



South Africa – Researched and compiled by the Refugee Documentation Centre of Ireland on 14 September 2016

Information relating to prosecutions and trials arising from illegal renditions.

An article from South African newspaper the Sunday Independent states:

“The National Prosecuting Authority (NPA) has decided to charge [former Hawks boss Anwa Dramat and the elite unit's Gauteng head Shadrack Sibiya for their roles in the illegal rendition of Zimbabwe nationals. The Sunday Independent has been told by two independent sources that a decision has been [taken to criminally charge the pair, together with Lieutenant-Colonel Leslie ‘Cowboy’ Maluleke and [several other Hawks' officials. However, it is understood prosecutors are still busy formulating the charges. ‘They have to look at all the evidence contained in the docket and decide which charges they would have to face. It is still going to take a while before they are arrested,’ said a prosecution source. NPA spokesman Luvuyo Mfaku said the matter was still under consideration. Both Maluleke and Sibiya's lawyer, Victor Nkwashu, said they were not aware of the NPA's decision. On March 13, former NDPP Mxolisi Nxasana received a decision from Gauteng Director of Public Prosecutions, Advocate Sibongile Mzinyathi, to criminally charge Dramat and Sibiya in connection with the illegal rendition of [Zimbabweans suspected of crimes in their country.” (The Sunday Independent (South Africa) (21 June 2015) *Hawks bosses facing prosecution*)

An article from South African newspaper The Independent on Saturday states:

“Suspended Gauteng Hawks boss Shadrack Sibiya has been found guilty in the Zimbabwean rendition case that resulted in the kidnapping of Zimbabweans suspected of crimes in their country, their torture and the killing of two of them. Yesterday, a disciplinary inquiry into Sibiya's conduct by law firm Hogan Lovells found him guilty on two charges. These included that he and former Hawks boss Anwa Dramat held clandestine meetings with Zimbabwean police regarding co-operation to help trace and arrest suspects under the guise they were illegal immigrants. The inquiry found that, when Sibiya and Dramat entered into such a co-operation agreement, they knew it was illegal and that there was no extradition agreement between the two countries, and that any extradition or deportation had to comply with the law. The hearing found that the agreement by Sibiya and Dramat was intended to defeat the ends of justice, undermine South Africa's international obligations on refugees and contravene extradition and immigration laws.” (The Independent on Saturday (South Africa) (25 July 2015) *Hawks boss guilty in illegal renditions case: ‘Secret meetings with Zim police’*)

An article from South African newspaper The Mercury states:

“Lieutenant-Colonel Leslie ‘Cowboy’ Maluleke has been found by a disciplinary hearing to have kidnapped seven Zimbabwean nationals who were suspected of crimes in their country. He has also been found responsible for the eventual killing of John Nyoni and Gordon Dube, who were part of another Zimbabwean group that was kidnapped. The group of seven Zimbabweans were arrested and detained at various police stations between November 2010 and 2011 and sent to Zimbabwe, where Nyoni and Dube were allegedly killed by Zimbabwean police after being handed over. Last month Gauteng Hawks boss Major-General Shadrack Sibiyi was fired after he was found guilty of gross misconduct for his involvement in the rendition saga.” (The Mercury (18 September 2015) *Senior officer kidnapped Zimbabweans*)

A report from the Associated Press Online states:

“South African prosecutors have charged former high-ranking police officials over the illegal rendition of seven Zimbabwean immigrants. National Prosecuting Authority spokesman Luvuyo Mfaku said Saturday three former members of the Directorate for Priority Crime Investigation were charged with kidnapping and defeating the ends of justice over the illegal arrest and deportation of the immigrants in November 2010 and January 2011. The African News Agency reported that the South African police worked with their Zimbabwean counterparts to trace, arrest and deport the immigrants, some of whom later died in Zimbabwean police custody.” (Associated Press Online (20 February 2016) *SAfrica: Ex-top police charged over rendition of Zimbabweans*)

References:

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