I saw and what was wrong, I reported. Why should I keep to myself?

MR VARNEY: Well, I put it to you that, if in fact you have made that suggestion, that is an important piece of evidence which would have emerged in your September 2020 statement, or it would have emerged during the course of your evidence in chief or under cross-examination.²³⁷

212. His claim that “*what I saw and what was wrong, I reported. Why should I keep to myself?*” is directly contradicted by his earlier evidence, when he complained about the oppressive context he found himself in to explain the inaction on Haron. He asked, ‘who he was supposed to tell’, when not one of the responsible officers visiting the cells were

²³⁷ Re-opened inquest transcript, 15 November 2022, p 786: 10 - 25 and p 787: 1 - 16

prepared to make entries noting that the Imam could not walk or was in pain.

*MNR BURGER: En 'n mens kan ook dan nie, vir wie moet ek dit vertel het van die Imam. Niemand vra vir jou vrae nie. Dit gaan goed. Die offisiere en die mense wat die selle besoek het, nie een van hulle het 'n entry gemaak, die Imam kan nie loop nie of die Imam is seer.*²³⁸

213. It was put to Burger by the family counsel that in light of his concession to Honourable Justice Thulare, that in the last two weeks Haron was a sick man and in pain, that at a minimum, he and his fellow police officers at Maitland were negligent in not providing Haron medical attention.
214. It was further put to him that if the Security Branch prevented Haron from seeing a doctor, and the probabilities are quite high that they did, then it became an intentional act on behalf of the Security Branch, as well the Maitland police officers who collaborated in that arrangement. Since the members concerned were aware that he was sick and in pain, and that his health would decline putting him at risk of death, intentionally stopping medical treatment would amount to the crime of murder.²³⁹ That exchange is set out below:

MR VARNEY: In the light of your concession to His Lordship, and at [that] time, the last two weeks, the deceased was a sick man and in pain, do you agree that at the minimum you and your colleagues at Maitland police station were negligent in not providing the deceased with medical attention?

MNR BURGER: Edelaagbare, dis maklik om die pakkie op my nek te gooi. My instruksie is, enige iets wat verkeerd is en wat ek sien moet ek rapporteer aan die aanklagkantoor sersant.

INTERPRETER: M'Lord, it's easy that attention be ...[intervenes]

MNR BURGER: En dit het ek gedoen ten alle tye.

INTERPRETER: ... given to me or directed to me, M'Lord. But whatever that was wrong or what I observed, I reported to the charge office or at the officer that was in charge.

²³⁸ Re-opened inquest transcript, 14 November 2022 p 642: 23-25 and p 643: 1-2. English translation: *And one cannot then either, to whom should I have told this about the Imam. No one asks you questions. It is going well. The officers and the people who visited the cells, none of them made an entry, the Imam cannot walk, or the Imam is hurt.*

²³⁹ Re-opened inquest transcript, 15 November 2022, p 788 - 791

MNR BURGER: Dit is maklik om vinger te wys.

INTERPRETER: It's easy to point fingers.

MNR BURGER: Maar u moet onthou dat ek onder instruksies werk.

INTERPRETER: But you must remember that I worked under instructions.

MNR BURGER: En dissipline is dissipline.

INTERPRETER: Because I was working under instruction and discipline is discipline.

MR VARNEY: We will be submitting to His Lordship that on the probabilities at the very minimum, you and your colleagues at Maitland were negligent in not providing medical attention for the deceased.

MNR BURGER: [Onduidelik]

INTERPRETER: May I answer that?

MR VARNEY: I'm just putting it to that that is what we will be submitting.

MNR BURGER: Nee, nee, dit is alles reg. Dis u reg, Edelaagbare. Ek kan niks daaromtrent doen nie. Ek is mos al wat nog lewe. Hoe lank nog weet ek nie, maar dis maklik om die pakkie te pak hierso.

INTERPRETER: It's correct – you're correct by saying that, but I'm the only one that is still alive, and everything be directed, or burden will be me.

MR VARNEY: Mr Burger, I already pointed out that it's most unfortunate that you're the only surviving police officer. I can assure you that it [was] the family's wishes to have had the more senior officers available today. But as we know, because this inquest has taken some 53 years later, that is regrettably not possible. If I may continue. If in fact the Security Branch took steps to prevent the deceased from seeing a medical doctor during those last two weeks and it will be our submission that the probabilities are quite high, that the Security Branch did not wish the deceased to see a medical doctor because of the extensive bruising, then we will be submitting that that was an intentional act on behalf of both the Security Branch as well as the Maitland police officers who acceded to that arrangement of the Security Branch. Do you have any response to that?

MNR BURGER: Edelaagbare, die observasie wat gemaak word deur die heer.

INTERPRETER: M'Lord, the observation that is made by the defence...

MNR BURGER: Ek kan nie sê hy's verkeerd nie.

INTERPRETER: I can't say that he's wrong.

MNR BURGER: Maar wat ek vir u wel kan sê, ek staan by my getuie wat ek afgelê het.

INTERPRETER: But what I can say is, that I still stand by the testimony, or the evidence given.

MR VARNEY: And if it was an intentional act on behalf of the Security Branch and the Maitland police officers concerned to keep him away from a doctor, then we will be submitting that the police officers in question reconciled themselves with the fact that his health would decline without medical attention and that he may die. Any response to that?

MNR BURGER: Edelagbare, met respek gesê, ek verstaan nou nie al hierdie Engels so lekker nie, maar as dit dan nou so is soos die heer sê, ek bepaal my net by my verklaring. Dis al.

INTERPRETER: M'Lord, I don't understand the English that well all the time, but if in fact what the defence is saying, I'm still standing by the evidence or testimony that I've given.

MR VARNEY: Perhaps to put it bluntly, Mr Burger, if was merely a question of negligence then the crime arising [is] known as culpable homicide, but if it was an intentional act to keep the doctor away ..., knowing his state of health, knowing him to be sick and in pain, then they would have been aware and would have anticipated that his health would decline and that he may die, that then may convert the crime in question to murder.

MNR BURGER: Edelagbare, ek sê weereens...

INTERPRETER: M'Lord, I'm saying this once again and once more...

MNR BURGER: ... dat wat die heer daar sê, is korrek.

INTERPRETER: ... what the defence is saying...

MNR BURGER: ... want ek het niks daarmee te doen nie. Ek het nie vir die Veiligheidstak gesê julle moet so maak nie, vir die charge officer nie...

INTERPRETER: M'Lord, what the defence is saying is correct, M'Lord. But I was not there to tell the Security Forces or the Security Branch what to do.²⁴⁰ (Bold added)

215. The exchange suggests that Burger was aware that there was an arrangement in place to keep doctors away from Haron, but this had nothing to do with him as it was arranged by the senior officers, and as a junior officer he simply took instructions²⁴¹ since the culture in the police at the time was 'discipline is discipline'.²⁴²
216. Burger conceded under cross-examination that the Security Branch must have wanted to prevent Haron from seeing a doctor, although this would have been done through the senior officers:

MR VARNEY: So, if I heard you correctly in response to that question you said that the Security Branch intended to keepthe Imam away from a doctor. Did I hear you correctly?

*MNR BURGER: Edelaagbare, **dit moet so wees**, want hulle het nie deur my gewerk nie. My punt is, dit was nooit deur my as junior gewerk nie. Dit was gewerk deur die senior manne. Die charge office sergeants en daai, maar dis die senior manne op die stasie wat in bevel is.²⁴³ (Bold added)*

217. In our view the basis has been laid to submit that there was such an arrangement in place between the Security Branch and senior Maitland police officers. This was an intentional act on their part, which if any remained alive, would expose themselves to a charge of murder since they reconciled themselves to the possibility that Haron may

²⁴⁰ Re-opened inquest transcript, 15 November 2022, pp 788 - 792

²⁴¹ Under South African law superior orders are no defence in respect of manifestly unlawful instructions, as per *R v Smith* (1900) 17 SC 561 at 567; *S v Banda* 1990 3 SA 466 (B); *S v Mohale* 1999 2 SACR 1 (W); and *S v Mostert* 2006 1 SACR 560 (N) at pages 565–566.

²⁴² See: Gareth Newham, [Transformation and the Internal Disciplinary System of the SAPS](#), Centre for the Study of Violence and Reconciliation, 2000: "Discipline" was a term synonymous with the internal control of members. Authority was primarily determined by the rank an individual member held. It was expected that instructions issued by higher-ranking officers should be obeyed without question. Discipline was measured by the extent to which a police member would adhere to police rules and commands given by superiors. Moreover, the extent to which the police saw themselves as part of the "first line of defence" against what was termed the "total onslaught" of communist agitators trying to overthrow the government through revolutionary means, further contributed to what became a deeply entrenched militaristic and violent culture (Rauch, 1991). With the [] increasingly brutal subjugation of the popular resistance to apartheid, police discipline was measured in terms of commitment and dedication to a secretive organisation that was involved in enforcing the apartheid state's most oppressive laws."

²⁴³ Re-opened inquest transcript, 15 November 2022, p 792: 19-25 and p 793: 1-2. Translated as: *Honorable, **it must be so**, for they did not work through me. My point is it was never worked by me as a junior. It was worked by the senior men. The charge office sergeants and that, but it's the senior men at the station who are in command.* (Bold added).

die without medical intervention. We will be submitting that junior officers, such as Burger, were at least negligent in not securing medical assistance for Haron.

SECURITY BRANCH HISTORY OF ABUSE

218. The Police Act 7 of 1958 mandated the South African Police with *inter alia* the preservation of internal safety. The Security Branch was charged with spearheading this function. The Security Branch was the effective intelligence wing of the former SAP, falling directly under the Commissioner of Police. It operated in a separate and parallel structure to the Uniform and Detective branches.
219. The Security Branch targeted any person or organisation which opposed the government. Its activities included the close monitoring of the affairs and movements of such persons, the detention of thousands and the torture of many.
220. In his affidavit before the Re-opened Aggett Inquest, George Bizos described how apartheid-era detainees routinely complained of torture and the police were often sued in the civil courts for torture and damages were awarded against them. These included the widow of Haron who sued the state for R22 000 in respect of her husband's death and received an *ex-gratia* payment of R5 000. The mother and sons of Steve Biko similarly sued the State and were paid an amount of R65 000.²⁴⁴
221. As this inquest was held some 53 years following the death of Haron, all the Security Branch officers involved have died and could not testify. However, in other recent re-opened inquests, surviving Security Branch officers, have provided valuable insights into the culture of that organisation.
222. In the Re-opened Inquest into the death of Dr Neil Aggett, the late former Security Branch Officer, Paul Erasmus ("Erasmus"), explained that the Security Branch was the most feared police unit.²⁴⁵ He noted that "*it was common knowledge that the Security Branch had license to do just about anything and were at the forefront of fighting communism in a no-holds-barred battle...*"²⁴⁶ He added that "*acting outside of the law was the modus operandi of the Security Branch.*"²⁴⁷ According to Erasmus the Security Branch were not accountable to anyone as "*the system allowed the SB [Security Branch] to get away with practically anything.*"²⁴⁸

²⁴⁴ Aggett Re-opened Inquest, Case no: 2019/445, Original case no 1982/130, Exhibit [G1](#) pp 5-6 paras 20 - 21

²⁴⁵ Aggett Re-opened Inquest, [Affidavit of Paul Francis Erasmus](#), page 3, para 11, line 2

²⁴⁶ *Id*, page 3, para 11, line 3-5

²⁴⁷ *Id*, page 10, para 33, line 1-3

²⁴⁸ *Id*, page 10, para 34, line 5-6

223. In the recent hearing of the Re-opened Inquest into the death of Dr Hoosen Haffejee,²⁴⁹ former Security Branch officer, Mohun Deva Gopal (“Gopal”) testified that Security Branch officers were considered the “*bosses above bosses*”. They were not constrained by the ordinary 48-hour periods of detention and relied on the draconian powers of sections 6 and 10 of the Terrorism Act. They could use all the time they needed to extract information from anti-apartheid activists.²⁵⁰
224. There was a certain culture within the Security Branch that was oppressive and instilled fear into the hearts of its members.²⁵¹ According to Gopal there was a general culture of white superiority.²⁵² Commanding officers had full knowledge of the use of the “third degree” [use of excessive force] and approved of it.²⁵³ If junior members of the uniform branch were told by the Security Branch to do anything, they would simply do it. For example, if they were told not to do any paperwork, they would not do it.²⁵⁴
225. Also in the Haffejee inquest, former SAP charge office Constable Johannes Nicolaas Meyer, a Uniform Branch member stationed at Brighton Beach Police Station (“Meyer”), conceded that the Security Branch enjoyed a superior status within the police.²⁵⁵ The Security Branch was able to order the uniform branch to do tasks and the uniform branch was in a subservient position. Meyer believed that the Security Branch were a law unto themselves.²⁵⁶ *“The Security Branch enjoyed amnesty to do anything. You never heard of the Security Branch getting into trouble. They assaulted, detained and kidnapped people as they wanted”.*²⁵⁷
226. Meyer conceded under cross examination that Uniform Branch members were afraid of the Security Branch because they were so powerful and had their ways of keeping everyone in line. Squealing on the Security Branch meant serious repercussions such as demotion and even physical harm.²⁵⁸

²⁴⁹ Case no: INQ 01/2021, Original case no: 951/77, KZN Provincial Division

²⁵⁰ Haffejee Re-opened Inquest, [2021 Transcript](#) bundle, pages 744 - 745, lines 17 - 3

²⁵¹ Haffejee Re-opened Inquest, 2021 Transcript bundle, page 825, line 19

²⁵² *Id*, page 827, line 4

²⁵³ *Id*, page 848, line 6

²⁵⁴ *Id*, page 924, line 10

²⁵⁵ *Id*, page 649, line 10

²⁵⁶ *Id*, page 649, line 18

²⁵⁷ *Id*, page 649, lines 19 – 25

²⁵⁸ *Id*, page 650, lines 11 – 19

Re-Opened Timol Inquest

227. Mothle J in the *Re-Opened Timol Inquest* found the practice of torture by the Security Branch was pervasive and insidious:

*“The ill-treatment of detainees is often visualised or expressed in the form of physical assault, i.e., beatings of detainees. It is indeed so the physical assault, apart from being a common method to hurt and bring fear into a detainee, it is also easier to prove by reference to scars from injuries or evidence of medical treatment. However, there are other less mentioned forms of torture which leave no evidence and are difficult to prove, such as sleep deprivation, long hours of standing and interrogation as well as electrocution.”*²⁵⁹

228. In the case of Haron, the interrogation team observed no such niceties. Leaving multiple visible marks on Haron’s body. This forced them to invent a crude cover-up story, involving a fall down a staircase.

229. The *Re-Opened Timol Inquest* Court found that torture extended beyond physical violence to include a broader “*rubric of torture*” that encompassed “*all forms of abuse visited on detainees*”.

*“This Court is of the view that on the basis of the evidence received it would be misleading to refer only to physical assaults as the ill treatment of detainees. Detainees were subjected to beatings at various level of brutality, with the least being only slapped once across the face. It nevertheless remains an assault, but not comparable to those who were hit with solid objects, punched and kicked. ... It will be more accurate to deal with the subject of ill treatment or abuse of detainees under the rubric of torture, as it includes all forms of abuse visited on the detainees.”*²⁶⁰

230. Mothle J found in the *Re-Opened Timol Inquest*. that detention under of the Terrorism Act was, at times, an effective death sentence:

*“[T]he evidence in these and other inquests demonstrate, this drastic legislation became a tool in the hands of some members of the Security Branch, not only to torture but also to kill detainees with impunity.”*²⁶¹

²⁵⁹ [Re-Opened Inquest into the Death of Ahmed Essop Timol](#) [2017] ZAGPPHC 652 para 252

²⁶⁰ [Re-Opened Inquest into the Death of Ahmed Essop Timol](#) [2017] ZAGPPHC 652 para 253

²⁶¹ *Ibid* at para 43

231. The Court's finding in *Timol* was epitomised by its rejection of the evidence of Security Branch officers in the following terms:

*"The evidence of assault and other forms of torture of detainees presented in the 2017 re-opened inquest is so overwhelming, that the denial and lack of knowledge thereof by the three former Security Branch police officers who testified is disingenuous. Further, the fact that each one of them testified during the 2017 re-opened inquest that they knew nothing about assault apart from what they read in the media, is a demonstration that they were regurgitating a standard response, seemingly prescribed to all members of the Security Branch. Else, Sons and Rodrigues's conduct calls for censure. Their conduct must be investigated further with a view to raise appropriate charges."*²⁶²

232. These findings are consistent with the conclusions of the TRC Report which found that torture and the killing of detainees by the Security Branch was a "strong possibility".

*"The Commission has taken into consideration the evidence of victims of torture which could well have led to death, especially those cases in which similar forms of torture did lead to death."*²⁶³

Apartheid State sanctioned torture and killings

233. State sanctioned extra judicial killings and rampant criminality were the order of the day during the 1970s and 1980s. At the TRC, a former Commander of the Security Branch, Johannes Velde van der Merwe confirmed this:

*"All the powers were to avoid the ANC/SACP achieve their revolutionary aims and often with the approval of the previous government we had to move outside the boundaries of our law. That inevitably led to the fact that the capabilities of the SAP, especially the security forces, included illegal acts. People were involved in a life and death struggle in an attempt to counter this onslaught by the SACP/ANC and they consequently had a virtually impossible task to judge between legal and illegal actions."*²⁶⁴

²⁶² *Ibid* at para 261. To date this recommendation has not been pursued by the NPA

²⁶³ TRC Report, Vol 2, Ch 3, p 206, [para 169](#)

²⁶⁴ TRC Report, Vol 5, Ch. 6, Findings and Conclusions, [para 77](#)

234. The TRC found that during this period the state committed a host of gross violations of human rights in South Africa. These included, amongst other violations, extra judicial killings and torture.²⁶⁵

Diane Sandler

235. Diane Sandler ("Sandler"), an independent psychoanalyst, testified and provided insight on certain aspects of the 1987 book, '*Detention & Torture in South Africa*', of which she was co-author.²⁶⁶

236. Based on a nationwide empirical study²⁶⁷ into conditions and experiences of security law detention in South Africa between 1974 and 1984, '*Detention and Torture*' concluded that torture was widely and systemically used by the Security Branch and that their activities were veiled in secrecy.²⁶⁸

237. To quote from '*Detention and Torture*':

Conditions for those held under security law detention in South Africa are harsh. Even prior to the event of detention itself the majority of respondents reported that they were subjected to harassment in one form or another. ... The process and experience of detention itself, quite apart from the issue of torture and psychological forms of abuse, were found to be harsh, from the moment of arrest, through confinement and interrogation. The harshness of detention refers to physical conditions, the fact of isolation from support groups, the threatening attitude of authorities, and not least the mental state of the detainees particularly as regards the unpredictability and uncertainty of the situation. Fears and anxieties about possible subsequent events, including facing serious political charges, prolonged detention, physical abuse, or being coerced to turn state witness, all compound the mental fragility of the detainee.

*The limitation on personal contacts in detention merely supports the reality of detention as a closed system in which complete control rests in the hands of the state officials.*²⁶⁹

²⁶⁵ TRC Report, Vol 5, Ch. 6, Findings and Conclusions, [para 101](#).

²⁶⁶ Foster, D; Davis, D; Sandler, D; *Detention & Torture in South Africa: Psychological, Legal & Historical Studies*, David Philip Publishers, 1987 ("Detention and Torture")

²⁶⁷ For the different forms of torture employed by the Security Branch see: Haron Family Exhibit F11: Diane Sandler Affidavit, 13 November 2022, para 17

²⁶⁸ Haron Family Exhibit F11: Diane Sandler Affidavit, 13 November 2022, para 15

²⁶⁹ '*Detention and Torture*', p156

238. In her testimony, Sandler confirmed that the empirical research categorically showed that torture in South Africa, as a part of political detention, was ubiquitous, extensive and systematic.²⁷⁰
239. None of the Security Branch police involved in the torture were mentioned by name in the book so as to protect the detainees who were interviewed. However, from her handwritten notes, she could say that 11 of the 31 Cape Town-based political detainees who had been interviewed, mentioned that Sergeant 'Spyker' van Wyk had a hand in their torture.²⁷¹

Complaint against Sergeant Johannes Van Wyk

240. During the first inquest, the family legal team put it to Sergeant Johannes "Spyker" van Wyk that complaints of assault had been laid against him by other detainees, namely Alan Brooks and Stephanie Kemp. Alan Brooks had his ankle broken under interrogation by the Security Branch in Cape Town and sued the police. Van Wyk claimed that Brooks broke his ankle while fleeing down stairs in an attempt to escape.²⁷²
241. Van Wyk claimed that he slapped Stephanie Kemp because she had become hysterical. Both Brooks and Kemp instituted civil claims. Brooks claim was subsequently withdrawn, and Kemp was paid R1000 in civil damages.²⁷³
242. In van Wyk's suitability report for promotion dated 4 April 1972, Staff Officer Lt-Col HW Kotze²⁷⁴ wrote the following:

1. The Attorney General refused to act on all complaints of alleged assault.

2. The alleged assaults, filed by Van Der Riet, Kemp and Brooks as well as the civil claims by Kemp and Brooks arise from the A.R.M investigation, which was concluded successfully. The type of person who dealt with this and their hostility towards the State and Security Police is known and investigating officers have been challenged to the limit.

²⁷⁰ Re-opened inquest transcript, 15 November 2022, p 145: 17 – 21

²⁷¹ Haron Family Exhibit F11: Diane Sandler Affidavit, 13 November 2022, para 21

²⁷² Inquest Record A3 (English Translation), pages 112 – 113 and page 241

²⁷³ Vol A3, pp 112: 16 - 118: 4 (Van Wyk testimony 1970 inquest)

²⁷⁴ In Genis's testimony, he referred to a Major Kotze, who had been one of the officers who had interrogated Haron. (NPA Vol A3, p 7:20-8:10 (Genis testimony 1970 inquest)) Major Kotze did not provide an affidavit in the 1970 inquest nor was he called to testify. It is not clear if Lt Col Kotze who completed the suitability report for promotion is the same person as Major Kotze.

*3. Although assaults cannot be condoned, we are of course dealing with the hardened left-wing persons who do not speak easily.*²⁷⁵

243. Paragraph 3 effectively condoned, approved and encouraged torture of stubborn left-wing detainees, like Stephanie Kemp. Ironically, Van Wyk's investigation into Haron's activities was also lauded. Col Pienaar seconded the suitability report.²⁷⁶

244. During an exchange with the prosecutor under re-examination in the first inquest, Van Wyk said that in nearly all so-called political detentions, false allegations of assault are made. Van Wyk described these claims as slander against the SAP and the Security Branch.²⁷⁷ He added "*It is a common way of propaganda against the South African government abroad*".²⁷⁸

SIMILAR FACT EVIDENCE OF ABUSE AND TORTURE

245. In this section we set out an overview of evidence provided by former detainees who were abused or tortured in the same detention facilities as Haron and/ or who were abused by the same police officers.

Jeremy Patrick Cronin

246. In 1968, whilst he was an undergraduate student at the University of Cape Town, Jeremy Cronin ("Cronin") became a member of the then banned South African Communist Party ("SACP"). He was involved in propaganda work, including producing pamphlets and newsletters.²⁷⁹ In July 1976, Cronin was detained by the Security Branch, along with the two other members of his SACP unit, David and Sue Rabkin.²⁸⁰

247. Cronin testified that he was detained in solitary confinement.²⁸¹ Often, he was not sure where he was being held, but he believed that the places of detention included Maitland Police Station.²⁸² At Maitland, he was held in a 'filthy' cell, in which his blanket was covered in excrement. The cell was so dirty that slight scratches on Cronin's skin became infected. He had no access to water. He was woken every 30 minutes by

²⁷⁵ Vol B, DDP 24(vi), p 1908. As translated from the Afrikaans text

²⁷⁶ Vol B, DDP 24(vi), p 1905

²⁷⁷ Vol A3: pp117: 10 – 118: 4, of the 1970 transcript incorrectly refers to the prosecutor as "Mr Cooper"

²⁷⁸ Vol A3: pp117: 10 - 15

²⁷⁹ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 5

²⁸⁰ *Id*, para 7

²⁸¹ *Id*, para 8

²⁸² *Id*

banging on his cell door and an officer shouting 'is jy wakker, is jy wakker' / 'are you awake?'²⁸³ Cronin believes that this was done intentionally to deprive him of sleep.²⁸⁴

248. Cronin recalled that he was interrogated by two men.²⁸⁵ One was Spyker van Wyk.²⁸⁶ Cronin had heard of the notorious Spyker van Wyk and his cruel interrogation methods, prior to being detained.²⁸⁷ He testified that he was lucky in that the methods of torture used against him were primarily psychological rather than physical.²⁸⁸ Cronin described how the two officers played 'good cop' and 'bad cop', with van Wyk always adopting the 'bad cop' role.²⁸⁹ Whilst van Wyk stepped out of the room, the other officer would advise Cronin to cooperate by warning him of van Wyk's violent tendencies.²⁹⁰ He said '*you know what happened to Haron*' implying that Haron was killed by the Security Branch.²⁹¹
249. Van Wyk intimated the threat of physical violence by wearing a butcher's apron smattered with what appeared to be blood.²⁹² Van Wyk also played with an electrode in his hands whilst interrogating Cronin.²⁹³ Van Wyk behaved in a 'bombastic and aggressive way' during interrogation, threatening Cronin, his wife and his family.²⁹⁴
250. While being transported by car to Compol, the Security Branch head office in Pretoria,²⁹⁵ Cronin heard conversations between the officers how they had 'dealt with' Haron whilst he was in custody.²⁹⁶ They referred to Ahmed Timol as the '*flying Indian*'.²⁹⁷ Cronin felt that these conversations were held for his edification.²⁹⁸ Cronin noted that the officers, in speaking of these deaths, were 'boastful' and 'utterly coldblooded'.²⁹⁹

²⁸³ Re-opened inquest transcript, 14 November 2022, p 597: 23 – 598: 4

²⁸⁴ Re-opened inquest transcript, 14 November 2022, p 598: 7 – 10

²⁸⁵ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 9

²⁸⁶ *Id*

²⁸⁷ Re-opened inquest transcript, 14 November 2022, p 598: 17 – 21

²⁸⁸ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 10

²⁸⁹ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 10

²⁹⁰ Re-opened inquest transcript, 14 November 2022, p 600: 9 - 11

²⁹¹ Re-opened inquest transcript, 14 November 2022, p 600: 11 – 16

²⁹² Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 11

²⁹³ *Id*, para 10

²⁹⁴ Re-opened inquest transcript, 14 November 2022, p 599: 16 – 18

²⁹⁵ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 12

²⁹⁶ *Id*

²⁹⁷ Re-opened inquest transcript, 14 November 2022, p 603: 8.

²⁹⁸ Haron Family Exhibit F8: Jeremy Cronin Affidavit, 3 November 2022, para 12

²⁹⁹ Re-opened inquest transcript, 14 November 2022, p 603: 18 - 21

Yousuf Gabru

251. Yousuf Gabru (“Gabru”) became involved in the anti-Apartheid movement in 1976 whilst working as a teacher in Salt River, Cape Town.³⁰⁰ On 10 November 1976, Gabru was arrested at his home by Spyker van Wyk and two other police officers, on suspicion of terrorist activities.³⁰¹ He was detained and interrogated at Caledon Square Police Station.³⁰² His detention lasted 43 days.³⁰³
252. Gabru was initially interrogated by Spyker and Andries van Wyk, and another ‘huge thug’.³⁰⁴ During interrogation, van Wyk would sit behind the desk whilst the other police officers beat Gabru with their fists and knuckles.³⁰⁵ Gabru began with the approach of refusing to answer any questions whatsoever.³⁰⁶ In response, he was smacked and pummelled by the officers with their knuckles, and punched in the stomach.³⁰⁷ In the first week, he was interrogated every day, and in every interrogation he was punched and beaten.
253. On around the fourth day, Gabru was made to kneel from early in the morning until late in the afternoon. If he moved, he was punched and beaten. From the extended period of kneeling, he developed swollen knees and found it difficult to walk.³⁰⁸
254. On one occasion around 10 days to two weeks after he was detained, Gabru was taken up a staircase in Caledon Square to have his photo taken.³⁰⁹ Whilst walking up the staircase, van Wyk and the other officer talked in a threatening way about suicides and slipping on staircases. The other officer pushed Gabru’s head over the railing to intimidate him.³¹⁰ Van Wyk told him ‘*This is where we killed Imam Haron*’.³¹¹

³⁰⁰ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 11

³⁰¹ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 12

³⁰² *Id*, para 11

³⁰³ Re-opened inquest transcript, 16 November 2022, p 837: 2

³⁰⁴ Re-opened inquest transcript, 16 November 2022, p 837: 5

³⁰⁵ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 18

³⁰⁶ Re-opened inquest transcript, 16 November 2022, p 837: 6 - 10

³⁰⁷ Re-opened inquest transcript, 16 November 2022, p 837: 11 - 14

³⁰⁸ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 18

³⁰⁹ Re-opened inquest transcript, 16 November 2022, p 839: 14 - 18

³¹⁰ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 15

³¹¹ *Id*

255. According to Gabru, Van Wyk *'was an uncivilised barbarian and he took great pride in his cruelty. He wanted to prove to you that he could be as cruel as was humanly possible.'*³¹²
256. For the remainder of his detention, Gabru was interrogated every day, or every other day.³¹³ On days when he was not interrogated, he was left in solitary confinement.³¹⁴ He found solitary confinement an extremely difficult experience, although sometimes it was a relief after lengthy periods of interrogation.³¹⁵
257. The in loco inspection at Cape Town Central Police Station (Caledon Square) was greatly facilitated by Gabru, who guided the inspection around the complex and pointed out, amongst other places, the former interrogation rooms of the Security Branch situated on the first floor.

