

Justice delayed is justice denied for slain dad



This is Michael Thomson. Father of three, beloved husband, cherished son - and victim of the Razor Gang. His shattered family have been waiting for four years for his alleged killers to be brought to court. This is the story of their pain, frustration and fight for justice



PERSISTENT: Diana and Brian Thomson tell The Star how, four years since their son Michael's murder, they are still awaiting justice.

PICTURES: ZIHOONKE LISIABA

CANDICE BAILEY

HIS POOL was flooding. The rain wasn't letting up. Michael Thomson opened the French doors of his bedroom and walked out onto the wet deck to sort out the problem.

Instead the 39-year-old walked into four armed men who had jumped over his neighbour's wall.

They attacked.

The first shot hit Michael in the torso.

He fought back, disarming the robber and throwing him to the floor. He threw a second man into the pool. He jumped in after him in an attempt to drown him. The robber, armed with a sawed-off shotgun, fought back. He stabbed Michael 14 times.

The other two intruders had entered his home.

While Michael fought the robber in the pool, the first thing got to his feet and fired a shot. The father of three was shot in the back of the head.

They left him there and joined their colleagues inside the Craighall Park house. With guns against the heads of Michael's wife and 11-year-

A constant reminder of her loss.

Nearly four years since her son was killed, his alleged killers are not yet in the dock. And the family has been torn apart, with three of her grandchildren now living hundreds of kilometres away. They moved to escape their trauma.

Yet they still have to remember each sequence of September 27.

Michael's wife cannot move on, waiting for the moment she has to drop her new life in Pieterburg Bay to head back to Joburg to testify as the main witness in the case.

Despite the advice of a private investigator, a retired magistrate, police and prosecutors, and dozens of court appearances, there is still no final judgment on Michael's alleged killers.

"My question is: Why is it taking so long? Why?" Diana asks herself every day.

To her and her family, it's indicative of the incompetence that has plagued the case since the start.

That September of Michael's death, they formed a trust so that his

being found at the house, police officers stepping all over the crime scene. The need for proper forensics was apparent.

The family teamed up with The DNA Project, which works with Parliament to get legislation around the use of DNA to strengthen court cases. It's the only good thing that has come out of her son's death, says Diana.

Progress in the investigation gave the family some relief.

Five months after Michael's death, when police were called to quell a fight

arrest happened. We thought, it's just a couple of weeks before they will be in court and we will get on with it. What a joke.

By the end of that February, police had assembled 22 cases against the Razor Gang. Prosecutors planned to combine the cases into one big docket. "I objected to that, saying surely that was crazy."

But Diana's fears were ignored. There were legal aid postponements, one after the next. Months later, prosecutors broke the cases up again, causing more delays.

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approved the trust since the start.

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What police say

SANDTON police spokeswoman Captain Kym Cloete said there were outstanding queries for the investigating officer to finalise in Michael Thomson's murder case.

The queries have to be resolved and Cloete confirms that there is a date

attached to it.

"The docket needs to be returned to the DPP," said Cloete.

She confirmed that there were 15 cases in total, but said she could not release victims' details without consent.

What prosecution says

ADVOCATE Kholeka Gcaleka, senior deputy director of the South Gauteng division, said Michael Thomson's case had been referred to the DPP's office for a decision.

"This matter is being dealt with," she said.

"There are several outstanding investigations that the investigating officer is dealing with. After completion, a decision will then be taken."

She confirmed that there were 15 cases to which the Razor Gang was linked. These cases are in court.

"I can confirm that there is a matter in Wynberg Magistrate's Court of the State v George Nyembe

would not be in vain.

"We were determined that some good would come from this. We were also horrified that when the police came to the scene, there was such a lack of forensic expertise," she says.

Among their horrors were how police insisted on getting the fine department to lift Michael's body out of the pool. Fingerprints being taken only four days later, unused cartridges

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and three others.

"It is in this matter where two victims have emigrated. This does not affect the whole case but only the two counts where these victims are involved."

"This matter is proceeding in August for further evidence."

Explaining the prosecuting authority's logic behind combining the cases and later separating them, Gcaleka said: "The cases were separated because the investigations were not in the same stages, some were ready for court and others not."

