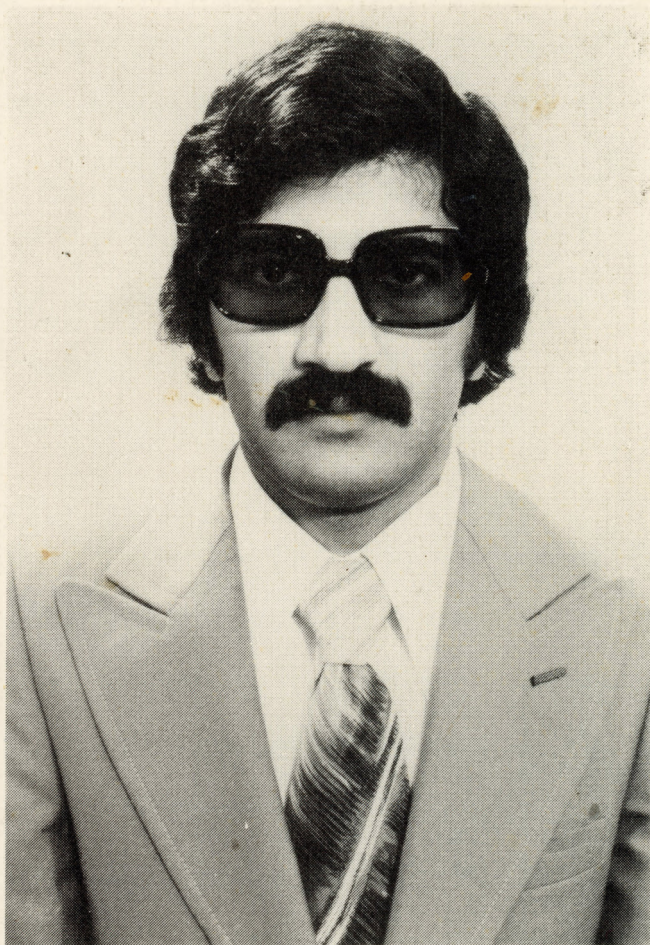


THE MARTYRDOM OF



Dr HOOSEN HAFJEJEE

BIOGRAPHICAL SKETCH OF HOOSEN MIA HAFJEJEE

Hoosen Mia, the youngest son of Mohammed Essack and Fathima Haffejee, was born on the 6th of November 1950 in Pietermaritzburg. He received his primary education at the St. Paul's and Marion Primary Schools and matriculated at the Woodlands Secondary School. After completing the Interscience Examination at Bhawans College in Bombay, he registered for the Bachelor of Dental Surgery degree at Nagpur University and graduated in April 1975, in which year he was also the president of the Students Association. He played cricket, soccer and hockey and loved outdoor life.

After graduation he embarked on an overland journey to London, travelling through Afghanistan, Turkey, Greece, Italy, Belgium and France. He flew back to India before finally returning home and after much effort, was appointed as an intern at the King George V Hospital in Durban.

His father passed away 10 years ago today (8 May 1986); his mother now lives with her daughter in Johannesburg. The rest of the family are still in Pietermaritzburg.

**STATEMENT BY YUSUF MAHOMED HAFFEJEE
TO THE HUMAN RIGHTS VIOLATIONS COMMITTEE
OF THE TRUTH AND RECONCILIATION COMMISSION**

I declare that the following statement is true to the best of my knowledge and belief and that I make this statement knowing that if it is tendered in evidence that I will be liable to prosecution if I wilfully state in it anything which I know to be false or which I do not believe to be true.

On 30 August 1977 I wrote a letter to a friend in London who enquired about the circumstances surrounding my brother's death in Security Police detention at the Brighton Beach Police Station on the 3rd August 1977. This letter captures the atmosphere and feeling of the time, and I wish to commence this statement by reading it to you.

"545 Church Street

Pietermaritzburg

3201

South Africa

30 August 1977

'Dear Hashim,

Thank you for your letter; it went a long way towards bringing us the comfort that we so much require during this terrible time of grief. Our burden is lightened by the thought that although you are thousands of miles away from us, you are with us.'