Robert Wilcox

258. Robert Wilcox ("Wilcox") was a member of the African Peoples' Democratic Union of Southern Africa ("APDUSA"), a national political organisation established by the Unity Movement of South Africa.³¹⁶
259. Wilcox came across Spyker van Wyk and his brother Andries van Wyk because they used to patrol the area where Wilcox lived.³¹⁷ The Van Wyk brothers used to keep an eye on him and his siblings.³¹⁸ They were searched and questioned by the van Wyk brothers³¹⁹ and their home was raided on several occasions.³²⁰
260. Wilcox got the impression that although Andries was older, Spyker was the superior of the two of them as he was of a higher rank, more intellectual and Andries appeared to be following Spyker's instructions.³²¹
261. Wilcox was detained by the Van Wyk brothers on 10 February 1971.³²² He subsequently discovered that he was one of 14 persons detained at that time, for

³¹² Re-opened inquest transcript, 16 November 2022, p 841: 15 – 18

³¹³ Haron Family Exhibit F13: Yousuf Gabru Affidavit, 11 November 2022, para 17

³¹⁴ *Id*, 11 November 2022, para 17

³¹⁵ Re-opened inquest transcript, 16 November 2022, p 843: 24 – 844: 7

³¹⁶ Haron Family Exhibit F12: Robert Wilcox Affidavit, 4 November 2022, para 6

³¹⁷ *Id*

³¹⁸ Re-opened inquest transcript, 15 November 2022, p 814: 17 - 21

³¹⁹ Haron Family Exhibit F12: Robert Wilcox Affidavit, 4 November 2022, para 7

³²⁰ *Id*

³²¹ *Id*, para 2

³²² *Id*, para 9

APDUSA activities.³²³ Wilcox made an affidavit contemporaneously concerning his experience of torture, for the purpose of supporting an interdict application brought on behalf of one of his co-detainees.³²⁴ The evidence provided at the re-opened inquest was based on that affidavit, which was appended to his statement.³²⁵

262. Wilcox was first taken to Caledon Square Police Station, and then to Pollsmoor Prison.³²⁶ From Pollsmoor Prison, he was taken to Maitland and then to Caledon Square.³²⁷ At Caledon Square, he was brought into a room for interrogation that had sound proof panels on the walls.³²⁸ There were at least six members of the Security Branch present, including Spyker van Wyk, Andries van Wyk and Sergeant Greeff.³²⁹ He was subjected to physical and psychological torture, and verbal abuse.³³⁰
263. Wilcox was made to haunch against the wall, as though sitting on an imaginary chair, holding his arms up in a folded position.³³¹ If he fell down, he was made to resume the same position again.³³² Police officers used their feet to prevent him from slipping out of this position. When he fell, he was repeatedly dropped to the floor from an upright position.³³³ He was also thrown against the wall.³³⁴ He was forced to stand on tiptoes on bricks, hold bricks in the air, run on the spot, and to step on and off a chair repeatedly.³³⁵ On one occasion a young officer came into the room and choked him by the collar.³³⁶
264. Wilcox was told he could be detained for 15 years, and that he would not see his baby daughter until she was married.³³⁷ He was threatened that his wife would be detained and at a later point he was told (falsely) that his wife actually had been detained.³³⁸

³²³ Haron Family Exhibit F12: Robert Wilcox Affidavit, 4 November 2022, para 10

³²⁴ *Id*, para 12

³²⁵ *Id*

³²⁶ *Id*, para 9

³²⁷ *Id*, para 14

³²⁸ *Id*

³²⁹ *Id*

³³⁰ *Id*, para 16

³³¹ *Id*, para 18

³³² *Id*, para 19

³³³ *Id*, para 20

³³⁴ Re-opened inquest transcript, 15 November 2022, p 819: 4 - 5

³³⁵ Haron Family Exhibit F12: Robert Wilcox Affidavit, 4 November 2022, para 20

³³⁶ *Id*, para 24

³³⁷ *Id*, para 15

³³⁸ *Id*, para 17 and 24

265. On many occasions he did not receive his food on time; sometimes it was left for hours in the corridor outside of his cell, and sometimes he did not receive food at all.³³⁹ He was not permitted to change his clothes or to shave.³⁴⁰
266. Wilcox did not report the abuse to the magistrate who visited every fortnight, because he feared further assaults from Security Branch officers if he spoke out.³⁴¹

Stephanie Kemp

267. Stephanie Kemp ("Kemp") who testified in these proceedings, as well as in the Re-opened Inquest into the death of Ahmed Timol, died a few weeks ago on 10 March 2023. Although in a frail condition, Stephanie did not hesitate when we asked her if she would travel from Johannesburg to Cape Town to testify on behalf of the family. She was a selfless person who always placed the pursuit of justice and truth above her own concerns. Her evidence was amongst the most powerful we heard in these proceedings.
268. Kemp became a member of the African Resistance Movement ("ARM") while she was a student.³⁴² In 1964, she was arrested in connection with ARM activities.³⁴³
269. Kemp was first detained at Caledon Square Police Station.³⁴⁴ She was interrogated about 5 times a day.³⁴⁵ She was kept in solitary confinement between interrogations. This experience was '*anxiety-filled*' for her, particularly as other political dissidents arrested at the time, such as Robert Sobukwe, had been held indefinitely.³⁴⁶
270. Her two interrogators were Spyker van Wyk and his senior, Captain Rossouw.³⁴⁷ On one occasion, she was interrogated by Van Wyk and Rossouw in a storeroom.³⁴⁸ She was made to stand for hours until 2am.³⁴⁹ She was not given any food.³⁵⁰ Van Wyk asked if he could be left alone with her. There was a discussion between Rossouw and van Wyk regarding whether to leave the door open or shut; the suggestion was that it

³³⁹ Haron Family Exhibit F12: Robert Wilcox Affidavit, 4 November 2022, para 26

³⁴⁰ *Id.*, para 27

³⁴¹ *Id.*, para 25

³⁴² Haron Family Exhibit F15: Stephanie Kemp Affidavit, 8 November 2022, para 4

³⁴³ *Id.*

³⁴⁴ *Id.*, para 5

³⁴⁵ Re-opened inquest transcript, 16 November 2022, p 862: 19

³⁴⁶ Re-opened inquest transcript, 16 November 2022, p 863; 7 – 9

³⁴⁷ Haron Family Exhibit F15: Stephanie Kemp Affidavit, 8 November 2022, para 4

³⁴⁸ *Id.*, para 6

³⁴⁹ Re-opened inquest transcript, 16 November 2022, p 865: 22

³⁵⁰ Re-opened inquest transcript, 16 November 2022, p 866: 10

should be left open to avoid her making complaints of sexual abuse.³⁵¹ She feared some sort of assault.³⁵²

271. After Rossouw left, Van Wyk closed the door and then, ‘completely unexpectedly’ slapped her with an open hand.³⁵³ He grabbed her hair and pounded her head on the wooden floor until she lost consciousness. When she came to, she was lying half under the table. She could see eight pairs of officers’ boots in the room. She is unsure how long she was unconscious, but it was long enough for van Wyk to call the other officers.³⁵⁴
272. Kemp got onto her knees and started vomiting.³⁵⁵ After this violent assault she made a statement,³⁵⁶ but she was incoherent as a result of the assault.³⁵⁷ They took her back to her cell and threatened to pick her up again at 5am. She feared further assaults. She spent the night feeling paralysed with terror.³⁵⁸ The assault caused bruising from her eye down to her chin,³⁵⁹ and it cracked the bridge of her nose.³⁶⁰ Kemp testified that the magistrate who visited her in detention did not say anything about the bruising even though he could see it clearly.³⁶¹
273. Subsequently, she was moved to Worcester Women’s Prison³⁶² and thereafter to Maitland Police Station.³⁶³ Whilst she was serving her prison sentence, she brought a civil claim for damages against the Minister of Justice and Van Wyk for the assault.³⁶⁴ She received a settlement out of court, without an admission of liability.³⁶⁵ When asked about the incident at the 1970 Haron inquest, Van Wyk falsely claimed that he had slapped Kemp because she had become hysterical.³⁶⁶

³⁵¹ Re-opened inquest transcript, 16 November 2022, p 867: 14 - 20

³⁵² Haron Family Exhibit F15: Stephanie Kemp Affidavit, 8 November 2022, para 6

³⁵³ *Id.*

³⁵⁴ Re-opened inquest transcript, 16 November 2022, p 868: 12 – 15

³⁵⁵ Re-opened inquest transcript, 16 November 2022, p 869: 21 - 25

³⁵⁶ Haron Family Exhibit F15: Stephanie Kemp Affidavit, 8 November 2022, para 6

³⁵⁷ *Id.*, para 8

³⁵⁸ Re-opened inquest transcript, 16 November 2022, p 870: 7 - 13

³⁵⁹ Re-opened inquest transcript, 16 November 2022, p 875: 24 – 876: 4

³⁶⁰ Re-opened inquest transcript, 16 November 2022, p 875: 13 - 15

³⁶¹ Re-opened inquest transcript, 16 November 2022, p 876: 14 - 24

³⁶² Haron Family Exhibit F15: Stephanie Kemp Affidavit, 8 November 2022, para 5

³⁶³ *Id.*

³⁶⁴ *Id.*, para 10

³⁶⁵ *Id.*

³⁶⁶ *Id.*, para 11

274. Kemp testified at the TRC noting that Van Wyk had 'beat [her] senseless.' She highlighted that Rossouw said to her that '*he was very sorry that we had [ab]used women. If I wanted to behave like a man, he would treat me like a man.*'³⁶⁷

Shirley Gunn

275. Shirley Gunn ("Gunn") was a member of Umkhonto we Size (MK), the banned military wing of the African National Congress.³⁶⁸ She was arrested on account of her political activities on 28 August 1985 and held in solitary confinement for 112 days. She described solitary confinement as a '*form of torture in itself.*'³⁶⁹ During solitary confinement she experienced insomnia as '*there is no distinction between night and day.*'³⁷⁰ After being released, she continued with her work for MK.³⁷¹

276. In 1989, Gunn was living 'underground' on account of her political activities when she gave birth to her son, whom she named Haroon after Haron.³⁷² On 21 February 1989, she was arrested while with her mother and sister on a remote farm.³⁷³

277. She was detained together with Haroon for the first night at Milnerton Police Station and thereafter at Wynberg Police station.³⁷⁴ The cell was extremely dirty and unhygienic and wholly unsuitable for a baby. She and her son were kept in solitary confinement.³⁷⁵ Gunn comments that detention at a police station felt less safe than in a prison because Security Branch officers had easy access to detainees with fewer protocols in place to safeguard detainees.³⁷⁶

278. Gunn was taken for daily interrogations somewhere at the Foreshore. She believes it may have been the headquarters of the Railway Police.³⁷⁷ She found the interrogations stressful and traumatic, particularly as a mother with an infant in her care. The location

³⁶⁷ Re-opened inquest transcript, 16 November 2022, p 865: 1 – 4

³⁶⁸ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 9

³⁶⁹ Re-opened inquest transcript, 16 November 2022, p 884: 15 - 16

³⁷⁰ Re-opened inquest transcript, 16 November 2022, p 885: 20 - 21

³⁷¹ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 10

³⁷² *Id* para 14

³⁷³ *Id*, para 16

³⁷⁴ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 18

³⁷⁵ *Id*.

³⁷⁶ Re-opened inquest transcript, 16 November 2022, p 883: 4 - 10

³⁷⁷ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 19

was somewhere you would not be overheard, even if you screamed.³⁷⁸ The intensity of the interrogations was ramped up over time.³⁷⁹

279. The Security Branch threatened to bring Spyker van Wyk to the interrogation with comments such as '*you know what he did to Imam Haron*'.³⁸⁰ Gunn heard that he had obtained his nickname 'Spyker' from driving nails under the fingernails of detainees.³⁸¹ Gunn was interrogated by van Wyk but by then he was much older and no longer commanded much fear.³⁸² She commented that he was 62 years old, seemed 'pathetic' and died later that year.³⁸³
280. At the time of Gunn's second detention, Haroon was around 16 months old and still being breastfed.³⁸⁴ Gunn was forcibly separated from him for a period of 8 days while he was placed in a children's home, after officers appeared with a warrant for his removal.³⁸⁵ Whilst he was in the children's home, Security Branch officers taped him crying and played the tape to her. After legal action taken by Gunn's lawyers, Haroon was returned to her.³⁸⁶
281. Gunn and her son were detained for a further 64 days before they were released.³⁸⁷ Gunn suffered from depression and Post Traumatic Stress Disorder after she was released.³⁸⁸ She states that she was '*terrorized psychologically*' by the Security Branch.³⁸⁹

MEDICAL EVIDENCE OF ABUSE OF HARON

282. Both expert pathologists who appeared in the re-opened inquest, Dr Itumeleng Molefe and Dr Steve Naidoo (who prepared their reports independently of each other),³⁹⁰ concluded that Haron's injuries as reflected in the post-mortem report ("PM Report")

³⁷⁸ Re-opened inquest transcript, 16 November 2022, p 895: 24 – 896: 7

³⁷⁹ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 20

³⁸⁰ *Id.*, para 21 - 23

³⁸¹ Re-opened inquest transcript, 16 November 2022, p 906: 22 – 907: 4

³⁸² Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 26

³⁸³ Re-opened inquest transcript, 16 November 2022, p 898: 19 – 899: 3

³⁸⁴ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 24

³⁸⁵ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 24

³⁸⁶ Re-opened inquest transcript, 16 November 2022, p 897: 6 – 8

³⁸⁷ Re-opened inquest transcript, 16 November 2022, p 902: 9 – 11

³⁸⁸ Haron Family Exhibit F16: Shirley Gunn Affidavit, November 2022, para 30

³⁸⁹ Re-opened inquest transcript, 16 November 2022, p 904: 11 – 15

³⁹⁰ It has been the practice of family legal teams in all the re-opened inquests since the Timol re-opened inquest to call two forensic pathologists, to independently of each other, examine the evidence and produce separate reports

were the result of physical assault. They dismissed the possibility that the injuries, which were of differing ages could have been sustained through the alleged fall down a staircase.

Dr S R Naidoo

283. Dr Steve Naidoo ("Naidoo") was called by the family legal team. He is an independent specialist forensic pathologist. He was asked to consider the 1969 post-mortem report and the 1970 inquest transcript and to provide a specialised forensic pathology opinion.

284. According to Dr Naidoo the injuries on Haron's body do not correspond with a fall down a flight of stairs but are consistent with the characteristics of sustained physical assault.³⁹¹

Nature and extent of the injuries

285. Naidoo noted that the external injuries were solely bruises. There were no abrasions or lacerations, which would be commonly found on someone who had fallen down a flight of stairs.³⁹²

286. Haron had 27 bruises and one fractured rib. He noted that:

286.1 Twelve bruises displayed a green-yellow colour with a distribution widely over the lower limbs and trunk. They were strikingly larger than the red bruises on the hip, calves and thighs. The post-mortem report observed that the bruises involved the subcutaneous tissue. The impacts would have transmitted its forces into deep subcutaneous tissue and underlying blood vessels, likely with endothelial injury (promoting venous thrombosis).³⁹³

286.2 Six bruises on the lower chest were identified on dissection and reflection of the skin over the ribs. These were fairly large bruises (largest at 8cm across) and would have been particularly painful and given their locations had a significant impact on the deceased.³⁹⁴

³⁹¹ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 19 and Re-opened inquest transcript, 11 November 2022, p 561: 2 - 4

³⁹² *Id*, p 6 para 17

³⁹³ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 6 para 17a

³⁹⁴ *Id*, p 6 para 17b. The lower chest region has the greater expansion and stretch of the intercostal muscles at each inspiration of breath than the upper chest cage

- 286.3 There was one fractured rib positioned at the right 7th costo-chondral junction where the fracture between rib and cartilage was said to be present.³⁹⁵

Age of injuries

287. Naidoo reported that the green-yellow bruises were at an intermediate stage of healing, in the order of days; being 7 to 10 days old or older.
288. Although hampered by the lack of autopsy photos, Naidoo estimated that the red bruises were of a “more recent younger age”, possibly between 2 to 4 days old.
289. He concluded that the bruises, at least the green-yellow ones, were inflicted together at around the same time, or alternatively over several days.³⁹⁶

Impact of injuries

290. Naidoo reported that the injuries were “*multiple and widespread bruises, from significant forceful impacts, and of extensive distribution.*” Naidoo described the green-yellow bruises, and the bruises of the lower chest wall as “*significant traumatic injuries*”.³⁹⁷
291. He noted that the twelve green-yellow bruises are significant on the lower limbs and large in size. With the larger ones averaging 8 – 10cm in maximal diameter and with one being 20cm in maximal diameter, these must be considered of significant size.
292. Naidoo calculated that the bruises covered an area of approximately 573cm². Bodily bruising covering a surface of more than 50cm² is considered an injury of moderate severity requiring medical treatment. He added that the neglect of medical attention may convert this into serious injury, with systemic effects. He disputed Dr Schwar’s assertion that the bruises were “not of such a serious nature”.³⁹⁸
293. Naidoo was of the view that the injuries, especially their cumulative effects on the physiology of the body, were of severe nature. He noted that blunt impacts will cause visibly manifested injury only once the force of impact exceeds the wounding threshold of a particular soft tissue area of the body. Accordingly, he observed that the 27 bruises

³⁹⁵ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 7 para 17d

³⁹⁶ *Id*, 2022, p 7 paras 19 – 20

³⁹⁷ *Id*, p 7 para 18 and 21

³⁹⁸ *Id*, p 8 para 22

are the minimum number of individual impacts if each was caused separately, and that the number of blunt force impacts often exceed the actual number of wounds seen.³⁹⁹

294. Dr Naidoo commented on the overall systemic effects of such injuries and noted that they could lead to death.⁴⁰⁰ This will be expanded upon below where we deal with cause of death.
295. In terms of degree of pain intensity, Dr Naidoo hotly contested Dr Schwar's views and noted that the spectrum and multiplicity of the numerous bruises of substantial size, and rib fracture, would be considered severe in respect of their pain intensity. In addition, they would be disabling, and pain would be present for much more than just the time of occurrence or just the first few days. He noted that the pain described by Dr Viviers (in respect of Haron's left side 5th, 6th, 7th or 8th ribs) and by Dr Gosling (general pains and aches) were in keeping with the chest bruising.⁴⁰¹
296. Naidoo noted that the multiple positions of intercostal ('between the ribs') bruising was of a significant degree and extent; and that a fractured rib and soft tissue are intensely painful especially on breathing and also with movement of the torso in walking, leading to immobility. A rib fracture can continue to be painful and lead to splinting of the chest and limited breathing capacity for up to several weeks.⁴⁰²

Could a fall account for the injuries?

297. According to Naidoo, besides possibly one longer lesion on the upper rear of the right thigh, none of the other injuries could be explained by a fall down the stairs.⁴⁰³
298. He stated in his report that:
- 298.1 The injuries as seen on the lower chest on both sides, the back of left ankle, rear of right knee, front and inner of right thigh, and the two tramline bruises of the left upper thigh laterally and inner right thigh, are at circumferential locations on the body surface. They would not have been expected to be impact positions had there been a fall upon the stairs. Similarly, the lumbo-sacral bruise is less likely by a fall as it is a recessed area of the lower back.⁴⁰⁴

³⁹⁹ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 8 para 24

⁴⁰⁰ *Id*, p 8 para 25 - 26

⁴⁰¹ *Id*, p 9 para 27 - 28

⁴⁰² *Id*, p 9 para 29

⁴⁰³ *Id*, p 11 para 39

⁴⁰⁴ *Id*, p 12 para 40

- 298.2 Furthermore, the green-yellow ones were estimated at 7 to 10 days old, whereas the red ones were between 2 and 4 days old.⁴⁰⁵
- 298.3 There were no abrasions or lacerations on the ankles, knees, elbows, buttocks or upper thighs which would have been expected with a fall down a flight of stairs.⁴⁰⁶

Likely cause of the injuries

299. Naidoo believed that an assault of a “*deliberate and purposeful nature*” was the most probable cause of injuries.⁴⁰⁷
300. According to Naidoo the chest pains were most likely the result of beatings that began in early July and were escalated in the latter part of September.⁴⁰⁸
301. Naidoo noted that the wounds displayed as 1b and 1h on Schwar’s original sketches found on exhibit "S" and described as tramlines were caused by a rod-shaped object such as a truncheon and is primarily characteristic of an assault.⁴⁰⁹
302. The limb pain from the bruises, Naidoo believed, would be disabling and debilitating. This would explain Haron’s immobilisation after the alleged fall and the red bruises on his shins were as a direct result of trauma to that area as he lay immobilised.⁴¹⁰
303. The injury to the lower anterior abdominal wall below the umbilicus was a single and small focal bruise of 1,5 cm in diameter. Again, a truncheon applied forcibly could explain the circular bruise. The lower back trunk wound of 2.5cm in diameter could also have been made by the same instrument.⁴¹¹

Dr Itumeleng Molefe

304. Dr Itumeleng Molefe (“Molefe”) is a consultant specialist in the division of Forensic Medicine and Toxicology in the Western Cape Department of Health. Dr Molefe has a Master's degree in forensic medicine and has acted as a district surgeon.⁴¹² Dr Molefe

⁴⁰⁵ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 7 para 20

⁴⁰⁶ *Id*, p 12 para 43 and Re-opened inquest transcript, 11 November 2022, p 548

⁴⁰⁷ *Id*, p 13 para 45

⁴⁰⁸ *Id*, p 12 para 44

⁴⁰⁹ *Id*, p 13 para 46

⁴¹⁰ *Id*, p 13 para 47

⁴¹¹ *Id*, p 14 para 47 and 48

⁴¹² Vol B, DDP 20 (Molefe's Report), p 790

was approached by the family's attorneys, Webber Wentzel, in 2019 and prepared an initial report. The attorneys then referred her to the NPA to formally consider the 1969 post-mortem report and the first inquest evidence. Thereafter she produced a specialised forensic pathology opinion, which reinforced her initial findings.⁴¹³

305. Dr Molefe cast considerable doubt on the police version that the injuries were sustained in a fall down stairs:

*The multiple bruises were a result of blunt force trauma, most likely due to significant assault inflicted on different days during the period of the deceased's detention. These injuries probably altered his pathophysiological mechanisms of clotting and risk of thrombo-embolism, and together with the pain that would have originated from the fractured rib, would contribute to level of low oxygenation of the blood and ultimately contributing to Mr Haron's death, concluded at inquest to be due to myocardial ischemia.*⁴¹⁴

306. According to Dr Molefe, the tramline bruise on the front part of Haron's thigh cannot be explained by a fall from the stairs. Instead, she explained in her report that such bruising is commonly caused by an implement like a whip, belt or a longitudinal object.⁴¹⁵

307. Similarly, in respect of the abdominal injuries, Molefe stated in her report that the abdominal wall is quite hard to bruise, as it takes considerable force. In fact, injuries such as severe internal abdominal injuries, are usually found in persons who have been assaulted directly to the abdomen, and even then, bruising of the abdominal wall is not always present.⁴¹⁶

308. When questioned about Haron's fractured rib, Molefe had the following to say:

MR VARNEY: There was evidence, Doctor – I do not have a reference for it but that the fracture could potentially have healed between July and the time of death but from what I hear you saying that is – [...] it obviously did not heal. Is it a possibility that if it happened during early July that potential abuse experienced by the deceased thereafter could have interfered with any healing process?

*MS MOLEFE: M'Lord, I have to concede that that is a possibility.*⁴¹⁷

⁴¹³ NPA Vol B, DDP 20 (Molefe's Further Opinion & Provisional Report), p 786 & p 790

⁴¹⁴ NPA Vol B, DDP 20 (Molefe's Further Opinion), p 788, para 5.1

⁴¹⁵ NPA Vol B, DDP 20 (Molefe's Provisional Report), p 798, para 6.3

⁴¹⁶ NPA Vol B, DDP 20 (Molefe's Provisional Report), p 798, para 6.3

⁴¹⁷ Re-opened inquest transcript, 09 November 2022, p 263: 18

309. Molefe also commented that the fact that the bruises varied in size, colour and region, points to the probability that the injuries were sustained on different days.⁴¹⁸
310. With regard to the fresher injuries on Haron's body, Molefe stated that because Haron was in pain and immobile it is possible that he was kicked, maybe to wake him up.⁴¹⁹ She explained as follows:

MS MOLEFE: M'Lord, I am going to give my own interpretation of what I think may have happened. So, when we look at the distribution of these green yellowish bruises and where they are and then they start putting as bruises that were not otherwise visible and then you have got this fresher bruises. This is an individual who around this time of the 26th, 27th seems to not be moving much and I understand ...[indistinct] because he complained of chest pain and he complained of a severe headache, but he also has multiple bruises so one can understand why he would not be mobile, because of the pain it is restricting him.

And this again refers to the extract that I read from Knight's Forensic Pathology. So, my thinking, this is what my opinion of what may have caused these bruises is when a person is laying down in a cell they have no energy, they are in extreme pain, and you kick him then to try and wake them up. So, if a person is lying in a foetal position with no energy, they are in pain, you want information from them, you are speaking to them and you were asking them questions and they seem to be asleep – there is reference that he was asleep, he did not want to go out that day – and you are wanting to wake them up. To me it appears that kicking the lower legs in order to try and wake a person up would be a plausible explanation.⁴²⁰

311. Furthermore, Molefe stated that it is also a possibility that Haron was struck with a weapon as he was lying in his cell. In this case a weapon could include shoed or booted feet. If he had been lying down, his hands, feet and lower back would have been exposed and this could explain why the haematoma was different in colour from the other blue bruises which are on the back part of the body and were possibly caused by a different mechanism.⁴²¹

⁴¹⁸ Vol B, DDP 20 (Molefe's Provisional Report), p 799, para 6.7

⁴¹⁹ Re-opened inquest transcript, 09 November 2022, p 272: 10

⁴²⁰ Re-opened inquest transcript, 09 November 2022, p 272: 10

⁴²¹ Re-opened inquest transcript, 09 November 2022, p 274: 1

IMAM HARON'S HEALTH

312. In this section we examine Haron's health before and during detention, and the medical treatment he received while in detention.⁴²²

State of health before detention

Dr Louis Sternberg

313. Dr Louis Sternberg, a medical practitioner, testified during the 1970 inquest about the state of Haron's health before his solitary confinement.⁴²³

314. Dr Sternberg conducted a medical examination on Haron at his surgery in Cape Town on 23 November 1967 and concluded that Haron was in excellent health. Dr Sternberg testified that Haron mentioned to him that his last routine yearly check-up was with a Dr Jaffe in Claremont in 1966, and that he found no sign of any heart or cardiac trouble.⁴²⁴

315. Dr Sternberg testified that he could find no evidence of any health defects with Haron and that his blood pressure, pulse rate, response to exercise and urine examination were all normal.⁴²⁵

316. Dr Sternberg's report disclosed that Haron did not suffer from piles, fistula or any other anal condition; and he did not use sedatives, tranquilisers, or medication for controlling arthritis, blood pressure, diabetes, epilepsy, gout or nervous ailment.⁴²⁶

Zainal Makda⁴²⁷

317. Zainal Makda ("Makda") was Haron's niece and lived in his house. She testified that she spent every weekend with Haron and Galiema from the age of 8 until she was about 19 years old.⁴²⁸

⁴²² This section relies largely on Exhibit F7: Report by Dr SR Naidoo, November 2022, and Exhibit F10: Chronology Interrogation and Health (based on testimony given at the 1970 inquest)

⁴²³ Vol A3 pp 201: 9 – 203: 6 (Sternberg testimony 1970 inquest)

⁴²⁴ Vol A3 p 202: 3 – 4 (Sternberg testimony 1970 inquest)

⁴²⁵ Vol A3 p 202: 9 – 13 (Sternberg testimony 1970 inquest)

⁴²⁶ Annex A to Exhibit U (Sternberg report in NPA Vol A2 [in NPA bundles Annexure A omitted])

⁴²⁷ In the transcript her name is misspelt as "Zaina Maghda"

⁴²⁸ Re-opened inquest transcript, 10 November 2022, p 457: 1 -11 (Makdal testimony)

318. Makda testified that Haron was a man of excellent health. During all the years that she knew him, he was a very healthy person and did not complain of ailments.

319. Makda worked for Dr H M Kotwal, who was the Haron family doctor, but Haron would only visit Dr Kotwal to bring patients there, never for himself.⁴²⁹

Security Police

320. Genis confirmed that Haron was in good health when he was arrested.⁴³⁰

State of health during detention

321. When the Chief Magistrate of Cape Town visited Haron on 9 and 23 June 1969, he had no complaints.⁴³¹

322. On the next visit of the Chief Magistrate on 7 July 1969, which was during the second period of Haron's detention, when a statement was being extracted from him, Haron complained to him of a chest pain.⁴³²

323. On the same day he was taken by the Security Police to Dr Viviers, a district surgeon in Belville, where he mentioned that he had a pain roughly over the 5th, 6th or 7th rib on the left side, more or less in the mid line.⁴³³

324. The interrogation and statement taking continued and three days later, Haron was again taken to a district surgeon, this time to Dr D'Arcy Charles Gosling, district surgeon in Cape Town, where Haron again complained of a painful tenderness in the lower chest – Gosling was not sure if it was on the left, right or both sides – and generalised aches and pains which he had had for a day or two.⁴³⁴

325. By 11 July 1969, Haron's written statement had been prepared, but Van Wyk and Genis decided that it was not truthful, and the interrogations continued.⁴³⁵ Haron was moved from Caledon Square Police Station to Maitland Police Station on 11 August 1969.

⁴²⁹ Re-opened inquest transcript, 10 November 2022, p 457: 12 – 458: 2 (Makdal testimony)

⁴³⁰ Vol A3, p 3: 6 - 9 (Genis testimony 1970 inquest)

⁴³¹ Vol A2: Exhibit K (Barnard affidavit)

⁴³² Vol A2: Exhibit K (Barnard affidavit, paras 4 - 6)

⁴³³ Vol A3, p 79: 5 – 7 and p 80: 6 – 9 (Geldenhuys testimony 1970 inquest); NPA Vol A3, p 50: 18 - 20 and p 50: 29 (Viviers testimony 1970 inquest)

⁴³⁴ Vol A3, p 144:2 – 10 (Gosling testimony 1970 inquest)

⁴³⁵ Vol A3, p 233:2-10

According to the Chief Magistrate, Haron made no complaints to him during his visits on 21 July, 4 August, 18 August, and 3 September 1969.⁴³⁶

326. By mid-September 1969, the once healthy Haron had to be seen in his police cell by Dr Gosling, on a Sunday and the following day, for bleeding per rectum.⁴³⁷ During September, his interrogators still claimed Haron's written statement was riddled with lies.⁴³⁸
327. When the Chief Magistrate of Cape Town "came across" Haron at Caledon Square Police Station on the morning of 17 September 1969, Haron had no complaints.⁴³⁹ However, later that day the Security Branch removed Haron and only returned him to Maitland Police Station at about 9.30 pm on 19 September 1969. Following his return, he was no longer a healthy man. He again complained of chest pain,⁴⁴⁰ headaches,⁴⁴¹ and became sedentary.⁴⁴²
328. His health continued to deteriorate to the point where he became largely immobile and ultimately, he died on 27 September 1969.

Medical Treatment

329. The medical treatment Haron received, as shall be demonstrated, was wholly inadequate. All key role players turned a blind eye to the assaults brutally meted out to Haron by the Security Branch. The cruelty of the Security Branch was facilitated through the inaction of the medical professionals.

Dr Petrus Jacobus Viviers

330. Dr Petrus Jacobus Viviers, was the First District Medical Officer in Bellville ("Viviers").⁴⁴³

⁴³⁶ Vol A2: Exhibit K (Barnard affidavit)

⁴³⁷ Vol A2: Exhibit R (Gosling statement)

⁴³⁸ Vol A3, p 233: 2 – 7 (Cooper SC address)

⁴³⁹ Vol A2: Exhibit K (Barnard affidavit paras 11 - 12)

⁴⁴⁰ Vol A3, p 41: 9 - 22 (Malan testimony 1970 inquest)

⁴⁴¹ Vol A3, pp 81: 16 – 82: 10 (Geldenhuys testimony 1970 inquest)

⁴⁴² Vol A3, pp 55: 25 – 56: 9 (Burger testimony 1970 inquest)

⁴⁴³ Vol A3, p 71: 8 – 10 (Viviers testimony 1970 inquest). Statement dated 29.1.1970 (exhibit M).

