

Mr. Cilliers: If somebody did grip another so hard that fingermarks were left on the arm, then a thumb-mark should be evident on the other side of the arm. The thumb would be essential to such a grip.

Dr. Gluckman: This sounds a reasonable proposition. But I don't know what this has to do with me as a pathologist examining a dead body.

He did not look for a thumb mark. Had there been such a corresponding mark he would have noticed it.

The left arm did not show a triangular pattern but a more linear one. From the four marks on this arm one could visualise a hand gripping the arm. "But this too is in the realm of speculation," Dr. Gluckman told the court.

Had there been a thumb-print on this arm he would have seen it.

Questioned by Prof. Simson, Dr. Gluckman agreed that a lower mark on this arm could be consistent with a thumb-mark. This would depend on the size of the hand gripping the arm, he said.

"There are so many variables."

Asked by Mr. Cilliers if that would have meant that the hand had gone right round the arm, Dr. Gluckman said that this was likely. One had to remember that skin was mobile over subcutaneous tissue.

Mr. I. A. Maisels, QC, said that it had to be remembered that Mr. Timol "was not a heavyweight boxer".

"He was a very slightly-built man and he was in the hands of people of somewhat better build," he said.

Mr. Cilliers objected. "This is not an appropriate time to refer to the deceased as being in the hands of anybody," he said.

Asked by Mr. Cilliers, Dr. Gluckman said that apart from himself and Dr. Schepers, a photographer and several assistants were present at the post-mortem. Several of the district surgeons wandered in and out. Major Fick and "Dr. Schepers' scribe" were also present.

Questioned about an abrasion on the right shoulder blade, Dr. Gluckman said that he "did not know how to age a bruise accurately". An abrasion on the right side was the largest of those they had had to study, he said. Though he had put this abrasion in the 12 to 24-hour period in his evidence, he now agreed that he had to leave it in the four to eight-day period without qualifying it in any way.

Bruises on the left side of the chest were substantially the same as bruises on the upper right arm, Dr. Gluckman said.

Though he had previously said that a small abrasion on the left side of the neck was several days old he was now retracting that statement, Dr.

Mr. Cilliers then asked Dr. Gluckman whether he knew Prof. Koch as a specialist pathologist.

Dr. Gluckman said that he had understood that Prof. Koch was a forensic pathologist. "He is the Senior State Pathologist in Pretoria and as such occupies a position of respect", he said.

Mr. Cilliers put it to Dr. Gluckman that the eighth day was the only common ground between the three doctors.

It had been put to Dr. Schepers that Mr. Timol had been arrested on a Friday night and had met his death on the following Wednesday afternoon. This meant that he had spent just over four and a half days in custody, he said.

The question was therefore which of the injuries could have been incurred during the period of detention, Mr. Cilliers said.

Mr. Cilliers: Are you and Dr. Schepers in agreement that the abrasions all fall into the four to eight-day period? — That could be correct but I would need to have them tabulated in front of me.

Mr. Cilliers: Dr. Schepers demonstrated that many of the wounds could have been self-inflicted? — Yes, I remember that.

He also demonstrated the amount of force used in each — did you basically agree? — No, it is an area none of our learning enables me to comment on.

Dr. Gluckman said he had found fractures and broken bones in the body and the assumption was that these resulted from the fall.

Mr. Cilliers: There is no proof that any of these injuries were caused in the 43-day period of detention?

Mr. De Villiers: That is the function of the court to decide.

Mr. Maisels, for the Timol family, then began examination of Dr. Gluckman.

Dr. Gluckman said he had been assisted by Dr. H. Shapiro in his investigations and they had worked intimately together.

Though he could not recall Dr. Shapiro's academic qualifications, offhand he knew him to have spent a lifetime in the field of forensic medicine.

Mr. Maisels then said that Dr. Shapiro, who was assisting him, was available to the court but the magistrate said he did not think that Dr. Shapiro's evidence would be necessary.

Mr. Maisels: Dr. Schepers suggested that injuries could have been self-inflicted? — Do you believe that the injuries to the left side of the chest could have been self-inflicted? — No.

Dr. Gluckman added that he could not envisage that two of the other wounds could have been self-inflicted.

Mr. Maisels: It was suggested that if the chest wounds had been received by Mr. Timol by means of a blow, or a kick, the underlying ribs would have been broken. Mr. Timol was 30

met. The other pathologist in this case did not agree with him on the question of hyperplasia, Prof. Koch told the court.

