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Timol counsels' inquest plea

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. J. A. Maiseis, 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 anybody.

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. Maiseis said that at an inquest it was the duty of the magistrate to make a finding as to the identity of the deceased, 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 anybody.

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 only person present when Mr. Timol went through the window, in a highly critical way, where a person died in police custody, one would be entitled to expect "at the lowest" a clear and unambiguous explanation of how he had come to die, Mr. Maiseis said. The evidence should be "almost incontestable". One would expect dissimulations when three or more people

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. Maiseis 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. Maiseis 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, *Kapport*, 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 not be caught before jumping through the window. Although it was a very confined space, and allowing for the happy coincidence that the screw on the window was loose, he only had to run round the table, throw the window open and dive through.

It had to be a standing dive, Mr. Maiseis said. Although the story itself was an improbable one, one had to

THE RAND RAILY, Friday, June 16, 1972
Picture by CHRIS WALWYN.

Timol: all that hat fail

now remains is the verdict

By CHRIS DAY
THE EVIDENCE in the Timol inquest is over. Now all that's left is the verdict.

The hearing had moved to Court 11 yesterday in a bid to get a bit of sunlight and warmth. But the cold highveld air could not be kept out.

There was only a handful of spectators and Colonel Piet Greyling, head of the Johannesburg Security Police, sat shivering in a heavy overcoat next to the prosecutor.

"I'm going on holiday soon," he said in his gravel voice at the tea interval. "I'm not taking any chances on catching a cold."

The day — as with the past few days — belonged to the pathologists.

Dr. J. Gluckman, florid, pin-stripe suit, silk pocket handkerchief. Prof. H. Shapiro, tanned face, shock of white hair — looking like Spencer Tracy. Prof. Hieronymus van Praag-Koch, RAF handlebar moustache and Pretoria accent. The assessor, Professor Simson, his young face in complete control as he asked his searching questions.

And then there was counsel. The big, hulking figure of Mr. Issy Maiseis — doyen of the Bar, former Rhodesian judge. For the police, there was Mr. S. A. Cilliers — young, intelligent, aggressive. Mr. George Bizos — plump, the master of the soft-sell. The prosecutor, Mr. A. Benkes, dwarfed by his huge prosecutor's chair, stroking his goatee.

The magistrate, Mr. J. J. L. de Villiers, facing no less than eight people at counsel's table

Keen 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. Maiseis 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. Maiseis 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 diary, you will see that even such persons as the undertaker, whose evidence is of no value," Mr. Maiseis said.

He would suggest the whole approach of the police to the investigation was "pre-conditional".

"How otherwise does one explain the fact that Brig. Pattle was never asked what he was told by Sgt. Rodrigues?"

following:—

ZANINES AND TREATMENT TO

JUNE, 1972.

CONSUM

Attempts by the police to show a connection had, therefore, failed completely. All these objective facts should oblige one to regard the police explanation of the probable cause of Mr. Timol's suicide "with caution and suspicion," Mr. Maiseis said.

He was not going to deal with the demeanour and credibility of witnesses, not even with the "somewhat pathetic performance" of Sgt. Rodrigues when faced with Brig. Pattle's statement. It was significant that there was no statement dated before Jacobson was arrested relating

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