

SACTJ SUPPORTS THE LANDMARK LEGAL CHALLENGE FOR JUSTICE FOR NOKUTHULA SIMELANE

This case is aimed at bringing closure to the 32 year old abduction, torture and enforced disappearance of Nokuthula Simelane. Nokuthula was a 23 year old operative for Umkhonto we Sizwe (the armed wing of the ANC) who was betrayed by a comrade and kidnapped by the Security Police in 1983¹. While the Truth and Reconciliation Commission (TRC) found that she had been kidnapped, tortured and forcibly disappeared, the location of her remains has not been revealed and her murderers have not been held to account².

Nokuthula's family has been fighting for truth and justice for more than 3 decades. Notwithstanding their numerous pleas there has been no official closure. The family demands a formal inquest into Nokuthula's death in the absence of prosecution. Nokuthula's case is but one example of hundreds of other cases that have been similarly neglected. The South African Coalition for Transitional Justice (SACTJ) calls on the National Prosecuting Authority (NPA) to honour its obligation to prosecute those cases for which perpetrators have been denied amnesty or failed to apply for amnesty.

Other examples where impunity still prevails includes the brutal murders of the Cradock Four and the PEBCO Three³. Although Nokuthula's case is not a class action on behalf of all victims of outstanding TRC cases, this case is representative of all such incidents where victims remain without closure for crimes that happened decades ago.

These legal proceedings explain for the first time why Nokuthula's case, and the other TRC cases, have been abandoned by the authorities. This is due to the gross political interference in the constitutionally mandated work of the NPA. Such interference constitutes a serious violation of the rule of the law. The Coalition deplores this interference and calls on the government to respect and uphold the independence of the NPA.

This case is also indicative of the almost total disregard by the South African government for the recommendations made by the TRC. To date, very few perpetrators of apartheid-era crimes have been held accountable before the courts. This is despite the TRC handing over approximately 500 missing person cases and 300 other cases for possible prosecution to the NPA, following the completion of the Amnesty Committee's work. The delays in prosecutions deny victims an important form of reparation – accountability. Another key element is the absence of a victim-centred financial and socio-economic reparations program⁴.

The lack of adequate reparations and the protracted delays in pursuing post-TRC prosecutions, seriously undermine the TRC's ground-breaking legacy of reconciliation alongside a conditional amnesty. Indeed, such failures have promoted an ongoing cycle of impunity and effectively introduced a *de facto* blanket amnesty for all crimes of the past.

¹ Read about what happened to Nokuthula in the words of her sister, Thembi Nkademeng: [My sister's heart](#)

² Read the amnesty applications for Nokuthula's abduction and torture [here](#)

³ Read about the successful challenge to the NPA's unlawful TRC Prosecutions Policy [here](#)

⁴ Read the SACTJ's previous statement on reparations regulations [here](#)

The failure to pursue cases, such as the torture and disappearance of Nokuthula Simelane, represents a deep betrayal of those who struggled and died to free South Africa. The prospect of justice for Nokuthula Simelane and her family represents an important step towards remedying this situation.

PLEASE JOIN US FOR A PRESS CONFERENCE ON FRIDAY 22 MAY 2015, WHERE THE FAMILY AND OTHER KEY STAKEHOLDERS WILL BE MAKING STATEMENTS.

Time: 10am

Venue: The Former Women's Jail, Constitution Hill, 1 Kotze Street, Johannesburg. There is limited parking available at Level C Constitution Hill; and guarded, unlimited parking on Kotze Street.

Background to the SACTJ

The SACTJ is an umbrella body of organizations working to advance the rights of victims of past conflicts and to hold the South African government accountable to its obligations. The member organisations are committed to helping secure the rights of victims of apartheid-era human rights violations and raising awareness about these rights. These organisations are Centre for the Study of Violence and Reconciliation (CSV), Human Rights Media Centre (HRMC), Institute for Justice and Reconciliation (IJR), Khulumani Support Group (KSG), South African History Archive (SAHA) and Trauma Centre for the Survivors of Violence and Torture (TCSVT).

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20 May 2015

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