'At about 8.30 on the morning of 3rd August, four whites walked into the shop and asked to see Mr. Haffejee. When I told them that I was he, they enquired if I had a son in Durban who was a dentist. I told them that I had a brother in Durban who was a dentist, whereupon they enquired where my father was. I informed them that he was in the Transvaal on business. The spokesman then told me that Hoosen was dead and that he had committed suicide. My immediate reaction was one of disbelief; I did not know whether

I should cry or what. I just stared at them and asked them if they were sure. I was handed a piece of paper and was told that if anyone wanted to be present at the post-mortem that morning, we should contact Professor Gordon. The telephone rang and I quickly got it over with and phoned Doodie and asked him to come over immediately. I sent for Ahmed and continued talking to the four. When I asked them where this had happened, they told me it had occurred in his police cell. In astonishment I asked what he was doing in a cell, the answer to which was, 'Didn't you know that your brother was in jail?' Of course I didn't know. Ahmed arrived and I told him what had happened and shortly after this the four whites left, after telling me that I should phone the CID, Smith Street, Durban, if I required further particulars. The number proved to be engaged so I phoned King George Hospital and asked another dentist, Dr.Hajra Peer where Hoosen was. She told me that he had not been at work the previous day (Tuesday) and he was not there then. Up to this moment I was clinging to a tiny atom of hope that this was all a big mistake, but was now beginning to grasp the reality of the situation. I told Hajra what I had been told and rang off. I phoned Baboo (Dr.Akoo) and when I told him, the shock of his voice echoed in my ears, 'God! God! God!' Once again I tried phoning the CID Smith Street but without success, so I phoned the Security Police in Durban and was told by some female that nobody was present. When I insisted

that it was a matter of extreme urgency, she put me through to a Captain Lombard who heard me out and then said that he could say nothing and that I should contact Colonel Steenkamp who would only be in after 11 a.m. I was aware that Colonel Dreyer of the Security Police in PMB was a customer of ours and tried to phone him but to no avail: the fellow on the phone asked me to phone on Monday when Dreyer would be back. I explained my problem to him and told him I required assistance but he told me that they had nothing to do with what happened in Durban. I then paid a quick visit to our neighbour Hashim Asmall who lives in Ismail Akoo's house and told his wife Rabia the news, requesting her to come and break the news to Apa who knew nothing so far; Langwaan had overheard me and had mentioned to her that the police had arrested Hoosen. I returned to the shop and phoned Prof. Gordon; his secretary said that she would try to find him and contact me. She did so about ten minutes later to inform me that I could not be present at the post-mortem if I was not a doctor, and that I was free to have any doctor present. I got our doctor (Dr. Chenia) on the phone and while speaking to him Apa walked into the shop, so I had to carry on with social conversation until she left the shop after about a minute; then I told Doc what had happened and asked him to be present at the post-mortem and to get an independent pathologist to be present also. He said that he would get Dr. Chetty.'

'In about ten minutes Hashim's wife Rabia arrived and I accompanied her to the fruit shop where she asked Apa not to get excited and to remain calm. She told Apa that the police had taken Hoosen away. She then braced herself and added that by Allah's wish, he was gone (in Gujerati). As she completed saying this, she broke down and Apa burst out: 'Rabia, what are you saying?' Hashim, this was the moment that our world collapsed into a heap of shattered dreams and eternal sorrow. This was the first time that I came to full grasp with the situation and started crying.'

'Som arrived on the scene to share our grief. Sharda heard the news and came over with Rabbie. Together with Doodie our wonderful neighbours took the situation in hand. Our first priority now was to locate Gorabhai.¹ They started phoning various places in the Transvaal to try and trace him. I left for Durban with Goolam Haffejee.² When I arrived at the police mortuary in Gale Street, I found the Muslim hearse waiting there; your father had phoned Khan and asked him to meet me there. Also waiting for me was our Rabia and her friends Kader and Amina Motala. We had to wait for the post-mortem to be over. Two Indians from the Security Police arrived and requested me to accompany them

1 *My father*

2 *Neighbour - not related*

to Hoosen's flat as they wished to conduct a search; others were already waiting at the flat. I was about to leave when I learnt that the post-mortem would be over soon, and as I had to speak to Doc, I told them to wait until it was over.'