331. On Monday, 7 July 1969, Security Branch officers, Genis and Captain Ebanis Jogiemus Johannes Geldenhuys ("Geldenhuys"), took Haron to Viviers, where Haron complained of a pain in the chest.⁴⁴⁴
332. Viviers failed to take notes of the clinical examination.⁴⁴⁵ He did not ask Haron about the pain he was experiencing and what may have caused the pain because of his "policy not to engage with political prisoners".⁴⁴⁶
333. Haron mentioned that he had a pain roughly over the 5th, 6th or 7th rib, for which Viviers handed Genis and Geldenhuys a sample bottle of about 10 pain tablets.⁴⁴⁷ In his affidavit refers to the tablets as Analgen SA Tablets.⁴⁴⁸
334. It is also noteworthy that the Security Branch could not explain why it was necessary, on a regular Monday, to take Haron to a district surgeon in Belville⁴⁴⁹ when a visit to the district surgeon in Cape Town would have been closer and may have been required in terms of applicable standing orders. On 22 September 1969 Viviers again gave prescription pain tablets for Haron to use, this time at the request of Geldenhuys, without speaking to or examining Haron.⁴⁵⁰
335. With regard to Viviers' policy not to engage with political prisoners, the following exchange between the Honourable Justice Thulare and Dr Naidoo sheds light on this position:

COURT: If one looks for instance to the self-developed policy of Dr Viviers of not asking anything of political prisoners.

MR NAIDOO: Yes.

COURT: It seems to me that he left, the doctor left his responsibilities as a medical professional and veered towards nurturing or providing, you know ...

MR NAIDOO: Yes.

COURT: ... compost for bad things to be done by the police.

⁴⁴⁴ Vol A3, p 79: 5 – 7; p 80: 6 – 9 (Geldenhuys testimony 1970 inquest). Statement dated 29.1.1970 (exhibit N).

⁴⁴⁵ Vol A3, p 71: 18 – 21 (Viviers testimony 1970 inquest)

⁴⁴⁶ Vol A3, p 73: 23 – 75: 3 (Viviers testimony 1970 inquest)

⁴⁴⁷ Vol A3, p 50: 18 - 20 and p 50: 29 (Viviers testimony 1970 inquest)

⁴⁴⁸ Vol A2, Exhibit M (Viviers affidavit)

⁴⁴⁹ Vol A3, p 79: 12 – 19 (Geldenhuys testimony 1970 inquest)

⁴⁵⁰ Vol A2, Exhibit N (Geldenhuys affidavit)

MR NAIDOO: Yes.

COURT: He create, his policy fed into that environment.

MR NAIDOO: Yes, M'Lord.

COURT: In other words, whereas if as a medical practitioner he should have probed his policies not to ask anything.

MR NAIDOO: Yes, and to that I may add that I know not of any policy or prescription or regulation or professional practice that prescribes that doctors should refrain from asking penetrating questions to any patient like that, at least in this context, even at that time in 1950s or '60s or '70s by doctors practising as district surgeons. As I had mentioned, I wasn't a district surgeon. I went straight to forensic pathology, but I have explored to an extent this work and taught on it and I don't believe that there was any medical policy or guideline to prevent doctors or get them to refrain from asking questions.⁴⁵¹

336. Dr Molefe provided her opinion on the 'policy' in her examination in chief. She stated that:

MS MOLEFE: M'Lord, my response would be it is not a matter of policy but simply a matter of medical ethics. When a medical practitioner interacts with a patient that interaction is governed by the Health Professions code of conduct and in medicine, we are taught that you ask certain questions and then your examination is guided by the answers that the patient gives. That is irrelevant of the policy as it were and therefore in my opinion, I would deem that negligent from the medical point of view, M'Lord.⁴⁵²

337. Naidoo during his examination in chief took issue with Viviers' description of Haron. Viviers referred to Haron as 'short, robust and overweight',⁴⁵³ while his body mass index indicated that he was in fact slender.⁴⁵⁴ He also referred to Haron as dark in colour which he was not.⁴⁵⁵ Naidoo's concern about this incorrect description was, "when testimony comes out like this from a witness, then the witness is churning out from his imagination rather than facts ... ".⁴⁵⁶

⁴⁵¹ Re-opened inquest transcript, 11 November 2022, p 498 - 499

⁴⁵² Re-opened inquest transcript, 09 November 2022, p 260: 23-25 and p 261: 1 - 6

⁴⁵³ Vol A3, p 77: 4-5: (Viviers testimony 1970 inquest)

⁴⁵⁴ Re-opened inquest transcript, 11 November 2022, p 483: 20 - 24

⁴⁵⁵ Re-opened inquest transcript, 11 November 2022, p 487: 1 - 3

⁴⁵⁶ Re-opened inquest transcript, 11 November 2022, p 484: 3 - 7

338. A further concern that Dr Naidoo had with Viviers' description of Haron had to do with the visibility of bruises depending on the colour of the skin, as well as an implication that Haron's weight was a cause of his heart problems. The following exchange dealt with these issues:

"MR VARNEY: Right, I only raise it because in this case if there was an allegation that Imam Haron succumbed to this underl[ying] heart condition and here we have a doctor ..., alleging quite incorrectly that he was short, robust and overweight and if I may draw your attention to the next paragraph. Dr Viviers described the deceased as dark in colour.

MR NAIDOO: Yes.

MR VARNEY: Which is inconsistent with almost every other description of the deceased who was light in colour.

MR NAIDOO: Yes, that's correct. M'Lord, with my experience in observing...pigmentation at the autopsy and in normal people — it's part of my world because I've got to diagnose and look for bruises and, in this instance, I even went online at that remarkable striking observation hasbecause I looked at the Imam on photos online and it's my impression that he's remarkably light skin, but I am open to correction. That's my impression. He certainly wasn't dark in colour. What we're saying is bruises or injuries should have been readily visible to the objective medical examiner.

MR VARNEY: Yes, and bruises are not easily detectible in dark skin people as they are in light skin people.

MR NAIDOO: Correct, yes.

MR VARNEY: And so here we have Dr Viviers saying that the man is overweight and there is the allegation that he succumbed to this underlying heart condition and of course there are all these bruises on the body, and he alleges that he's dark skinned when in fact he was light skinned.

MR NAIDOO: Correct.

MR VARNEY: Do you agree that the unfortunate impression again is that Dr Viviers was suggesting that the ultimate condition of his heart might have been connected to his overweight status?

MR NAIDOO: Correct.

COURT: So, if I have to put it in terms that [in] respect [of] Dr Viviers, he was economical with the truth.

*MR NAIDOO: I like that expression.*⁴⁵⁷

339. In respect of the need for a doctor to record basic observations, Naidoo explained that it was necessary to take a complete and comprehensive record of the findings of a political detainee.⁴⁵⁸ He added that it is a doctor's duty to investigate and to ask the appropriate questions, such as the source, nature and background of the pain to ensure that the patient is treated effectively.⁴⁵⁹

340. During Naidoo's examination in chief, he was asked to comment on the following exchange between Viviers and Cooper at the 1970 inquest:

And Mr Cooper asked:

"Can you remember what he said caused the pain?"

Dr Viviers responds:

"No, I cannot remember. I was aware of the fact that it was a political prisoner, and my policy is not to question them extensively."

Cooper says:

"Why not?"

Viviers says:

"No, that is just my policy."

Cooper says:

"Why did you not want to know how he sustained these injuries?"

And Viviers says:

*"Yes, look, if he tells ... me, he tells me if there's an injury, but I did not ask him, and I also noticed that he was not inclined to speak."*⁴⁶⁰

⁴⁵⁷ Re-opened inquest transcript, 11 November 2022, pp 486:10 – 487: 2

⁴⁵⁸ Re-opened inquest transcript, 11 November 2022, p 484: 20 - 24

⁴⁵⁹ Re-opened inquest transcript, 11 November 2022, p 485: 13 - 21

⁴⁶⁰ Re-opened inquest transcript, 11 November 2022, p 497: 1 - 23

341. Naidoo responds as follows:

MR NAIDOO: Oh, I cannot but be alarmed at that sort of response because it's entirely unacceptable in that a doctor does not probe those injuries. I'm saying this because I'm sure it may have happened, ..., but certainly that was against ethical approaches and professional principles and also against any of the conventions that we as medical people align ourselves to. Not probing because of the fact that he was a Security Police prisoner implies to me that doctors like that were under a state of compromise.⁴⁶¹

Dr D'Arcy Charles Gosling

342. Dr D'Arcy Charles Gosling ("Gosling") was the district surgeon for Cape Town.⁴⁶²

343. Three days after seeing Viviers, Haron was still complaining of a painful tenderness in his lower chest, as well as generalised aches and pains. He was taken by the Security Branch to Gosling on Thursday, 10 July 1969. Gosling did not enquire about the cause of the pain or examine him for a possible fractured rib or establish if he was on any medication. He noted "*localised tenderness over the lower ribs*"⁴⁶³ and gave Haron routine treatment for influenza.⁴⁶⁴

344. When Gosling examined Haron on 10 July 1969 it was done in the presence of Security Branch members.⁴⁶⁵

345. The next time Gosling saw Haron was for bleeding piles, for which he visited him at the Maitland Police Station on two consecutive days, Sunday, 14 September, and Monday, 15 September. Haron had complained to Sergeant Petrus Jacobus Rademeyer ("Rademeyer") that he was feeling unwell, that he was passing blood with his stool and that there were blood splatters in the toilet bowl. Rademeyer also remained present during Haron's examination, and Gosling prescribed Anusol suppositories.⁴⁶⁶

346. Dr Molefe testified that as a detainee, Haron was a vulnerable person, without the liberty to access normal health care.⁴⁶⁷ Further adding to this vulnerability, was the fact

⁴⁶¹ Re-opened inquest transcript, 11 November 2022, p 497: 24 - 25 and p 498: 1 - 8

⁴⁶² Vol A3, p 143: 17 – 19 (Gosling testimony 1970 inquest)

⁴⁶³ Vol A2: Exhibit R (Gosling affidavit, para 1)

⁴⁶⁴ Vol A3, pp 95 – 100 (Gosling testimony 1970 inquest)

⁴⁶⁵ Vol A3, p 146: 19 – 20 (Gosling testimony 1970 inquest)

⁴⁶⁶ Vol A2: Exhibit I (Rademeyer affidavit, paras 7 – 10); NPA Vol A3, pp 40: 19 - 41: 8; NPA Vol A2: Exhibit G (Malan affidavit, para 14)

⁴⁶⁷ Re-opened inquest transcript, 09 November 2022, p 200: 22 - p 201: 4

that the doctors, by allowing the Security Police to be present, failed to honour the practice that a medical examination is a private, confidential examination.⁴⁶⁸

347. Dr Naidoo was similarly critical of the presence of Security Branch members in medical consultations. He stated that:

*To have the police, particularly the Security Police, in the same room, in the same, in the vicinity of the examination compromises the examination because, as I mentioned earlier, history-taking and exploration of the symptoms is a crucial, integral part of examination and eliciting the findings and arriving at a conclusion. So, certainly it has always been the principle that medical examinations should not include the presence of the police in the case of a detainee being examined.*⁴⁶⁹

348. Furthermore, in his evidence in chief, Naidoo stated that it was also important for a doctor to ascertain the sequence of events since the beginning of a detention. The doctor should ask important questions such as when did the pain start? *"Have you associated it with any occurrences of injury? Could there have been a fall? Could there have been an accident? Were you assaulted? These are questions that the medical practitioner must ask."*⁴⁷⁰

349. During Naidoo's examination in chief, it was pointed out that over the period 7 to 10 July 1969 when Haron saw both Viviers and Gosling, an attempt was being made to extract a statement from him.⁴⁷¹ Yet, Gosling recorded generalised malaise and a painful chest, but simply gave Haron routine treatment for influenza.⁴⁷²

350. Molefe commented that it appeared that Dr Gosling "... *did not ask about the cause of the painful tenderness in the lower chest and it was unclear at the time whether this chest pain was actually on the left, on the right or on both sides. In fact, there was attribution to a flu like illness, generalised body aches and pains which he had for a day or two*".⁴⁷³

351. Naidoo noted that on entering detention, Haron was in normal health in every respect. However, on 7 July and 10 July 1969 he was taken to the doctor for chest pains. First to Viviers where he complained of chest pain between the 5th, 6th, 7th and 8th ribs in

⁴⁶⁸ Re-opened inquest transcript, 09 November 2022, p –205: 1 - 6

⁴⁶⁹ Re-opened inquest transcript, 09 November 2022, p 495

⁴⁷⁰ Re-opened inquest transcript, 09 November 2022, p 496

⁴⁷¹ Re-opened inquest transcript, 11 November 2022, p 490: 1 - 3

⁴⁷² Vol A2: Exhibit R (Gosling affidavit, para 1)

⁴⁷³ Re-opened inquest transcript, 09 November 2022, p 206: 5 - 21

the auxiliary midline and then a few days later on 10 July, Gosling recorded general malaise and weakness localised over the lower ribs. Naidoo noted that this was the same period where the Security Branch attempted to extract a statement from Haron. Thereafter there is a hiatus with no complaints. Subsequently, there were successive complaints in late September: Saturday 20th, Sunday 21st, Monday 22nd, Friday 26th and Saturday morning 27th. So, Haron made five complaints of pain shortly after the three-day extraction.

352. Counsel for the family pointed out to Naidoo that in respect of the earlier complaints, such as the bleeding per rectum over Saturday and Sunday 14th to 15th of September, Gosling was called to Maitland Police Station to attend to Haron. On 14 September Gosling prescribed suppositories and returned on 15 September to ascertain whether Haron had responded to treatment.⁴⁷⁴ However, when similar complaints were made, and when Haron's pain became severe over the period 19 to 27 September, no doctor was called. When asked to comment as to why this was the case, Naidoo responded as follows:

My view, M'Lord, is that if I look at the post-mortem — I'm coming back to being a pathologist, and looking at the post-mortem and these injuries which I'm happy to show the Court, I believe that after that Friday when he came back after two nights and three days of absence, any doctor who had seen him over those next eight days until death, at any stage of those eight days, eight days I think — would definitely have not overlooked seeing those injuries.

We do assume that someone, maybe a ...[indistinct] person who would be examining him, the deceased because long clothing, long sleeve clothing might hide some of his injuries. It won't camouflage the state of his ill health... MECHANICAL INTERRUPTION [10:36] ...and certainly any ordinary medical doctor — the identification of the bruises without, would have been without a doubt and that is also what concerns me. And I'm wondering whether that a doctor may not have been called out for purposes — because those injuries would have been visible.⁴⁷⁵

353. Finally, the behaviour of doctors Viviers and Gosling is encapsulated in the following exchanges between Naidoo and the Honourable Justice Thulare:

⁴⁷⁴ Vol A2: Exhibit R (Gosling affidavit)

⁴⁷⁵ Re-opened inquest transcript, 11 November 2022, p 492: 13 - 25 and p 493: 1 - 4

COURT: ...So, it seems to me then that, from what you have told the Court, the two medical practitioners were part of the problem of the system to which the Imam was subjected.

MR NAIDOO: Yes, M'Lord. They made no real contribution to diagnose – to investigation, diagnosis and perhaps – and that's the other thing about doctors that's health care professionals. You invoke prevention. So, they didn't contribute in any way to the Imam's health status.⁴⁷⁶

Captain Ebanis Jogiemus Johannes Geldenhuys

354. On Saturday, 20 September 1969, the day after Haron was returned to his Maitland cell from his three-day absence, he felt unwell. Geldenhuys, the Security Branch duty officer, went to Maitland.⁴⁷⁷ When he arrived, Haron was sleeping on his rug, covered with a blanket.⁴⁷⁸ Haron complained of a pain in the head.⁴⁷⁹ Geldenhuys went to his home and collected four Voloxines from his personal medical cabinet and returned in the afternoon.⁴⁸⁰ Molefe explained that the 1970 inquest record incorrectly refers to Voloxines when it should have been Doloxines.⁴⁸¹
355. From the testimony of Gosling, we know that there was always a district surgeon on call over the weekends, including on Saturdays.⁴⁸²
356. Molefe during her examination in chief testified that the Doloxines (sic Voloxines) given to Haron, was in the same class as morphine and it was a potent painkiller (it is no longer on the market) with a propensity to depress the central respiratory drive. Before administering Voloxines, a doctor would have had a professional duty to establish whether the patient had respiratory issues as this medication could be detrimental if respiratory issues existed.⁴⁸³
357. As far as Molefe was aware, the law on scheduled drugs has not changed and scheduled drugs have remained scheduled.⁴⁸⁴ Molefe thus agreed that it would have

⁴⁷⁶ Re-opened inquest transcript, 11 November 2022, p 498: 15 - 19

⁴⁷⁷ Vol A3, p 81: 16 – 29 (Geldenhuys testimony 1970 inquest)

⁴⁷⁸ Vol A3, p 83: 1 – 2 (Geldenhuys testimony 1970 inquest)

⁴⁷⁹ Vol A3, p 82: 1 – 8 (Geldenhuys testimony 1970 inquest)

⁴⁸⁰ Vol A3, p 84: 11 – 23 (Geldenhuys testimony 1970 inquest)

⁴⁸¹ Re-opened inquest transcript, 09 November 2022, p 218: 22 - 25

⁴⁸² Vol A3, pp 150: 16 - 151: (Gosling testimony 1970 inquest)

⁴⁸³ Re-opened inquest transcript, 09 November 2022, p 217: 24

⁴⁸⁴ Re-opened inquest transcript, 09 November 2022 p 268: 4

been absolutely inappropriate for a police officer who was not qualified medically, to give a scheduled prescribed drug to another person.

358. Molefe had the following exchange with the court:

COURT: It seems to me that there is an impression that the police — I'm talking from the background that a man reports ill. So severe is the headache that those who are in charge of his custody report to the Security Branch which was responsible for him and Geldenhuys attends to him, but contrary to the previous occasion and there is nothing that suggest that the police were keen to get him medical attention. It seems something to hide.

MS MOLEFE: Yes, M'Lord, indeed the reaction of the police to the complaints that Imam allegedly had, seemed inconsistent with the regards to what they deemed serious and therefore required the attention of a medical practitioner and I fail to understand how they could pay so much attention to piles over a weekend and not pay any attention to somebody who complained of chest pain earlier in the morning and later on complained of a headache but not just a headache, a severe headache on that same day.

COURT: Yes, I mean we are talking about a headache which Geldenhuys deemed does not need a Grandpa or a Panado. It needs something stronger. That is why he drove home to fetch his own painkillers, prescribed painkillers, which means he recognised the severity of the pain, but the question is why not medical attention.

*MS MOLEFE: M'Lord, I have the same question and concern.*⁴⁸⁵

359. Following the concern of the administration of Doloxines (sic Voloxines), Molefe elaborated further:

COURT: So, should I understand from these comments that this drug has the tendency or propensity to sedate one?

MS MOLEFE: That is correct, M'Lord. ...

MS MOLEFE: In fact, M'Lord, the correct procedure in a hospital setting is, while morphine is a very good pain control medication, the requirement, absolute requirement is that the doctor must instruct the nursing personnel to regularly check on the breathing of the patient. And in fact, a resuscitation trolley should

⁴⁸⁵ Re-opened inquest transcript, 09 November 2022, p 220: 1

always be available nearby should that person go into a respiratory or a breathing problem.

Equally, if one is going to give a drug like morphine or any other derivative of a morphine-like tablets, which we call opioids — if you are going to give that in a higher dose or perhaps straight into a drip, it would be of utmost importance that you are prepared to resuscitate a person. Otherwise, you must incubate that person and connect them to a ventilator, if you are not sure and cannot guarantee that a respiration will always be protected.

COURT: So, this is not just an ordinary drug given in innocence?

MS MOLEFE: M'Lord, it's a scheduled drug.

COURT: I see.

MS MOLEFE: In other words, you cannot get it over the counter. A doctor must prescribe it because of those very potentials for danger.⁴⁸⁶ ...

COURT: ...So, the impression left by your evidence is that at least from 20 September, the Imam may have been under sedation at the instance of the police in Maitland Police Station cells without any medical attention?

MS MOLEFE: That is correct, M'Lord, however, we also ought to acknowledge that we do not know how often these tablets were given, how many of these tablets were given.

COURT: I move from the premise that this statement is informed by the premise that Geldenhuys brought these tablets and according to the evidence, if I understood it correctly and my recollection of it is correct — it has been used since then by the Imam?

MS MOLEFE: That's correct, M'Lord.

COURT: So, that's why I am saying it seems to me that the Imam, for all ...[indistinct] and purposes, at least from the 20th, was in a police cell, provided with sedative pills, without any medical attention been provided to him at the instance of the security branch?

⁴⁸⁶ Re-opened inquest transcript, 09 November 2022, p 221: 22

*MS MOLEFE: That is correct, M'Lord.*⁴⁸⁷

360. Naidoo similarly expressed his concern during his examination in chief that an opiate pain medication was given to Haron by a Security Branch member, from his own personal prescription. Naidoo testified that a physician should have been called, or preferably Haron should have been taken to hospital.⁴⁸⁸ Geldenhuys, who was not medically trained, fetched four pain pills from his home, and gave them to the police officers later that afternoon to give to Haron one every four hours.⁴⁸⁹
361. According to Naidoo, the fact that the police would go to these lengths to get such strong medication, without the involvement of a physician, speaks to the severity of the pain and the suffering experienced by Haron.⁴⁹⁰ Naidoo reiterated that given the nature of the injuries and the type of pain involved, should have necessitated the hospitalisation of Haron.⁴⁹¹

Constable Johannes Hendrik Hanekom Burger

362. Burger stated in his affidavit, that on the day of his death, Haron stood by the cell door and barely moved. He told Burger that his stomach hurt. Burger said that he did not want to see a doctor and instead asked for painkillers and toilet paper, both of which were provided.⁴⁹²

THE ALLEGED FALL

1970 Inquest

363. During the 1970 inquest, Genis and Van Wyk claimed that Haron fell down some stairs at Caledon Square Police Station on 17 September 1969. The alleged fall down the stairs became the central event around which the 1970 inquest revolved. The police put up the fall as the explanation for the injuries found on Haron's body.

⁴⁸⁷ Re-opened inquest transcript, 09 November 2022, p 225: 1

⁴⁸⁸ Re-opened inquest transcript, 11 November 2022, p 539: 10-15

⁴⁸⁹ Re-opened inquest transcript, 11 November 2022, p 543: 7 – 14

⁴⁹⁰ Re-opened inquest transcript, 11 November 2022, p 537: 20 – p 539: 5

⁴⁹¹ Re-opened inquest transcript, 11 November 2022, p 539: 10 – 15

⁴⁹² Vol A2: Exhibit R (Burger affidavit)

Major Dirk Kotze Genis

364. Genis testified as follows in response to the question who collected the deceased from the police cells on 19 September 1969:

MR GENIS: I am not sure. I mean I sent somebody to fetch him, but I am not sure. I did not fetch him myself.

MR COOPER: But who brought him to your office on 19 September?

MR GENIS: It might be Detective Sergeant van Wyk, I am not sure.⁴⁹³

365. This was a lie as Haron had been taken from Maitland Police Station on 17 September 1969 and was only returned there after 9 pm on 19 September 1969.⁴⁹⁴ Genis failed to disclose that Haron had been taken from the Maitland Police Station for the three day and two-night period. This only emerged after Cooper SC asked the magistrate to require Captain Pieter Louis Malan, the Station Commander of the Maitland Police Station, to make available the occurrence book.⁴⁹⁵ It is apparent that the Security Branch had wished to conceal Haron's three-day extraction.

366. According to Genis, Haron "slipped on the last few stairs" and landed on his buttocks. Haron was apparently unharmed and had merely gotten a fright.

MR COOPER: You observed no external injuries?

MR GENIS: Nothing. ...

MR COOPER: And the deceased also did not complain about any injuries he sustained?

MR GENIS: No.

367. The Security Branch had to walk a fine line in trying to explain the bruises while at the same time demonstrating that the fall was inconsequential meaning that Haron did not require medical attention.

⁴⁹³ Vol A3, p 15: 9 – 19 (Genis testimony 1970 inquest)

⁴⁹⁴ Vol A3: p 119: 6 – 25 (Genis cross-examination 1970 inquest)

⁴⁹⁵ Vol A3: pp 37: 23 – 38: 4 (Genis cross-examination 1970 inquest)

Sergeant Johannes Petrus Francois van Wyk

368. Van Wyk testified that Haron slipped on the landing at the corner of the last flight of stairs and came down the stairs on his buttocks and his side, eventually stopping two to three steps from the bottom step on his buttocks. In response to the question whether Haron rolled down the stairs, van Wyk answered in the negative.⁴⁹⁶

369. In his affidavit⁴⁹⁷ he provided the following statement regarding the fall:

370. *After I closed the gate, the deceased and I also walked down the stairs. Just after walking down the first few steps, we walked around the corner of the stairs. The deceased apparently missed one of the steps and tripped. He tried to keep his balance but fell and tumbled down the last few steps to the bottom. Before I could get to him Maj. Genis helped him up while I picked up one of his shoes. Both deceased's shoes were loose and without laces that day and it is apparently the loose shoes that caused him to misstep or slip. I could not see any injuries on him and on a question from Maj. Genis if he was injured, he answered in the negative.* We submit that this was a well-rehearsed narrative. Van Wyk claimed to hear Genis ask Haron if he was injured. Once again, the narrative needed to paint a picture of a fall that supposedly did not require medical intervention, but significant enough to cause bruising.

Lieutenant Colonel Carel Johannes Freysen Pienaar

371. Lieutenant Colonel Pienaar ("Pienaar"), head of the Security Police in Cape Town, attended the autopsy. He was informed by Genis, who went to the mortuary, but did not attend the autopsy, that the bruises were as a result of a fall down the stairs at the Caledon Police Station.

372. In his affidavit Pienaar stated the following:

*The stairs in question are, in my opinion, made of black slate and are very smooth and quite stepped out. There is a light for the stairs that works with a two-way switch. The light – the bulb – was out of order and not burning. It is particularly dark on the stairs in question.*⁴⁹⁸

373. Although not present when the alleged fall happened, Pienaar provided more texture and detail to the false narrative.

⁴⁹⁶ Vol A3, pp 108: 18 – 111: 24 (Van Wyk testimony 1970 inquest)

⁴⁹⁷ Vol A2: Exhibit O (Van Wyk affidavit)

⁴⁹⁸ Vol A2: Exhibit L (Pienaar affidavit)

Dr Theodor Gottfried Schwar

374. Dr Theodor Gottfried Schwar ("Schwar") was the senior state pathologist at the State Laboratory for Pathology in Cape Town at the time of Haron's death and he performed the post-mortem. Throughout his testimony Schwar attempted to downplay the extent of the bruising and the pain that Haron must have felt as a consequence of the bruises.
375. The fall was used by the prosecutor to explain the broken rib and other bruises and Schwar agreed.

*PROSECUTOR: Doctor I want to put this right. There is the evidence of Sergeant Van Wyk who says that he did not in fact see the fall from the time that this person fell until the time he landed on the last few steps. My learned friend said this person did not knock himself against the railings, but I just want to put that right, there is no evidence that he did not in fact knock against the railings. Those injuries could have been caused by a person in the process of falling hitting against the railings?*⁴⁹⁹

*MR SCHWAR: Yes, it depends how he fell. If he fell in such a way as to make contact with the railings then this contact would in all probability have caused bruising.*⁵⁰⁰

Magistrate JSP Kuhn

376. Magistrate Kuhn's take on the 'fall' has already been dealt with in the discussion of bias. Kuhn's endeavour to prop up the Security Branch version is seen in the following exchange between himself and former state pathologist, Dr Helman, in which he put up version of a more serious fall than alleged by the witness, Van Wyk.

QUESTIONS BY COURT: Doctor, would your opinion in regard to the injuries being sustained in a fall down the steps that we saw, alter if I tell you that Van Wyk said that he fell down the whole last flight of steps, from the landing.

MR HELMAN: All 11 steps?

COURT: Yes.

MR HELMAN: I will tell you what my problem is, Your Worship. The man is 5 feet something high, the stairs are 52" wide. I cannot see how he can roll down all

⁴⁹⁹ Vol A2: Exhibit L (Pienaar affidavit)

⁵⁰⁰ Vol A3, p 192: 16 – 25 (Schwar testimony 1970 inquest)

those stairs. I cannot see how he can hobble down all the stairs. Unless he did so ... if you were to tell me that he fell all the way down, banged himself all the way down.

COURT: That is what Van Wyk said – he went all the way down, from the landing.

MR HELMAN: And not the last few steps?

*COURT: And not the last few steps.*⁵⁰¹

Re-opened inquest

377. In the re-opened inquest, it is the family's case that Haron did not fall down a flight of stairs but that it was a story invented by the Security Branch to mask the brutality that was visited upon Haron. The medical and circumstantial evidence point unequivocally to Haron being subjected to considerable trauma through unrelenting torture.⁵⁰²

378. During the inspection in loco on 8 November 2022 two sets of staircases were visited at Cape Town Central Police Station (formerly Caledon Square Police Station). The second staircase was where the Security Branch alleged that Haron had fallen down ("the stairs").⁵⁰³

379. At the inspection in loco, the family's expert witness, aeronautical engineer Thivash Moodley, demonstrated on the stairs how Haron might have fallen, if he had fallen on the stairs as alleged by the Security Branch.

Thivash Moodley

380. Thivash Moodley ("Moodley"), an aeronautical and mechanical engineer of more than two decades' experience, prepared a report which analysed two scenarios of the alleged fall based on the versions of the Security Branch.⁵⁰⁴ He concluded that it was highly improbable that all the bruises and injuries sustained by Haron could be attributed to a fall down the stairs.

381. He based this conclusion on an inspection of the stairs where he took measurements, dimensions of Haron's relevant body parts, a consideration of the testimonies of Genis

⁵⁰¹ Vol A3, p 210: 1 - 14 (Helman testimony 1970 inquest)

⁵⁰² Re-opened inquest transcript, 07 November 2022, p 34: 4 – 9

⁵⁰³ See Haron Family Exhibit F20, Inspection In Loco Minute, 8 November 2022.

⁵⁰⁴ Haron Family Exhibit F1: *Technical Assessment by Thivash Moodley of Imam Abdullah Haron's alleged fall down a flight of stairs*, 6 November 2022 p 13 – 16

and van Wyk and the 1969 post-mortem report, as well desktop research on falls down stairs and typical injuries sustained during falls.

382. Moodley used the photographic evidence that was in the 1970 inquest report to determine which staircase the Security Branch claimed the fall happened on. He measured the stairs, including each step, as well as the depth of the tread and the height of the stairs. Using these measurements, he then tested the allegations made by Genis and van Wyk about the fall.⁵⁰⁵
383. According to Moodley there are two main categories of falls down stairs, those that are forward, as in tumbling down stairs and those that are backwards. Both Security Branch witnesses alleged Haron fell backwards and then slid down the stairs.⁵⁰⁶ If, however, Haron had missed a step, as claimed by van Wyk, the research shows that, unless he tried to regain his balance and then forced himself backwards, he would have fallen forwards.⁵⁰⁷
384. Moodley noted that: "Van Wyk mentioned that he was next to the late Imam Haron, and he said that he lost his footing, he mis-stepped, lost his balance and then immediately descended a step before falling backwards onto his buttocks and side and then he says he slid down."⁵⁰⁸
385. Moodley testified that an uncontrolled fall and a controlled fall would result in a very different impact of the body with the ground. Falling in an uncontrolled way, would be falling with gravity. If Haron had fallen in a controlled way, he would have fallen holding on to the handrail or did something to reduce the impact he made with the step.⁵⁰⁹ When a person falls on a stair or staircase, the fall is from a very low height. A fall is generally half the person's height because the centre of gravity of the body is predominantly around the navel area. In the case of the Haron, with a height of 1.7 metres, he would have fallen 0.8 metres from his height.⁵¹⁰
386. In his assessment, Moodley considered that each step in this particular instance is 145 millimetres and that Haron's predicted height is 1.7 metres, half of that is approximately 0.8 metres and the height of four steps is roughly 550 millimetres.

