

Just desserts

Jon Huggett

2003

The murder was brutal. The killers beat Lot savagely in his home at midnight and stabbed him many times in the chest with a vegetable knife. Their choice of weapon suggested that the murder was not premeditated. But they intended to kill. They hid his body beneath a bed and drove off in his blue VW and anything they could cram into it, including his phone, hi-fi, computer and clothes.

A dinner guest probably killed him. There were no signs of forcible entry. In the kitchen sink were three dinner plates, three wine glasses, and an empty 5-litre bottle of wine. Lot had only said that he was cooking dinner with “two friends” when his colleague Musa had phoned at 8:30pm.

Three hours later, Lot was still alive. At 11:23pm Winston Modise called to ask for a lift home. His car had broken down. Lot told Winston that he’d pick him up in a few minutes and left a note for someone saying “I’ll be back in 15 minutes”. Winston waited and waited, shivering in the cold drizzle. He returned inside to call again but Lot’s phone was off.

Lot did not normally stand friends up, nor leave his cell-phone off. Winston sensed that something was wrong and walked to Lot’s house. Lights were left on but no one was in. The front door was open, although the steel gate in front had been locked.

Concerned, he went to the police, who returned with him to investigate. As they arrived, ‘Shakes’ Mokgosi, Lot’s housemate, was returning from his mother’s place in Soweto.

Shakes immediately saw evidence of a burglary. Stuff was strewn around. The hi-fi was missing. Clothes were gone. He noticed that his bed had been moved. Looking beneath, he found Lot’s battered body.

The word of Lot’s murder travelled fast. Friends in Johannesburg got the message around the world, even though Lot’s diary, cell-phone and computer had all been stolen.

Lot Lephatsi Sopeng had flourished in the new South Africa. Born in 1967 in Alexandra, a poor part of Johannesburg, he received the second-class education reserved for blacks by the apartheid regime. But he rose to become an international executive with Munich Re, one of the biggest reinsurance companies in the world. On the way, he had earned a diploma in nursing, worked in Baragwanath, the main hospital in Soweto, and was completing a degree in psychology just as he was killed. He was fluent in no fewer than seven languages.

Lot’s taste for clothes combined with partial colour blindness had created some striking outfits. He relished travel, good food and adventure. His last letter to me, days before he died, told of his recent travels to Kenya, Ethiopia, Rwanda and the Seychelles. He complained about crime after his cell-phone was stolen in Kenya. But it gave him the excuse to get a smart new blue Ericcson.

An incurable extrovert, Lot brought people together. His adventures were with people, and friends included Mandela’s grandson Ntsika, Angolan refugees and me, a white foreigner.

He loved living in Yeoville, a funky, mixed part of Johannesburg. Originally reserved for whites, the end of apartheid put the neighborhood on a journey of transformation. In the 80s it acquired a bohemian air. Artists and liberals moved in. Danny Berger, a lawyer and Lot's landlord, recalls protesting the 'whites only' rule at Yeoville Swimming Pool in 1986. In the 90s, newly free and prosperous blacks arrived. Lot loved to invite friends for dinner to his hundred-year old home with wooden floors and mouldings. And that was how he died.

But at first, the police did not pursue case 339/09 vigorously. They did a cursory search but messed up fingerprints on the wine glasses. Despite Winston's exhortations they did not take cigarette butts for DNA testing. Lot and Shakes rarely smoked.

About 40% of murders in Johannesburg go unsolved. Police are overstretched and mistrusted – a legacy of apartheid. The city has reputation for being the murder capital of the world. About one person in 800 gets murdered in Johannesburg each year, a rate 80 times London, 17 times New York, over double Washington and higher than Gary, Indiana, the murder capital of the USA. The South African Police Service web site lamely points out that Diadem, a part of São Paulo, Brazil has a 10% higher murder rate.

The case might have rested there but for some extraordinary collaboration. Lot's wide circle of friends, in places high and low, tried to track his killers, and pushed the investigation through the streets of Johannesburg to the courthouse.

There is a saying in Tswana, Lot's first language, that a human being is hard: "Motho o thata". Metaphorically, it means that you can kill the flesh, but you can't kill the spirit. Lot's spirit was his friendships, which came to haunt his killers.

Edwin Cameron, the only openly gay judge on the Supreme Court of South Africa, knew Winston and Lot. On hearing of Lot's death, and the meagre interest shown by the police, he weighed in and insisted that a top detective be assigned. A month after the murder, Inspector van der Walt of the Brixton Murder & Robbery Squad, the top murder investigation unit in the world's murder capital, started hunting for Lot's killer.

