

BY JOHN BATTERSBY

Ahmed Timol, who fell to his death from the 10th floor of police headquarters at John Vorster Square in Johannesburg, might have been thrown alive from the window.

Or his body might have been dumped after he had died under torture.

According to his nephew, Imtiaz Cajee, who is writing a book on the anti-apartheid activist uncle's life, "fascinating new insights and evidence" have come to light. This fol-

## 'New insights' emerge into how Timol died while in police detention

lows exhaustive research since the conclusion of the Truth and Reconciliation Commission.

"Death by torture was an established pattern in a number of celebrated detention cases in those days," said Cajee.

Today is the 32nd anniversary of Timol's death, which made local and international headlines at the time and was the subject of a protest at

the United Nations.

In April 1999, then-president Nelson Mandela renamed the Azaadville Secondary School in Pretoria after Timol, who was a teacher at the Roodepoort Indian High School and was later moved to Azaadville.

Mandela said at the time of the renaming: "What we can say with certainty is that Timol was a brave young man who believed in freedom

and justice and who fought for non-racialism and democracy.

"If he had lived today he would have encouraged the community to be active in the building of the new South Africa and not to sit back and wait for the government to do everything."

Timol left for London in 1966 to stay with his close friends, Essop Pahad, now the minister in the Pres-

idency, and Aziz Pahad, now the deputy foreign minister.

In 1969 he was chosen for political training in the former Soviet Union with a young Thabo Mbeki.

Timol returned to South Africa in 1970 to set up underground structures for the banned SA Communist Party.

Working undetected for more than 20 months, he was arrested at a

police roadblock with banned literature on October 22 1971. Five days later, Timol fell to his death.

Cajee said the police beat up Timol's comrade, Mohamed Salim Essop, so badly that he had to be hospitalised.

"At that time, detainees were held in conditions of total isolation, with no access to family, friends, lawyers or independent doctors.

"The courts were expressly precluded from interfering in detention matters.

"The magisterial inquest found no one responsible for Timol's death and concluded that he had committed suicide," Cajee said.

Timol's mother, Hawa, testified at TRC hearings in 1996 about gruesome marks and bruises on Ahmed's body which could not all be traced to his fall and which experts said were inflicted after his detention.

■ Cajee's book on his uncle's life is due to be published next year.

*Today, a team of international law experts were to ask the Pretoria High Court to rule that the SA government is duty-bound to intervene when its nationals suffer human rights abuses. This watershed case marks the end of more than a decade of legal battles between a mining group and the governments of South Africa and Lesotho. Special writer Estelle Ellis investigates.*

## SA could be party to dispute before international court

The majestic mountains hosting the Lesotho Highlands Water Project don't resemble the scene of a series of raging legal battles.

More than 10 years ago, parts of these mountains housed a huge mining project owned and managed by the Swissborough Group.

That was before one of their plants was destroyed and their mining leases were taken away from them in the course of the development of the project.

The legal battles, spear-

headed by the Swissborough Group, are entitled, under the constitution and international law, to adequate and effective diplomatic protection by their government," is what they will tell Mr Justice Essop Patel, who will be hearing the application.

If successful, the application could mean that South Africa would become a party to a dispute before the International Court of Justice for the first time since the country became a democracy in 1994.

Dugard and his colleagues act for Van Zyl, the trustees of the Burmilla Trust and the Lesotho Trust. Family Trust

the government of Lesotho did violated this rule, "with the knowledge and support" of the government of South Africa.

The group believe that this, and the fact that South Africa will ultimately be responsible for paying the compensation amount, are why the government is refusing to intervene.

The Swissborough Group are not asking the court to rule on the validity of what happened in Lesotho; they are asking the court to order the South African government to step in and give them the diplomatic protection they claim they deserve under

## GOLDEN GLOW



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