'They then told Amina (who is an attorney) that anybody could accompany them, so I sent Goolam along with the instructions that nothing was to be removed from the flat without a receipt being issued. Doc came over and I enquired if I should try to get the services of a pathologist (Dr.Chetty was unable to make it). Doc felt that it was not necessary. I then asked him if there were any assault marks on Hoosen's body and he said that they had found 'numerous abrasions' and that Prof.Gordon had noted these. I spoke to Gordon who told me that the trousers around Hoosen's neck had 'multiple knots' and that 'the knots were so tight that I could not undo them - I had to use a razor blade to cut the trousers off.' I then questioned him as to whether the abrasions on the body were in keeping with the manner of death. He explained that he had taken tissue samples for analysis and would make the necessary tests. I accepted his point that he had to be certain Hoosen did not get some of the abrasions while doing gardening over the weekend. I then asked him about the remainder of the abrasions and he replied, 'I cannot tie

them up with the manner of death.' We then completed the papers necessary for the removal of the body and discovered that we had to have identity documents. I phoned Hoosen's flat and asked Goolam to check for them. This was the second call to him - I first phoned to ask him to bring with him a sheet to cover the body. I spoke to a Captain Du Toit who was in the flat and he stated that he was merely the investigating officer and gave me the name and number of Brigadier Hansen, the CID chief for Durban. Hansen was very technical and told me that Hoosen had been detained in terms of the Criminal Procedures Act. When I told him that that meant nothing to me, he merely gave me the Act number and year. He suggested that I phone Steenkamp. There was a disparity between the stories of these two persons. Hansen told me that the trousers were tied round the bar of the door; Steenkamp said that the trousers were tied round the door knob. I drew his attention to this and asked which was the truth. He said angrily, 'I don't have to tell you anything.' and slammed the phone on me. (May Allah's curse be on him and his descendants forever). Goolam later told me that the whites searched the flat silently but that one of the Indians was arrogant. They took a little over two hours to search the tiny flat and removed one book, one pamphlet and two personal letters from India. When Goolam brought the identity book, we completed the papers. I identified the body. I felt terrible; there lay before me,

dead, the brother whom I had last seen alive on Sunday, the one whom I loved and whose achievements I felt so proud of. A few minutes later Khan, Kader and I entered the mortuary and when I removed the shroud, I received a terrible shock; there were numerous marks - like burn marks - on various parts of the body, but concentrated around the knees. We then put the body into the hearse and Rabia and I accompanied it home. In the interim my father had been traced to Pietersburg and was told that he should take the first available plane home because Hoosen was seriously ill. I learned that he would be arriving in Durban at about five and left Goolam to pick him up at the airport.'

'When we arrived home I got in touch with attorneys and requested an examination of the body. This was done after five and numerous photographs were taken to show how Hoosen had been tortured (by people who talk of Christ's love and Christian charity). Nullah was involved in the Ghusal³ which then followed and he was so shocked that his hands were trembling. Gorabhai arrived just after the photographs were completed and I had the body covered and the face wiped clean of blood before showing him Hoosen's face. When he got off from the car, your father was the first to meet him. They embraced and Gorabhai said in Gujarati, 'They killed my son'. When Gorabhai saw

³ *Ritual washing of body and preparation for burial*

Hoosen's face, he again broke down and cried, 'bheta Hoosen'.⁴ Words failed to show how terrible we felt.'

'After Ghusal the body was prepared for burial and laid in the sitting room. Mourners now saw the body for the first time. In spite of the extreme torture that Hoosen must have been subjected to, there was a dignified serenity on his face. In the morning your father had set the burial time at 9.30 p.m. because there was no certainty when I could secure the release of the body. As a result we waited although we could have buried at 8.30 p.m.; we did not want that people miss the funeral. At 9.15 p.m. I realised that we should not wait any longer and we started. I spoke a few words to Apa and we lifted the body and placed it in the Janaza⁵ in the passage and proceeded to the hearse parked near the garage. Many people observed that the funeral was among the biggest they had seen. After Janaza namaaz⁶ Ismail, Khalick and I got into the grave to receive the body. I placed the planks and mats and got out and soon thereafter everything was over.'

4 *(my son) Hoosen*

5 *Bier*

6 *Funeral Prayer*

'For many days after the funeral all of us could not hold back the tears every time we remembered or when people came to sympathise. Hoosen's killing left the entire Indian community in a state of shock and even now, all of us find it hard to believe that it really happened.'

