

Both Prof. Koch and Dr.

...a lot of money. This evidence would be third-hand. It would be evidence of what the

other," the magistrate said. Mr. Maisels said that he would "certainly make my remarks as objective as possible." Mr. De Villiers: I am not trying to dictate to you, but you have been on the Bench yourself in Rhodesia.

At the start of proceedings yesterday Mr. Maisels said he had studied the authorities on hyperplasia given to him the day before by Professor H. van P. Koch, the pathologist assisting the police. He asked Prof. Koch if he would agree with him that a student who did not know the difference between hypertrophy and hyperplasia would be failed by any examiner. Prof. Koch agreed.

Mr. Maisels then questioned Prof. Koch on each of the references given by him. He agreed with Mr. Maisel that many of these passages did not actually refer to hyperplasia.

Mr. Maisels said that "not a single one of the reference support what you have said."

After extensive cross-examination of Prof. Koch, he asked "What are you here for? I am your role that of a witness, or are you here to justify thesis?"

Prof. Koch agreed with Mr. Maisels that several of the passages referred to by him dealt not with hyperplasia but with hypertrophy.

"I was only trying to indicate by these references that there is such a thing as hyperplasia," he said.

Mr. Maisels said he would indicate that in none of the passages was there any support for Prof. Koch's definition of hyperplasia.

Prof. Koch said he had only quoted these references to prove there "was such a thing as hyperplasia". He attached no value to the findings by the authors quoted about the age of the wounds.

Mr. Maisels: The passages which say you can get hyperplasia are good — the parts giving the age are not good?

Prof. Koch said he differed from those authors because they dealt with donor sites and he with abrasions.

Questioned by Prof. Simson, he agreed "there is basically no difference".

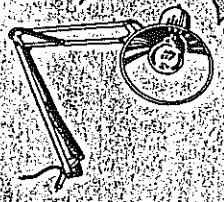
The injuries could have been caused by a blunt instrument, Prof. Koch said. It was also possible that Mr. Timol had "bumped himself on the corner of a wall" or that he had fallen on protruding stones in a rocky place.

A colleague of Mr. Timol at the Roodepoort State Indian High School, Mr. Abdul Sahmed Essack, told the court he had spoken to Mr. Timol on the day of his arrest. He did not appear to have injuries or pain and did not complain, he said.

Mr. I. A. Maisels, QC, and Mr. G. A. Bizos, instructed by Cachalia and Loonat, appeared for the Timol family. Mr. S. A. Cilliers, instructed by the State Attorney, appeared for the police. Mr. J. J. L. de Villiers was the presiding magistrate. Mr. A. Beukes led the evidence.

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Timol counsels' inquest poles

STAFF REPORTER

THE FINDING in the Timol inquest will be given on Thursday, the presiding magistrate, Mr. J. J. L. de Villiers, said yesterday at the conclusion of the addresses by counsel for the Timol family and for the police.

Counsel for the Timol family, Mr. I. A. Maisels, QC, asked the court to return a finding that it was unable to say whether the death had been brought about by any act or omission on the part of any person.

Mr. S. A. Cilliers, for the police, asked the magistrate to find that death was not due to an act or omission by any body.

The inquest, held in the Johannesburg Regional Court, was a sequel to the death of a 30-year-old Rodepoort school-teacher, Mr. Ahmed Timol, who fell to his death from the 10th floor of John Vorster Square in October last year.

Mr. Maisels said that at an inquest it was the duty of the magistrate to make a finding as to the identity of the deceased, to the date of death, the cause of death and whether the death had been brought about by any act or omission on the part of any person.

The only question at issue was whether the evidence showed that death had been brought about by an act or omission on the part of any body.

He was not asking the court to find that Mr. Timol was pushed or thrown out of the window; only that it could not say how he came to fall out of the window.

He would suggest that the court approach the evidence of Sergeant Joao Rodrigues, the

told how something happened. But Sgt. Rodrigues contradicted himself.

Statements made by him on the day of Mr. Timol's death were "quite inconsistent" with evidence given by him in court and in an affidavit he had made.

Sgt. Rodrigues made a statement to Brigadier C. W. St. J. Pattle immediately after Mr. Timol died. Brig. Pattle had told the court about that statement.

The Brigadier could have made a mistake, Mr. Maisels said, but Sgt. Rodrigues had made the report not only to Brig. Pattle but also to Brig. Alwyn Burger and Col. P. Greyling.

Col. Greyling had sat in court throughout the proceedings, and had not given evidence, Mr. Maisels said.

The inference had to be that they had heard the same report as Brig. Pattle, he said.

There was "a remarkable similarity" between this report by Sgt. Rodrigues and a report which had appeared in the Afrikaans Sunday paper, Rapport, the following Sunday, he said.

On Brig. Pattle's version it was perhaps possible that Mr. Timol could not be grabbed.

On Brig. Pattle's version it was possible Mr. Timol could

inquest poles

keep in mind that two different stories were told. They were completely contradictory.

Major-General C. A. Buys, before he was unfortunately taken ill, had said he had not asked Brig. Pattle what it was that Sgt. Rodrigues had told him.

One would have expected two senior police officers investigating a serious matter, about which there had been a great deal of publicity, to have discussed this, Mr. Maisels said. A man had died in police custody, but this "most elementary investigation" was not carried out.

These facts should make the court approach the police evidence as a whole with caution.

"In my day, one took a statement from a witness as soon as one could," Mr. Maisels said. "It is quite inexplicable that no written statement was taken from the man on the spot, Sgt. Rodrigues, before November 11 — a fortnight after the occurrence.

"It is not as though during those 14 days the police were so busy they could not get down to it. If Your Worship should examine the investigation you will see that

"Why is it suggested that Mr. Timol dived out of the window to commit suicide? If I have not misunderstood the police evidence, the first suggestion was that it was the custom of communists to commit suicide when in custody," Mr. Maisels said.

A second reason was given. According to the police, Mr. Timol had been co-operative in every respect, except when shielding other people. He had been reconciled to a long sentence, but had been comforted by a police officer who said he might only get six years. Yet he dived through the window.

Mr. Maisels said the reason given for this was that a Mr. X had come in and had said something about three people, Jacobsen, Martin and Henry, which caused great alarm to Mr. Timol.

All the affidavits by police officers in which Jacobsen's name was mentioned were taken after Jacobsen was arrested.

With the police's large scope for investigation, and the large number of people they could interview, one would have expected that some effort would have been made to show, as a