

Nkadimeng forging ahead with Simelane case

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THEMBI Nkadimeng is going ahead with her legal bid to force the Police Ministry to pay the legal fees of four police officers charged with killing her sister, Nokuthula Simelane.

Nkadimeng, the ANC mayor of Polokwane, became more determined to pursue her case against the Police Ministry after they failed to file replying affidavits to her main application.

Initially, on March 23, the high court in Pretoria had issued an order against former police minister Nathi Nhleko – who has since been moved to Public Works. Fikile Mbalula, the former sports minister, was recently appointed to the police portfolio.

Due to the reshuffling, the obligation now falls on Mbalula's office to handle the case. The Police Ministry was given until April 24 to file their replying affidavit. Nkadimeng's lawyer, Moray Hathorn, on Friday confirmed that the Ministry of Police failed to file their papers to court.

"The minister (Fikile Mbalula)



NO ANSWER: Police Minister Fikile Mbalula must now deal with case.
Picture: Bongani Shilubane

has not replied. We are accordingly taking steps to index and paginate the court file, and file heads of argument. The minister will also have to file his heads of argument. We would then approach the Deputy Judge President for a preferential date," Hathorn said.

The latest court action followed



VICTIM: Nokuthula Simelane, an ANC activist and undercover operative who went missing in 1983.

the kidnapping and murder of Simelane 33 years ago. Simelane was an Umkhonto we Sizwe (MK) operative when she was abducted in the parking area of the Carlton Centre in September 1987.

It took the family, particularly Nkadimeng, more than 20 years to have the alleged killers charged

with her murder.

The four men, Timothy Radebe, Wilhelm Helm Johannes Coetzee, Anton Pretorius and Frederick Barnard Mong were only charged on February 26, 2016 in the Pretoria Regional Court following a lengthy battle with the National Prosecuting Authority (NPA).

The accused were each granted bail of R5 000. The case against them was postponed four times. The last postponement was on November 25 and the matter was set for trial in July this year. Prior to the trial, the three accused, Coetzee, Pretorius and Mong, had already made an application to the then-Minister Nhleko to pay for their legal fees.

Their application was turned down in May last year, which prompted them to lodge a review application in the high court.

This led to Nkadimeng also lodging an urgent application asking the high court to accept her as an intervening party in the review application. She was granted the order on March 23.

She too wants the police to pay for the legal costs of the accused,

saying it would help to ensure a speedy criminal trial against them, hoping the trial hearing was likely to bring closure to her aggrieved family. Nkadimeng has argued that the sister's killers acted on instructions of the former president of South Africa, PW Botha.

"It will be demonstrated that the applicants (killers) were mere cogs in the larger security machinery of the state that acted violently and unlawfully against opponents of apartheid. This apparatus acted at the behest of the then head of state (PW Botha), the cabinet and the State Security Council (SSC).

"Kidnappings, torture and murder were the order of the day and specifically authorised not only by the applicants' immediate superiors, but also by the commanders of the Security Branch, the commissioner of police, the Minister of Police and the SSC," said Nkadimeng.

She said Simelane's alleged killers conceded when they asked for legal assistance from Nhleko in a letter dated February 10, 2016, that they were involved in an unlawful but planned and routine operation.