'Our lives have been shattered, Hashim. In Hoosen's success we saw the realisation of our own forgotten ambitions and looked forward to a life of proud happiness; it was an act of the ultimate cruelty to have forced him away from those who loved him so much.'

'During this difficult time we require courage and strength; please pray the Allah grants us this for without it ourselves are as good as dead. I know how you and Sarah must feel; all I can say is that you must cherish the memory of the times you spent together not so very long ago. May Allah bless you and protect you.'

Yusuf

This letter dealt mainly with the details of Hoosen's death and funeral. I consider it necessary to elaborate on the post-mortem examination in Pietermaritzburg:

As we did not succeed in getting Dr. Chetty, a pathologist, to be present at the post-mortem in Durban, I contacted my school-mate, attorney Morgan Naidoo, from the firm A.K. Essack, Morgan Naidoo & Co. Morgan came down with Advocate Harry Pitman as Dr. Motala arrived. We had a discussion and pursuant to this, Advocate Pitman tried to secure the services of a pathologist to examine and report on the large number of injuries on Hoosen's body. He failed. He then tried to get specialists in other branches of medicine, with no success. It became clear to us that most specialists, members of this noble profession, had no intention of tangling with the Security Police. Morally reprehensible conduct comes in all colours. Eventually, Dr. David Biggs, an orthopaedic surgeon, fearlessly rallied to our assistance. Helped by Dr. Motala, he conducted an examination and took down notes. The photographer engaged by us took numerous photographs as directed by Dr. Biggs. The photographs, in colour, were tendered as evidence at the inquest, as were the black and white photographs the police in Durban had their photographer take.

After much effort, our lawyers only succeeded in getting Professor Gordon's Post-Mortem Examination Report and the reports on the blood analysis on 13 December 1977, although all of them were dated no later than 29 August 1977. I was present when Adv. Pitman telephoned Prof. Gordon to request the

microscope slides of the tissue samples he had taken. A lengthy conversation then took place between them, at the end of which Adv. Pitman told me that he was very optimistic about the testimony that Prof. Gordon said he would give at the inquest.

The inquest into my brother's death took place in February/ March 1978. The presiding magistrate was one Trevor Blunden. The Security Police were represented by Adv. Jan Combrink and Adv. Willem Booysen S.C., instructed by the Deputy State Attorney. The Haffejee Family was represented by Adv. A.B. Mahomed, Adv. Pitman and Dr. Cooper S.C., instructed by A.K. Essack, Morgan Naidoo & Co. Post-Mortem examination reports were presented by Prof. Gordon for the State, and Dr. Biggs for the family. Although Prof. Gordon testified that he had not counted the lesions on Hoosen's body and estimated between 40 and 50, a quick total of his Schedule A. and Schedule B. show it to be more near 60. Both these reports use medical terms and have been made available to the Commission. A doctor friend described them to me simply: a bruise appears light purple with little or slight damage to the skin; abraded bruises appear dark and show skin damage clearly.