The crucial lead was Lot's cell-phone. Phone company records told a disturbing story. Someone had used Lot's phone at 7:20am on September 17, just a few hours after his death. And, it was still in use, now with a different SIM card.

The inspector called the number and met the current user, a nice well-dressed lady. Horrified of the purpose of his visit, she showed him the receipts for both her SIM card and the phone. She led the detective to Dudu Nyanga, a handsome Angolan who had sold her the phone.

Was he connected to Lot's death? On the spot, Dudu denied selling the cell-phone. But the next day he made a statement that he had sold the phone. He claimed that he had bought it from a man called Misha 'sometime midweek'.

Phone records showed that the receipt given by Dudu was a forgery. But the evidence so far did not prove that Dudu was the killer. When the case first went to court, prosecutor Simelane asked for time to gather more evidence.

However, the police were drawing blanks. Then a new lead came from a chance meeting with an old friend.

Winston and Lot used to hang together around Johannesburg, sometimes in the roughest parts of the city. They had many friends in common. Returning from a discussion with Simelane, Winston was frustrated the lack of progress, and frankly feeling a bit depressed. His architectural business was in trouble and he missed Lot. He went for a drink.

As luck would have it, he ran into an old mutual acquaintance, Checko, a refugee from Congo. He asked why Winston was so sad, and listened to the sorry tale. He asked when Lot had been killed and shuddered at how soon it had been after their last meeting. Checko and Lot had been drinking that Saturday until Lot had left at 8pm for an appointment at home.

But, he reflected, and began to put two and two together. Checko had been living in a squat at the time, just a couple of blocks from Lot's house. Fellow squatters had told of an argument that night over the spoils of a robbery. Checko led Winston to the derelict house, full of immigrants from central Africa, crammed ten to a room. They saw enough to tell Inspector van der Walt.

The police raided at dawn and arrested Francisco Dos Santos for the theft of a pair of shoes. Shakes verified that the shoes had been his.

Dos Santos' evidence proved crucial. He remembered being awoken at about 1am on September 17, 2000, about an hour after Lot's death. "Dudu" and "Misha" were arguing over property that matched what had been stolen from Lot and Shakes. He told how Dudu took Lot's blue Ericsson phone and gave Misha his old Motorola.

Dudu Nyanga finally came to trial on July 29, 2002. As Lot's friends gathered at the back of the court, we remarked that Lot was again bringing us together, even in death. His family was there from Johannesburg and the village of Bapong. His friends included young and old, rich and poor, black and white, and gay and straight.

In court, Dos Santos identified Dudu, but believed that Misha had fled to Angola. Dudu denied that he had anything to do with the murder, insisting that he had bought the phone from Misha, but spat "Misha is not my friend".

Dudu's complicated stories were implausible, and he contradicted himself. He implied that every other witness was a liar and denied that he had been at the squat that morning of September 17. But he agreed that he had given Misha his old Motorola.

The evidence was pointing to Dudu and Misha as Lot's killers. There were three dinner plates and three wine glasses at Lot's house, suggesting that Lot had had only two guests. Lot's mother thought she recognized Dudu, but could not swear. Checko remembered seeing Lot and Dudu together occasionally for two years before Lot's death. Winston recalled Lot mentioning Misha.

Misha's name also emerged from some detective work by George Msezane, another old friend of Lot. George was a regular at Skyline in Hillbrow, Johannesburg's first gay bar, and had worked as a bouncer there before spending a little time in prison. He knew Edwin Cameron and many in the community. In court he chatted with a policeman he knew guarding Dudu before the judge arrived one morning. The cop joked that when he had fetched Dudu from his cell that morning, he'd found him praying for forgiveness.

George spoke with Dudu in the dock. His description of Misha fit with someone he had met in Shaft a couple of months before, the only gay bar in Johannesburg with an even racial mix. However George had been with an Australian friend who recognised Misha as someone who had once robbed him. Cool heads had averted a fight. During the trial, George went to Olivia Street, frequented by Angolans, in a part of Johannesburg described by a US journalist as 'the most dangerous place in the world outside a war zone, and worse than most war zones'. But Misha had gone.

Separately, Checko heard rumours that Misha had returned to Johannesburg from Angola at the same time that George had seen him, but that he had left again.

We were all becoming convinced that Dudu and Misha had killed Lot. Dudu's lying made us more sure. If he was not guilty, why was he telling such obvious lies? What greater crime than murder could he be trying to cover up?