⁵⁰⁵ Re-opened inquest transcript, 08 November 2022, p 131: 19 – p 132: 5

⁵⁰⁶ Re-opened inquest transcript, 08 November 2022, p 135: 6 - 7

⁵⁰⁷ Re-opened inquest transcript, 08 November 2022, p 135: 11 – 21

⁵⁰⁸ Re-opened inquest transcript, 08 November 2022, p 136: 3 – 15

⁵⁰⁹ Re-opened inquest transcript, 08 November 2022, p 136: 16 – 22

⁵¹⁰ Re-opened inquest transcript, 08 November 2022, p 137: 12 – 21

Therefore, on the Security Branch version, Haron probably fell between 1.1 and 1.3 metres vertically.⁵¹¹

387. On a staircase most of the impact is in line with the edge of the stair or a small portion of the width of the stairs. Thus, the injuries would be longitudinal along the length of the stair and would be quite a narrow area that it is applied to. Consequently, it would be long and narrow when one impacts the stairs, and in this situation, if Haron fell in an uncontrolled way, he probably would have had a few – at least one but maybe up to three impact points - which could be his to his bottom and side and then slightly higher on his back and even higher on his neck and head.⁵¹²
388. Moodley referred to his research on fatal falls down stairs which established the type and location of injuries that he correlated with the injuries on the body of Haron.⁵¹³ Fatalities were typically the result of head and spinal injuries.⁵¹⁴
389. Moodley also referred to research that pointed to the top three injuries caused by falling downstairs were: bruising as a result of impacting the stair, sprains and dislocations (typically in the wrists) and head injuries.⁵¹⁵
390. Moodley testified that an instinctive reaction to breaking a fall is to put one's hands out; and depending on what body parts impact, the shoulder can also sustain dislocations.
391. The final study that Moodley referred to involved a simulation, in which a dummy was pushed down stairs and, in each experiment, the dummy sustained head and back injuries.⁵¹⁶ In contrast, there were no rear head and no back injuries on Haron's body.⁵¹⁷
392. Moodley indicated that he measured every single stair from the bottom to the top and they were consistent in their construction. Each stair was 145 mm high from the tread of the one stair to the top of the next stair. The size of the stairs was thus consistent and the depth of the stair, which is the flat part where one puts one's feet, was

⁵¹¹ Re-opened inquest transcript, 08 November 2022, p 137: 22 – p 138: 7

⁵¹² Re-opened inquest transcript, 08 November 2022, p 138: 8 - 17

⁵¹³ Re-opened inquest transcript, 08 November 2022, p 141: 4 – 22; Wyatt JP, Beard D, Busuttill, *Fatal falls down stairs*, Injury, International Journal of the care of the aged, 4 September 1998, pp 31 - 34

⁵¹⁴ Rowbotham SK, Blau S, Hislop-Jambrich J, Francis V. *Fatal falls involving stairs: an anthropological analysis of skeletal trauma*, Forensic Science Medical Pathology, June 2018, pp 152 - 164

⁵¹⁵ Re-opened inquest transcript, 08 November 2022, p 143: 3 – 17

⁵¹⁶ Nagata H, *Case Study on possible falling patterns of a fatal fall from stairs*, Industrial Health Journal, September 2014, pp 432 - 438

⁵¹⁷ Re-opened inquest transcript, 08 November 2022, p 143: 18 – p144: 7

consistently 280 mm. The top of the stair is a solid piece of stone that runs the length of the stair.⁵¹⁸

393. Moodley explained that there are 10 steps, and the 11th is the landing. The height of the first step above the ground is 1.745m and the distance from the ground, which is at the lowest step to the highest step, is 2.5 metres.⁵¹⁹
394. Moodley testified that in a situation where somebody is falling from a very low height, each body part contacts the ground at a different speed relative to its positioning and relative to its size and mass. Therefore, when your head hits the ground when you fall, because it is falling from a higher position than your buttocks, your head would tend to hit the ground with the same acceleration, but the speed might be slightly higher because the height it has fallen from is longer. This is the reason each segment of the body is looked at individually. If the body impacted the stairs at different segments, the velocity that each part of the body would have hit the stairs would be slightly different.⁵²⁰
395. Moodley carried out extensive calculations on Haron's body parts – including their measurements and mass.⁵²¹ When considering the alleged fall, Moodley came up with two possible solutions regarding the versions of the Security Branch. Firstly, he allegedly fell in a controlled way and landed on his buttocks and secondly, he allegedly fell without any control, and he landed and slid at the same time.
396. With regards to scenario one, Haron would have landed with his buttocks on the same stairs where he slipped.⁵²² In the uncontrolled manner of falling, Moodley's opinion was that he would have impacted the stairs with one or more body parts which would be his buttocks, his back, his neck and/or his head.⁵²³
397. In the instance of a fall, if one falls from a height, and when one impacts the ground, that potential energy that was stored in one's body has to convert into another form of energy which is kinetic energy.⁵²⁴ Moodley estimated that in scenario one he would impact the step with his buttocks at a speed of 3.5 metres per second. If this happened

⁵¹⁸ Re-opened inquest transcript, 08 November 2022, p 144: 23 – p 145: 11

⁵¹⁹ Re-opened inquest transcript, 08 November 2022, p 145: 12 – 23

⁵²⁰ Re-opened inquest transcript, 08 November 2022, p 146: 20 – p 147: 7

⁵²¹ Haron Family Exhibit F1: *Technical Assessment by Thivash Moodley of Imam Abdullah Haron's alleged fall down a flight of stairs*, 6 November 2022, p 9 – 12

⁵²² Re-opened inquest transcript, 08 November 2022, p 152: 16 – p 153: 4

⁵²³ Re-opened inquest transcript, 08 November 2022, p 151: 7 – 25

⁵²⁴ Re-opened inquest transcript, 08 November 2022, p 149: 4 – 10

there should have been at least a visible linear mark on his buttocks.⁵²⁵ Yet, there was no linear mark on Haron's buttocks.⁵²⁶

398. In terms of scenario two as described by Moodley, it is assumed that Haron would have fallen uncontrollably, not attempting in any way to restrain himself from falling. If he did fall uncontrollably backwards, he would have contacted the ground with maybe his buttocks first, but given that he had no control, his back and head or neck would have hit the ground soon after.
399. In scenario two, Moodley estimated that his buttocks would have impacted the floor at 3.6 metres, his torso at 4 metres per second and his head at 4.7 metres per second. His head would have hit the stair quite hard at almost 5 metres per second.⁵²⁷ Given that the head is fairly hard, unlike the buttocks that is much softer, there should have been noticeable injuries or bruising on the head. Again, the post-mortem report showed that the head, neck, shoulders and back appeared to be free of injuries.⁵²⁸ The broken rib that Haron had, as indicated in the post-mortem report was too far in front of Haron's body to indicate that he fell on his side.⁵²⁹
400. During his testimony, Moodley concluded that the injury pattern on Haron's body does not reflect those typically seen in falls down stairs and there were no injuries to the hands, exposed areas of the back, shoulders, neck and head as one would typically see from someone who has fallen down stairs.⁵³⁰ Moodley testified that the evidence of van Wyk that Haron had fallen down on one side, is inconsistent with the pattern of injuries and that there is simply no correlation between those injuries and somebody falling on their side and buttocks and sliding.⁵³¹ This would exclude the possibility of scenario two.⁵³² In relation to scenario one, the injuries on Haron's body are inconsistent with the type of fall alleged by the Security Branch.⁵³³

Dr Steve Naidoo

401. Dr Naidoo pointed out that after the alleged fall on 19 September 1969, Haron had four complaints of severe pain, including one the very next day – early on 20 September

⁵²⁵ Re-opened inquest transcript, 08 November 2022, p 153: 10 – 24

⁵²⁶ Re-opened inquest transcript, 08 November 2022, p 155: 1 – 3

⁵²⁷ Re-opened inquest transcript, 08 November 2022, p 156: 23 – p157: 24

⁵²⁸ Re-opened inquest transcript, 08 November 2022, p 158: 13 – 25

⁵²⁹ Re-opened inquest transcript, 08 November 2022, p 160: 9 – 20

⁵³⁰ Re-opened inquest transcript, 08 November 2022, p 161: 2 – p 162: 3

⁵³¹ Re-opened inquest transcript, 08 November 2022, p 161: 17 – 6

⁵³² Re-opened inquest transcript, 08 November 2022, p 164: 9 – 13

⁵³³ Re-opened inquest transcript, 08 November 2022, p 164: 14 – p165: 13

1969.⁵³⁴ Yet, at no point between Friday, 19 September 1969, and Saturday, 27 September 1969, was a doctor called.⁵³⁵

402. Dr Naidoo set out a typical response of a person to falling. He said that one would:

"...spring out your hands to grasp any support – any support – and at the same time [] drop the height of the body by buckling the knees and crouching so that it reduces the drop of force upon any part of the body,to slow down the fall and drop the height so that the injury is reduced and that the third thing is besides the flinging of the hands and dropping the height would be to protect the delicate parts of the body. So, the delicate parts of the body would be the fragile facial tissues, the cranium itself because automatically instinctively we protect the head not just the face we protect the neurological portions and then the delicate parts of the body such as the abdomen, the genitals. So, we want to fall on the buttocks, on the shoulders, on the side and on the back in trying to protect the delicate parts and vital parts.

Having said, that one thing is important. In all [these] 27 injuries, large as they were, none of them would have exhibited abrasions or – abrasions and that is very significant. Now abrasions, unlike bruises they fade. Abrasions you will see a surface scar weeks later. Days and weeks later.

*So, it is almost impossible for Dr Schwär not to have seen abrasions if there were. Therefore, the absence of abrasions is quite inconsistent with falling down the staircase. Falling on the ground or falling on the staircase. Abrasions are the result of frictional impact, there has to be impact but a local friction so that is [inevitable] in a fall in ...[indistinct] and in particular in a fall down a staircase. I would have expected abrasions [] not bruises – abrasions on the shoulders, elbows, sides, the sides of the knees and perhaps the hip, but abrasions not bruises. The absence of abrasions makes that fall then scenario quite remote."*⁵³⁶

403. When considering the alleged fall and the injuries on Haron's body, Naidoo testified that the injuries are entirely inconsistent with the described fall since they are present on the front, sides, back and particularly between the lower legs.⁵³⁷ The injuries are, instead, as stated in his report, characteristic of a sustained physical assault.⁵³⁸

⁵³⁴ Re-opened inquest transcript, 11 November 2022, p 491: 9 - 20

⁵³⁵ Re-opened inquest transcript, 11 November 2022, p 491: 21 – p 492: 1

⁵³⁶ Re-opened inquest transcript, 11 November 2022, p 547: 6 – p 548: 20

⁵³⁷ Re-opened inquest transcript, 11 November 2022, p 549: 3 – 10

⁵³⁸ Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 19

Dr Itumeleng Molefe

404. Dr Molefe also commented on whether the bruises could have realistically been caused by falling down the stairs as alleged by the Security Branch. In response to a question under cross examination as to whether a fall on stairs could account for “*large, generalised bruising*” Molefe said that stairs did not explain such bruising and she also said she would have expected to have seen abrasions:

M'Lord, I have made conclusions or, at least, opinions with regards to what I think could be the cause of the bruising and I don't think that the stairs are responsible or, at least, explain the bruising. And therefore, it becomes quite challenging for me to take one isolated injury, to say could this have, could this have been caused by the stairs and could this have not. Because when one does that, M'Lord, one loses the context of the case. The context of the case is that we do not have an individual injury that could be explained by this. We've got multiple bruises.

*So, with those consideration one would then have to say if the stairs are actually made of stone material, why is it that these bruises are not associated with abrasions? And by abrasions, M'Lord, I mean why is it that the skin was not scraped. You have impact, significant impact on a flight of stairs causing those huge bruises. These are not small, little points of – this, this, the other bruise is 20 by 8 centimetres. That's a big bruise on the back of the leg and there is no scraping of the skin?*⁵³⁹

DEATH AND POST-MORTEM

405. On 27 September 1969 Haron was found dead in his cell. On his third visit to Haron's cell that morning, Rademeyer, together with Captain Pieter Louis Malan (“Malan”), were the first on the death scene.⁵⁴⁰
406. Rademeyer looked in Haron's trouser pocket and found two pills which he later determined had been given by the police to Haron earlier that day.⁵⁴¹
407. Only one photograph of the scene formed part of the exhibits of the 1970 inquest. It is unclear whether more photographs had been taken.⁵⁴² The area was not sealed off and

⁵³⁹ Re-opened inquest transcript, 09 November 2022, p 308 – 309

⁵⁴⁰ Vol A2: Exhibit I (Rademeyer affidavit, para 18)

⁵⁴¹ NPA Vol A2: Exhibit L (Pienaar affidavit, para 16)

⁵⁴² NPA Vol B, (Petersen affidavit) pp 9 - 10

no investigator independent of the Security Branch was appointed, in fact no investigating officer was appointed at all.

408. In the book The Forensic ABC in Medical Practice,⁵⁴³ Schwär et al state that post-mortem examinations of detainees who have died in detention require more detailed observations because an inquest is often required. It is therefore imperative, they aver, to pay “special attention” to the following:

- “An examination of the body in loco, noting special features and also the immediate environment.
- Determination of the death interval.
- A complete and meticulous post-mortem examination.
- Determination of the nature and age of the injuries found.
- The collection of suitable and adequate specimens for special laboratory examinations (blood, alcohol, drugs, histological changes).
- Photo-documentation.
- Preservation of tissue, e.g., the brain in the case of a head injury.”⁵⁴⁴

Post-mortem

409. It has to be asked how the post-mortem conducted by Dr Schwar measured up to the standards set out in his own book?

No examination in loco

410. There was no examination of the body in loco, and observations could not be made of special features and the immediate environment. Dr Molefe pointed out that there was no crime or death scene report, and the post-mortem report did not include any indication that Schwär attended the scene.⁵⁴⁵

⁵⁴³ See Haron Family Exhibit F3 for extracts from the book: Schwär, TG, Olivier, JA, Loubser, JD *The Forensic ABC in Medical Practice: a Practical Guide*, HAUM Educational Publishers, 1988

⁵⁴⁴ Schwär, TG, Olivier, JA, Loubser, JD *The forensic ABC in medical practice: a practical guide*, HAUM Educational Publishers, 1988, pp 259 – 260

⁵⁴⁵ Re-opened inquest transcript, 09 November 2022, p 282: 17 - 20

No post-mortem photographs

411. Dr Naidoo explained that photo documentation is such a basic requirement and that that if photo documentation had been done, "...*probably all of the questions and most of the questions relating to the death of the Imam would have been answered or would have been clear ...*".⁵⁴⁶ Dr Naidoo clarified that it is the responsibility of the pathologist, who has the authority to do so, to call for a photographer.⁵⁴⁷
412. Dr Molefe noted the possibility that a decision could have been taken not to have photos taken at the autopsy.⁵⁴⁸ If so, we submit it is likely that the presence of Pienaar was connected to such a decision. Even so, given the experience and seniority of Dr Schwar it is astonishing that he did not insist on photos being taken.

Abuse of the body

413. On 27 September 1969, the body was handed over to Constable Erasmus, a driver of the police hearse stationed at the Salt River mortuary. He transported the body to the Salt River mortuary.⁵⁴⁹
414. At the mortuary the body was stored in a fridge under two other bodies. Haron was naked and there was no sheet separating the bodies.⁵⁵⁰ Dr Molefe confirmed that this unorthodox manner of storing the body was not standard protocol⁵⁵¹ and could have contaminated the subsequent forensic examination. Dr Molefe also commented on the inhumanity of this degrading act.⁵⁵²
415. Dr Naidoo added that not only does he find this particular handling of the body "as *devastatingly damaging to how we should be treating the dead*"⁵⁵³, but that he also considers it "*an outrageous betrayal of even the forensic process and justice*"⁵⁵⁴.
416. We submit that in death the Imam was treated by the SAP, and in particular the Security Branch, in the same way they treated him in life: with brutality and utter contempt.

⁵⁴⁶ Re-opened inquest transcript, 11 November 2022, p 567: 13 - 18

⁵⁴⁷ Re-opened inquest transcript, 11 November 2022, p 568: 5- 20

⁵⁴⁸ Re-opened inquest transcript, 09 November 2022, p 293: 19 -22

⁵⁴⁹ Vol A2: Exhibit B (Erasmus affidavit)

⁵⁵⁰ Vol A3, pp 89: 19 - 90: 17 (Van Wyk testimony 1970 inquest)

⁵⁵¹ Re-opened inquest transcript, 09 November 2022, p 228: 6

⁵⁵² Re-opened inquest transcript, 09 November 2022, p 280: 2

⁵⁵³ Re-opened inquest transcript, 11 November 2022, p 561: 24 - 25

⁵⁵⁴ Re-opened inquest transcript, 11 November 2022, p 561: 15 - 18

Presence at the Post-Mortem

417. As a matter of principle, Dr Molefe expressed concern about the presence at the autopsy of Col Pienaar, head of the Cape Town Security Branch, in whose custody Haron had been. She said that such a presence "*made the post-mortem rather complex*".⁵⁵⁵ Molefe noted that Dr Schwar had the authority to decide who should be present.⁵⁵⁶ In our view, the fact that Schwar chose to allow a senior Security Branch officer to be present at the autopsy spoke volumes about his lack of objectivity.
418. Dr Schwar did the post-mortem at the Salt River mortuary on 28 September 1969.⁵⁵⁷ He did the autopsy examination in the presence of Dr E Slobedman, a private pathologist from Cape Town,⁵⁵⁸ who had been appointed by the Haron family. However, Dr Slobedman did not provide oral or written testimony at the 1970 inquest. It has never been explained why the family's pathologist was a '*no-show*' following the autopsy. We can only speculate as to whether there may have been exchanges between Pienaar and Slobedman.
419. The forensic pathologists in the re-opened inquest detailed the multiple shortcomings of the autopsy and post mortem report. These are set out below.

Histology report

420. Dr Naidoo noted that the histology report was a "shoddy report".⁵⁵⁹ It did not have detailed descriptions of what had been discovered under a microscope, but instead consisted of unhelpful comments, and thus was not useful clinically.⁵⁶⁰ Significant shortcomings included that:

"...the histology report (of Dr Schwar) was regrettably inadequate, of poor detail and it fell short, far short of what should be expected of a histology report".⁵⁶¹

"... it should describe what is being seen to allow the Court as an independent viewer with the expert, if necessary, to arrive at its own conclusion about its findings".⁵⁶²

⁵⁵⁵ Re-opened inquest transcript, 09 November 2022, pp 294: 2 – 296:3

⁵⁵⁶ Re-opened inquest transcript, 09 November 2022, p 294: 14 - 16

⁵⁵⁷ Vol A3, pp152:25-153:3 (Schwar testimony)

⁵⁵⁸ Vol A3, p155:8-10 (Schwar testimony)

⁵⁵⁹ Re-opened inquest transcript, 11 November 2022, pp 557:24 – 558: 2

⁵⁶⁰ Re-opened inquest transcript, 11 November 2022, pp 473: 10 – 474: 5 (Dr Naidoo testimony in chief)

⁵⁶¹ Re-opened inquest transcript, 11 November 2022, p 472: 4 – 8 (Dr Naidoo testimony in chief)

⁵⁶² Re-opened inquest transcript, 11 November 2022, p 472: 14 – 17 (Dr Naidoo testimony in chief)

421. In Naidoo's view, Schwar merely contented himself with a general report of congestion, thereby overlooking the systemic effects of extensive bruising noting that "*the crushing of the subcutaneous tissue and muscle cause actual muscle fibres to disintegrate, to degenerate specifically to come apart and it is washed away in the circulation*", which can result in renal failure.⁵⁶³
422. Dr Molefe also found Schwar's histology report to be unhelpful and potentially misleading, particularly in relation to Schwar's opinion that Haron's myocardial ischemia was precipitated by "*an emotional situation*" and a small pulmonary embolism present in the lungs.⁵⁶⁴

Toxicology report

423. Having regard to the evidence of the police that Haron was provided with various tablets at Maitland, and in particular the scheduled prescription drug, Doloxene, Dr Molefe was perplexed that the toxicology report came back negative for any drugs.⁵⁶⁵ Molefe had the following to say:

*"MS MOLEFE: M'Lord, my interpretation of the toxicology is twofold. Either that the analysis was inadequate and therefore the reporting therefore was inadequate or that the narrative, as given in the inquest report, is possibly not true because the toxicology says completely different to what we expect. Nevertheless, M'Lord, I believe it was Dr Schwar's responsibility to contact the toxicologist to say: This is the history that I received. May you please reanalyse the samples and ensure that, indeed, there are no drugs found."*⁵⁶⁶

424. This was an important concern raised by Dr Molefe. If the toxicology report was confirmed as not disclosing any traces of drugs or medication, then it would cast doubt on the version of the police, that he was afforded medication as alleged.

Schwar's findings on the injuries

425. Despite the details that Dr Schwar recorded in the post-mortem report on the positioning, ages and sizes of the bruises, he regarded these as not serious⁵⁶⁷, a

⁵⁶³ Re-opened inquest transcript, 11 November 2022, pp 531:24 – 534:13

⁵⁶⁴ Re-opened inquest transcript, 09 November 2022, pp 233: 22 – 235:5

⁵⁶⁵ Re-opened inquest transcript, 09 November 2022, pp 290: 20 – 291: 3

⁵⁶⁶ Re-opened inquest transcript, 09 November 2022, p 291: 12 - 20

⁵⁶⁷ Vol A3, p 193: 15 – 19 (Schwar's evidence in chief)

conclusion which Dr Naidoo could not reconcile given that there were 573 square centimetres of bruising⁵⁶⁸ as well as being inconsistent with the literature.⁵⁶⁹

426. Naidoo also found it hard to reconcile Dr Schwar's view that the bruises were not serious in light of Dr Schwar's own finding of bruising of the subcutaneous tissue, which is an indication of severe muscle damage.⁵⁷⁰
427. Naidoo concluded that Dr Schwar's answers about pain intensity following the bruises and rib fracture were "*disconcertingly disingenuous, non-committal and evasive. Even if bereft of clinical experience in his medical background, the spectrum and multiplicity of the numerous bruises of substantial size, and rib fracture, would for most reasonable medically trained persons be considered severe in respect of their pain intensity...*"⁵⁷¹
428. Naidoo took issue with Schwar's finding "*that the immobilisation of the chest cage was more in regard to breathing and not walking*" as being "*economical with reality*". Naidoo pointed out that fractured rib and soft tissue and intercostal bruising are intensely painful especially on breathing and also with movement of the torso in walking, and both these bodily movements would be hampered.⁵⁷²
429. Naidoo testified that Schwar erred in his estimate of when Haron fractured his rib or costochondral junction, making it more likely that the injury was much older than the alleged fall down the stairs.⁵⁷³
430. Dr Molefe regarded the post-mortem report as lacking with regard to the description of the bruises – there should have been flaying of the skin both on the front and the back part of the body to see exactly the extent of the bruising. As the flaying procedure was not done, it was not possible to know how many other subcutaneous bruises were actually on the body and were not reported.⁵⁷⁴

⁵⁶⁸ Re-opened inquest transcript, 11 November 2022, p 505: 5 - 6

⁵⁶⁹ Re-opened inquest transcript, 11 November 2022, p 505: 11 - 15

⁵⁷⁰ Re-opened inquest transcript, 11 November 2022, pp 505: 22 – 506: 8

⁵⁷¹ Re-opened inquest transcript, 11 November 2022, pp 535:17 - 21

⁵⁷² Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 9 para 29

⁵⁷³ Re-opened inquest transcript, 11 November 2022, pp 526: 1 – 528: 10

⁵⁷⁴ Re-opened inquest transcript, 09 November 2022, p 249: 18. Dr Molefe explained that where bruises that are distributed everywhere on the body, it is advisable that flaying is done, which involves the dissection and opening of the skin. Flaying must be done on both on the front and the back part of the body; and certainly, in deaths in custody where there is a suspicion of blunt trauma — whether that blunt trauma is from a fall or an assault or an accident. In this way all external and internal bruises can be identified. There may be multiple points of impact that are not visible to the naked eye.

Shortcomings in post-mortem

431. All things considered, Naidoo described the post-mortem as sub-standard.⁵⁷⁵ and that Schwar had failed to adhere to his own standards⁵⁷⁶. For example, Naidoo describes the histology report as "... so inadequate it does not really amount to a contributory special investigation and therefore I do not believe that standard has been met. It should have been an essential portion".⁵⁷⁷

432. Dr Molefe's consideration of the limitations of the toxicology report was followed by this exchange:

"MR VARNEY: I must say, doctor, I'm getting the impression that this post-mortem, this investigation of the death in custody, that at best it was done in quite a rushed and uncaring manner.

MS MOLEFE: M'Lord, I do understand that there are requirements, especially in our society, to perform post-mortems in order to allow the families to bury for certain, for whatever reasons, including religion. However, be that as it may, with deaths in custody it is generally understood that that cannot compromise the quality of the post-mortem report. That unless one has a full understanding of the circumstances of the death and by Dr Schwär's own admission he says: "The finding of the post-mortem examination will be determined by the circumstances in which the death occurred." And therefore, the fact that he had to perform the post-mortem on a Sunday cannot possibly be a good enough reason to have a substandard post-mortem examination."⁵⁷⁸

433. Dr Molefe noted that had the state pathologist attended the scene as quickly as possible, his inspection could have assisted in arriving at a more accurate determination of the post-mortem interval. However, it seems as if Dr Schwär did not have any particular interest in making that determination.⁵⁷⁹

434. The numerous shortcomings in the post-mortem cannot be explained away by a lack of experience on the part of Dr Schwär; on the contrary, he was a leading and well-

⁵⁷⁵ Re-opened inquest transcript, 11 November 2022, p566: 3 - 5

⁵⁷⁶ Re-opened inquest transcript, 11 November 2022, 569: 6 - 11

⁵⁷⁷ Re-opened inquest transcript, 11 November 2022, p566: 10 - 14

⁵⁷⁸ Re-opened inquest transcript, 09 November 2022, pp 291: 21 – 292: 15

⁵⁷⁹ Re-opened inquest transcript, 09 November 2022, p 288: 5 – 15 (Dr Molefe)

regarded specialist. Naidoo pointed to the relationships that often develop between police and doctors that can result in “*dual loyalties*”.⁵⁸⁰

Schwar as a witness

435. In his expert report, Naidoo described Schwar as an evasive witness , not wanting to concede or deny in straight answers:

*On the extent of the bruises, and relationship of the alleged fall down the stairs or assault and the bruises seen, Dr Schwar was evasive as a witness, not wanting to concede or deny in straight answers, only conceding to multiplicity of the wounds and the possibility of relationships between the wounds and the two submitted causes. The forensic pathologist must be able to enlighten the court on such. Clarity on probabilities (likelihoods) and more focused answers are required of an expert.*⁵⁸¹

436. Naidoo itemised the points on which Schwar was unacceptably vague in his testimony:

- a. Opining that the bruises were not of a serious nature.
- b. Being unable to offer opinion on probability as to whether the injuries could have been caused by a fall down the stairs, or the same in regard to assault.
- c. Stating that the bruises were multiple but that they do not appear extensive.
- d. Finding that there was no link [of causation] between the superficial injuries and the deep venous thrombosis.
- e. That the bruises and/or fractured rib would only cause pain at the time of trauma or the first few days only, not later.⁵⁸²

437. Naidoo also took issue with the sub-standard manner in which Schwar dealt with the determination of nature and age of the injuries in his testimony, noting that he was unwilling to concede their seriousness and their relationship to the possibility of assault versus a fall down stairs. Naidoo commented, “*Those answers are [] clear even to a trainee in forensic medicine if I may say. Those are clear, clear answers.*”⁵⁸³

⁵⁸⁰ Re-opened inquest transcript, 11 November 2022, pp 541: 20 – 542:4

⁵⁸¹ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 17, para 64

⁵⁸² Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 17, para 65

⁵⁸³ Re-opened inquest transcript, 11 November 2022, p 566: 15 - 21

438. Naidoo was particularly critical in assessing Schwar's evidence that injuries to all sides of the body may have resulted from the alleged fall suggesting that Schwar had failed in his duty to the court.⁵⁸⁴

Cause of death

Magistrate JSP Kuhn

439. Magistrate Kuhn found that myocardial ischaemia was the cause or likely cause of death; with a likely contributing factor being a disturbance of the blood clotting mechanism and blood circulating due, in part, to trauma superimposed on a severe narrowing of a coronary artery.⁵⁸⁵

Dr T Schwar

440. According to the post-mortem report of Dr Schwär, "*the cause of death could not be determined with the post-mortem examination alone*" (emphasis added).⁵⁸⁶

441. The post-mortem described the multiple and extensive bruises on Haron's body⁵⁸⁷, but did not link them to cause of death.

442. Dr Schwär also did not provide a cause of death in his testimony⁵⁸⁸, even though the 1970 inquest was held more than four months after Haron's death. Schwär testified that he could not determine whether myocardial ischemia, that he claimed was precipitated by Haron's emotional state, or the small pulmonary embolisms that was present in the lungs, were the precipitating factors.⁵⁸⁹ In fact, Dr Schwär confirmed that no clots were found in the coronary vessel, and therefore he could not attribute the death to myocardial ischemia.⁵⁹⁰

⁵⁸⁴ Re-opened inquest transcript, 11 November 2022, pp 550: 25 – 551:9

⁵⁸⁵ Vol A3, pp 246:25 – 247:5

⁵⁸⁶ Vol A2: Exhibit S (Schwär report, para v)

⁵⁸⁷ NPA Vol A3, pp 161 - 163

⁵⁸⁸ Re-opened inquest transcript, 09 November 2022, pp 317 - 318

⁵⁸⁹ Vol A3, p 158: 16 - 20

⁵⁹⁰ Vol A3, pp 184:25 – 185:1; Vol A3, p 185:14 (Schwar under cross-examination)

Dr IJ Molefe

443. In her evidence in chief, Dr Molefe distinguished between cause of death and mechanism of death and stated that in this case myocardial was a mechanism of death which did not say anything about the cause of death.⁵⁹¹
444. She noted that Schwär simply inferred myocardial ischemia but there was no evidence whatsoever of such a condition.⁵⁹²
445. Dr Molefe concluded that the bruises were significant, and that they contributed to the cause of death.⁵⁹³ She ultimately concluded that the injuries sustained by Haron were the underlying primary cause of death.⁵⁹⁴

Dr S Naidoo

446. Dr Naidoo ruled out coronary artery disease as a cause of death. While he concluded that possibly there was a presence of this disease in Haron, there was no evidence of its extent. He noted the reluctance of Dr Schwar to rely on it as a cause of death.⁵⁹⁵
447. Naidoo also ruled out myocardial ischemia as a cause of death on the basis that Haron was in a resting or sleeping state when he was found dead, and myocardial ischemia does not occur in a resting state but in a state of physical exertion or states of great emotional tension where the heart rate is very high, and the demand for blood exceeds the supply through the narrow coronary artery.⁵⁹⁶
448. Therefore, Dr Naidoo testified that,

"So, what we really have to depend upon in this court case and allow me to say this, is that the only solid unquestionable indisputable evidence that is visual in this case or made visual and from the testimony, [are] the wounds. Over 560 square centimetres of the body [had] severe bruises. This M'Lord, is the primary contributor – primary and main route to the death against the background of

⁵⁹¹ Re-opened inquest transcript, 09 November 2022, p 196: 6 -22

⁵⁹² Re-opened inquest transcript, 09 November 2022, pp 252: 19 – 253: 3

⁵⁹³ Re-opened inquest transcript, 09 November 2022, pp 536: 24 – 534

⁵⁹⁴ Re-opened inquest transcript, 09 November 2022, p 252: 4

⁵⁹⁵ Re-opened inquest transcript, 11 November 2022, p 558: 7 - 14

⁵⁹⁶ Re-opened inquest transcript, 11 November 2022, pp 559: 20 – 560: 3

*coronary artery disease. So, the main factor would be the wounding with or without the coronary artery disease being a contributory pre-existing condition.*⁵⁹⁷

449. Dr Naidoo concluded that the most likely cause of death was the cumulative effect of the injuries.⁵⁹⁸ In summary he said, *"In my opinion the death was due to a combination of severe systemic physiological stresses, in particular .. the crush injury syndrome precipitated by the complications of blunt soft tissue injury with pre-existing coronary artery disease."*⁵⁹⁹ He was of the view that these injuries can only be attributable to the assaults.⁶⁰⁰
450. According to Dr Naidoo, the systemic effects of extensive bruising could include acute kidney failure as a result of the damage to the kidneys. Despite the lack of a proper histology examination by Dr Schwar, kidney damage or renal failure could not be excluded as possible cause of death.⁶⁰¹
451. Dr Naidoo described it as unavoidable to conclude that Schwar had attempted to minimise the impact of the harm on the Imam.⁶⁰²
452. Given the testimonies of torture, the nature and extent of the bruising, haematoma and cracked rib identified in the post-mortem report by Schwar and Haron's immobilisation in the final days of his life, Naidoo's final words in his examination in chief best encapsulates what caused Haron's death:

MR VARNEY: ...Now, Dr Naidoo, my final question to you, is but for the assault and abuse that was subjected to Imam Haron during the period of his detention, would he have died at that time?

