

HONOURABLE T M MASUTHA, MP
MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
SALU BUILDING, 316 THABO
SEHUME STREET
PRETORIA

23 APRIL 2018

RE: REQUEST TO RE-EVALUATE THE HISTORICAL RECORD FOLLOWING
THE ASSASSINATION OF DR HF VERWOERD

DEAR MINISTER

The death of Prime Minister HF Verwoerd on 6 September 1966 was no doubt a significant event in the history of South Africa and one that would have long term consequences for the people of South Africa. Dr. Verwoerd was killed by Dimitri Tsafendas, a Portuguese national of Greek descent, in the House of Assembly at a time when Tsafendas was employed there as a messenger.

At the trial of Tsafendas in the Cape Supreme Court he was found unfit to stand trial on the ground that he suffered from schizophrenia. The Court found that Tsafendas had no political motive for killing Verwoerd. These conclusions were confirmed by a subsequent Commission of Enquiry. Arising out of this, Tsafendas was declared a State President's patient and was detained first in prison, then in a mental institution until his death in 1999. For most of his incarceration he was subjected to cruel and inhumane treatment by the prison authorities. He died a sad and lonely death in a mental institution.

There were understandable reasons why it was in the interests of the apartheid regime not to seriously dispute that Mr. Tsafendas was schizophrenic and to ignore weighty evidence that he was not mentally ill, but that Mr. Tsafendas's actions were in fact

wholly politically motivated. First, the apartheid regime wished to have people believe that no sane person could kill or even want to kill an outstanding leader as Verwoerd was projected to be. Second, the Minister of Justice and Police, John Vorster, would have been embarrassed that a Communist who had made his strong opposition to apartheid publicly known, passed the security clearance that allowed him to work as a messenger in the House of Assembly and gave him the opportunity to kill Verwoerd. To avoid accountability for this lapse in security, it would have been considered wiser for Vorster and the National Party to portray Tsafendas as an insane person. Third, a full-blown criminal trial would have had the inevitable effect of placing the national and international spotlight on the excesses of the system of apartheid – something the regime of the day would have preferred to avoid.

Consequently, the apartheid regime embarked on a cover-up in which the trial, subsequent Commission of Enquiry and media were carefully orchestrated to present Tsafendas as an insane person. This succeeded to a large measure as the dominant discourse that emerged and still prevails is that Mr. Tsafendas was mentally ill and his actions were not even remotely political. It is equally understandable that Mr. Tsafendas adopted the correct strategy in which he too feigned insanity. Otherwise he would undoubtedly have been sentenced to death.

A recent study by Harris Dousemetzis of Durham University in England reveals the full extent of the cogent evidence that the regime ignored. It shows convincingly that Mr. Tsafendas was not a schizophrenic who believed that his actions were determined by a tapeworm. In fact, the study compellingly demonstrates that he was a man with a deep social conscience who was bitterly opposed to apartheid and viewed Verwoerd as the prime architect of this policy. Tsafendas told the police after the assassination that he killed Dr. Verwoerd because he was “disgusted with his racial policies” and hoped that “a change of policy would take place.” The killing of Verwoerd was therefore a political assassination and not the act of an insane man.

The study also shows that Tsafendas was a highly politicized person. He was arrested several times in his home country of Mocambique by the Portuguese police for promoting Communism and denouncing colonialism. The Portuguese security police – PIDE – had a file on Tsafendas dating back to 1938, when he was twenty years old, and kept a careful watch over him when he was exiled for twelve years from Mocambique on account of his political activities. He fought in the Greek civil war

with the Communists and he was imprisoned in Portugal for his pro-Communist and anti-colonialist activities. In London he became a member of the British anti-apartheid movement and associated with Tennyson Makiwane, the ANC's representative in England. He was a member of the South African Communist Party from 1937 to 1942 and was later refused admission to South Africa for this reason. Shortly before the killing of Verwoerd, Tsafendas characterized a possible assassination of Dr. Verwoerd as morally justifiable on grounds that he was a dictator and a tyrant who oppressed his people. Tsafendas repeated this notion about thirty years later while he was at a psychiatric hospital. These are but some features of the study all of which are fully substantiated. They powerfully militate against the conclusion that the actions of Tsafendas on 6 September 1966 were those of an individual ignorant of the scope and consequences of his actions.