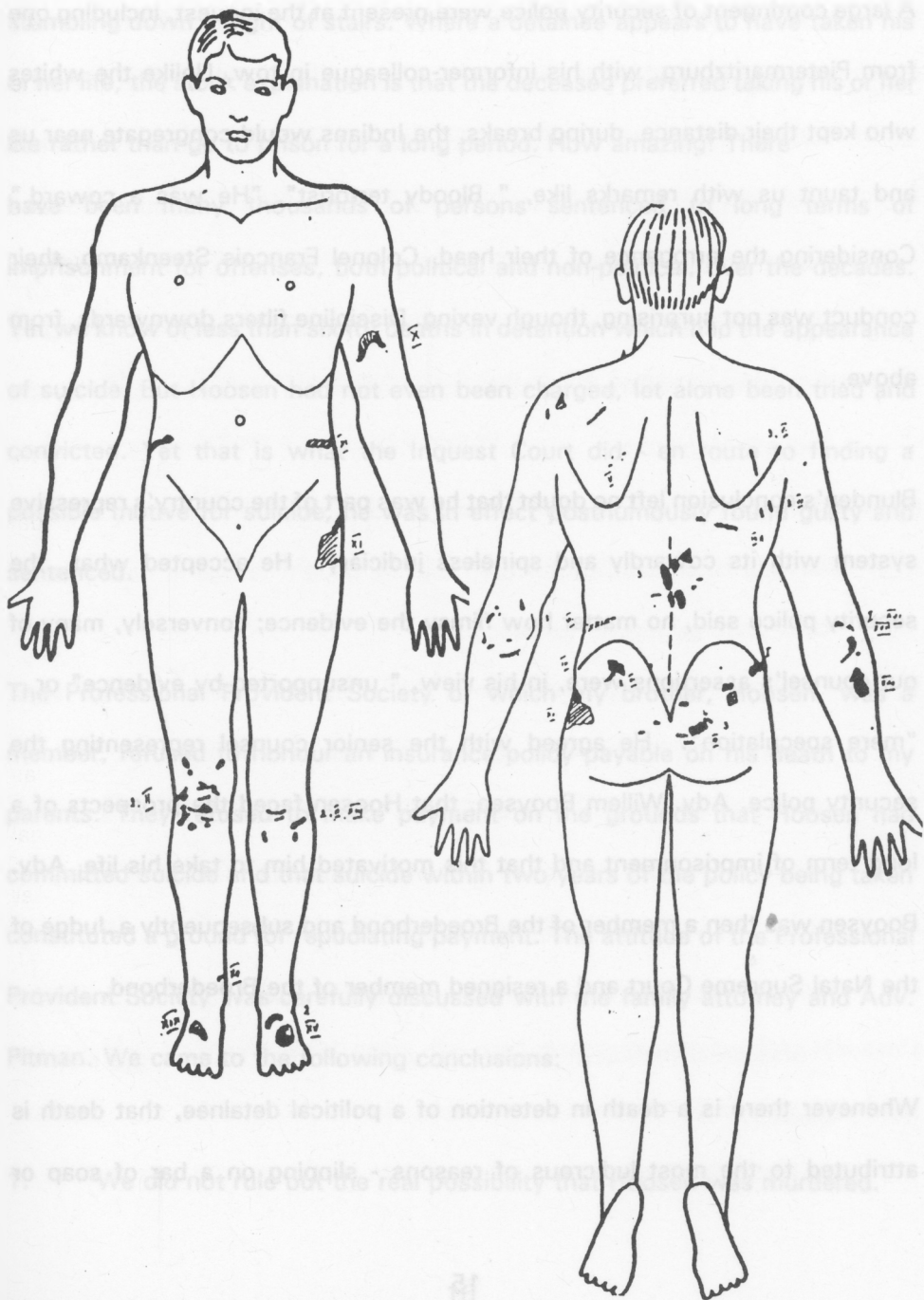
Prof. Gordon's Schedule A. describes 11 bruises and Schedule B describes 47 abraded bruises. Dr. Theo. Lorenz, a Specialist Surgeon who testified at the Inquest, had the diagram labelled 4a. drawn to scale. On the copies given to you, the light areas are bruises and the dark areas abraded bruises. There are large concentrations around the knees, back of elbows, back and small of the back; to a lesser extent on the shoulders, hips, side and feet. I shall read only page 4 of Dr. Biggs report, Annexure 1.

Dr. Biggs had carried out an investigation in an attempt to explain the unusual marks he observed on Hoosen's body.

His report which I shall read, is labelled Annexure 2.

When Prof. Gordon gave his testimony at the inquest, Adv. Pitman was astounded at the hostility shown by Prof. Gordon towards the legal representatives of the Haffejee Family. This was in sharp contrast to his earlier attitude when he spoke to Adv. Pitman in December [1977].

To this day we have not been able to understand the hostility of Prof. Gordon, nor the volte face in his attitude.



A large contingent of security police were present at the inquest, including one from Pietermaritzburg, with his informer-colleague in tow. Unlike the whites who kept their distance during breaks, the Indians would congregate near us and taunt us with remarks like, " Bloody terrorist", "He was a coward." Considering the arrogance of their head, Colonel Francois Steenkamp, their conduct was not surprising, though vexing. Discipline filters downwards, from above.