*MR NAIDOO: My belief he would definitely have not died at the time that he did because I believe – as I believe he could have survived for an indefinite period of time, perhaps even years, if there was actually coronary artery disease which I will say a lot of us already have here at this existing moment in time, some degree of coronary artery disease. So yes, I believe he would have survived and possibly indefinitely.*⁶⁰³

⁵⁹⁷ Re-opened inquest transcript, 11 November 2022, p 558: 14 - 23

⁵⁹⁸ Re-opened inquest transcript, 11 November 2022, p 560: 5 - 7

⁵⁹⁹ Re-opened inquest transcript, 11 November 2022, p 560: 12 -19

⁶⁰⁰ Re-opened inquest transcript, 11 November 2022, p 561: 2 -4

⁶⁰¹ Re-opened inquest transcript, 11 November 2022, pp 531: 24 – 534: 3

⁶⁰² Re-opened inquest transcript, 11 November 2022, p 536: 11 - 14

⁶⁰³ Re-opened inquest transcript, 11 November 2022, pp 574: 23 – 575: 9

COVER-UP

453. The SAP investigation of Haron's death was not only substandard but was specifically aimed at concealing what really happened during the period of his detention.

454. It is common cause that certain basic minimum standards should be adhered into the investigation of a death in custody. These include:

454.1 The investigation should not be conducted by the unit whose members may be suspected of being involved in the death.

454.2 Investigators must commence an investigation with an open mind as to cause of death and explore all leads and all possible theories.

454.3 There must be a thorough crime scene and incident investigation.

454.4 Fully recording the death scene with the taking of photographs.

454.5 Taking photos of the deceased, including photos of individual injuries, under the supervision of the pathologist.

454.6 All available evidence must be collected and presented to the inquest court.

454.7 All potential witnesses must be interviewed, their affidavits recorded, and they must be made available in court.

454.8 All material evidence must be properly marked and preserved so that the subsequent chain of evidence can be demonstrated.

455. None of these minimum standards were complied with in the Haron Investigation.

Security Branch investigating themselves

456. The investigation was anything but impartial. Firstly, it was the Security Branch effectively investigating themselves. At the time the investigation commenced it was clear that the Security Branch simply wished to demonstrate that Haron died of natural causes entirely unconnected to his treatment in detention.

457. There is no evidence that an investigating officer was appointed to prepare a docket for the inquest.⁶⁰⁴ The Security Branch took quick control of the investigation with the shots being called by Col Pienaar, the head of the Security Branch in Cape Town. The

⁶⁰⁴ NPA Vol B, (Petersen affidavit) p 5, para 11

Criminal Investigation Division at Cape Town District Headquarters should have been seized with the investigation, but they were either shut out or knew not to intervene in Security Branch matters. Col Peterson agreed that the investigation was kept “*in-house*” by the Security Branch.⁶⁰⁵

458. Since Security Branch members were interrogating Haron and were specifically responsible for him, and accordingly were potential suspects, their statements should have been taken by a member of the detective branch. However, all statements before the first inquest were taken by the Security Branch and attested by them as well. For example, Malan, Viviers and Barnard's affidavits were commissioned by Pienaar. When asked about this during his testimony, Petersen commented that this definitely gives rise to suspicion.⁶⁰⁶
459. Pienaar further commissioned the affidavits of Geldenhuys and Geldenhuys commissioned Pienaar's affidavit. Pienaar also took and commissioned the affidavit of Burger. According to Burger it was Pienaar who took down his statement and who approved his statement, deciding what would go in.⁶⁰⁷
460. We submit that it can be reasonably assumed that if Pienaar took Burger's statement, the probabilities are high that he took other statements as well. The narrative at the inquest clearly needed to be consistent and this was ultimately facilitated by Pienaar who appeared to control all facets of the investigation.
461. At least two Security Branch members involved in the investigation and interrogation of Haron, Sergeant Andries Van Wyk and Major Kotze did not make statements and did not testify in the first inquest. Had statements been taken from them and if they had been subject to the scrutiny of cross examination, a fuller picture could have emerged.

Crime scene investigation

462. The cover-up started at 10h15 when Haron was found dead. Once Lt Col Pienaar, head of the Security Branch in Cape Town, was informed, the Security Branch took control. District surgeon Kossew ("Kossew") certified Haron dead but provided no time of death. Kossew's affidavit was commissioned by Pienaar.⁶⁰⁸

⁶⁰⁵ Re-opened inquest transcript, 07 November 2022, p 102: 1 - 7

⁶⁰⁶ Re-opened inquest transcript, 07 November 2022, p 102: 8 - 17

⁶⁰⁷ Re-opened inquest transcript, 14 November 2022, p 678: 12 - 679: 25

⁶⁰⁸ Vol A2: Exhibit A (Kossew affidavit)

Presence of non-investigators at the scene

463. The scene was not cordoned off resulting in no-one being allowed on the scene. Instead, according to the testimony of Burger, once Haron was discovered dead the “troops came” and the cell was something of a “scrum”. Those on the scene included the Security Branch who were present in the cell, prior to any forensic investigation proceeding.

MR VARNEY: Now, let's turn to the day of death, the morning of 27 September 1969. In your evidence in chief, you mentioned that you had seen the deceased in the morning and that evidence is on record. And that was around 8:20 AM and then it appears that the deceased, the Imam was discovered dead in his cell at around 10 AM. In your evidence in chief, you mentioned that then there was a large amount of activity in that cell, and you said the troops came in. You gave the impression there was a bit of a scrum taking place in and around that cell. There was the station commander, the detective branch, the security branch, doctors and others. Am I right in saying that when there is a death in custody that the place where the deceased is found, for example the cell, the death scene — that's effectively a crime scene? Is that right?

MR BURGER: Yes.

MR VARNEY: And am I also right in saying that it should be cordoned off and protected to ensure that the scene is not tainted in any way?

MNR BURGER: Edelaagbare, normaal weg is dit so.

*INTERPRETER: M'Lord, normally it is so.*⁶⁰⁹

464. Col Peterson also agreed that the cell should have been treated as a crime scene.⁶¹⁰ Typically, the duty of the first commissioned duty officer at the scene is to cordon off and secure the scene for forensic investigation. There is no evidence that this was done. This opened the door to the possible disturbing or contamination of the death scene.

Inadequate forensic investigation

465. Aside from a photo of the body no photos were taken of the whole cell. Molefe testified that the lack of photographic evidence hampered her investigation and confirmed that

⁶⁰⁹ Re-opened inquest transcript, 15 November 2022, p 755 - 756

⁶¹⁰ Re-opened inquest transcript, 07 November 2022, p 102: 13 - 22

photographs of the body and the whole scene are common practice in crime and death scene investigations.⁶¹¹

466. No fingerprints were taken and no examination for traces of blood or bodily fluid were conducted.

467. Nobody prepared a report or description of the death scene and crime scene investigation, as also pointed out by Molefe in her testimony:

MR VARNEY: And in this particular case did Schwär carry out an inspection at the scene of death?

*MS MOLEFE: M'Lord, there is no indication in the reports that I was issued that he attended the scene. In fact, there is no record of a crime scene report, M'Lord.*⁶¹²

Interview of other detainees

468. No interviews of fellow detainees or awaiting trial prisoners were recorded on that morning in question. Had statements from other detainees been recorded at the time, it could have shed light on the happenings and movements in the cell block of Maitland Police Station on that day and preceding days.

469. Similar fact evidence was not led at the first inquest, even though other detainees had been brutally assaulted by the Security Branch around that time at Caledon Police Station. Had similar fact evidence been seriously explored it would have demonstrated a pattern of routine assault, torture and ill treatment of detainees by the Security Branch.

Post death cover-up

470. Genis claimed that he first heard of Haron's death at 19h00, almost nine hours later.⁶¹³ In our view it is highly unlikely that Pienaar kept Genis and Van Wyk in the dark for nine hours before informing them that the subject of their main investigation was dead. We suspect that during this period the Security Branch, including Pienaar, Genis and Van Wyk were busy concocting a cover story, given the obvious injuries visible on Haron.

⁶¹¹ Re-opened inquest transcript, 09 November 2022, p 288: 21 – 289: 9

⁶¹² Re-opened inquest transcript, 09 November 2022, p 282: 15 – 19

⁶¹³ Vol A3, p 22: 18 - 24, NPA Vol A3, p 23: 6 – 12 (Genis testimony 1970 inquest)

471. After receiving a telephone call from Genis at 20h00, Van Wyk drove to Genis and picked him up. They went to the mortuary where they saw Haron's body, naked and lying under two other bodies.⁶¹⁴ Thereafter they proceeded to Haron's home where they informed Galiema Haron that her husband had died.⁶¹⁵ Ten to twelve hours had passed since Haron's death before the family was informed.
472. Aside from treating the family with contempt, the delay in timeously informing the family ensured that they would have to wait until after the autopsy had been performed the following day to see the body. This meant that they would only see the body after the autopsy, with its dissections and stitchings.

The autopsy

473. On Sunday 28 September 1969, the autopsy was performed with Pienaar of the Security Branch in attendance.⁶¹⁶ While investigating officers sometimes attend autopsies, the presence of Pienaar was highly irregular.⁶¹⁷ He was not an investigating officer with the CID. He was the head of Cape Town Security Branch, and we have little doubt that his presence was aimed at sending a message. That message was that the Security Branch regarded this death as highly sensitive and that it intended to tightly control proceedings. By the end of the autopsy Pienaar would have had a very clear picture of the extent of the injuries on Haron.
474. As mentioned earlier, no photographs were taken at the autopsy. This was a huge setback for the investigation. It was highly irregular even for those times. Given the imposing presence of Pienaar one wonders whether he ensured that no photographic evidence from the autopsy would be available.

MS MOLEFE: Needless to say, M'Lord, that at the time the mortuary was run by police, so there were police photographers. They were there in the vicinity; at least, I would like to think, within his reach. And therefore, I fail to understand why photographs would not have been taken when the mortuary was run by the police themselves.

MR VARNEY: No, but in all likelihood, there would have been cameras on site that could have been used.

⁶¹⁴ Vol A3, p 89: 18 - 91: 19 (Van Wyk 1970 inquest)

⁶¹⁵ Vol A3, p 91: 23 - 92: 2 (Van Wyk 1970 inquest)

⁶¹⁶ Vol A2: Exhibit L (Pienaar affidavit)

⁶¹⁷ Re-opened inquest transcript, 11 November 2022, p 475: 15 – 476: 13

MS MOLEFE: I would imagine so, M'Lord. In fact, they could have asked the very person who took this photograph of the scene to come and help with photographs at post-mortem.

MR VARNEY: Yes. And so, it raised the legitimate question that perhaps a decision was taken not to take photographs.

MS MOLEFE: M'Lord, I will have to consider that as a possibility. ⁶¹⁸

Fabricating the staircase fall

475. We were informed during Burger's testimony that when Pienaar took down his statement he told Burger that Haron had sustained an injury falling down stairs at Maitland Police Station.⁶¹⁹ As there were only four steps to fall down at Maitland the Security Branch later switched versions for the inquest and claimed it happened at Caledon Police Station with its higher staircase:

MR VARNEY: So, my question, Mr Burger is that in the circumstances, ...you were curious as to where that injury was sustained. Colonel Pienaar tells you on the stairs in Maitland, but then later of course, we learned during the first inquest that the police claimed that he fell down the stairs in Caledon police station. Now in those circumstances, would you agree with me that the security branch [were] making up a story and that they – probably realised that an alleged fall down just four steps in Maitland wouldn't explain all these injuries. Then they had to find another staircase with more stairs in order to come up with a more reasonable explanation as to where all these injuries came from.

MNR BURGER: Ai, Agbare, 'n blinde mens kan sien dat hulle lieg.

INTERPRETER: M'Lord, a blind person can see that they're lying. ⁶²⁰

Much to hide

476. Col Petersen confirmed that the original docket, pocketbooks of the Security Branch members who interrogated Haron, as well as the SAP 14 log sheets, and escort duty logbook pertaining to Haron could not be traced.⁶²¹ These should have been part of

⁶¹⁸ Re-opened inquest transcript, 15 November 2022, p 765: 1 - 9

⁶¹⁹ Re-opened inquest transcript, 09 November 2022, p 293

⁶²⁰ Re-opened inquest transcript, 15 November 2022, p 761 - 765

⁶²¹ Vol B (Petersen affidavit), p 6

the first inquest docket. In our view it can be safely assumed that these were deliberately concealed and subsequently destroyed.

477. On 17 September 1969, Haron was taken from the Maitland Police cells by Genis, and only returned on 19 September. The Security Branch was evasive during the questioning in the 1970 inquest as to the purpose of this extraction, and where Haron was taken. When asked where Haron had been taken, Malan indicated that he did not know.⁶²² Genis also said that he did not remember where he interrogated him and that he did not keep a record of the times he interrogated him.⁶²³ Van Wyk was also evasive on this line of questioning and only provided the following vague answers:

MR COOPER: Just tell us, why was it then that he was kept away from Maitland Police Station from 7:42 a.m. until 19 September 1969 ... since the 17th?

MR VAN WYK: The deceased was taken out for investigation.

MR COOPER: And was it during this time that he now alleged slipped or fell on the stairs?

MR VAN WYK: It was the evening of the 19th when we took him to the cells, I do not know whether it was the evening during that period.

MR COOPER: Where did he sleep the evening of the 18th?

*MR VAN WYK: No, I cannot remember the date, I cannot report for every date where he slept and whether he was interrogated or not.*⁶²⁴

478. Every Thursday, Haron's family would bring him clean clothes. However, after the three-day extraction between 17 and 19 September 1969, this stopped and the person bringing the clean clothes was told that this was an order or instruction from the Security Branch.⁶²⁵ When questioned about this, Genis provided evasive answers and claimed that he did not know that the arrangement had been stopped, even when pressed on the reasoning by Mr Cooper.⁶²⁶ Genis also claimed ignorance when asked if the reasoning had to do with the explanation that there would have been blood on Haron's clothes after the three-day extraction.⁶²⁷

⁶²² Vol A3, pp 119: 5 – 118: 3 (Malan testimony 1970 inquest)

⁶²³ Vol A3, p 22: 1 -3 (Genis testimony 1970 inquest)

⁶²⁴ Vol A3, p 125: 11 - 24 (Van Wyk testimony 1970 inquest)

⁶²⁵ Vol A3, pp 31: 6 – 32: 3 (Genis testimony 1970 inquest)

⁶²⁶ Vol A3, pp 32: 4 – 17 (Genis testimony 1970 inquest)

⁶²⁷ Vol A3, pp 32: 18 – 25 (Genis testimony 1970 inquest)

No disciplinary or internal enquiry

479. Given that Haron had complained several times about his state of health in the days leading up to his death, there should have been an internal or disciplinary inquiry to determine whether any police member contravened any standing orders or police regulations in relation to his treatment, and in particular why he was not afforded medical treatment at that time. There was none.

THE PROBABILITIES

480. We submit that the probabilities point overwhelmingly to the fact that Imam Haron:

480.1 was subjected to unrelenting torture and vicious abuse by the Security Branch during his detention,

480.2 was specifically denied medical attention by the Cape Town Security Branch and the Uniform Branch at Maitland Police Station in the period he needed it the most, between 19 and 27 September 1969,

480.3 succumbed to the cumulative impact of his injuries endured under torture by the Security Branch,

480.4 would have lived but for the torture and the denial of medical attention.

481. If this Honourable Court accepts the expert evidence of the two forensic pathologists, Doctors Itumeleng Molefe and Steve Naidoo, who testified in the re-opened inquest that Haron's injuries reflected multiple and serious physical assaults to the point of immobilisation, then the versions of all the Security Branch witnesses as to what transpired during Haron's 123 days' detention, must be rejected out of hand.

482. As regards the "fall down the staircase" version of the police, the probabilities point overwhelmingly to this being an invention to explain away the multiple visible injuries. Again, if this Honourable Court accepts the evidence of aeronautical engineer, Mr Thivash Moodley, as well as the evidence of the two forensic pathologists, the claim of a fall down a staircase must be quickly dismissed. It never happened.

483. The version was yet another story put up for the consumption of a corrupt magistrate and as comfort for gullible constituencies of the Apartheid regime. Over the years the Security Branch manufactured multiple stories of staircase falls, jumps out of 10-storey windows, hangings, slips on bars of soap and the like. The freedom loving people of South Africa were never fooled.

484. The Imam never broke under interrogation. He never betrayed his comrades, even though he was interrogated almost daily. This would have enraged his interrogators who increased the intensity of the torture in an effort to finally break him. This culminated in the three-day extraction in which the Imam was subjected to ferocious abuse at the hands of Spyker van Wyk, Genis and others.
485. We note that torture, extra-judicial killings, and cover-ups were the order of the day for the Security Branch during the Apartheid era. The torture meted out to the Imam was not an isolated event. It was rather part of an established pattern of abuse that could be described as both widespread and systematic.
486. The crime of torture committed against Haron accordingly qualifies as a crime against humanity, as recognised under customary international law. Its widespread and systematic nature was attested to by the similar fact witnesses who testified before this Court and confirmed by the meticulous research of Dianne Sandler and others. We assert that the Court may also take notice of the numerous acts of torture exposed in earlier re-opened inquests, as referred to in these heads, as well as the report of the Truth Reconciliation Commission.
487. We submit that when all the facts are considered together,⁶²⁸ through a detailed and critical examination, only one sensible set of facts emerges – namely that the Imam was tortured to the point of death, and the callousness and indifference of the Maitland police ensured his ultimate demise. The only question that remains is the question of liability to which we now turn.

QUESTIONS OF LIABILITY

488. The test this Honourable Court will apply in assessing whether any police officer is criminally responsible for the death of Imam Haron is:
- 488.1 whether any police officers performed their actions with criminal intent; and
- 488.2 whether there was a break in the chain of causation between their actions and the ultimate death of Haron.

Legal duty of care

489. Haron was detained by the Security Branch in terms of section 6 of the Terrorism Act, 83 of 1967. Under law, the Security Branch were obliged to maintain him in good

⁶²⁸ *R v De Villiers* 1944 AD 493 at 508; *S v Cwele* 2013 (1) SACR 478 (SCA) at para 19

health, both in body and in mind, and to ensure that at the end of his detention he would be released with his physical and mental health unimpaired.

490. The Security Branch were not entitled to subject him to any form of assault or torture in interrogating or attempting to obtain a statement from him.⁶²⁹ The Security Branch, and indeed the Uniform Branch at Maitland owed Haron, as a detainee in their custody, a legal duty of care and protection.⁶³⁰
491. Haron's interrogators, comprising Genis, Van Wyk and others acted in breach of this legal duty by applying assault and torture to Haron. Given the experience of other detainees, it is likely that he also experienced sleep deprivation, forced exercise and other abuse. The Security Branch ramped up this abuse over the three-day extraction that preceded his death.
492. The Security Branch engaged in this course of conduct knowing the conditions of Haron's detention were such that he could not as a matter of law access friends, family, a lawyer or his private doctor. Moreover, his access to state medical care was entirely at the whim of the Security Branch, which was denied him following the three-day extraction.

Common purpose liability

493. The essential basis of common purpose liability is that where several persons have a common purpose to commit a crime, such as murder,⁶³¹ and they assist one another in the commission of that crime, all are guilty of murder if someone is killed in the process, and if all had intent, usually in the form of *dolus eventualis*,⁶³² regarding the victim's death. Whether the conduct of each is causally connected with the victim's death is not relevant.⁶³³

⁶²⁹ *Rossouw v Sachs* 1964(2) SA 551 (AD) 561D-F, 564H

⁶³⁰ *Minister of Police v Skosana* 1977 (1) SA 31 (A) 40A-B. See also *Minister of Safety and Security v Craig NNO* 2011 (1) SACR 469 (SCA) paras 60-61: Officials who have prisoners in their charge should see to their well-being, and courts should be vigilant to ensure that officials, who have in their charge those whose freedom of movement have been restricted, comply with the obligation to ensure their well-being. Police standing orders place an obligation on members of the police, to whom it appears that detainees are in distress and are therefore injured or ill, to obtain the necessary medical assistance for them. See also *Minister Van Veiligheid en Sekuriteit v Geldenhuys* 2004 (1) SA 515 (SCA)

⁶³¹ The elements of murder are: (a) causing the death (b) of another person (c) unlawfully and (d) intentionally. See Snyman *Criminal Law* 4th Edition (Juta, Cape Town, 2002) 421

⁶³² The test for *dolus eventualis* in respect of liability for murder based on common purpose, is whether the accused foresaw the possibility that the act committed would have fatal consequences and was reckless whether death resulted or not, as per *S v Malinga* 1963 1 SA 692 (A) 694 at 694G-H. Foresight may be proved by inference as per *Malinga* at 694H In determining whether *dolus*, generally in the form of *dolus eventualis*, was present, the court is usually dependent upon circumstantial evidence.

⁶³³ Milton *Criminal Law Vol II* 3rd Edition (1996), para 127

494. In this case the interrogation team had a common purpose to commit assault with grievous bodily harm (assault GBH) against Haron to extract information from him. He was killed in the process. Accordingly, all had the necessary intent, based on the knowledge that such serious violence perpetrated against Haron, may result in his death.

495. In *S v Mgedezi and Others* 1989 (1) SA 687 (A) it was held that where no prior agreement has been proved, an accused regarding whom no causal link to the death has been proved, can be held liable for that death if five pre-conditions are present:

495.1 He was present at the scene of the violence,

495.2 He had knowledge of the assault on the victim,

495.3 He had intent to make common cause with those who committed the assault,

495.4 He had manifest participation in the common purpose with the perpetrators of the crime by some or other act of association with the conduct of the others,

495.5 He had the necessary *mens rea* regarding the killing, in the form of *dolus directus* or *dolus eventualis*.

496. It is submitted that the interrogators satisfied all five pre-conditions.

Mens rea in the form of dolus eventualis

497. All possessed the necessary *mens rea* in the form of *dolus eventualis* since they were aware that such ongoing brutality could result in Haron dying. It should be noted that those who provided support to the interrogation, can as an accomplice, still be liable on the basis of common purpose. This is because of the support an accomplice provides for the advancement commission of the offence. In addition, police officers are under a legal duty to thwart the commission of the offence.⁶³⁴

498. There was a legal duty on the Security Branch to protect Haron by not abusing him and by ensuring that he received medical attention. Notwithstanding such legal duty, they subjectively reconciled themselves with the foreseeable consequences by persisting with Haron's torture and ensuring that in his final two weeks he was denied medical treatment.

⁶³⁴ *R v Pendeke* 1967 (3) SA 200 (RA). Also see Hiemstra Commentary at 155.

499. The reasonable and foreseeable result of the Security Branch's conduct, in direct breach of their legal duties, was that Haron became a physical shadow of the person he was and was gravely ill from the injuries inflicted on him.
500. Notwithstanding holding such knowledge, they declined to intervene by ensuring Haron received adequate medical treatment. Accordingly, there was no interruption in the causal chain between their attacks on his person and his death.
501. The Security Branch, and Haron's interrogators in particular had the requisite intent in the form of *dolus eventualis* to kill Haron. Our courts have confirmed that:

*"...the expression 'intention to kill' does not, in law, necessarily require that the accused should have applied his will to compassing the death of the deceased. It is sufficient if the accused subjectively foresaw the possibility of his act causing death and was reckless of such result. This form of intention is known as dolus eventualis, as distinct from dolus directus."*⁶³⁵

502. It is submitted that Haron's interrogators foresaw that he was seriously injured as result of their conduct, but intentionally failed to take reasonable steps to guard against his further ill health and possible death by ensuring he received medical attention by a doctor or was taken to hospital.⁶³⁶ The circumstantial evidence strongly suggests this action was taken to prevent outside parties from seeing his injuries and dire physical state.
503. The officers in question must have foreseen, and by implication did foresee, that there was a reasonable possibility that Haron would die if not medically treated.⁶³⁷ They therefore had the requisite intent in the form of *dolus eventualis* to kill him.⁶³⁸
504. They all refrained from getting him to a doctor or hospital. Accordingly, they subjectively reconciled themselves with the foreseen consequences. They are all responsible for Haron's murder on the basis of *dolus eventualis*. It is deeply regrettable that all the Security Branch suspects are deceased and can accordingly not face justice.

⁶³⁵ In *S v Sigwahla* 1967 (4) SA 566 (A) at 570B-E: *Subjective foresight, like any other factual issue, may be proved by inference. To constitute proof beyond reasonable doubt the inference must be the only one which can reasonably be drawn....*"

⁶³⁶ See the analogous case of: *S v Van Aardt* 2008 (1) SACR 336 (E) at 345a – b, 346b and 346c.

⁶³⁷ *Id* at 346: f - g

⁶³⁸ *Id* at 346: i - j

Liability of the Maitland police

505. The Maitland police who did not take steps to ensure that Haron did not receive medical treatment, should also be held accountable.

505.1 They were also under a legal duty to protect Haron, who was a detainee in their custody.

505.2 However, they, including former Constable Burger, were not part of the interrogation and torture of Haron, which places them in a different category as they would have lacked the requisite intention to kill.

505.3 It is quite possible that the Security Branch entered into arrangements with senior Maitland Police officers or instructed them to keep Haron away from a doctor, but such evidence was not before court.

505.4 However, it is arguable that the Maitland Police, were negligent, in that they acted recklessly as to the consequences of not affording medical attention to Haron, making them liable for the crime of culpable homicide. However, this crime has prescribed in terms of s 18 of the Criminal Procedure Act.⁶³⁹

506. In addition, the Security Branch members, and possibly some of the Maitland police, conspired or made common purpose to conceal the true facts and circumstances behind Haron's death. In so doing they committed one or more of the following crimes: (i) perjury;⁶⁴⁰ (ii) accessory after the fact to murder and/ or culpable homicide; and/ or (iii) defeating or obstructing the course of justice. However, all these crimes have prescribed. The one possible exception is where a witness perjured himself in the re-opened inquest proceedings. In this regard, there may be implications for Burger.

507. Notwithstanding the fact that the options for justice have been largely closed down, insofar as suspects have died and crimes have prescribed, this Honourable Court is still required to make findings of responsibility in terms of the Inquest Act. In this next section we propose on behalf of the family certain findings and recommendations for the consideration of this Honourable Court.

⁶³⁹ In terms of s 18 of the Criminal Procedure Act 51 of 1977, the right to prosecute any offence lapse after 20 years, other than murder; treason, robbery with aggravating circumstances, kidnapping, child-stealing, sexual offences, bribery and corruption, terrorism, trafficking, torture, genocide, crimes against humanity and war crimes.

⁶⁴⁰ The elements of perjury are: (a) the making of a declaration; (b) which is false; (c) under oath or in a form equivalent to an oath; (d) during judicial proceedings; (e) unlawfully; and (f) intentionally. See Snyman *Criminal Law* 4th Edition (Juta, Cape Town, 2002) 341.

FINDINGS AND RECOMMENDATIONS

508. The main purpose of re-opened inquest proceedings established under s 17A of the Inquests Act 58 of 1959 is to ascertain if the evidence that has been presented at the proceedings is enough to persuade the presiding officer to set aside the original finding. In doing so, the ultimate aim is to uncover the truth and make a finding that is in the interests of justice.

509. The purpose of an inquest was set out in *Marais N.O. v Tiley* [1990] ZASCA 40; 1990 (2) SA 899 (A) at 901 F-G as follows:

The underlying purpose of an inquest is to promote public confidence and satisfaction; to reassure the public that all deaths from unnatural causes will receive proper attention and investigation so that, where necessary, appropriate measures can be taken to prevent similar occurrences, and so that persons responsible for such deaths may, as far as possible, be brought to justice.

510. This Honourable Court is required to determine whether *prima facie* there is evidence before it upon which a reasonable person might convict a person of an offence arising from the death of Haron.⁶⁴¹ The ultimate decision, whether to prosecute or not, will rest with the Director of Public Prosecutions after the record of proceedings is referred to that office in terms of section 17(1)(a) and (b) of the Inquests Act.

511. In *FUL v NDPP*,⁶⁴² Murphy J held as follows regarding the purpose of an inquest and what should ideally follow after a finding in an inquest has been made:

[72]. An inquest is an investigatory process held in terms of the Inquests Act which is directed primarily at establishing a cause of death where the person is suspected to have died of other than natural causes. Section 16(2) of the Inquests Act requires a magistrate conducting an inquest to investigate and record his findings as to the identity of the deceased person, the date and cause (or likely cause) of his death and whether the death was brought about by any act or omission that prima facie amounts to an offence on the part of any person. The presiding officer is not called on to make any determinative finding as to culpability."

[77] ...The only question for the magistrate, in terms of section 16(2) of the Inquests Act, was whether the death was brought about by conduct prima facie

⁶⁴¹ Section 16(1)(d) of the Inquests Act

⁶⁴² *Freedom Under Law v National Director of Public Prosecutions and Others* 2014 (1) SA 254 (GNP)

amounting to an offence on the part of any person. A prima facie case will exist if the allegations, as supported by statements and real documentary evidence available, are of such a nature that if proved in a court of law by the prosecution on the basis of admissible evidence, the court should convict. ...

