

Timols to sue State for R10 000

By RAND DAVY, MAIL SA1, WARCOT 25, 1972.

STAFF REPORTER

THE PARENTS of Mr. Ahmed Timol, the 30-year-old teacher who fell to his death from a 10th floor window at John Vorster Square, Johannesburg, on October 27 while in Security Police detention, intend suing the Minister of Police and the Chief of the Security Police in Johannesburg for R10 000.

Last night Mr. and Mrs. Yusuf Timol, of Roodepoort, made the following statement through their attorneys, Mr. M. S. H. Cachalia and Mr. M. A. Loonat:

"A notice addressed to the Minister of Police and Colonel P. Greyling, chief of the Security Police, Johannesburg, has been served by our attorneys in respect of damages in the sum of R10 000 arising from the death of our son, Ahmed Timol, while in police custody. "Details of the claim will be disclosed in the appropriate court in due course."

Notice of a similar action for R10 000 was served on the same Minister and Colonel Greyling last week by attorneys acting for Mr. Ismail Essop, father of the former Terrorism Act detainee Mr. Mohamed Essop, 21. The action in this case arises out of the treatment of Mr. Essop while in the custody of the Security Police.

Both Mr. Timol and Mr. Essop were reported to have been detained after being stopped at a road block near West Park Cemetery, Johannesburg, in the early hours of Saturday, October 23.

Mr. Ahmed Timol died on October 27 — the fifth day of his incommunicado detention, under the Terrorism Act.

CUSTODY UNTIL MAY 8

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tions, which might induce the attorney general to consent to the detainees being released on bail, could be made.

"I wish to inform the court that the accused have been held incommunicado and have not been seen by their families or legal representatives. Contact was made only half-an-hour ago," said Mr Bizos.

The magistrate granted the State's application for the accused to be remanded until May 8.

He said if the attorney general agreed to grant bail, the accused could be brought before a magistrate at any time for the amount of bail to be fixed. He therefore overruled the defence's objections to the postponement.

Previously Mr N. Kades (for Mrs Desai), said his client had been in custody since October 23 last year. The State had applied for a two-month postponement, after which the accused would still clearly not be brought to trial.

Mr I. Mahomed (for Mr Moody) said his client, a lecturer in pharmacy at the University College in Durban, had been "in uninterrupted detention" with other people since October 23 last year.

He said that, regardless of what the attorney general decided, and even if no bail were

granted, the magistrate still had to consider the length of the remand.

"It would mean the accused being in custody for a year before the trial begins, if the application for remand is granted," he said.

Mr von Lieres said the remand date had nothing to do with the attorney general. "It is for the defence to make representations to him and for him to make a decision in terms of these.

"The reason for the remand until May 8 is that the case cannot appear before court because the prosecuting advocates will be involved in a terrorism trial beginning on March 20," Mr von Lieres said.

Mr Bizos said the non-availability of prosecutors was not a good ground for such a long remand. Mr Mahomed agreed and said the court must consider prejudice to the accused and the interests of

justice if the postponement were granted.

Four detainees had been ordered by the attorney general.

He asked the magistrate, Mr B. J. Snyman, to postpone the hearing until May 8 to the Magistrate's Court.

He said Mr Essack, the Durban student, had appeared in court in February and asked that he be joined with the other accused.

REPRESENTATIONS

Mr Lieres said that in terms of the Terrorism Act none of the accused could be granted bail without the consent of the attorney general. Such consent had not been given.

Mr G. Bizos, representing Mr Essop, objected to the hearing being postponed until May 8, and asked that instead it be adjourned to March 14.

Mr Bizos said this request was made so that representa-

Essop's parents express relief

SUNDAY TIMES REPORTER

MR. AND MRS. ISMAIL ESSOP expressed their relief this week after the Pretoria Supreme Court had confirmed an order restraining the Security Police from assaulting, unlawfully interrogating or applying undue pressure on their detained son, Mr. Mohammed Salim Essop.

"We know this will mean a lot to Mohammed," said Mr. Essop. "It will make him feel more secure."

"We are hoping that as a result of the court order our son and the other detainees will either be released, or brought to court sooner," he said.

Mr. Justice Theron (Mr. Jus-

time Marais concurring) rejected some of the evidence of the Witwatersrand Security Police Chief, Colonel P. J. Greyling.

Mr. Justice Marais awarded costs to Mr. Ismail Essop, who applied for the order. The judge refused an application for attorney-client costs.

Shortly after the ruling, the Commissioner of Police, General G. J. Joubert, announced that an appeal would be lodged.

He said in a statement: "I have taken cognisance of the ruling of the Transvaal Provincial Division of the Supreme Court in the Essop case and have instructed counsel for the department to lodge an appeal against the ruling."

ser, said he was satisfied Ngudle had died by hanging; he had found no other