But did Advocate Simelane have enough evidence to convict? Simelane heard all of our hypotheses, stories and rumours carefully. He listened to all of Lot's friends equally, from Merafe, the lawyer, or George, the ex-convict. He was confident that we had the killer in the dock. But he still had to prove that Dudu had been there that night.

Simelane went back to the phone records and found that Dudu's girlfriend had called him just before Lot's murder on his old Motorola phone and then again the next day on Lot's Ericsson. In court she confirmed that she had been calling Dudu.

Simelane had blown Dudu's story that he had bought the phone and SIM card from Misha 'sometime midweek'.

The accused panicked and recalled his counsel, Advocate Machaba, who returned to present closing arguments. Ironically, they referred to an article written by Judge Edwin Cameron.

Judge Borchers took three hours to sum up the case after eight days of evidence. A translator retold it laboriously in Portuguese for Dudu, even though he understood English. The judge had treated all witnesses with the greatest respect.

But the judge's charm concealed a steely and decisive mind. She and the bench (there are no jury trials in South Africa) found him guilty on both charges: murder and armed robbery. While there was no witness to the crime, she could find no other reasonable explanation for Dudu's movements. All of the states' evidence was consistent. The robbery after the murder betrayed the killers' intent. Dudu's lying in court destroyed his credibility.

The final outrage came on the day of sentencing. Dudu arrived in court wearing one of Lot's shirts. Family and friends were left wondering whether he was wearing it as a trophy, or if he had simply forgotten where he'd picked it up. Either way, it was fateful.

He was sentenced to the maximum: life in prison for murder, plus 15 years for armed robbery. Life in prison in South Africa is 35 years. Parole is unlikely for a man at risk of fleeing to Angola. Escape is difficult. If he survives, he will be over 60 when he gets out.

South African prisons crowd 30-35 to a cell. Gangs rule and rape is commonplace. 75% of inmates in Johannesburg Central Prison are estimated to be HIV positive. Some men suffer the 'slow puncture' – rape by someone with HIV specifically to infect them. As a handsome young man, gang bosses will seek him as a 'wyfie'. George commented that his smoking habit might not survive prison, as the only way to get cigarettes will be to 'trade'.

One of Lot's killers was caught, but is Jo'burg safer? Misha is still at large. He will probably come back and may kill again. At least people are now on the lookout.

And the cycle of violence continues. During Dudu's trial, there was another murder in Hillbrow. A taxi driver argued with two female prostitutes then went to a bar to borrow a hammer and returned to attack. He was caught two days later sitting at his usual taxi rank. It is not that different from my first morning in South Africa in 1994, when, staying in Hillbrow, I heard someone getting shot and killed.

The following January in Cape Town a number of gay men were killed at Sizzlers, a brothel, probably in the crossfire of a drug turf war.

Some of the facts of Lot's murder, such as the motive, are still not clear. Those of us who knew Lot have speculated on what might have happened that Saturday night. Not long before he was killed, he had joked "I do seem to be cornering the market in psychopaths!" Lot probably invited Dudu and Misha to dinner, not suspecting their intent to steal. After lots of wine, they all fell asleep until Winston called. Lot awoke and interrupted the ransackers, who then killed him with the nearest implement.

We don't think it was a hate crime. Johannesburg is a dangerous city but homophobic violence is not common. None of my black friends in South Africa can recall an incident of gay bashing in high school or in the townships. As one friend asked "Why would a straight man want to show his insecurity by attacking a gay man?" Quite. He was shocked that I had been bashed in high school in the generally less violent suburbs of Britain.

The conviction of Lot's killers was a victory for collaboration between white and black gay folks in Johannesburg. The community is still quite segregated a decade after the fall of apartheid. Bars in the well-guarded "Gay Heartland" are overwhelmingly white. Each of my black friends has been refused entry at one time or another, as "tonight is members' night". No one has ever seen a membership card.

Lot would have appreciated the diversity of the team that brought his killer to justice. Judge Cameron prodded the police to take the case seriously. Others found evidence through people they knew and on the street. Inspector van der Walt assembled the case that convicted the killer. And without Advocate Simelane's relentless prosecution, the killer still might have got off. A spirit can fight back!

Even after the trial, Lot still brought us together. The Saturday after the sentencing we gathered, cooked a feast, lit a candle for Lot and played his favourite track – Luther Vandross' "I can make it better". Then George led us to some sketchy bars in Hillbrow where the beer was cheap, the music superb and the men ambiguous. Lot was there in spirit!