

THE INQUESTS

A personal reflection

IMAM HARON

On Monday September 4, 2023, the family members of Imam Abdullah Haron, who was brutally murdered in detention, were informed that October 9, 2023 has been set down for final judgment. Judge Daniel Thulare presided over the reopened inquest and heard arguments in court in November 2022 and March 2023. Before offering the family's response to the reopened inquest, it is appropriate to offer some perspective on the first inquest in June and July 1970..

1970 inquest: Rejecting its findings

The family was already convinced that the Imam was murdered. This was patently evident on September 29, 1969, when the Imam's family performed the ablution of his tortured body at their then 'Golden Eye,' Repulse Road home in Belthorne Estate. It was clear that the Security Branch (SB), led by Spyker van Wyk had murdered him. It was also an indication that the Imam had resisted his persecutors, till death, by refusing to provide them with the information they sought.

During that inquest, it was evident that the apartheid state's legal system was contrived to sustain the collaboration of key agents. These included the magistrate, the state's medical officers, the government's legal team and others. Each of them used their positions to 'do whatever it took' to argue the state's case and to ensure a fundamentally unjust outcome. The whole inquest was a charade: they found no one guilty of any wrongdoing and no one was prosecuted for what they did to the Imam.

TRC's 'Unfinished Business'

After the Truth and Reconciliation Commission (circa 1996-1998) completed its series of public hearings, the process concluded with a set of 'Unfinished TRC Business.' The appeal by the Apartheid Era Victims' Families Group (AVFG) to the democratic government for the reopening of inquests fell on deaf ears. According to reports, there was deliberate political interference to hinder the process.

Though the delays continued, the reopening of the Timol inquest began in 2017, and later the Imam's case followed. This happened as a result of discussions with the Foundation of Human Rights (FHR) and Webber Wentzel (WW). As a result, the first inquest hearing took place at the Cape Town High Court in November 2022.

2022/2023 Inquest: Hopes buoyed

As indicated, family members were cynical knowing that the democratic state's officials had interfered. They continued to adopt this attitude till the day the inquest reopened. This, however, changed soon after the respected judge issued his opening remarks, which set the tone for the hearings. Furthermore, he made a good impression on the Haron family.

We emphasise that even though decades have needlessly gone by, our hopes are now buoyed. In particular, we are hopeful of a process that will bring us, and our community, the long-awaited truth.

A note of thanks

Judge Thulare managed a matter fraught with deep emotions with reassuring prudence throughout, and raised our hopes for the desired outcome of a just finding. When each of the expert witnesses made their respective submissions, we were profoundly struck by their vivid reconstruction and interpretation of the events that lead to the Imam's death. Their expert input made a compelling case for setting aside the 1970 inquest findings. For this exceptional contribution, they must all be commended.

We also acknowledge the contributions of Judge Siraj Desai who, accompanied by Yasmin Sooka (former FHR Director) and Howard Varney (WW's leading representative), visited our mother to solicit her consent to reopen the inquest. Since our legal counsel invested professional expertise ensuring a persuasive case, we thank them too. And we are similarly indebted to the SAPS investigation team for their submissions.

The culpable ones

In conclusion, we must unequivocally state our position about those implicated, directly and indirectly, in the Imam's murder. By design, the killers, who had a direct hand in his death, have all escaped justice in both the apartheid era and democratic period. They remain unforgiven, and we remain petitioners for justice in God's Court where ultimate justice will be served.

Similarly, we call on the authorities to investigate those responsible for the miscarriage of justice during attempts to reopen the inquests into the circumstances around the Imam's death. The magistrates, lawyers and others responsible for producing erroneous findings should be posthumously found culpable; they should be posthumously stripped of their positions and be justly conferred with dishonour.

Those in our democratic dispensation responsible for impeding all the AVFG's cases, must be investigated, prosecuted and fined for undermining the interests of justice.

The Haron family, together with all those advocating for justice in the AVFG cases, make an earnest appeal to the relevant authorities: treat this matter with urgency so that we all may now obtain some form of closure and justice, three decades into our democracy.

Muhammed Haron
Chair of Imam Haron Foundation

The Imam Haron commemoration is a project that foregrounds and creates awareness of social justice issues. Imam Haron gave his life in his uncompromising commitment to the fundamental values of Islam. Broadway Sweets salutes this noble gesture and endorses its commemoration.



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