512. In *Goniwe and Others*⁶⁴³ the court held that the standard of proof required to make a finding in an inquest is not that as applied in a criminal trial. The test is less stringent in inquests. The court explained this rationale as follows:

*Bearing in mind the object of an inquest it is my opinion that the test to be applied is not the 'beyond reasonable doubt' test but something less stringent. In my opinion the test envisaged by the Inquest Act is whether the judicial officer holding the inquest is of the opinion that there is evidence available which may at a subsequent criminal trial be held to be credible and acceptable and which, if accepted, could prove that the death of the deceased was brought about by an act or omission which involves or amounts to the commission of a criminal offence on the part of some person or persons.*⁶⁴⁴

513. Similarly, in *Padi v Botha*⁶⁴⁵ it was held that –

...section 16(2)(d) of the Act did not require proof beyond a reasonable doubt: a judicial officer was not required to make his finding with reference to the credibility and acceptability of the evidence before him as in a criminal trial.

Proposed findings

514. In the circumstances we submit that a cogent case has been made out to set aside the original inquest finding of Magistrate Kuhn and replace it with a finding that:

- 514.1 The finding and judgment of Additional Magistrate J S P Kuhn (assisted by Prof L Smith) dated 9 March 1970 in Inquest. No. 50/70 is set aside.
- 514.2 The cause of death of Imam Abdullah Haron is attributable to the cumulative effect of injuries sustained under torture, in particular a combination of severe systemic physiological stresses, including crush injury syndrome precipitated by complications of blunt soft tissue injury, with the possibility of a pre-existing coronary artery disease as a contributing factor.

⁶⁴³ *In Re Goniwe and Others* (2) 1994 (2) SACR 425 (SE)

⁶⁴⁴ *Ibid* at 428D – E

⁶⁴⁵ *Padi en 'n Ander v Botha No en Andere* 1995 (2) SACR 663 (W) at 665G

- 514.3 The Security Branch are held responsible for the acts and omissions leading directly to the death of Imam Haron. The officers primarily responsible for torturing and murdering him are:
- 514.3.1 Lieutenant Colonel Carel Johannes Freysen Pienaar, Officer in charge of the Security Police, Cape Town since 1 August 1969. Deceased: 05-07-1990
 - 514.3.2 Major Dirk Kotze Genis, in charge of Haron investigation. JPF van Wyk reported to him. Deceased: 01-02-2003
 - 514.3.3 Major Kotze, Member of the Security Branch who interrogated Haron; but did not submit an affidavit or testify at the inquest. Date of death unknown.
 - 514.3.4 Captain Ebanis Jogiemus Johannes Geldenhuys, superior to JPF van Wyk, Deceased: 24-12-2012
 - 514.3.5 Sergeant Johannes Petrus Francois van Wyk ("Spyker"), reported to Genis. Lead interrogator and investigator. Deceased: 12-11-1990
 - 514.3.6 Sergeant Andries van Wyk, unclear who he reported to. Date of death unknown. Participated in the interrogation.
- 514.4 While the interrogators played the leading roles in causing the death of Haron, those who played various support roles in the interrogation, torture and cover-up must also be held responsible for acts connected to Haron's murder. They facilitated the crime as accessories or associated themselves with what happened to Haron and did not raise the alarm. These persons are:
- 514.4.1 Detective Sergeant Koen, on 17 September 1969, Pienaar allegedly handed Haron over to Koen at Caledon Square (unclear if he was Security Police), unclear who he reported to.
 - 514.4.2 Other unknown officers of the Security Branch, Cape Town.
- 514.5 The SAP uniform branch members stationed at Maitland Police Station, who turned a blind eye to the plight of Haron and who ensured that he did not receive medical attention, acted with reckless disregard for the health and life of Haron, and are responsible for the crime of culpable homicide. They include.
- 514.5.1 Captain Pieter Louis Malan, Station commander of Maitland Police Station during 1969. Deceased: 01-07-1982

514.5.2 Sergeant Petrus Jacobus Rademeyer, senior to Burger. Deceased: 27-09-2015

514.5.3 Sergeant WA Smit, unclear who he reported to. Date of death unknown

514.5.4 Constable Johannes Hendrik Hanekom Burger

515. All police officers who testified in the first inquest perjured themselves to some degree.

516. Former Constable Johannes Hendrik Hanekom Burger committed perjury in the re-opened inquest by making false claims under oath before this Court, knowing them to be false.⁶⁴⁶ These included:

516.1 His denial of any knowledge that the Security Branch was “*an elite, even a feared unit within the South African Police*”.⁶⁴⁷

516.2 His claim that he only learned of Security Branch torture and abuse committed against political detainees in September 2020 when he was shown drawings depicting the injuries on Haron.⁶⁴⁸

516.3 His claim or pretence that he was unaware that the Imam had been abused or tortured while in detention, until he saw sketches of the body some 50 years later.⁶⁴⁹

516.4 His claim that on the morning of 27 September 1969, just an hour or so prior to Haron’s death, he was “seemingly healthy” and had no complaints.⁶⁵⁰

516.5 His claim that he asked Haron on many occasions whether he wanted to see a doctor, and that each time Haron did not want to see a doctor, and that as a result, he could not force him to get medical attention.⁶⁵¹

516.6 His claim that following the three-day extraction he never saw Haron limping, only that he walked “normally” or he walked slowly.⁶⁵²

⁶⁴⁶ The elements of perjury are: (a) the making of a declaration; (b) which is false; (c) under oath or in a form equivalent to an oath; (d) during judicial proceedings; (e) unlawfully; and (f) intentionally. See Snyman *Criminal Law* 4th Edition (Juta, Cape Town, 2002) 341.

⁶⁴⁷ Re-opened inquest transcript, 14 November 2022, p 661: 1-3, 23-25 and p 662: 1-3, 9 – 15, p 663.

⁶⁴⁸ Re-opened inquest transcript, 14 November 2022, p 664 - 668.

⁶⁴⁹ Re-opened inquest transcript, 15 November 2022, p 725 – 726, p 749

⁶⁵⁰ Vol A2, Exhibit J (JHH Burger affidavit submitted to 1970 inquest); Re-opened inquest transcript, 15 November 2022, p 750: 12-16 and Re-opened inquest transcript, 14 November 2022, p 624 and 625

⁶⁵¹ Re-opened inquest transcript, 15 November 2022, p 738

⁶⁵² Re-opened inquest transcript, 15 November 2022, p 730: 16

Proposed recommendations

Medical professionals

517. In these closing arguments we have set out in considerable detail how the conduct of the two district surgeons, Doctors Viviers and Gosling, and the Chief State Pathologist of Cape Town, Dr Schwar fell short of acceptable standards.

518. It is our submission that in conducting their duties in relation to Imam Haron they acted with fundamental disregard for the Hippocratic Oath⁶⁵³ they took. In particular they failed to practice their profession with conscience and dignity, and with particular reference to Viviers and Gosling they declined to put the health of their patient, Haron, as their first consideration.

519. In relation to Dr Viviers:

519.1 He chose not to probe Haron about his ailments as he had a policy not to engage with political prisoners.⁶⁵⁴

519.2 He did not take notes of his clinical examination or record the medication he had prescribed.

519.3 On another occasion he dispensed medication for Haron without examining him or talking to him.

519.4 His physical description of Haron was totally inaccurate and favoured the fabricated police claim that he was prone to heart disease.⁶⁵⁵

519.5 His testimony at the 1970 inquest assisted the Security Branch by painting a picture of a man who suffered no abuse.

520. In relation to Dr Gosling:

520.1 Gosling failed to ask the Security Branch members to leave his consultation rooms in order to conduct a private and confidential medical examination of Haron.⁶⁵⁶

520.2 When visiting Haron in his cell, Gosling did not instruct the police to absent

⁶⁵³ The modern equivalent of the Hippocratic oath is the [Declaration of Geneva](#). It was adopted by the General Assembly of the World Medical Association at Geneva in 1948, amended in 1968, 1983, 1994 and 2017.

⁶⁵⁴ Re-opened inquest transcript, 09 November 2022, p 260: 23-25 and p 261: 1-6

⁶⁵⁵ Re-opened inquest transcript, 11 November 2022, p 487: 21

⁶⁵⁶ On 10 July 1969.

themselves so that he could conduct a private and confidential medical examination.⁶⁵⁷

520.3 He failed to investigate the cause and duration of Haron's chest pain.

520.4 He did not enquire whether Haron was on medication and when he last consulted with a doctor concerning his chest pain.

521. In relation to Dr Schwar⁶⁵⁸:

521.1 Schwar permitted Col Pienaar, the head of the Security Branch in Cape Town and a potential suspect, to be present at the autopsy.

521.2 He failed to request or arrange for autopsy photographs to be taken.

521.3 He testified that Haron's bruises were not of such a serious nature even though they covered more than 570cm² of the body, which is considered an injury that requires medical treatment.⁶⁵⁹

521.4 His histology report was wholly inadequate,⁶⁶⁰ and he was negligent in not ordering a second toxicology report.

521.5 His assertion that that the bruises and fractured rib would only cause pain at the time of trauma or the first few days only, was patently wrong.⁶⁶¹

521.6 In his testimony Schwar aligned himself with the police version of a fall down the stairs even though forensically such a fall could not explain Haron's injuries.

522. In our view the conduct of the medical professionals hardly reflects a devotion to the service of humanity. Indeed, it is apparent that they put the interests of the Security Branch first, not that of the health of the victim, Haron. They allowed themselves to be manipulated and/ or intimidated by the Security Branch in order to limit the damage to the interests of the state. In so doing, they failed to maintain the utmost respect for

⁶⁵⁷ On 14 and 15 September 1969.

⁶⁵⁸ Schwar died in 2019 and was lauded for his work in the field of forensic pathology. Netwerk24, [Icon of forensic medicine and pathology passes away at 92](#), 6 February 2019.

⁶⁵⁹ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 8 para 22. There was also evidence of severe muscle damage from the bruising of subcutaneous tissue (Re-opened inquest transcript, 11 November 2022, pp 505: 22 – 506: 8).

⁶⁶⁰ Re-opened inquest transcript, 11 November 2022, p566: 10 - 14

⁶⁶¹ Haron Family Exhibit F7: *Independent Forensic Medical Analysis* by Dr Steve Naidoo, 04 November 2022, p 17, para 65.

human life, and they employed their medical knowledge in a manner that was contrary to the laws of humanity.

523. We submit that their conduct warrants the censure of this Honourable Court. In addition, we recommend that the Court refer the relevant parts of the record to the South African Medical and Dental Council in terms of section 45(2) of Health Professions Act 56 of 1974 for their consideration as to whether the doctors should be posthumously struck from the roll of medical professionals.

Additional Magistrate Kuhn and Prosecutor J S van Graan

524. Additional Magistrate Kuhn allowed himself to be used as an instrument of the Apartheid security apparatus. His conduct in the first inquest was nothing less than disgraceful. We have set out in detail how he subverted the course of justice. In particular:

524.1 He prevented counsel for the Haron family from asking questions.

524.2 He failed to ask pertinent questions.

524.3 He invented helpful scenarios to protect Security Branch members.

524.4 He accepted without question the version of the police, dismissing the extent and serious nature of the injuries.

524.5 He refused to entertain medical opinions unfavourable to the Security Branch.

524.6 His finding constituted a pitiful four paragraphs, without reasons.

525. Prosecutor J S van Graan was for all intents and purposes the effective counsel for the Security Branch. He displayed no interest in searching for the truth. In particular, he:

525.1 Failed to secure the attendance in court of Sergeant AJ van Wyk and Major Kotze, even though both were involved in the interrogation.

525.2 Accepted Spyker van Wyk's claims that complaints of torture by detainees were political propaganda.

525.3 Protected the Security Branch by submitting to the court that no details of the three-day extraction should be disclosed.

525.4 Belittled and dismissed the evidence of Dr Helman in respect of the source of the injuries, without any basis for doing so.

526. The conduct of Kuhn and van Graan warrants the censure of this Honourable Court.
527. We note that on 16 October 2003, the name of Adv Bram Fischer QC was posthumously reinstated on the roll of advocates.⁶⁶² We assume that if a name can be posthumously reinstated on the roll of advocates, it can also be posthumously removed.
528. We recommend that this Honourable Court refer the relevant parts of the record of these proceedings to the Legal Practice Council for an investigation into the conduct of Kuhn and Van Graan with a view to the posthumous removal of their names from the roll of legal practitioners.

CONCLUSION

529. South Africa's post-apartheid criminal justice system failed the family of Imam Haron. They had to wait more than 50 years for an accounting with the past. Hundreds of other families are still waiting for truth, justice and closure.
530. The Imam's wife, Galiema missed this reckoning by just a few years. When the Imam died, Shamela, Muhammed and Fatiema were children. Shamela is now 72, Muhammed is 67 and Fatiema is 59. They fought patiently for justice with determination and dignity. This day belongs to them.
531. The finding of Additional Magistrate Kuhn that nobody was to blame for Haron's death in detention cannot stand. It is an ugly stain on history and one of many judicial frauds perpetrated on the nation.
532. We have demonstrated in these proceedings that the Imam was subjected to vicious and unrelenting torture during his 123 days in detention. After the most brutal period of abuse inflicted during the three-day extraction, he was specifically denied medical treatment, to avoid the obvious signs of his torture from being detected. Those involved in the torture, and who decided to deny him medical attention, murdered the Imam. We have asked this Honourable Court to make that finding.
533. Those at the Maitland Police Station who were not involved in the torture, or the decision to stop him from being medically treated, such as former Constable Burger, but who saw the dire condition of the Imam, and nonetheless did not take steps to get

⁶⁶² *Rice & Another v Society of Advocates of South Africa* (Witwatersrand Division) 2004 (5) SA 537 (W) para 13

him medical attention, acted with reckless disregard, and are responsible for the crime of culpable homicide. We have also called for this finding.

534. The Security Branch then took control of the investigation and invented the story of the staircase fall in order to explain away these injuries. Corrupt judicial officers in the form of Additional Magistrate Kuhn and Prosecutor J S van Graan then dutifully played along with this charade.
535. It was the evidence of forensic pathologist, Dr Steve Naidoo, that but for the torture and lack of medical intervention, the Imam would have survived. The State medical officers, Drs Viviers and Gosling, who could have stepped in to save Haron chose not to do so. They did not do the bare minimum of what was expected of them. Their allegiances lay not with their injured patient, but with the Security Branch.
536. Then along came the Chief State Pathologist of Cape Town, Dr Schwar, a man in our view, utterly lacking in backbone and courage. He dutifully massaged his evidence to bolster the obviously false version of the Security Branch.
537. It was the shameful conduct of these legal and medical professionals that made the dirty work of the Security Branch possible. As we recommended, not only should they be censured, but as requested by the family, steps should be taken to posthumously remove them from the roll of their professional registers.
538. We pause to pay tribute to the women and men who stood up to the Apartheid state and who suffered terrible abuse in detention. Some of them testified in these proceedings and had to relive the horrors of their torture. They were Stephanie Kemp, Yousuf Gabru, Shirley Gunn, Robert Wilcox and Jeremy Cronin. We thank them and salute their courage.
539. In particular we pay special tribute to Stephanie Kemp who recently died. Like the Imam she stood up to tyranny and devoted her life to the struggle for freedom.
540. We acknowledge the incredible and labour-intensive work carried out by the expert witnesses, Doctors Itumeleng Molefe and Steve Naidoo, aeronautical engineer Thivash Moodley and researcher Dianne Sandler. They invested considerable time and effort to help us place reliable facts and evidence before this Court.
541. We wish to thank Lt Col Peterson of the DPCI for his diligent investigations in this case and for leaving no stone unturned.
542. We are deeply indebted to our instructing attorney, Odette Geldenhuys of the Pro Bono Department of Webber Wentzel, and her team of Maison Samuels and Lize-Mari

Doubell, who were towers of strength behind the scenes. Odette traced all the key witnesses and built this case from the ground up.

543. We also thank the Foundation for Human Rights which has stood by Apartheid-era families and supported this case from its inception.

544. We are grateful to his Lordship Honourable Justice Thulare for the dignified and methodical proceedings he presided over, and for providing considerable latitude to the family members to share their experiences and pain.

545. South Africa is a much poorer place without people such as Imam Haron, Steve Biko, Nokuthula Simelane, Ahmed Timol, Matthew Goniwe, Fort Calata, Hoosen Haffejee, Ashley Kriel, Rick Turner, Dulcie September, Mathews Mabelane and many others murdered by the Security Branch. They were brutally torn away from their families and communities. Their sacrifices paved the way for our freedoms. In these turbulent times we could have used their wisdom and guiding hands. We take inspiration from their short lives.

546. On 13 September 2019, Judge Siraj Desai launched an exhibit titled *The Life and Legacy of Iman Abdullah Haron* at the Dulcie September Civic Centre in Athlone. He made this important observation:

“Ultimately apartheid was an attack upon the dignity of all of us, and that is what Imam Haron resisted. He was an actively involved, non-sectarian, not aligned to any political party. He met the PAC; he met the ANC, and he met the Non-European Unity Movement. He stood opposed against apartheid, and he saw a future in which all of us participated,”

547. Haron was a man of irrepressible spirit and backbone. Even while enduring the pressure of detention, he was a comforting voice from father to son with words of solace and strength, when Muhammed had a brief exchange with him from the street outside the Caledon Square Police cells. This moment is forever treasured by Muhammed.

548. Haron withstood the inhumanity visited upon him by the thugs in the Security Branch with civility and dignity. From what we have learned of his character, he probably did so with a twinkle in his eye. This would have enraged the insecure brutes interrogating him.

549. Haron never broke under interrogation. He betrayed no comrade. He was utterly dependable. He endured his final journey, not for himself, but for his comrades, and for us.

550. The Security Branch did crush Haron, the physical man, but they never crushed his spirit. In his last days he was a shadow of his physical self that his loved ones remembered so well. However, his enduring dignity and humanity remained intact till the very end.
551. In 1948, the activist and writer, Howard Fast, reviewed the book '*Notes from the Gallows*' by Julius Fuchik, who was detained and tortured by the Gestapo, but managed to smuggle out his story on scraps of paper before he was executed.⁶⁶³ As we did in our closing address in the Ahmed Timol re-opened inquest, we have adapted an extract from Fast's review:

Like thousands of other prisoners of conscience, Imam Abdullah Haron died so that men and women may be free.

In reliving Abdullah's life and struggle we can only take his hand, which is so strong in death, and thank him.

He leaves the world to the living, and the fight he bequeaths us is a fight worth making.

Press the hand of Abdullah and every comrade who did their duty and who endured his or her last battle.

Abdullah and his comrades, lived for happiness, for that they went to battle, for that they died.

Let grief never be connected with their names.

552. Haron went to his death knowing he was on the right side of history. He would have known that his unassuming and steadfast resistance to racial domination posed the greatest threat to his tormentors.
553. He would have known that others would pick up where he left off, and they would not rest until the evil system of Apartheid was swept aside.
554. He would have known that his approaching death would ultimately help pave the way for a new South Africa with its enshrined freedoms.
555. His memory is treasured by freedom loving South Africans. He remains an inspiration to young South Africans working to make a difference in society today.

⁶⁶³ [*Masses & Mainstream*](#), July 1948, p 75-76

556. At the Imam's funeral, the writer and poet, Victor Wessels, said: "*He died not only for the Muslims. He died for his cause - the cause of the oppressed people.*" Wessels penned a poem as a tribute to the Imam, and others who died in detention, with which we conclude our submissions.

FOR THE FALLEN

He fell
in severed isolation
and died
alone
among policemen
unattended
by a single friend
a fighter fell
go tell his death
go tell

Victor Wessels⁶⁶⁴

Howard Varney

Naefa Kahn

COUNSEL FOR THE HARON FAMILY

Johannesburg and Sandton

5 April 2023

⁶⁶⁴ Victor Wessels, Unity Movement Bulletin, *50th Year of Struggle 1943-1993*, p 59. Victor Wessels was a teacher and struggle stalwart. He was banned in October 1961 along with other members of the Non-European Unity Movement and the Teacher's League of South Africa. He died in 1979.

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: I01/2022

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

ANNEXURE A: Haron chronology from birth to 1972

YEAR	DATE	TIME	EVENT	REFERENCE
1924 – 1959				
1924	Sunday 8 February		Born	
1924	unspecified		Mother died when he was two months old; his father remarried and he was entrusted to the care of his aunt Miriam (aunt Miriam)	Desai ¹ , p22
1929	unspecified		Motor accident at the age of 5, causing some head injuries; made a perfect recovery	NPA Vol A3, p202:4-7
1932	unspecified		At age 8, pilgrimage (<i>hajj</i>) to Mecca with aunt Miriam	Desai, p22
	unspecified		Completed only primary school	Desai, p26

¹ 'The Killing of the Imam', Barney Desai and Cardiff Marney, published by the Imam Abdullah Haron Educational Trust, 2012 (first published by Quartet Books Limited, 1978) (**Desai**) (Exhibit DDP 18(iii))

YEAR	DATE	TIME	EVENT	REFERENCE
1938	unspecified		At age 14, pilgrimage to Mecca with aunt Miriam	Desai, p22
	unspecified		At age 14, could faultlessly recite every verse of the Quran by heart	Desai, p22
1940s	unspecified		During mid-20s, made another pilgrimage to Mecca with aunt Miriam	Desai, p22
1950			Group Areas Act became law	Desai, p33 - 34
	Sunday 12 March		Married Galiema Sadan	Desai, p23
	unspecified		First home was a tiny room with an attached kitchen on two small plots of land that aunt Miriam had given him	Desai, p24
	Wednesday 27 December		Shamela Haron born	Desai, p24
1955	Saturday 15 October		Muhammed Haron born	Desai, p24
	unspecified		Appointed as their Imam by the congregation of the Al Jaami'ah mosque in Claremont, which appointment coincided with the celebration of the birthday of the Prophet Muhammed, the founder of Islam (<i>Milad un Nabie</i>)	Desai, p18, p61
unspecifi ed	unspecified		Established close friendship with Barney Desai (Desai), (non de plume 'Mujaheed') who was connected with the Coloured People's Congress (CPC)	Desai, p37
unspecifi ed	unspecified		He shared his doubts and uncertainties on politics with Ebrahim Desai, Desai's brother (non de plume 'Abraham')	Desai, p37

YEAR	DATE	TIME	EVENT	REFERENCE
1958			Haron founded the progressive Claremont Muslim Youth Association (CMYA) and it contained close contact with several activists, including Alex la Guma, Albie Sachs, Professor Hoffenberg and Robert Sobukwe	South African History Online Imam Abdullah Haron, Archive 2, available at https://www.sahistory.org.za/people/imam-abdullah-haron accessed on 14 February 2023
1960				
	January / February		Haron became known to Sergeant JPF Van Wyk (Van Wyk) because of the active role he played in organisations opposed to the system of governance in South Africa	NPA Vol A2: Exhibit O (Van Wyk, para 2)
	Monday 21 March		Protest marches, called by the Pan Africanist Congress (PAC), against pass laws took place in Langa and Nyanga, Cape Town and Sharpeville, and 69 people die in police violence in Sharpeville	https://www.sahistory.org.za/dated-event/state-emergency-follows-sharpeville-massacre
	Wednesday 30 March		Government declared a State of Emergency, and 18000 persons were detained	https://www.sahistory.org.za/dated-event/state-emergency-follows-sharpeville-massacre

YEAR	DATE	TIME	EVENT	REFERENCE
				emergency-follows-sharpeville-massacre
	Friday 08 April		Passage of the Unlawful Organisations Act and banning of the African National Congress (ANC) and the Pan Africanist Congress (PAC). These organisations were forced to go underground	https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01539/05lv01551/06lv01552.htm
	Wednesday 31 August		End of the State of Emergency	https://www.sahistory.org.za/article/liberation-history-timeline-1960-1969
	unspecified		Soon after the end of the State of Emergency, Haron was asked to serve on a fundraising committee established to provide money for the legal defence of victims of the security police	Desai, p39
1960 onwards	unspecified		Haron began to take a positive interest in the developments within the organisations working towards liberation	Desai, p28
1961 – 1968				
1961				

YEAR	DATE	TIME	EVENT	REFERENCE
	unspecified		CMYA began circulating the “Call of Islam”, an anti-apartheid pamphlet	South African History Online Imam Abdullah Haron, Archive 2, available at https://www.sahistory.org.za/people/imam-abdullah-haron accessed on 14 February 2023
	Sunday 7 May		At a meeting at the Cape Town Drill Hall, Haron gave an impassioned speech against the inhuman, barbaric and un-Islamic Group Areas Act	Desai, p39
	Monday – Wednesday 29, 30 & 31 May		Haron supported the general strike in opposition to the 1961 Constitution, from the pulpit (<i>minbar</i>) of his mosque, by appealing to his congregation to adopt the traditional Islamic mode of support by fasting for the three days, which he did	Desai, p40
	unspecified		It was during this time that Haron discovered that SAPS informers had been placed in his congregation	Desai, p41
	Wednesday 31 May		Republic of South Africa established	

YEAR	DATE	TIME	EVENT	REFERENCE
1963				
	Sunday 29 September		Fatiema Haron born	Desai, p24
1965				
	unspecified		Since the beginning of 1965 Haron was known to Major Dirk Genis, as he was considered a security risk	NPA Vol A2: Exhibit D (Genis, para 2)
	unspecified		As a member of the CPC, became deeply involved in the activities of the organisation, including fundraising	Desai, p42
1966				
	March		The CPC dissolved and called upon its members to join the PAC and Haron found himself a member of a party dedicated to the overthrow of Apartheid by all means to its disposal, including violence	Desai, p42
	unspecified		Had moved to an attractive 3-bedroomed home with a long porch and large windows near the Kromboom River in lower Claremont, but was forced to leave the	Desai, p24

YEAR	DATE	TIME	EVENT	REFERENCE
			area when it was declared for "white occupation"	
	unspecified		Bought the usual 150-foot plot land in Athlone, a Coloured Group Area. and built a house opposite the City Park rugby ground	Desai, p25
	unspecified		Went on pilgrimage to Mecca with Galiema, for political purposes	Desai, p43, p45
	unspecified		Thereafter, Haron visited Cairo for discussions with the representatives of the PAC and London to discuss a matter of some importance	Desai, p45
	unspecified		Haron also visited London to meet with leading members of the PAC and discussed the strategy it was developing for an armed military struggle and how he could help	Desai, p47
	unspecified		During his visit to London, he met with Canon John Collins, after Haron had agreed that he would use monies received for charitable purposes only and that he would provide proof for this	Desai, p49
	Saturday 21 May		Haron returned from pilgrimage	AJ Barnard letter, dated 26 May 1966
	Thursday 26 May		Haron warned by AJ Barnard in Barnard's office to refrain from promoting communism	AJ Barnard letter, dated 26 May 1966
	unspecified		Haron became involved in a plan to recruit young men to undertake short courses in guerrilla training outside of South Africa.	Desai, p48

YEAR	DATE	TIME	EVENT	REFERENCE
			They were to leave South Africa ostensibly for a <i>hajj</i> or upon a course of education and then return in the normal way after training. The plan was that Haron's role as an Imam would be the perfect cover under which a particularly dangerous form of underground work would be performed. Although his plan was not to meet with any success, its intention was viewed by the State with as much gravitas as if had been very successful	
	unspecified		On the return journey home from London, Haron carried a cassette tape-recording of an address from the exiled leadership of the PAC to the underground movement in the Cape	Desai, p50
	unspecified		Haron was under constant surveillance by the apartheid state. Informers panted inside the mosque, made themselves obvious. The Security Police began to pay intermittent visits to his home. They also raided the mosque, without finding any incriminating evidence. Haron found it increasingly difficult to continue his relief work because the police were now openly and demonstratively watching his movements	Desai, p52
1967				

YEAR	DATE	TIME	EVENT	REFERENCE
	Monday 20 February		<p>K Paleker, director of Palmo Group of Associated Companies, addressed letter to Sergeant JPF Van Wyk (Van Wyk), expressing his sincere gratitude for the treatment he received from Van Wyk, his colleagues and staff during 116 days in detention. Paleker specifically thanked Van Wyk for providing him the facilities to pray five times a day and fast, particularly during the holy month of Ramadan</p> <p>Paleker had been detained as an accomplice in a fraud case, which involved bringing unauthorised people into South Africa with forged travel documents, identity cards, etc.</p>	<p>NPA Vol A2: Exhibit P</p> <p>NPA Vol A3, p134:1-21 (van Wyk)</p>
	Tuesday 14 March		<p>Omar Khan addressed letter to Van Wyk, recording the heartfelt gratitude of the Khan family for the effort of Van Wyk and his colleagues to make it possible for Khan's brother to attend the funeral of their father. Khan added that Van Wyk's commendable and human approach has earned for him and his colleagues the undying respect and admiration of the Khan family and the entire community</p> <p>The address included by Omar Kahn in his letter, 52 14th Street, Kensington, was that of his brother, Dawood Khan, who was a city councillor. Khan was detained for the fraud case, but he became a state witness</p>	<p>NPA Vol A2: Exhibit Q</p> <p>NPA Vol A3, p133:2-10; pp134:22-135:6 (van Wyk)</p>
	Thursday		Dr L Sternberg completed a routine annual medical examination of Haron for	NPA Vol A2: Exhibit U

YEAR	DATE	TIME	EVENT	REFERENCE
	23 November		insurance purposes, and noted that Haron was of normal health for this and previous annual examinations	NPA Vol A3, pp201:24-202:6. (Sternberg)
1968				
	December		Shamela arrived in Mecca for <i>hajj</i> , whereafter she stayed with family and friends until going to London some months later	Haron family Exhibit F1 (Shamis)
			Went to Mecca, without Galiema, where he spent a short time before proceeding to Cairo. In Cairo he met with high officials in the Egyptian administration and was able to quickly transact his business there	Desai, pp56-57
	unspecified		From Cairo, he consulted with Lars Gunnar Ericksson, Director of the International University Exchange Fund, in Leiden in Holland, to explore facilities for the education of black youths and to make arrangements for Shamela to take up studying in the UK	Desai, p57
	unspecified		Haron travelled from Holland to London, where he confided in trusted people that there were informers everywhere, that he was being continuously harassed by the Security Branch, and that the Security Branch was trying to persuade his employer to fire him. People he was close	Desai, p57

YEAR	DATE	TIME	EVENT	REFERENCE
			to, suggested that he not return to South Africa, but choose exile	
	unspecified		Haron met with Canon Collins again, who also urged him to consider exile.	Desai, p58
1969				
	March		Haron's passport expired and there was no response to his renewal application	Desai, p56, p59
	Tuesday 4 March		Haron reported that the work he had undertaken to do, including extending the field of operations among political families in country districts, was going as planned	Desai, p58
	Saturday 22 March		Haron reported that a grave shortage of funds was hampering his efforts	Desai, p58
MAY				
	unspecified		Haron is required to report to the Security Branch headquarters in Cape Town, where he was presented with a thick file containing information about his 1966 and 1968 journeys overseas, as well as the names of the Desai brother	Desai, p59
	Wednesday 7 May		About three weeks before his arrest, Haron was at van Wyk's house, where he gave van Wyk information about a safety issue	NPA Vol A3, p104: 2-4 (van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
	Friday 23 May		Haron presented prizes to the children at a religious school (<i>madressa</i>) in a neighbouring township	Desai, p59
	Wednesday 28 May		Day of <i>Milad un Nabie</i> , the celebration of the birthday of the Prophet Muhammed, marked by the gathering of thousands of Muslims at their various mosques during the evening, led by their respective Imams	Desai, p61
	Wednesday 28 May	early morning	Arrested at his house by Van Wyk and detained by Van Wyk at Cape Town Central Police Station in solitary confinement in terms of section 6(1) of the Terrorism Act 83 of 1967	NPA Vol A2: Exhibit O (van Wyk, para 3); NPA Vol A3, p96: 23-25 (van Wyk)
			<p>Haron was detained because over a number of years the Police obtained reliable information that he:</p> <ul style="list-style-type: none"> • was instructed to recruit students who wanted to study abroad and young Muslims who wanted to make pilgrimage to Mecca and needed travel facilities, for terrorist training in China; • was involved in continuing the activities of the banned PAC organisation and to recruit members for it; • received thousands of rands from overseas through various local banks for illegal use; • breached Exchange Control Regulations by illegally 	NPA Vol A2: Exhibit D (Genis, para 4)