The study by Dousemetzis is painstakingly thorough and is based on an examination of some 12,000 pages of documents in the South African National Archives, as well as those of Portugal and the United Kingdom. It is supported by interviews with 137 persons, sixty-nine of whom knew Tsafendas personally. The study collaborated closely with several relevant South African and international legal experts, including the signatories to this letter. We are in full agreement with the study, the conclusions it reaches as well as the reasons advanced in support of it.

In addition, a wide spread of experts in fields relevant to this research were also contacted on an ongoing basis, including lawyers, judges, psychologists, psychiatrists, academics, retired high-ranking police officers and former secret agents. Further, to examine the diagnosis of schizophrenia, the study collaborated closely with the forensic psychiatrist, Professor Tuviah Zabow, the former head of the forensic psychiatry unit at Valkenberg Hospital, former Professor of Psychiatry at the University of Cape Town and chairman of the College of Psychiatrists of South Africa.

The study also consulted with the following noted psychiatrists and psychologists: Professor Alban Burke, Head of the Department of Psychology at the University of Johannesburg; Professor Kirk Heilbrun, forensic psychologist and Professor of Psychology at Drexler University, USA; Professor Phillip Resnick, forensic psychiatrist and Director of the Division of Forensic Psychiatry at Case Western Reserve University School of Medicine in Cleveland, Ohio, USA, and Professor

Robert L. Sadoff, clinical Professor of Psychiatry and Director of the Center for Studies in Social-Legal Psychiatry at the University of Pennsylvania, former president of the American Academy of Psychiatry and the Law as well as of the American Board of Forensic Psychiatry. Collectively they represent some of the best minds in the field of psychiatry and psychology.

This overview is provided both as a glimpse into the study and how it was conducted as well as to disavow any notion that the study is anything other than a carefully considered and well researched body of work on a matter of great significance to South Africa.

We are also convinced that much of this evidence was available to the state. In the normal course and had not the insanity plea and finding suited the regime's purposes, it would have challenged the insanity plea. Our experience is that the state has never yet so docilely accepted an insanity plea without more in a case in which absent insanity, the crime would have been vicious murder without extenuating circumstances if not treason.

At present South African history records Tsafendas as the insane killer of Dr. Verwoerd who had no political motive for his act. This is as inadequate as it is incorrect and this is borne out by the study.

South African history, in proper recognition of the generations who preceded us as well as those to come, should record in its annals an accurate account of the killing of Dr. Verwoerd which recognizes that Tsafendas was motivated to kill him by reason of his deep opposition to apartheid and was indeed a freedom fighter and a hero. This must be acknowledged by a revision and a correction of this event in history. This is necessary in order that what occurred is properly recorded and that the distortion of it by the apartheid government is laid bare. It is not about being vindictive or vengeful but simply about recording our painful history with the accuracy that our commitment to the truth and reconciliation requires.

In our submission the study is so thoroughly and painstakingly done that we would have no hesitation in recommending that the Minister may well accept its findings and conclusions and act thereon. On the other hand, we fully accept and understand that the Minister may wish to subject the study to an independent assessment. We hardly seek to be prescriptive in this regard. What is of interest to us is the course of action

that the South African government, once it is satisfied with regard to the study and its findings, may elect to take. Again this area falls squarely within the discretion of the government as advised by the Minister but may we suggest a few options for consideration and they would include :-

- a) A public acknowledgement of the acceptance of the study and its findings.
- b) The appropriate steps to revise the curriculum of schools and other institutions of learning to correct the teaching and learning of the killing of Verwoerd.

This is not an exhaustive list of possible actions but are merely suggestions and we remain willing to work with you and the government on these.

Finally, in order to assist you in this process, we attach a copy of the report by Mr. Dousemetzis. We are confident that you will find that it raises a convincing case for a re-evaluation of the death of Dr. HF Verwoerd. Mr. Dousemetzis has indicated his willingness and availability to assist by way of clarification, if required, of any matter dealt with in the research undertaken by him.

Kindly acknowledge receipt and do advise us of your consideration at your earliest convenience.

Yours sincerely

Advocate George Bizos

Professor John Dugard

Mr Krish Govender

Advocate Dumisa Ntsebeza

Judge Zak Yacoob

Advocate George Bizos

George Bizos

Professor John Dugard

John Dugard

Mr. Krish Govender

Krish Govender

Advocate Dumisa Ntsebeza

Dumisa Ntsebeza

Judge Zak Yacoob

Zak Yacoob