"And those that were not had to be referred for further investigations, while the others were taken to court."

at a home in Alexandra, the parents saw the first breakthrough in their son's murder case.

One of the men was found in possession of Michael's gun, and led police to a house where they found several more guns.

The man had been out on bail for robbery at the time of Michael's death.

"We were very relieved when the

ments, one after the next. Months later, prosecutors broke the cases up again, causing more delays.

The family had not attended any court cases. They have wanted to avoid the men until the end.

"We had a retired magistrate to help us find out what's happening with the case. He expedited the case and he got it on the roll. We thought we had someone on our side. But just as soon as he arrived, he disappeared and we never heard a word from him since."

And then the men escaped from prison. "We were angry. But what could we do?"

When police caught the men, there was another glimmer of hope.

About a year ago they heard another Razor Gang victim, Bronwyn Patterson, talking on radio about her problems with the delays in the case.

"We thought we could pool our resources. But that didn't work."

Then they were told that Michael's case was going to the High Court. Another moment of hope flashed for the family.

"But when the case was brought to the High Court, the advocate sent it back to police, saying he didn't think the evidence was sufficiently prepared," she says.

Six months ago, two policemen visited the family in Pieterburg Bay to go over their statements.

"That's when we thought we were getting somewhere."

But still no news. "We have no court date. We still know nothing. We are frustrated, more than anything. It's also very frustrating for the police, who did a fine job. I'm voicing my disapproval until I'm told there's no hope," Diana says.

"The pain never goes away. I can tell you that. Never. Things have never been the same. I will never forgive them for taking Michael's life. I will try to make good come of it."

'They've torn us apart'

DETERMINED for some good to come of Michael Thomson's death, his family and his employers, Computshare, formed the Michael Thomson Change a Life Trust.

One of its main beneficiaries is The DNA Project. There is now an annual cycle challenge to raise money for the fund, where people like the MDs of the JSE

and of Nedbank take part.

To date, the fund has raised more than R11 million.

Thomson's mom Diana also raises funds hosting shows at The Barnyard Theatre.

"We are proudly South African. We have no allegiance to any other country. We vowed we would stay and make it work. It doesn't make us happy, that the

legal system is in such chaos.

"All I want is the court case to happen so that they can be put in a proper jail where they can't escape. It won't bring Michael back but at least we will stop it from happening to someone else. They have no idea what they've done to our family. They have torn us apart," she says.

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Cellphone companies slow to comply with CPA

CONSUMER NEWS

THE CONSUMER commissioner believes cellphone companies are getting a raw deal from cellphone companies and has ordered them to change their contracts.

Mamodupi Mshahla said the commissioner had found the networks were not complying with aspects of the Consumer Protection Act.

She said suppliers had changed their terms and conditions unilaterally and had reneged on a promise to keep pre-paid vouchers valid for three years. Consumers were also unable to cancel their contracts before the term's expiry, on a 20-day notice period because suppliers required one to three months' notice of cancellation.

On the other hand, consumers were at the mercy of suppliers when they wanted to replace unsafe or defective goods.

Cell C and Vodacom have indicated they were rewording their contracts to reflect the changes that Mshahla wants but have declined to elaborate.

Mshahla said they were still engaging with the commissioner on the matter.

"We will continue to do so in order to find an amicable solution that will be in the best interests of the parties concerned," Mshahla said.

Robert Mazonza said:

Cell C and Vodacom have admitted to using complicated language in their contracts, which is in breach of the CPA.

Cell C's Graham Mackintosh said they had reworded their subscriber agreements and its terms and conditions to reflect the CPA's provisions even before its implementation. He said they had simplified the

contract and had reworded it in plain and understandable language. They are also in the process of changing the layout of bills to reflect the outstanding amount that consumers owe on their handsets.

"The reworded subscriber agreement is easy to read and consumer-friendly while focusing on the consumer rights contained in the CPA to ensure that those rights are reflected in the subscriber agreement."

Perris Murore of Vodacom admitted that they were guilty of not using simple language in their contracts.

"Our key changes include simpler language and the highlighting of material terms and conditions.

"The final amendments are being made and will comply with the requirements of the act," Murore said.