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sion of someone trying to escape, Mr. Maisels said.

If there was any dispute about these versions he would ask the magistrate to subpoena someone, he said.

**Captain Gloy:** I cannot comment.

**Mr. D Villiers:** This is not a fair question. It is for the court to decide.

Captain Gloy told the court that Sgt. Rodriques had said he had tried to prevent Mr. Timol from jumping, but had fallen over a chair and could not.

Mr. Timol was about 5 feet 6 inches tall, he said. He did not ask Sgt. Rodriques if Mr. Timol had climbed on to the window-sill.

He did not make any further enquiries because he was not the investigation officer in the inquest case, Captain Gloy said. "Sgt. Rodriques gave me an explanation and I was satisfied with it", he said.

Mr. Maisels then questioned Captain Gloy about the statement he destroyed.

**Mr. Maisels:** Have you heard criticism in the courts about police officers tearing up a statement?

**Captain Gloy:** These were only notes. I tore it up because it was waste paper.

If medical evidence is given

that Mr. Timol sustained injuries while in police custody do you know anything about it?

— He received no injuries while in my custody. He never complained about pain in any part of his body, never complained to me at any time. As far as I know nobody assaulted him in any way.

Questioned by Mr. Cilliers, Captain Gloy said that he knew Sgt. Rodriques before this incident. He is a clerk in the offices of the Security Police in Pretoria who came to Johannesburg on this particular day to bring a file and his and Captain Van Niekerk's salary cheques.

Mr. Timol drank the coffee brought by Sgt. Rodriques "normally", he said. There was nothing abnormal about his speech at any time, although he was normally "a soft-spoken man". As far as he could remember he did not cough.

"Timol was a very valuable find for us," he said. "Had he not died he would have become even more valuable later on. We might have got more information from him.

"Even if a man is unco-operative initially he might talk more once we have got his confidence. This was our aim with Timol," he said.

Captain Van Niekerk was then called.

Mr. Timol was "friendly but reticent", he said. When Sgt. Rodriques brought them coffee,

# Police tried to stop fatal fall from window



Lieutenant-Colonel W. P. van Wyk . . . the senior interrogator.

Timol was sitting at the table "completely at ease".

He was on the ninth floor when told that "Timol had jumped". He immediately went down to the ground floor. Timol was lying on the ground with his legs spread. One shoe had fallen off. He accompanied the body to the Government

Mortuary where he identified him, he said.

Questioned by Mr. G. Bizos, who is appearing with Mr. Maisels for the Timol family, Captain Van Niekerk said he made some notes before making his affidavit to General Buys.

These were made to "refresh his memory."

**Mr. Bizos:** You realise, as an experienced police officer that notes made shortly after an occurrence or contemporaneous notes are of value to the courts and others interested in the happenings?

**Captain Van Niekerk:** That may be, but I did not regard it as necessary.

When he later had an interview with General Buys he wrote down a statement as he dictated, Captain Van Niekerk said. He destroyed his initial notes after dictating this statement.

Captain Van Niekerk said that on the morning of Mr. Timol's death he looked fresh and not tired. He never complained about pain. He looked comfortable and happy. He made a few requests, asked to brush his teeth and go to the toilet, he said.

Mr. Bizos asked Captain Van Niekerk to assume that the State in the Jacobsen case did not allege that he and Mr. Timol were co-conspirators and that there had been nothing but social contact between the two.

**Mr. De Villiers:** This is an opinion. I don't think Captain Van Niekerk can answer that.

**Captain Van Niekerk:** I thought they were co-conspirators.

**Mr. Bizos:** You were wrong. Mr. Jacobsen was acquitted.

Mr. Bizos: Subsequent events have showed that Mr. Timol could not possibly have been shocked by the news that Mr. Jacobsen was arrested. This is a terribly relevant factor. It has been put before you that a man sitting comfortably on a chair was so shocked by this news that he jumped through the window. We are entitled to examine this theory.

**Mr. De Villiers:** Up to now I have allowed you all the latitude. I think I have been fair. But as far as I'm concerned it has to be proved. The witness cannot explain his actions in the light of later events.

**Mr. Bizos:** It has been implied that the names Quentin, Martin and Henry were of great importance to the deceased. Subsequent events have shown that Jacobsen did not mean anything in Timol's life. Since he is not here to give us instructions we are entitled to probe the question of whether "Mr. X" was there at all.

Surprise is a very important weapon in the process of interrogation.

Mr. X would not have known what stage the interrogations had reached. His blurting out the information might have spoilt the whole pattern of interrogation.

Captain Van Niekerk said he was satisfied. He had wanted to know who the people were and he had heard. He and Captain Gloy left the office to control this information, he said.

The inquest continues today.

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 and Mr. P. A. J. Kotze and Mr. A. Beukes led the evidence. Mr. J. J. L. de Villiers was on the bench.