Blunden's conclusion left no doubt that he was part of the country's repressive system with its cowardly and spineless judiciary. He accepted what the security police said, no matter how flimsy the evidence; conversely, many of our counsel's assertions were, in his view, " unsupported by evidence" or "mere speculation". He agreed with the senior counsel representing the security police, Adv. Willem Booyesen, that Hoosen faced the prospects of a long term of imprisonment and that this motivated him to take his life. Adv. Booyesen was then a member of the Broederbond and subsequently a Judge of the Natal Supreme Court and a resigned member of the Broederbond,

Whenever there is a death in detention of a political detainee, that death is attributed to the most ludicrous of reasons - slipping on a bar of soap or

stumbling down a flight of stairs. Where a detainee appears to have taken his or her life, the stock explanation is that the deceased preferred taking his or her life rather than go to prison for a long period. How amazing! There have been many thousands of persons sentenced to long terms of imprisonment for offenses, both political and non-political, over the decades. Yet we know of less than six (6) deaths in detention which had the appearance of suicide. But Hoosen had not even been charged, let alone been tried and convicted. Yet that is what the Inquest Court did - en route to finding a possible motive for suicide, he was in effect posthumously found guilty and sentenced.

The Professional Provident Society of which my brother, Hoosen, was a member, refused to honour an insurance policy payable on his death to my parents. They refused to make payment on the grounds that Hoosen had committed suicide and that suicide within two years of the policy being taken constituted a ground for repudiating payment. The attitude of the Professional Provident Society was carefully discussed with the family attorney and Adv. Pitman. We came to the following conclusions:

1. We did not rule out the real possibility that Hoosen was murdered.

2. Even if Hoosen did take his life, it was only done because he was compelled to do so due to the unlawful actions of others on him.
3. We did not and do not for one moment believe that the sixty wounds found on his body were sustained by Hoosen from two scuffles due to his reluctance to enter motor vehicles.
That explanation is a clumsy lie but was given in the arrogant confidence that anything to the contrary would not be accepted by the Inquest Magistrate.
4. We believe that if Hoosen did take his own life, then he did so because he was so sadistically tortured that he sought refuge in death rather than undergo further torture.
5. Based on this reasoning, it was the unanimous opinion of our legal advisors that in the claim against the Professional Provident Society, my father could claim that a "suicide" is not a suicide when a person is driven to taking his/her life because of unlawful conduct of others on that person. That would be murder.
6. With a claim of this nature, the onus would then fall on the Professional Provident Society to establish that Hoosen did commit suicide.

7. To prove that, the Professional Provident Society would have to call most, if not all, those persons who gave evidence at the Inquest. It would have meant Hoosen's interrogators, one Taylor and one Du Toit, would also have to enter the witness box and give their testimony all over again and be cross-examined.

8. But on this occasion, we would have a number of advantages:

- a) The matter would be heard in the Supreme Court - hopefully before a judge of integrity.
- b) We would have before us the record of all the evidence given and would therefore be in a position to spot inconsistencies and contradictions.
- c) Witnesses who had lied would not remember all that they had said at the Inquest.

9. The objectives of the action against the Professional Provident Society were twofold :

- a) To compel the Professional Provident Society to honour the insurance policy.
- b) To highlight again the circumstances surrounding Hoosen's death, the system of detention and interrogation and the vast powers of the security police under the Terrorism Act.

10. Summons was issued in a hurry to avoid prescription but we came up against an obstacle - lack of funding to proceed with the matter.
11. The matter was raised with the Rev. Bob Clark of the Pietermaritzburg Dependents Conference on which I served. He considered the strategy of proceeding against the Professional Provident Society a good one. But try as we could, no funding was available, not even from the Asingeni Trust, headed by the Chairman of this very Commission.
12. The action had to be abandoned because my father could not afford to fund a Supreme Court action.
13. The Haffejee Family and friends have received no satisfaction of any nature regarding the circumstances which led to Hoosen's death.