YEAR	DATE	TIME	EVENT	REFERENCE
			<p>withdrawing thousands of rands from South Africa. to take, among others, to political exiles abroad;</p> <ul style="list-style-type: none"> visited the terrorist headquarters in Cairo and made contact with members of the PAC movement; held talks abroad with known terrorists and received their instructions; and was constantly in secret contact with terrorists abroad 	
			Throughout his detention, he was held on solitary confinement (" <i>Hy was alleen in die sel aangehou en slegs gemagtigde persone het tot hom toegang gehad</i> ", para 6)	NPA Vol A2: Exhibit D (Genis, para 6(a))
			Van Wyk acted on the authorisation of the Minister of Police	NPA Vol A3, p3: 12 – p4:10 (Genis)
			Genis was in charge of the interrogation and investigation into alleged illegal activities, and Genis and van Wyk handled the investigation	NPA Vol A3, pp: 6:21 – p7:1 (Genis)
			In good health when arrested; and he never complained to Genis about his health, nor did van Wyk inform Genis that Haron complained about his health	NPA Vol A3, p3: 6-9 (Genis) NPA Vol A3, p14:6-12 (Genis)
		10:00 / 11.00	Major Dirk Genis meets with Haron in his office	NPA Vol A3, p4: 9-19 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
		from about 11:00 until about 17:30, with a break to search Haron house	Genis and van Wyk interrogated Haron	NPA Vol A3, p5: 16-20 (Genis) NPA Vol A3, p34:2-4 (Genis) NPA Vol A3, p97:1-3 (Van Wyk)
			Haron "completely willing to give a statement" on first day. Yet according to van Wyk, at first he gave a statement which was completely false, which led to the taking of a statement between 2 and 10 July, which the Security Police believed to be true, but which was true only in parts, but a third statement was not drafted	NPA Vol A3, pp97:3-100:5 (Van Wyk)
			House searched by van Wyk, and Haron accompanied him	NPA Vol A3, p4:25 – 5:5 (Genis)
			Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
		evening	Galiema Haron visits Catherine Taylor at home	Taylor ² , p137
	28 May to		Haron was interrogated almost daily by Genis, van Wyk, Sergeant AJ van Wyk,	NPA Vol A3, p7:20 – 8:10

² 'If Courage Goes' Catherine Taylor, published by MacMillan South Africa (Publishers) (Pty) Ltd, 1976

YEAR	DATE	TIME	EVENT	REFERENCE
	11 August		Lieutenant Colonel Pienaar, Captain Geldenhuys, Major Kotze, other members: from 08:00 or later, with a break for lunch and then until 16h30, 17h00 or until 00h00. Van Wyk made notes during the interrogations of Haron where he was present	(Genis); NPA Vol A3, p6:10-19 (Genis); NPA Vol A3, p78:15-21 (Geldenhuys) NPA Vol A2: Exhibit O (Van Wyk, para 4)
	Thursday 29 May		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 3-6 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)
	Friday 30 May		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Chief Magistrate of Cape Town, Mr A J Barnard, informed about the detention of Haron at Cape Town Police Station	NPA Vol A2: Exhibit K (Barnard, para 3)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)
	Saturday 31 May		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
JUNE				
	Sunday 1 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 2 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Tuesday 3 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Wednesday 4 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an	NPA Vol A3, p7:20 – 8:10 (Genis); NPA

YEAR	DATE	TIME	EVENT	REFERENCE
			office or in a cell, with Genis in charge of interrogation	Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Thursday 5 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Friday 6 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Saturday 7 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 8 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	Monday 9 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
			Visited by Chief Magistrate of Cape Town, according to whom, Haron had no complaints or requests Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, para 4) NPA Vol A3, pp13:23-14:3 (Genis)
	Tuesday 10 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Wednesday 11 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis) NPA

YEAR	DATE	TIME	EVENT	REFERENCE
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Thursday 12 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Friday 13 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Saturday		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	14 June			
	Sunday 15 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 16 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Tuesday 17 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Wednesday 18 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA

YEAR	DATE	TIME	EVENT	REFERENCE
				Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Thursday 19 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Friday 20 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Saturday 21 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 22 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	Monday 23 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
			Visited by Acting Chief Magistrate of Cape Town, JW van Greunen in Cape Town, No complaints Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, para 5) NPA Vol A3, pp13:23-14:3 (Genis)
	Tuesday 24 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Wednesday 25 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Thursday 26 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Friday 27 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
	Saturday		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	28 June			
	Sunday 29 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 30 June		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, pp97:3-99:3 (Van Wyk)
JULY				
	Date/s uncertain		According to Genis, <u>only one written statement</u> was obtained from Haron, and this was during July	NPA Vol A3, p10:14 – 11:15 (Genis)
			From the date in July when the statement was obtained, until at least 19 September, Haron was interrogated up to five to six hours per day (according to Genis)	NPA Vol A3, p12:1-20 (Genis)
	Tuesday 1 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Wednesday 2 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			After Haron had initially made a statement which was totally false, he started speaking the truth and Van Wyk started	NPA Vol A3, p99:9-20 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
			writing up Haron's statement once the Security Branch was persuaded that he was talking the truth	
			<p>Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk started writing on 2 July.</p> <p>In morning, Haron fetched from cell by either Genis or van Wyk and taken to office; and as far as van Wyk remembered, he was not taken to a doctor because of pain</p>	<p>NPA Vol A3, pp93:2-95:2 (Van Wyk)</p> <p>NPA Vol A3, pp95:21-96:14 (Van Wyk)</p>
	Thursday 3 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			<p>Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk continued writing</p> <p>In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain</p>	<p>NPA Vol A3, pp93: 2-95:2 (Van Wyk)</p> <p>NPA Vol A3, pp95:21-96:14 (Van Wyk)</p>
	Friday 4 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
			<p>Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk continued writing</p> <p>In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain</p>	<p>NPA Vol A3, pp93: 2-95:2 (Van Wyk)</p> <p>NPA Vol A3, pp95:21-96:14 (Van Wyk)</p>
	Saturday 5 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 6 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 7 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			<p>Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk continued writing</p> <p>In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain</p>	<p>NPA Vol A3, pp93: 2-95:2 (Van Wyk)</p> <p>NPA Vol A3, pp95:21-96:14 (Van Wyk)</p>
			Visited by Chief Magistrate of Cape Town, and Haron complained of a pain in the chest. The Chief Magistrate instructed	NPA Vol A3, pp13:15 -14:5 (Genis);

YEAR	DATE	TIME	EVENT	REFERENCE
			<p>Genis to call for the district surgeon to examine Haron</p> <p>Genis may or may not have been present, waiting at the cell door</p>	<p>NPA Vol A2: Exhibit K (Barnard, para 6)</p> <p>NPA Vol A3, pp13:23-14:3 (Genis) NPA Vol A3, pp13:23-14:3 (Genis)</p>
			<p>Haron taken to Dr Viviers, district surgeon in Belville by Genis and Capt Ebanis Geldenhuys, of the Security Police, Cape Town. Geldenhuys did not why they went Cape Town to Belville as there was a district surgeon in Cape Town. Geldenhuys was present while Viviers examined Haron. Geldenhuys remembered that Haron complained to the doctor about a chest pain, and Haron may have said what caused it, but he did not take note of what was discussed between Haron and the doctor. Haron was taken back to the Security Branch office in Cape Town.</p> <p>Note: <i>Geldenhuys attempted to diminish his culpability by referring to his role during this incident as "I was just a guard." (NPA Vol A3, p81:14)</i></p>	<p>NPA Vol A3, pp79:5-80:14; 81:8-11 (Geldenhuys)</p>

YEAR	DATE	TIME	EVENT	REFERENCE
			<p>Dr Viviers' medical examination lasted for about half hour. Only Haron's torso was exposed and he had dark skin. With dark skin sometimes difficult to see bruises or to determine if bruise is deep. Sometimes also difficult to determine if ribs are cracked or fractured. Haron motioned that he had a pain roughly over the 5th, 6th or 7th rib, on the left side. As it was the policy of Dr Viviers not to question political prisoners extensively, Viviers did not ask Haron about the cause of the pain. Haron was also not inclined to speak. The pain could have been caused by an injury to the body. There was no sign of cardiac problems. It could have been a neuritis or a fibrositis between the midrib muscles on the left. Viviers gave him a sample bottle of pain tablets, with about 10 tablets – Analgen SA, for which a prescription is needed. Viviers did not ask the Security Police to bring Haron back. Viviers was adamant that the injury was not on the right. Viviers recalled that while he was examining Haron - "a "short, robust, overweight guy" – he stood next to the scale. Viviers was tempted to weigh him and he clearly remembered that he pressed against Haron's ribs on the right.</p> <p>Note: After the conclusion of the cross-examination of Cooper, the magistrate pointed out to Viviers, who had referred to</p>	<p>NPA Vol A3, pp72:11-73:20; pp73:22 - 74:10; pp74:11-14; pp74:15-19; pp74:20-75:5; 75:6-14; 76:16-20; 77:1-17 (Viviers)</p>

YEAR	DATE	TIME	EVENT	REFERENCE
			<p><i>"an injury" (three times in his testimony that the injury was not on Haron's right side), that he did not conclude from the evidence of Viviers that there had been an injury, but instead that there had been n "seerplek" (a bruise) and the magistrate asked Viviers to confirm that as his evidence. Viviers confirmed that as his evidence, and added, "Ja, Edelagbare, ek het my verspreek, dit was nie n besering gewees nie."</i> [**Note that the English translation at NPA Vol A3, pp77:18-78:1 does not accurately reflect the 1970 inquest record at Vol A1, pp52:29-53:2]</p>	
	Tuesday 8 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			<p>Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk continued writing</p> <p>In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain</p>	<p>NPA Vol A3, pp93: 2-95:2 (Van Wyk)</p> <p>NPA Vol A3, pp95:21-96:14 (Van Wyk)</p>
	Wednesday 9 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to	NPA Vol A3, pp93: 2-95:2 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
			get a full statement about his undermining activities, which van Wyk continued writing In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain	NPA Vol A3, pp95:21-96:14 (Van Wyk)
	Thursday 10 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Haron interrogated by van Wyk between four and six hours, possibly up to midnight, using the powers in the Terrorism Act to get a full statement about his undermining activities, which van Wyk continued writing In morning, Haron fetched from cell by either Genis or van Wyk and taken to office, and as far as van Wyk remembered, he was not taken to a doctor because of pain	NPA Vol A3, pp93: 2-95:2 (Van Wyk) NPA Vol A3, pp95:21-96:14 (Van Wyk)
		10:15 – 10:30	Haron was taken to and examined, in the presence of Security Police, by Dr D'Arcy Charles Gosling, district surgeon in Cape Town, who, because it was not important at the time, did not ask about the cause of a painful tenderness in Haron's lower chest - not sure left, right or both sides - flu-like illness, generalised aches and pains, which he had for a day or two. Haron did not have a temperature but he did have a general malaise - he felt ill, not well. Did not examine him for a possible	NPA Vol A3, pp144: 2-147:12; pp147:20 - 148:4; p150:1-12; NPA Vol A3, pp151:21-24) (Gosling)

YEAR	DATE	TIME	EVENT	REFERENCE
			fracture rib. Unlikely, but might be possible that generalised aches and pains were due to trauma. A person who was badly assaulted may suffer from a general malaise. Unlikely that tension in chest due to a cardiac ischaemia.	
			Gosling prescribed his routine treatment (presumably for flu) and Athertine, a cough mixture; without knowing what treatment Haron received from his consultation with Viviers	NPA Vol A3, p147:13-19; pp148:18 - 149:18 (Gosling)
	Friday 11 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
			11 July 1969 written statement Van Wyk completed Haron's written statement; which was satisfactory at that time, but once the Security Branch interrogated other people, they realized parts of it was false; and Van Wyk had to further interrogate Haron about the false parts in an interrogation which lasted several months and during which	NPA Vol A3, pp99:20-100:14 (Van Wyk) NPA Vol A3, pp104:20-24 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
			After 11 July, did not take another written statement	
	Saturday 12 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 13 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 14 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Tuesday 15 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Wednesday		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	16 July			
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Thursday 17 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Friday 18 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
	Saturday 19 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 20 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 21 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
			Visited by Chief Magistrate of Cape Town, according to whom, Haron had no complaints or requests Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, para 7) NPA Vol A3, pp13:23-14:3 (Genis)
	Tuesday 22 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
				NPA Vol A3, p101:10-16 (Van Wyk)
	Wednesday 23 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10- 19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Thursday 24 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10- 19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Friday 25 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA

YEAR	DATE	TIME	EVENT	REFERENCE
				Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Saturday 26 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 27 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 28 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Tuesday 29 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
	Wednesday 30 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Thursday 31 July		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
AUGUST				
	Friday 1 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
				NPA Vol A3, p101:10-16 (Van Wyk)
			Lieutenant-colonel CJF Freysen appointed as the Commanding Officer of the Security Police, Cape Town	NPA Vol A2: Exhibit L (Freysen, para 2)
	Saturday 2 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 3 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 4 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10- 19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
			Visited by Chief Magistrate of Cape Town, according to whom, Haron had no complaints or requests Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, para 8) NPA Vol A3, pp13:23-14:3 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
	Tuesday 5 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			<p>Pienaar visited Haron for the first time, and according to him, Haron was apparently healthy, had no complaints, said he was being treated well, but wanted to go home</p> <p>Pienaar visited Haron on a number of subsequent occasions and he never had complaints.</p> <p>It also included visits at the Maitland Police Station</p>	<p>NPA Vol A2: Exhibit L (Pienaar, paras 3-5);</p> <p>NPA Vol A3, p58:20 – 25 (Pienaar)</p>
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	<p>NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)</p> <p>NPA Vol A3, p101:10-16 (Van Wyk)</p>
	Wednesday 6 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	<p>NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis)</p> <p>NPA Vol A3, p101:10-16 (Van Wyk)</p>

YEAR	DATE	TIME	EVENT	REFERENCE
	Thursday 7 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Friday 8 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
			Probably interrogated by van Wyk (and/or Security Branch members), either in an office or in a cell, with Genis in charge of interrogation	NPA Vol A3, p7:20 – 8:10 (Genis); NPA Vol A3, p6:10-19 (Genis) NPA Vol A3, p101:10-16 (Van Wyk)
	Saturday 9 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Sunday 10 August		Held in police cells at Cape Town Police Station	NPA Vol A3, p6: 2-4 (Genis)
	Monday 11 August		Transfer order signed by Commissioner of Police J P Gous	Transfer order (attached to 1970 inquest bundle)

YEAR	DATE	TIME	EVENT	REFERENCE
				received from family)
			Moved to Maitland Police Station; and held alone in a cell which measured 13' 10" x 8, and which had a double lock. At all times the one key was kept in the safe in the charge office and the other key was in the possession of the on-duty Patrol Car Driver. Thus, at all times Haron was visited, two police officers were present	NPA Vol A2: Exhibit G (Malan, paras 2-4)
		12:35	When Sergeant Rademeyer came on duty, he was presented with Haron's file which dealt with his treatment and supervision.	NPA Vol A2: Exhibit I (Rademeyer, para 5)
			Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	unspecified		Only members of the Maitland Police and the Security Police were allowed at Haron's cell	NPA Vol A2: Exhibit G (Malan, para 13)
	unspecified		Each morning Haron was informed when it was 9:00, as that was the time of his prayers	NPA Vol A2: Exhibit G (Malan, paras 10)
	unspecified		Malan, the Maitland Station Commander, visited Haron in his cell daily, during and after office hours, and Haron was always in his bed, but always lifted himself up	NPA Vol A2: Exhibit G (Malan, paras 6, 11)
	unspecified		When Rademeyer was on duty, he visited Haron in his cell daily.	NPA Vol A2: Exhibit I (Rademeyer, para 3)

YEAR	DATE	TIME	EVENT	REFERENCE
	unspecified		From when Haron was moved to Maitland Police Station, Genis went to see him there from time to time – "just to see him".	NPA Vol A3, p30:14-17 (Genis)
	unspecified	18:30	Supper each night - only meal of the day	NPA Vol A2: Exhibit J (Burger, para 5)
	Tuesday 12 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Wednesday 13 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Thursday 14 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Friday 15 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Saturday 16 August			
	Sunday 17 August			
	Monday 18 August		Visited by Chief Magistrate of Cape Town, according to whom, Haron had no complaints or requests	NPA Vol A2: Exhibit K

YEAR	DATE	TIME	EVENT	REFERENCE
			Genis may or may not have been present, waiting at the cell door	(Barnard, para 9) NPA Vol A3, pp13:23-14:3 (Genis)
			Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Tuesday 19 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Wednesday 20 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Thursday 21 August	07.50 - 22.00	Haron taken out on investigation by Genis and possibly another	NPA Vol A3, pp118:25-119:6 (Malan)
	Friday 22 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Saturday 23 August			
	Sunday 24 August			

YEAR	DATE	TIME	EVENT	REFERENCE
	Monday 25 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Tuesday 26 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Wednesday 27 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Thursday 28 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Friday 29 August		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Saturday 30 August			
	Sunday 31 August			
SEPTEMBER				
1 to 16 SEPTEMBER				
			Could have been during September that the Security Branch established that a fair	NPA Vol A3, p106:20-22 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
			amount (" <i>heelwat</i> ") of Haron's statement contained untruths	
	Monday 1 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Tuesday 2 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Wednesday 3 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
			Visited by Chief Magistrate of Cape Town, according to whom, Haron had no complaints or requests Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, para 10) NPA Vol A3, pp13:23-14:3 (Genis)
	Thursday 4 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Friday 5 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Saturday			

YEAR	DATE	TIME	EVENT	REFERENCE
	6 September			
	Sunday 7 September			
	Monday 8 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Tuesday 9 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Wednesday 10 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Thursday 11 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Friday 12 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Saturday 13 September			
	Sunday 14 September	8:20	When Burger let Haron out of his cell for exercise, Haron showed him blood splatters in the toilet bowl and alleged that	NPA Vol A2: Exhibit J (Burger, paras 11-12)

YEAR	DATE	TIME	EVENT	REFERENCE
			he was passing blood with his stool. This Burger reported to Rademeyer.	
		morning	<p>Haron, in his cell, complained to Rademeyer that he was feeling unwell: he was passing blood with his stool and he pointed to blood splatters in the toilet bowl. Rademeyer telephonically informed Pienaar, and on Pienaar's instructions, Rademeyer called Dr. Gosling. Later that morning Rademeyer was with Dr. Gosling in the Haron's cell where Dr. Gosling examined the deceased.</p> <p>Dr Gosling, the district-surgeon who was on duty that weekend, visited him at Maitland police cells. Dr Gosling was only doctor who visited Haron in his cell.</p> <p>Gosling prescribed treatment for bleeding piles.</p>	<p>NPA Vol A2: Exhibit HI (Rademeyer, paras 7-10)</p> <p>NPA Vol A3, p40:19-41:8</p> <p>NPA Vol A3, p150:24-151:2 (Gosling)</p> <p>NPA Vol A2: Exhibit G (Malan, para 14)</p>
		later	Dr Gosling informed Pienaar that Haron had bleeding piles, and that he had prescribed the necessary treatment.	NPA Vol A2: Exhibit L (Pienaar, para 7)
		later	Later in the day Rademeyer sent Constable Burger with Gosling prescription to Nite-Kem in Cape Town to collect the prescribed medicine. Burger returned with Anusol suppositories. Rademeyer gave Haron some of the suppositories.	NPA Vol A2: Exhibit I (Rademeyer, para 11)
			According to Burger, he personally handed three of the Anusol tablets to Haron.	NPA Vol A2: Exhibit J

YEAR	DATE	TIME	EVENT	REFERENCE
				(Burger, paras 12)
	Monday 15 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	Tuesday 16 September		Probably interrogated by Genis and Van Wyk, either in private and inaccessible Security Branch offices in Cape Town or in Maitland cell	NPA Vol A3, pp102:9-103:5 (Van Wyk)
	unspecified		The last part of September 1969, approximately the last 14 days, Haron was not walking so much, instead he was sitting in the sun	NPA Vol A3, pp44:4-45:7 (Rademeyer)
17 - 19 SEPTEMBER				
	Wednesday 17 September	7:42	Haron fetched from Maitland Police Station	NPA Vol A3, p119:6-8 (Malan)
			Chief Magistrate of Cape Town came across Haron at Caledon Square and visited him there. According to the Chief Magistrate, Haron had no complaints or requests. This was the last the Chief Magistrate saw Haron Genis may or may not have been present, waiting at the cell door	NPA Vol A2: Exhibit K (Barnard, paras 11-12) NPA Vol A3, pp13:23-14:3 (Genis)
			Genis handed over Haron to Pienaar, and Genis left the office when Pienaar arrived	NPA Vol A3, p63:14-18 (Pienaar)

YEAR	DATE	TIME	EVENT	REFERENCE
		mornin g to about 12:30	Lieut-Col Carl Johannes Frazer Pienaar interrogated Haron on his own for about 2 ½ hours at Caledon Square about certain aspects of his written statement and the police investigation under way. At that stage, Pienaar had the written statement. Haron said he had told lies to Genis, that he had been caught out, and that he was a worried man. Pienaar did not ask him for a written statement. Haron was very tense and constantly rubbed his hands.	NPA Vol A3, pp59:13 – 61:19; pp62:22-63:13 (Pienaar)
		12:30	Pienaar handed over Haron to Detective Sergeant Koen who had been standing in the passage and who reported to Genis that Pienaar was finished	NPA Vol A3, pp63:22-64:3 (Pienaar)
			Pienaar did not know whether on 17 September he saw Haron before the Chief Magistrate or vice versa; but he recalled accompanying the Chief Magistrate a number of times in Maitland and once in Cape Town	NPA Vol A3, p62:10-21 (Pienaar)
			According to Pienaar, Haron said to him that he was still experiencing bleeding as a result of the piles, and that he has had bleeding piles for a number of years	NPA Vol A2: Exhibit L (Pienaar, para 13)
		12:30	Last time Pienaar saw Haron alive	NPA Vol A2: Exhibit L (Pienaar, para 8)
			While Genis thought it was probably that he interrogated Haron, but could not remember; Pienaar confirmed that Genis	NPA Vol A3, p22:1

YEAR	DATE	TIME	EVENT	REFERENCE
			"talked" to Haron as he received verbal reports to that effect	NPA Vol A3, pp64:19-65:2 (Pienaar)-
		afternoon	Haron was taken out.	NPA Vol A3, p137:121 (van Wyk)
			Haron was allegedly taken out on investigation by Van Wyk and another, to various places not in the Cape Peninsula. Haron was under the supervision of the Security Police, and in the presence of van Wyk the whole time, except when he was sleeping	NPA Vol A3, p125:14-15; pp125:25 – 126:3; pp129:5-8; p137:9-11 (van Wyk) Malan, IR p79: 16 - 17; Malan, IR p79: IR p79: 21 - 24; Prosecutor, IR p82: 19 - 22; Van Wyk IR p83: 27 - 28; Van Wyk IR p84: 6 - 9
			During this period, people who Haron had recruited in different parts of the country had to be traced and Haron had to point them out to the Security Police. (Ibade Rachman is the organisation that Haron allegedly created as the front for sending young people out of the country for military training.) Also during this period the	NPA Vol A3, pp129:9-132:12; p136:21 - 24 (van Wyk)-

YEAR	DATE	TIME	EVENT	REFERENCE
			<p>Security Police checked routes that Haron had planned to move terrorists out and into the country. Further during this period checked and tracked considerable amounts of funds receipted in Haron's bank account from overseas sources, such as Defence and Aid International, anti-Apartheid movement.</p> <p>** Note: The information about Haron's alleged activities was not obtained during 17 – 19 September 1969, but was already mentioned in his statement that had been completed by 11 July 1969 (NPA Vol A3, p135:18-25 (van Wyk)-</p>	
			<p><u>Genis was not present when Haron taken out on investigation for three days; and van Wyk was the only police officer (among non-police officers) with Haron</u></p>	NPA Vol A3, p138:15-18; p141:11-25 (Van Wyk)
		evening	Haron received food, but van Wyk not prepared to say where it came from	NPA Vol A3, pp137:25-138:5 (Van Wyk)
			Constable Jan Burger (Burger) on night shift	NPA Vol A3, p56:7-8 (Burger)
	Thursday		While driving around, Haron was interrogated by van Wyk and others, <u>who</u>	NPA Vol A3, pp138:20-

YEAR	DATE	TIME	EVENT	REFERENCE
	18 September		<u>included</u> people who were not members of the police	139:25 (van Wyk)
			Genis could not remember if Haron was with him on this day; undertook to find out	NPA Vol A3, p21:19-25 (Genis)
		evening	Not disclosed where the food came from for Haron's supper	NPA Vol A3, pp140:7-15 (van Wyk)
			Not disclosed where Haron slept, but it was not Maitland or Caledon Square Police Station	NPA Vol A3, pp140:16-20 (van Wyk)
			Haron may have received clean clothes from home on Thursdays	NPA Vol A3, pp31:2-19 (Genis)
			A person went to Maitland Police Station with clean clothes and was told that on instruction from the Security division, his dirty clothes could not be handed over. Genis denies knowing about this on this Thursday	
			Constable Jan Burger (Burger) on night shift.	NPA Vol A3, p56:7-8 (Burger)
	Friday 19 September		While driving around, Haron was interrogated by van Wyk, <u>the only police officer</u> , and others who were not members of the police	NPA Vol A3, pp141:3-21 (van Wyk)
			Right until this date Haron did not complain to Genis about his health	NPA Vol A3, p13:10-12 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
			On this day Haron was healthy – appearing and seemingly (" <i>uiterlik en oenskynlik</i> ")	NPA Vol A3, p14:6-13-15 (Genis)
			Genis did not know whether Haron fasted on this Friday	NPA Vol A3, p22:125 – 23:5
		after 14h00	Genis joined them	NPA Vol A3, p141:22-25 (van Wyk)
			Genis sent someone to the Maitland Police Station to fetch Haron and it could have been van Wyk who brought him but Genis could not remember * This was a lie	NPA Vol A3, p15: 9-19 (Genis)
		16:00	Interrogation starts at 16.00 because that is when Genis came on duty, and conducted by only Genis and van Wyk	NPA Vol A3, p14:21-23 (Genis) NPA Vol A3, p15:20-25 (Genis) NPA Vol A3, p16:2-6 (Genis)
			According to security police, he had still not satisfactorily answered certain aspects or certain untruths in his statement; and he did not want to disclose the full truth during the interrogation	NPA Vol A3, p14:24-15:2(Genis) NPA Vol A3, p16:7-24(Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
		21:00	Interrogation finished	NPA Vol A3, p14 16-20 (Genis)
		21:00	<u>Genis version of fall</u>	NPA Vol A3, pp16:25-18:25 (Genis)
		21:00	<p>Genis, van Wyk and Haron walked from Genis's office down a passage to a wire gate which led to the ground floor, separating the stairs from the other building. Genis unlocked the gate, walked through the gate and started walking down the stairs. Haron stayed behind with van Wyk. Van Wyk should have closed the lock. The stairs consist of three levels. When Genis was practically at the bottom of the stairs, he heard a splashing sound ("plonsgeluid"). Genis could not see what was happening as it was a dark place, and Haron slipped on the last few stairs. There Genis helped him up. The passage on the ground floor was poorly lit. Right on the opposite side is a switch that Genis had wanted to put on, but he did not have to time to do so. The reason why Genis had walked ahead was to switch on a light in the passage. Genis saw Haron slip on the last stairs in the passage. Genis saw Haron's feet first, and he was sitting on his bottom. Haron had started getting up and Genis helped him further. Genis immediately asked him whether he was hurt, to which Haron replied that he was</p>	

YEAR	DATE	TIME	EVENT	REFERENCE
			not hurt, but that he had gotten a fright. While Genis was helping Haron, van Wyk was coming downstairs but Genis could only see his silhouette. Van Wyk did not say anything. According to Genis, Haron slipped down the stairs on his backside, he observed no external injuries and Haron did not complain of any injuries sustained.	
		21:00	<p><u>Van Wyk version of fall</u></p> <p>Genis opened the gate and gave the keys to Van Wyk. Haron followed Genis. Van Wyk came thereafter and he locked the gate. Haron stood behind Van Wyk on the steps. Haron and Van Wyk started walking down together. After they walked a bit, Haron apparently missed one of the steps and tripped. Haron's foot slipped, on the landing at the corner of the last flight of stairs, and it looked as if he was losing his balance completely. Haron moved down to the bottom steps, half on his side and half on his buttocks. Haron moved down from the second row of steps from the turn; the whole last part of the steps. Haron did not roll down the stairs, neither did he go down like a spinning top. He fell on the bottom part of the steps. Before van Wyk could get to Haron, Genis helped him up and van Wyk picked up one of his shoes. Both of Haron's shoes were loose and without laces that day and it is apparently the loose shoes that caused him to</p>	<p>NPA Vol A3, pp 108: 18 - 111: 24</p> <p>NPA Vol A2: Exhibit O (van Wyk)</p>

YEAR	DATE	TIME	EVENT	REFERENCE
			misstep or slip. Van Wyk could not see any injuries on him, and when ask by Genis if he was injured, Haron answered in the negative.	
		21:00	First time Haron used the steps where he fell	NPA Vol A3, pp 111: 25 – 112:7
		21:30	Genis and van Wyk took Haron to Maitland SAPS; and Haron seemed completely normal to Genis when they got to Maitland SAPS. If Haron had any complaints of injuries, then Genis would have asked a district surgeon to examine him. Genis did not see whether Haron's clothes were torn.	NPA Vol A2: Exhibit D (Genis, para 10) NPA Vol A3, p19:1-12 (Genis) NPA Vol A3, p19:18-20 (Genis)
			Genis stayed in the car while van Wyk took Haron into Maitland Police Station, and so he does not know who was on duty	NPA Vol A3, p19:13-17 (Genis)
			Constable Jan Burger (Burger) on night shift	NPA Vol A3, p56:7-8 (Burger)
20 - 26 SEPTEMBER				
	Saturday 20 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)

YEAR	DATE	TIME	EVENT	REFERENCE
		09:45	First time that Haron complained to Malan about pain after having been taken away, and he appeared in pain	NPA Vol A3, pp120:7-18 (Malan)
		09:45	Haron complained about a chest pain when Malan visited him in his cell. He said he had a chest pain and a few times placed his hand on his chest. It looked like he was in pain. He wasn't sweating, but he was pale; possibly because he had been held indoors, he was not sunburnt. Haron did not want to consult with a doctor; instead he wanted to see one of the Security Branch. Malan did not offer him pain tablets but reported it to the Security Branch and Captain Geldenhuys came to see Haron. Geldenhuys went to get a prescription for the tablets he brought (and which Haron used regularly after that). There were no pain tablets at the Maitland Police Station that morning.	NPA Vol A3, pp120:11-121:3 (Malan)
		11:00	Captain Geldenhuys, who was then the service officer, and responsible for everything that happened that time, was called from Cape Town to the Maitland Police Station by the Maitland police, because Haron complained of a headache, nothing more serious. Haron may have said something else to Geldenhuys as well, but he could not remember. Geldenhuys did not ask him why he had a headache and he could not	NPA Vol A3, pp81:16-82:15; p83:4-25 (Geldenhuys)