All five of the abrasions were, in his opinion, between eight and 10 days old.

In his opinion the three bruises were all of the same age. Overall changes suggested an age older than five days. This was "probably an under-estimation", he said.

In some instances he had had to vary his opinion as a result of the opportunity he had later had to study the slides with the other pathologists.

Where he had said in his affidavit that the abrasions were eight to 10 days old, he would now, with this added information, have to extend the period to at least nine to 12 days.

He did not change his opinion as far as the bruises were concerned, he said.

Prof. Koch was then examined by Prof. Simson, the assessor, for more than 45 minutes.

Prof. Simson put it to him that one of the major areas of disagreement between his evidence and that of the two previous medical witnesses was the question of hyperplasia.

Answering him, Prof. Koch said that he was familiar with hyperplasia in abrasions but not in other types of pathology of the skin. He agreed that "marked" hyperplasia would mean "very severe" hyperplasia.

He would be prepared to accept the generating of epithelia as marked hyperplasia, he said.

From his studies he was able to determine the changes in the tissue without the aid or presence of a scab, he said.

Answering Prof. Simson, he said that he could see necrotic epithelium in the majority of the sections. Therefore the scab had not been shed, he said.

Prof. Simson: In a period of more than 12 days, would you not have expected the scab to have been shed?

Prof. Koch said that one would have to look at the lesion as a whole.

Prof. Simson: That's exactly what I have been doing.

Questioned by Prof. Simson about any abrasion on Mr. Timol's right collarbone, Prof. Koch said that he thought it was originally a much larger abrasion than was now indicated.

Prof. Simson: According to Dr. I. Robertson's criterion it would be highly peculiar that the scab had not been shed.

Prof. Koch: This might be.

He was then asked by Prof. Simson about his interpretation of parts of the paper of Dr. Robertson and Dr. Hodge.

Prof. Koch said that because he had had problems in understanding this he had telephoned Dr. Hodge personally and he had explained this to him. (The paper was written by Drs. I.

Prof. Simson's summary.

To this Mr. Maisels replied that Prof. Koch had gone beyond the summary.

Mr. Maisels then gave a summary of the differences of opinion between Drs. Schepers and Gluckman on the one hand and Prof. Koch on the other.

Drs. Schepers and Gluckman had dated an abrasion on the right collarbone at between four to eight days. According to Prof. Koch, this injury was definitely between nine to 12 days old, and probably older.

An abrasion on the upper right thigh was dated by Drs. Gluckman and Schepers at between four to eight days, and by Prof. Koch as definitely between nine to 12 days and possibly older.

Another abrasion on the upper right thigh was dated by Prof. Koch at between nine to 12 days, probably more. The others dated it at between four to eight days.

The difference about an abrasion on the upper right elbow was the same.

A bruise on the upper right arm was, according to Drs. Gluckman and Schepers, from one to seven or eight days old. According to Prof. Koch this bruise was from one to eight or 10 days old.

Questioned by Mr. Maisels, Prof. Koch said that this bruise was "not basically distinguishable" from all the other ones.

An abrasion on the right shoulder blade might be up to 12 days old, certainly not younger than nine days, according to Prof. Koch.

The other pathologists placed this in the four to eight day period.

The opinion of all three pathologists was the same about an abrasion on the left forearm. A bruise on the left side of the chest was dated by Drs. Schepers and Gluckman at one to seven days, by Prof. Koch at one to 10 days.

Answering Mr. Maisels, Prof. Koch said that he had arrived at all these conclusions from his histological examination. He had made no macroscopic examination. He was not present at the autopsy. Prof. Koch told the court.

Mr. Maisels then reminded the magistrate that mention had been made of a Rand Daily Mail report according to which the reporter had had a further interview with Maj.-Gen. C. A. Buys. They understood that the reporter concerned was a Mr. M. Engelbrecht. He wanted to ask the magistrate to issue a subpoena.

The magistrate Mr. A. Beukes, who was leading the evidence, was asked to see to it.

On the request of Mr. Maisels, Mr. De Villiers then warned Mr. Abdul Essak, who was present in court, that he would give evidence today. Mr. Essak was a schoolteacher. Mr. Maisels told the court.

The hearing continues today.

Mr. I. A. Maisels, QC, and Mr. G. A. Ezzes, instructed by Cachalia and Leonat, appeared for the Timol family, Mr. S. A. Cilliers, instructed by the State Attorney, appeared for the Police. Mr. J. J. L. de Villiers is the magistrate and Mr. A. Beukes is leading the evidence.