We did not previously have an opportunity to publicly express our gratitude and appreciation for the moral support and assistance we received from many organisations, notably Amnesty International, and countless people, many of them unknown to us but who identified with us. We have wonderful friends and neighbours and do not know what we would have done without them. Hoosen's friends and colleagues were no less wonderful. We remember the late Dr. David Biggs, a quiet and unassuming person, for his bravery in the face of fascism; and Dr. Motala for bravely responding when we called for his help; our

attorney, Morgan Naidoo for his commitment to justice ; and, of course, the late Adv. Harry Pitman. There is so much one can say about him. He was one of the most courageous lawyers in the pursuit of justice. It was his formidable reputation as a human rights lawyer which made us turn to him. Without a moment's hesitation, he plunged into the investigation surrounding my brother's death.

The world is a better place because of people like them.

Concerning the Truth and Reconciliation Commission, we were sorely tempted to join the families of Biko, Ribeiro, and Mxenge. We chose to come to this Commission because we agree with two of its functions;

We agree that there should be a record of all human rights violations and atrocities, and not just from 1960 only;

We agree that wherever possible there ought to be reparation to victims or their families.

Concerning the granting of Amnesty to those who caused my brother's death, we are totally opposed to it. Murderers, torturers and human rights abusers must be given no amnesty. There can be no forgiveness for such people.

Hoosen was our son, our brother, our colleague and comrade. No person or organisation can grant amnesty to Hoosen's torturers and killers on our behalf. They do not have the moral right to do so. Our wish is that Hoosen's torturers and killers must be hunted down, arrested, tried and punished.

It is also of some concern to me that the Amnesty Committee meets in private. This hearing is open to the public; a perpetrator is free to attend and listen to testimony and allegations; similarly, victims should be accorded the right to hear the testimony of perpetrators.⁷

On behalf of the Haffejee Family and friends of Hoosen, we thank the Commission for giving us the opportunity of recording the circumstances surrounding our brother's death.

(SIGNED) Y.M.HAFFEJEE
28 May 1996

⁷ *Dr.Borain subsequently confirmed that Amnesty hearings would now be open*

MR. D. H. BIGGS. F.R.C.S. (Ed.)

ORTHOPAEDIC SURGEON

PHONE . 28009

RESIDENCE 21642

151 LOOP STREET

PIETERMARITZBURG

3201

11th November, 1977.

DHB/RH

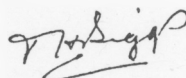
REPORT ON INVESTIGATION CARRIED OUT IN AN ATTEMPT TO EXPLAIN
THE UNUSUAL MARKS OBSERVED ON THE BODY OF DR H.M. HAFFEJEE.

By clinical exclusion it could be with confidence stated that these lesions were not:-

1. Ordinary Heat Burns.
2. Abrasions.
3. Scars.
4. Incisions.

They were of recent origin.

I attempted to produce similar marks on skin by subjecting specimens to various forms of electrical current and failed. Application of heat only damaged the local skin. Because the sites of most of the lesions were over joints I attempted compression of a joint between the jaws of a vice grip. This did produce some impressions on the skin but no lesions comparable with those found were produced. Next direct compression of a fold of skin was tried. It was found that considerable pressure had to be applied to produce an impression which persisted. By further experimentation of using various instruments I was able to produce impressions which corresponded to those I had observed. The implement used was of the type used to compress lead seals onto string or wire. These observations cannot be held as proof of how they were produced but show how they might have been produced. Photographs of these lesions were taken and are included. Although the lesions I have produced are similar they do not correspond exactly. They were produced on post mortem specimens of skin.



D.H. BIGGS.


REPORT ON THE LATE DR H.M. HAFFEJEE.

I left the examination with many questions I could not answer. Some of these were related to the post mortem procedure and others about the marks I had observed.

1. It seemed likely that death had been caused by a tight constricting band around the neck.
It further appeared to be death by suffocation rather than by sudden arterial occlusion, yet it was stated that the band around the neck had to be cut to remove, the knot being too tight to loosen.
How could this have been achieved?
2. How the constricting band around the neck came to be divided into two?
3. How the multiple and very similar marks had been produced?
4. For what purpose were the incisions on the inner aspects of the thighs made?
5. What was the reason for removal of pieces of skin?


D.H. BIGGS.

28 May 1996


Dr. Biggs subsequently confirmed that Amnesty Society would now be responsible for the report.

Published by:
THE HAFJEJEE FAMILY
P.O. Box 8005
Cumberwood
3235

Printed by: APDUSA (Pmb)