YEAR	DATE	TIME	EVENT	REFERENCE
			say whether it looked like a "normal complaint about a headache".	
			Haron was in his cell. One or two policemen may have been outside the cell. Haron was asleep on his mat, under a blanket, when they unlocked the cell door.	NPA Vol A3, pp82:16 -83:3 (Geldenduys)
		11:00 to afternoon	Geldenduys did not ask whether there were headache tablets at Maitland, either before he arrived or after he saw Haron. Instead he went home for Voloxines (proper name: DOLOXINES), which he personally took to Haron in his cell, with ice cream and cooldrink in the afternoon.	NPA Vol A3, pp84:1-85:4 (Geldenduys)
			Haron sat up on his mat, but he did not get up or walk around. He was pale, how he usually was, and did not seem to have a fever (dry skin, no sweat)	NPA Vol A3, p85:4-24 (Geldenduys)
			Haron did not exercise; he only left his cell for a short while to stand in the sun in the courtyard	NPA Vol A3, p121:4-8 (Malan)
			Constable Jan Burger (Burger) on night shift	NPA Vol A3, p56:7-8 (Burger)
	Sunday 21 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)

YEAR	DATE	TIME	EVENT	REFERENCE
			According to the Maitland Police Station occurrence book, Haron complained to adjutant-officer Visser for the first time about a chest pain	NPA Vol A2: Exhibit G (Malan, para 15)
		09:00	In the police cells, Haron also complained to Malan of a chest pain. Malan asked how serious it was and whether he wanted medical treatment, but Haron said it was not necessary	NPA Vol A3, p41:9-42:1
			Malan reported Haron's chest pain, probably to Pienaar and Genis, whereafter Security Police did visit Haron	NPA Vol A3, p42:2-16
			Constable Jan Burger (Burger) on night shift	NPA Vol A3, p56:7-8 (Burger)
	Monday 22 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
		07:20 - 07:30	On their way to work Genis and an unnamed other/s went by Haron at the Maitland Police Cells to hear if he had complaints; Van Wyk was not with Genis. Haron was lying in his cell when they arrived and then sat while they spoke to him. He appeared normal. Spoke to Haron for two to three minutes.	NPA Vol A3, p23:21-25:19 (Genis)
			On either 22 or 24 September Haron said he had a slight headache and asked for two headache tablets. Genis asked someone in the charge office to ask Mrs	NPA Vol A3, p25:22-26:24 (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
			Kruger, the special matron who Genis knew, for two regular headache tablets. Genis asked one of the charge office constables, the one who was with him and who unlocked Haron's cell door, to give the tablets to Haron	
			Burger on night shift	NPA Vol A3, p56:7-8 (Burger)
	Tuesday 23 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
	Wednesday 24 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
		07:20 - 07:30	Genis went to see Haron in the Maitland police cells and spoke to him for a few minutes. Haron was lying on his bed when Genis arrived. He was a bit lazy and sat on his bed while they were there. Haron, as a polite person, may have stood up, but Genis cannot remember. Genis only asked him how he was doing and Haron said he was fine. Externally, he appeared normal; and he did not look like a person who was busy dying. He looked very good and he moved freely, with normal movement. He did not complain about a headache or anything.	NPA Vol A3, p26: 25 -28: (Genis)

YEAR	DATE	TIME	EVENT	REFERENCE
			Just before Genis and another left the cell, Haron said, "Sir, fetch me on Monday, I want to tell you something." Genis did not see any need to ask him what he wanted to tell. Genis was interested in the information, but saw no need to ask Haron what he wanted to tell them on the Monday.	NPA Vol A3, p29: 13-30:1 (Genis)
			Burger on night shift	NPA Vol A3, p56:7-8 (Burger)
	Thursday 25 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
			A person went to Maitland Police Station with clean clothes and a person there refused to hand over the dirty clothes, on instruction from the Security division. Genis denies knowing about this.	NPA Vol A3: p32
			Burger off duty	NPA Vol A3, p56:7-8 (Burger)
	Friday 26 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
			Haron's cell was scrubbed and cleaned and so he was moved to the one "White" cell with two locks	NPA Vol A2: Exhibit J (Burger, para 14);

YEAR	DATE	TIME	EVENT	REFERENCE
				NPA Vol A2: Exhibit I (Rademeyer, para 13)
			Malan informed Genis that Haron complained of chest pain to Malan, but did not insist to be seen by a doctor	NPA Vol A2: Exhibit G (Malan, para 16)
		08:00 – 09:00	Last time Maitland SAPS station commander, Pieter Louis Malan saw Haron alive.	NPA Vol A3, p39:20-24
			Last time Genis saw Haron alive.	NPA Vol A3: p23:16
		12:20 - 12:25	Last time van Wyk saw Haron alive was during a 5-minute visit; present were Genis, van Wyk, a uniformed constable from Maitland. Genis had asked van Wyk to accompany him; he did not know the purpose of the visit. Haron, dressed in his pyjamas, was lying when they arrived but stood up thereafter. He looked completely normal, had no complaints about pain and told Genis that he was "very well".	NPA Vol A3, pp87:1- 88:24 (Van Wyk)
			Haron asked Genis and Van Wyk to return on Monday, 29 September, as he wanted to tell them something, but they did not ask him what he wanted to speak about, assuming it must be about the matter.	NPA Vol A3, p89:3-17 (Van Wyk)
		14:00	Burger came on duty.	NPA Vol A3, p56:8-9 (Burger)

YEAR	DATE	TIME	EVENT	REFERENCE
		evening	Food was brought from home for Haron, but not clothes.	NPA Vol A3, p49:17-22 (Rademeyer)
27 SEPTEMBER				
	Saturday 27 September		Haron not removed for questioning from his cell at Maitland Police Station	NPA Vol A2: Exhibit D (Genis, para 13)
			Malan back on duty at the police station.	NPA Vol A3, p40:16-18
		06:00	Burger came on duty.	NPA Vol A3, p53: 14 (Burger)
		mornin g	Haron had not complained to Rademeyer that he felt ill.	NPA Vol A2: Exhibit I (Rademeyer, para 16)
		mornin g	Rademeyer sent Burger and a Student-Constable to the cells with the instruction to transfer the deceased back to his cell and let him out for exercise. Later the Student Constable came to Rademeyer and reported that two pain pills and toilet paper were required by the deceased. The pills and toilet paper were provided.	NPA Vol A2: Exhibit I (Rademeyer, paras 14 - 15)
8		08:00/0 8:20	On instruction from Rademeyer, Burger transferred Haron back to his usual cell. Burger carried Haron's bedding, and Haron carried his own clothes, cushion, and food. Haron was fully clothed, had no complaints and was apparently healthy.	NPA Vol A2: Exhibit J (Burger, paras 15-16);

YEAR	DATE	TIME	EVENT	REFERENCE
				NPA Vol A3, p48:2-3
		08:20	Burger saw Haron in his cell, unlocked the cell door for him and he walk out naturally. Haron was wearing his pyjamas under his own pants. Haron touched and complained of his stomach five minutes before being locked into cell again. Burger asked if he wanted a doctor, but Haron declined, saying he only wanted the prescribed pain tablets. <i>[In his oral testimony, Burger did not make mention of the transfer of Haron from the "White" cell back to his usual cell, which he had described in his affidavit.]</i>	NPA Vol A3, p53:18-54:5: (Burger)
			Burger instructed the student constable who was with him to fetch to pills and toilet paper from the charge office. Burger knew the pills were kept in the charge office, and he was not sure whether they had been prescribed a doctor. Haron went back into the cell and Burger waited outside. When Burger entered the cell with the pills and toilet paper, Haron was sitting with his feet on the toilet seat, in a position to defecate, still dressed in his clothes. Burger handed him the pills and toilet paper.	NPA Vol A2: Exhibit J (Burger, paras 20-23); NPA Vol A3, p55:6-13 (Burger)
:		09:00	Rademeyer visited Haron's cell again, this time peering through the peephole of Haron's cell, where he saw Haron lying on his mat and he appeared normal.	NPA Vol A2: Exhibit I (Rademeyer, para 17);

YEAR	DATE	TIME	EVENT	REFERENCE
			[Malan states in his affidavit that Haron was informed every morning at 09:00 of the time so that he could pray.]	Malan, Exhibit G p182.
		10h00	Burger was in the charge office when Malan arrived there; and he stayed there while Malan and Rademeyer went to the cells, who on their return about 15 minutes later announced that Haron was dead.	NPA Vol A2: Exhibit J (Burger, para 24)
		10:15	Rademeyer visited Haron's cell for a third time, this time with Malan. When they unlocked the cell door, Malan noticed that Haron was lying on his right side on a mat. Haron's head was on a pillow, with his right hand under his head and his left hand was stuck in the front of his pajama bottoms. Haron lay like someone sleeping, but Malan then found that Haron appeared to be dead.	NPA Vol A2: Exhibit I (Rademeyer, para 18) NPA Vol A2: Exhibit G (Malan, paras 8)
			After hearing from Malan and Rademeyer that Haron was dead, Burger also walked to his cell where Haron was lying on a mat, dressed in his pyjamas.	NPA Vol A2: Exhibit J (Burger, para 25)
		later; no time specified	District Surgeon, Kossew certified Haron as dead note: Would it not be protocol or customary to provide a time when the deceased was declared dead? Kossew's affidavit commissioned by Pienaar	NPA Vol A2: Exhibit A (Kossew)

YEAR	DATE	TIME	EVENT	REFERENCE
			Erasmus, a constable stationed at the Salt River Mortuary and a driver of the police hearse, called to the Maitland Police Station and Burger hands over Haron's body to Erasmus	NPA Vol A2: Exhibit B (Erasmus)
		10:20	Pienaar informed by Rademeyer that Haron is dead. Pienaar saw the deceased on his right side on the cell mat with his right hand under his head and his left hand tucked in the front of his pyjama pants band. He had the body photographed in the position.	NPA Vol A2: Exhibit L (Pienaar, paras 14-15);
			Pienaar looked in Haron's trouser pocket and found two pills which he later determined had been given by the Police to Haron earlier that day	NPA Vol A2: Exhibit L (Pienaar, para 16)
		Morning	Van Wyk learns of Haron's death in the morning.	NPA Vol A2: Exhibit O (van Wyk, para 7)
		19:00	Genis first heard about Haron's death when he received a message at his home to telephone the commanding officer [Pienaar], who told him that Haron was dead.	NPA Vol A3, p22:18-24 NPA Vol A3, p23:6-12
		20:00	Van Wyk received a call to fetch Genis from his home to go to Haron's wife, and after he fetched him, Genis said they must first go to the mortuary where they saw Haron's corpse in a fridge, under two other corpses. Haron's corpse was naked and not covered by a sheet. He was lying on	NPA Vol A3, pp89:18- 91:19 (Van Wyk)

YEAR	DATE	TIME	EVENT	REFERENCE
			his side, and not van Wyk could see no bruises. They did not look at the corpse to see if there was any reason why Haron died.	
			Thereafter, van Wyk and Genis went to Galiema Haron's home	NPA Vol A3, pp91:23-92:2 (Van Wyk)
28 SEPTEMBER				
	Sunday, 28 September		Pienaar and Warrant-Officer Blake identified Haron's body for Dr Theodor Gottfried Schwar and Pienaar personally attended the post mortem examination.	NPA Vol A3, pp152:25-153:6 (Van Wyk) NPA Vol A2: Exhibit L (Pienaar, para 19)
			Pienaar observed certain bruises on the body, which he discussed with Genis and Genis made a report to him. At the post mortem, Pienaar for first time heard about the "stairs story"	NPA Vol A2: Exhibit L (Pienaar, paras 17 and 18-19); NPA Vol A3, p65:3-14 (Pienaar)
			According to Pienaar, as a layperson, the bruises on Haron's body were obvious	NPA Vol A3, p66:3-14 (Pienaar)

YEAR	DATE	TIME	EVENT	REFERENCE
			Genis was also at the mortuary identified Haron's body for Dr Schwar, but he was not present at post mortem. Van Wyk was not present at the present	NPA Vol A3, p65:17-25 (Pienaar)
			Post portem examination by Dr Theodor Gottfried Schwar at the police mortuary in Salt River. Schwar did not find that a coronary thrombosis was the actual cause of death; but rather that there was a so-called "mikrokardiale ischaemia". That is a reduced blood flow to the heart muscle as a result of the narrowing of the coronary vessel. In his opinion, the cause of death was " mikrokardiale ischaemia", that was precipitated by the emotional situation and the small pulmonial embolism present in the lungs	NPA Vol A3, pp152:25-153:3 (Schwar)
			Schwar did the autopsy in the presence of Dr E Slobedman, a private pathologist from Cape Town	NPA Vol A3, p155:8-10 (Schwar)
			The myocardial ischemia was the cause (of death), that was precipitated by the emotional state and the small pulmonary embolisms that was present in the lungs. The post-mortem could not determine which one of the two was the actual precipitating factor.	NPA Vol A3, p158:16-20 (Schwar)

YEAR	DATE	TIME	EVENT	REFERENCE
			Because of bruises on the legs and relatively few on the arms, can only say it was possible that these bruises were caused by fall. Possible rib broken during fall. Bruises were of different ages. No evidence of bruising on buttocks.	NPA Vol A3, pp158:21-159:4 (Schwar)
			Schwar described Haron as a slender person, and of average weight	NPA Vol A3, p159:21-24; p160:7-19 (Schwar)
			Schwar confirmed that Haron's body has multiple bruises, some large, of different ages; caused by the application of a fair amount of some type of force or trauma, probably blunt force (in inquest record referred to as "blood force" at p165:21-23)	NPA Vol A3, pp161:16-166:11 (Schwar)
			Schwar confirmed that the bruise on Haron's back, marked as number 4 on Schwar's depiction of the bruises, was a bruise where there had been bleeding, which would have required more force; that at the time Haron suffered the trauma, he would have felt considerable pain. Schwar agreed that with all these bruises on his body, movement would have tended to be painful. There was no evidence of any bruising on his buttocks	NPA Vol A3, pp166:12 - 168:8 (Schwar)
			Schwar agreed that it was possible that Haron would have tended to immobilise himself because of the bruises and the broken rib	NPA Vol A3, pp169:8-19 (Schwar)

YEAR	DATE	TIME	EVENT	REFERENCE
			Schwar did not include a cause of death in his post mortem report for two reasons: on the day he and Dr Slobedman were unsure whether the pulmonary emboli in the smaller vessels of the lungs were ante- or post-mortem clots, and he wanted to have a look at the histology, especially of the heart and other organs, to exclude any other cause of death which may not have been obvious at the post mortem	NPA Vol A3, pp181:24-182:9 (Schwar)
			Schwar agreed (and Helman concurred) that Haron would have received many of the bruises about 17 to 19 September, and some he may have received earlier and some later	NPA Vol A3, p188:7-15 (Schwar) NPA Vol A3, 205:9-15 (Helman)
			Schwar clarified that Haron had not fractured of a rib as such, but sustained a fracture where the cartilage and the bone meet	NPA Vol A3, p196:8-16 (Schwar)
			Schwar found big subpleural bleeding on the inside of the left chest, which because it was underneath the bruising, it was caused by trauma	NPA Vol A3, p197:9-13 (Schwar)
			Schwar pointed out that one would find the two parallel running bruises (marked on Schwar's drawing as 1(h)) when the body has come into contact with an elongated object of a certain width	NPA Vol A3, p199:7-12 (Schwar)

YEAR	DATE	TIME	EVENT	REFERENCE
			Helman's opinion that all the bruises could not have been caused by falling down the stairs	NPA Vol A3, 207:7-20 (Helman)
			Liver, kidneys, stomach and tissue samples given to Lt Col C J F Pienaar that he took to the laboratory	NPA Vol A2: Exhibit L (Pienaar, para 77) NPA Vol A2: Exhibit S (Post mortem report)
29 SEPTEMBER				
	Monday 29 September		Haron wanted to tell the Security Branch a story on this day, and he had requested them to fetch him on this date; and while Genis did not know what it was about, he thought that Haron "wanted the whole case behind him; he was in a hurry to finalise the matter"	NPA Vol A3, p12:24-13:9 (Genis)
			Dr FJ van Riet received stomach, liver, kidneys. Seal number 1183, marked "D. R. 2013/69" from Pienaar	NPA Vol A2: Exhibit T
			Haron buried; funeral procession 30,000 people strong	
1969 – 1970				
1969				

YEAR	DATE	TIME	EVENT	REFERENCE
	Thursday 2 October		VRW Steward, secretary of foreign affairs asks Commissioner of Police for report on the death of Haron	attached to 1970 inquest report provided by Haron family
			Erasmus deposed to his affidavit; name of commissioner unclear	NPA Vol A2: Exhibit B
	Friday 10 October		Blake deposed to his affidavit; name of commissioner unclear	NPA Vol A2: Exhibit C
	Tuesday 14 October		Date of Dr FJ van Riet toxology report finding nothing abnormal in stomach, kidneys and liver	NPA Vol A2: Exhibit T
	Friday 17 October		Hand written date on typed document titled "Histologie" apparently signed by Schwar? Corresponds with Schwar taking samples at the Autopsy.	
	Monday 17 November		Genis deposed to his affidavit; name of commissioner unclear	NPA Vol A2: Exhibit D
	Thursday 4 December		Burger deposes to his affidavit; no name of commissioner	IR p188
			Malan deposes to his affidavit; with Lt-Col Pienaar as commissioner	NPA Vol A2: Exhibit G
	Saturday 6 December		Rademeyer deposed to his affidavit; with Captain Malan as commissioner	NPA Vol A2: Exhibit I
	Monday 22 December		Spyker van Wyk deposes to his affidavit; with Lt-Col Pienaar as commissioner	NPA Vol A2: Exhibit O
	December unspecified		Genis transferred to Bloemfontein to "fill a vacancy which arose"	Taylor, p144

YEAR	DATE	TIME	EVENT	REFERENCE
1970				
	Friday 9 January		Mr X provided MP Catherine Taylor with some information about Haron's death, "which shook me severely and convinced me that it should be investigated"	Taylor, p138
	Thursday 22 January		Chief Magistrate Barnard deposed to his affidavit, with Lt-Col Pienaar as commissioner	NPA Vol A2: Exhibit K
	Thursday 29 January		Viviers deposed to his affidavit; with Pienaar as commissioner	NPA Vol A2: Exhibit M
	Thursday 29 January		Geldenhuys deposed to his affidavit; with Pienaar as commissioner	NPA Vol A2: Exhibit N
	Friday 30 January		Pienaar deposed to his affidavit; with Geldenhuys as commissioner	NPA Vol A2: Exhibit L
	Wednesday 18 February		Inquest started at the Cape Town Magistrates Court	NPA Vol A3, p1
	Wednesday 25 February 1970		Genis testified at the inquest	Taylor, p138
	Tuesday 9 March		1970 inquest court handed down its finding in terms of the Inquest Act	NPA Vol A3, pp246:20- 247:12 (Magistrate Kuhn)

YEAR	DATE	TIME	EVENT	REFERENCE
	Tuesday 17 March		Further investigation into death of Haron started	Hansard 1970 p97 (Question from H Suzman to Minister of Police in National Assembly)
	Thursday 19 March		Maj. D.A Bester (national head of CID) instructed Col. Lamprecht (head of CID in Western Cape) to make further investigation into death of Haron	Catherin Taylor speech, Hansard 1970 p4530
	Tuesday 24 March		Mrs Galiema Haron instituted civil claim against Minister of Justice and Minister of Police in Cape Provincial Division under case no. I.805/1970	G Haron Civil Claim
	Thursday 16 July		Catherine Taylor raised two questions on Haron case in the House of Assembly	Taylor, p143, Hansard 1970 p91
	Friday 24 July		Catherine Taylor makes enquires in House of Assembly as to whether all security officers involved in Haron's interrogation gave evidence at the inquest	Taylor, p144, Hansard 1970 p349
	Tuesday 1 September		Catherine Taylor makes enquires in House of Assembly as to why police report on further investigations into death of Haron has not been referred to Deputy Attorney-General for consideration	Hansard 1970 p3026
	Friday 18 September		Catherine Taylor addresses Minister of Police on the Haron case in House of Assembly	Taylor, pp144-146, Hansard 1970 p4529-

YEAR	DATE	TIME	EVENT	REFERENCE
	Tuesday 29 September		Attorney General made public statement that the further inquiry into Haron's death revealed no evidence which could serve as the basis for a prosecution of any person.	Taylor, p150
1971				
	April		Galiema withdrew civil claim and ex gratia payment of R5000 paid to her	Taylor, p151
1972				
	Monday 14 February		Sgt. A.J van Wyk admitted to Stikland Mental Hospital for 14 days. Discharged on 2 March 1972.	Taylor, p157; Hansard 1972 p7663-7664
	Friday 12 May		Catherine Taylor speech in House of Assembly re deaths in detention and Imam Haron	Hansard 1972 p7063-7068
	Friday 19 May		Minister of Police made speech regarding Taylor's accusations against security police re Haron's death	Hansard 1972 p7660

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: I01/2022

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

ANNEXURE B: List of witnesses in the 1970 & re-opened inquests

WITNESSES IN THE IMAM HARON 1970 INQUEST			
Witness No.	Name	For	Date & Page numbers in transcript (NPA Vol A3)
1	DK Genis	State	18 February 1970 pp 2-34
2	PL Malan	State	18 February 1970 pp 35-42
3	PJ Rademeyer	State	18 February 1970 pp 43-51
4	JHH Burger	State	18 February 1970 pp 52-56
5	CJF Pienaar	State	18 February 1970 pp 57-70
6	PJ Viviers	State	18 February 1970 pp 71-77

7	EJJ Geldenhuys	State	18 February 1970 pp 78-85
8	JPF van Wyk	State	18 February 1970 pp 86-127
9	DC Gosling	State	09 March 1970 pp 143 - 152
10	TD Schwar	State	09 March 1970 pp 152 - 200
11	L Sternberg	Haron Family	09 March 1970 pp 200-202
12	P Helman	Haron Family	09 March 1970 pp 203-222

WITNESSES IN THE IMAM HARON RE-OPENED INQUEST			
Witness No.	Name	For	Date & Page numbers in transcript
1	Deon Daniel Petersen	NPA	07 November 2022 pp 45 - 124
2	Thivash Moodley	Haron Family	08 November 2022 pp 125 – 173
3	Itumeleng Molefe	NPA	09 November 2022 pp 177 – 324
4	Shamela Haron Shamis	Haron Family	10 November 2022 pp 325 – 373
5	Muhammed Haron	Haron Family	10 November 2022 pp 373 – 455
6	Zainal Makda	Haron Family	10 November 2022 pp 455 – 460
7	Segaran "Steve" Ramalu Naidoo	Haron Family	11 November 2022 pp 463 – 582
8	Jeremy Patrick Cronin	Haron Family	14 November 2022 pp 583 – 610
9	Johannes Hendrik Hanekom Burger	NPA	14 November 2022 p 610 – 15 November 2022 p 794
10	Diane Rose Sandler	Haron Family	15 November 2022 pp 794 – 811

11	Robert Wilcox	Haron Family	15 November 2022 pp 811 – 828
12	Yousuf Gabru	Haron Family	16 November 2022 pp 829 – 855
13	Stephanie Kemp	Haron Family	16 November 2022 pp 858 – 877
14	Shirley Renay Gunn	Haron Family	16 November 2022 pp 878 – 908
15	Fatiema Haron-Masoet	Haron Family	16 November 2022 pp 910 – 941

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: I01/2022

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

**ANNEXURE C: Dates of death police officers who has contact with Haron
during detention**

NAME	DATE DECEASED
P J Rademeyer	27 September 2015
CJF Pienaar	5 July 1990
P L Malan	1 July 1982
EJJ Geldenhuys	24 December 2012
DK Genis	1 February 2003
JPF van Wyk ("Spyker")	12 November 1990
A van Wyk	No proof of death provided
JHH Burger	Alive

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: I01/2022

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

ANNEXURE D: List of exhibits in the 1970 and re-opened inquests

1970 INQUEST EXHIBITS	
Item	Description
Exhibit A	Affidavit by District Surgeon R Kossew dated 27 September 1969
Exhibit B	Affidavit of Constable Petrus Erasmus dated 02 October 1969
Exhibit C	Affidavit of Warrant-Officer R W Blake dated 10 October 1969
Exhibit D	Affidavit of Major Dirk Kotze Genis dated 17 November 1969
Exhibit E	Photograph of 11 stairs at Caledon Police Station
Exhibit F	Photograph of landing area on stairs at Caledon Police Station
Exhibit G	Affidavit of Captain Pieter Louis Malan dated 4 December 1969
Exhibit H	Photograph of the body of Imam Haron, as found by Major Dirk Kotze Genis
Exhibit I	Affidavit of Sergeant Petrus Jacobus Rademeyer dated 4 December 1969
Exhibit J	Affidavit of Constable Hendrik Hanekom Burger dated 4 December 1969
Exhibit K	Affidavit of retired Chief Magistrate Andries Jacobus Barnard dated 22 January 1970
Exhibit L	Affidavit of Lieutenant-Colonel Carel Johannes Freysen Pienaar dated 22 January 1970
Exhibit M	Affidavit of First District Surgeon, Belville, Petrus Jacobus Viviers dated 29 January 1970

Exhibit N	Affidavit of Captain Ebanis Jogiemus Johannes Geldenhuys dated 29 January 1970
Exhibit O	Affidavit of Detective Sergeant Johannes Petrus Francois van Wyk dated 22 December 1969
Exhibit P	Letter from K Paleker, Director of Palmo Group of Associated Companies, to Detective Sergeant Van Wyk, dated 20 February 1967
Exhibit Q	Letter from G Khan to Detective Sergeant Van Wyk, dated 14 March 1967
Exhibit R	Affidavit by Doctor Darcy Charles Gosling dated 29 January 1970
Exhibit S	Post mortem report prepared by Doctor Theodor Gottfried Schwar, dated 28 September 1969
Exhibit T	Affidavit of Fredrikus Jacobus van Riet dated 14 October 2022
Exhibit U	Affidavit by Doctor Louis Sternberg dated 6 March 1970 and Annexure "A"
Exhibit V	Statement by Doctor Percy Heiman, undated

RE-OPENED INQUEST EXHIBITS	
NPA EXHIBITS	
Item	Description
Exhibit W	Affidavit of Investigating Officer, Deon Daniel Petersen, undated (annexures set out below)
Exhibit X	Affidavit of former security police, Hendrik Hanekom Burger
Annexures to Exhibit W - Affidavit of Investigating Officer, Deon Daniel Petersen	
DDP 1	AFFIDAVIT: Mr Jaco van der Merwe
DDP 2	AFFIDAVIT: Mrs Marlene Pietersen
DDP3	AFFIDAVIT: Mrs Patrecia Jeannette Bruwer
DDP4	AFFIDAVIT: Captain Yolande Kotze
DDP5	DESTRUCTION OF RECORD: DOJ7/2/3
DDP6	AFFIDAVIT: Mrs Zahira Adams-Ngoepe
DDP7	PHOTO ALBUM: Sergeant SIJORA
DDP 8	PHOTO ALBUM: Sergeant GEORGE
DDP 9(i)	PROOF OF DEATH: Major DK Genis
DDP 9(ii)	PROOF OF DEATH: Captain EJJ Geldenhuys
DDP 9(iii)	PROOF OF DEATH: Captain PL Malan
DDP 9(iv)	PROOF OF DEATH: Sergeant PJ Rademeyer
DDP10	AFFIDAVIT: Mr Mohammed Haron
DDP 11	AFFIDAVIT: Mr Yousuf Gabru
DDP12	AFFIDAVIT: Mrs Z Makda (nee Hendricks)
DDP13	AFFIDAVIT: Mr Omar Khan
DDP14	DEATH CERTIFICATE: Mr Omar Khan
DDP15	COPY: Detainee file of Haron

DDP16	LIST OF DETAINEES: Death in detention
DDP 17(i)	SUPPRESSION OF COMMUNISM ACT, 44 OF 1950
DDP 17(ii)	THE GENERAL LAW AMENDMENT ACT, 37 OF 1963
DDP 17(iii)	THE TERRORISM ACT, 83 OF 1967
DDP 17(iv)	THE INTERNAL SECURITY ACT, 79 OF 1976
DDP 17(v)	THE INQUEST ACT, 58 OF 1958
DDP 17(vi)	THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 34 OF 1995
DDP 18(i)	COPY: DETENTION AND TORTURE IN SOUTH AFRICA by DONALD FOSTER
DDP 18(ii)	COPY: NO ONE TO BLAME by GEORGE BIZOS
DDP 18(iii)	COPY: KILLING OF THE IMAM by BARNEY DESAI and CARDIFF MARNEY
DDP 19(i)	POST-MORTEM REPORT: HARON EXHIBITS
DDP 19(ii)	PHOTOGRAPH: DECEASED: 1969- EXHIBIT H
DDP 19(iii)	PHOTOGRAPH1: STEPS
DDP 19(iv)	PHOTOGRAPH 2: STEPS
DDP20	REPORT: DR I MOLEFE
HARON FAMILY EXHIBITS	
Item	Description
Exhibit F1	Technical Assessment by Thivash Moodley, 06 November 2022
Exhibit F2	Drawing attached to Dr Steve Naidoo Report, November 2022
Exhibit F3	Extracts from Schwär, TG, Olivier, JA, Loubser, JD <i>The forensic ABC in medical practice: a practical guide</i> , HAUM Educational Publishers, 1988
Exhibit F4	Shamela Shamis affidavit, 04 November 2022
Exhibit F5	Muhammed Haron affidavit, 10 November 2022
Exhibit F6	Zainal Makda affidavit, 09 November 2022
Exhibit F7	Full report by Dr Steve Naidoo – Re-opened Inquest on the late Imam Abdullah Haron, 04 November 2022

Exhibit F8	Jeremy Cronin affidavit, 03 November 2022
Exhibit F9	Photographs of some of SAPS Officers
Exhibit F10	Chronology - Interrogation and Health (based on testimony given at the 1970 Inquest [150/70])
Exhibit F11	Diane Sandler affidavit, 13 November 2022
Exhibit F12	Robert Wilcox affidavit, 04 November 2022
Exhibit F13	Yousuf Gabru affidavit, 11 November 2022
Exhibit F14	Maison Samuels affidavit, 15 November 2022
Exhibit F15	Stephanie Kemp affidavit, 08 November 2022
Exhibit F16	Shirley Rene Gunn affidavit, November 2022
Exhibit F17	Haron Provisional Chronology from Birth to 1972
Exhibit F18	Fatiema Haron-Masoet affidavit, 16 November 2022
Exhibit F19	Khalid Shamis affidavit, 16 November 2022
Exhibit F20	Haron Inspection in Loco minute by Family, 08 November 2022

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: I01/2022

In the matter of:

RE-OPENED INQUEST: LATE ABDULLAH HARON

ANNEXURE E: Index to 1970 and re-opened transcripts

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