

## **Survivors, victims' families, legal professionals and the FHR met on 18 and 19 August 2023 to strategise around effective investigations and prosecutions of apartheid era gross human rights violations**

By Humairaa Mayet, FHR Unfinished Business of the TRC Programme



The involvement of the Foundation for Human Rights (FHR) in supporting efforts of survivors and victims' families in ensuring criminal accountability for apartheid era gross human rights violations, dates back to the 2001. The FHR contributed toward drafting the final report of the Truth and Reconciliation Commission (TRC) and supported litigation to oppose amendments of the prosecutorial guidelines, as well as presidential pardons, which intended to introduce a possibility of a “back door amnesty” to perpetrators who had failed to apply for amnesty before the TRC. In 2005, the FHR got involved with its first seminal case – the matter of Nokuthula Simelane, a young anti-apartheid activist who was abducted, brutally tortured and forcibly disappeared by the members of the Soweto Security Branch of the South African Police in 1983, This case and the relationship with the Simelane family has undoubtedly shaped the FHR's Unfinished Business of the TRC Programme. Over the years, the FHR has dealt with numerous cases involving apartheid

era gross human rights violations and currently provides support survivors and families in 22 cases.

On 18 and 19 August 2023, the FHR hosted three events, starting with a meeting titled “Strengthening Legal Efforts in Pursuing the TRC Cases” of the law firms, which partner with FHR and provide pro-bono assistance to the survivors and the families of those who disappeared or lost their lives at the hands of the apartheid government. The meeting of lawyers gave rise to a number of promising resolutions, including a commitment from all those involved to work closely together and find links between the TRC cases. Also discussed at the meeting was the development of a strategy going forward with regards to the TRC cases, as well as the roles both lawyers and the FHR would play in this strategy. The issue of the relationship with the National Prosecuting Authority (NPA), too, emerged.



*Picture 1 Justice Albie Sachs, the retired Judge of the Constitutional Court in South Africa*

The second event was on Friday evening, a gala dinner for lawyers, family members of victims, and survivors took place. Keynote addresses were given by Justice Albie Sachs and former TRC Commissioner, Yasmin Sooka. At the dinner, victims and survivors of apartheid era crimes were remembered. Among those present were the survivors and families of:

- Ahmed Timol
- Anton Fransch

- Caiphus Nyoka
- COSAS 4, including
  - Eustice ‘Bimbo’ Madikela
  - Peter ‘Ntshingo’ Matabane
  - Fanyana Nhlapo
  - Zandisile Musi
- Cradock 4, including
  - Fort Calata
  - Mbulelo Goniwe
  - Sicelo Mhlauli
  - Sparrow Mkonto
- Highgate Massacre including survivors
  - Neville Beling
  - Karl Weber
- Dr Hoosen Haffejee
- Ignatius Mtebule
- Imam Abdullah Haron
- Matthews Mabelane
- Musawakhe Phewa
- Mxolisi ‘Dicky’ Jacobs
- Dr Neil Aggett
- Nokuthula Simelane
- Ntombikayise Kubheka
- PEBCO 3, including
  - Siphon Hashe
  - Champion Galela
  - Qaqawuli Godolozu
- Ramatua Nicholas Tlhapi
- Richard & Irene Motasi
- Dr Rick Turner

The third and final event of the weekend was a convening of the families of victims and survivors on 19 August 2023 at the Women's Jail of the Constitution Hill. The convening was incredibly emotional, with many families fondly dwelling upon memories of their loved ones and mourning the loss of all that could have been. Over and above the sadness, emotions of anger and frustration, too, emerged, as the majority of families present faced extreme difficulty on their road to justice.

Those present brought to the fore the many issues that they encountered while seeking justice for the fallen or disappeared family members. From 'lost' dockets and unresponsive investigators and prosecutors, to countless delays; families have faced hurdle after hurdle, and few have received even a semblance of justice. Individuals in attendance spoke about how difficult it has been to deal with the complex processes and navigate the complicated arena of the South African justice system. Many expressed that they had thought that the pursuit of justice would be easier in post-apartheid South Africa following the establishment of the TRC and how disappointed they were after finding out that this was not the case.

Families were resolute on mapping a way forward and determined to develop a strategy which would strengthen not only the individual cases, but all cases collectively. The day ended with a sentiment of hope in the air, with families and survivors inspired by one another to seek justice for their loved ones who were murdered, injured and disappeared by the apartheid regime.



*Picture 2 Yasmin Sooka, Former TRC Commissioner attending the FHR's events*

In order to commemorate the significance of this gathering of victims, their family members, survivors and their legal representatives that took place in Johannesburg on 18-19 August 2023, the FHR prepared a publication [“The Unfinished Business of the Truth and Reconciliation Commission”](#). The publication features poignant short stories that shed light on individuals who suffered from the atrocities of the apartheid regime – those who were killed, disappeared, or otherwise impacted.

Those attending the gathering of the survivors’ and victims’ families’ gathering on 19 August 2023 could also explore the cartoon by André Trantraal [“The Tale of Two Sisters”](#) which featured in the atrium of the Women’s Jail. The cartoon, which is a joint FHR - Politics Department of the University of Cape Town project, tells the story of an anti-apartheid activist Nokuthula Simelane and her sister, Thembi Nkadimeng, and in particular Thembi’s quest for justice following the disappearance of Nokuthula in 1983.

The events of 18 and 19 August 2023 would not have been possible without the ongoing support of the Sigrid Rausing Trust and Cliffe Dekker Hofmeyr law firm, to the FHR Unfinished Business of the TRC Programme.