

# Media Articles: Re-Opening of Ahmed Timol Inquest - 29<sup>th</sup> June 2017

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## **Apartheid police to be subpoenaed to Timol inquest**

Amanda Khoza, News24 2017-06-29 14:15

<http://www.news24.com/SouthAfrica/News/apartheid-police-to-be-subpoenaed-to-timol-inquest-20170629>

Johannesburg - Judge Billy Mothle has ordered that all the surviving policemen who were involved in the arrest and detention of the struggle veteran Salim Essop and anti-apartheid activist, Ahmed Timol, be subpoenaed to testify in court.

Mothle on Thursday said the National Prosecuting Authority must issue subpoenas urgently to the policemen so that they can assist with information as to what really led to Timol's death.

Mothle wants the police officers to appear in the next sitting of the inquest, expected to take place between July 24 and August 4.

"I will authorise the issue of subpoenas to all the police who were involved in the arrest and interrogation and detention of Mr Essop and Mr Timol. If they are still alive, I am authorising, through the NPA, to issue subpoenas."

The court heard on Monday that of about 23 security police that were allegedly involved in the matter, only three were still alive.

Mothle on Thursday said the police commissioner should assist the court.

Timol's death was ruled a suicide in 1972. However, a private investigation launched by Timol's family into his death uncovered new evidence which it presented to the NPA, asking for the inquest to be reopened.

On the fourth day of the first sitting of the inquest at the South Gauteng High Court in Johannesburg, the court called Professor Kantilal Naik who said he knew Timol from Roodepoort, where they both grew up.

Naik taught at the Roodepoort Indian High School with Timol.

He was arrested on Saturday, October 23, 1971, because of his association with Timol.

The police went to his house and told him that because he was Timol's friend, he must have been involved in political activity.

Speaking about his time in detention, he said: "The security police were really terrible, they said: 'Jou bliksem se coolie, ons sal jou wys [You bloody coolie, we will show you]. You are lying.'"

This is what the police said to him after he wrote a statement, with which they were not happy.

"I told them that I am a follower of Mahatma Gandhi's philosophy and I was not violent. They were not happy."

The police were dissatisfied with his statement and then they allegedly began to torture him.

"Using a helicopter method, I was swung like a see-saw on a broomstick. They did this until my hands were immobilised. I could not do basic things."

Naik could not clean and wash himself, the court heard.

He said one police officer who went by the surname, Van Tonder, apologised to him saying: "Ek is baaie jammer dat hulle het dit gedoen het. [I'm very sorry that they did that.]"

Subsequent to the torture, he had to undergo physiotherapy treatment for months. He said the torture ended after he was visited by a magistrate, whose name he could not remember.

Timol's younger brother, Mohammad, who was in police detention and not allowed to attend his brother's funeral, is expected to testify on Thursday afternoon.

The first sitting of the inquest is expected to end on Friday, June 30, and then resume between July 24 and August 4, and August 10 and 11.

### **Timol testimony: 'We have bad news, your brother is dead'**

<http://www.news24.com/SouthAfrica/News/timol-testimony-we-have-bad-news-your-brother-is-dead-20170629>

Amanda Khoza, News24 2017-06-29 21:27

Johannesburg – The younger brother of anti-apartheid activist, Ahmed Timol, Mohammad, on Thursday shared the painful memory of how apartheid security police denied him a chance to lay his brother to rest.

“Mohammad, we have bad news, your brother is dead,” this is how the apartheid security police broke the news to him that the anti-apartheid activist had died.

And when Mohammad, who was in detention, asked the police if he could attend the funeral, the police simply said, “It will not be possible”.

Mohammad would spend the night of Wednesday 27, 1971, pondering over whether his brother had really died or whether the police were playing a sick joke on him.

These were some of the memories that Mohammad shared with the South Gauteng High Court on Thursday when he took the stand at his brother's inquest.

The inquest was reopened after the family found new evidence that proved that Timol did not commit suicide, but instead died in police custody in 1971.

Mohammad told the court that his brush with the law was in 1966 when he and his school friends were arrested for taking down a pole which was going to be used to hoist the South African flag.

They were arrested by the security police and charged under the Separation of Communism Act.

They received a suspended sentence - one month suspended for 10 years for pleading guilty

Mohammad said his brother was close friends with the Pahad brothers, Essop and Aziz, and they were the ones who welcomed a 25-year-old Timol in the UK in 1967.

### **Soviet Union**

Mohammad joined his brother in the UK in September 1967.

In April 1969, Timol told his brother that he was going to study further in the Soviet Union.

Timol made Mohammad swear not to tell anyone where he had gone, not even family members.

“The fact that he went to the Soviet Union and I knew that they were the enemy of the apartheid regime, I was also aware that it was a close ally of the ANC... I had an inkling that Ahmed would be returning to South Africa to participate in underground work.”

Timol returned from the Soviet Union in 1969 and then went to South Africa on February, 20, 1970.

Mohammad returned to South Africa the following year.

With the help of Essop Pahad and Dr Yusuf Dadoo, Mohammad underwent underground training, learning politics, secret writing and bomb making, among other skills.

It was agreed that he would get a job in Durban upon his return.

On October 17, 1971, Timol came home to Roodepoort and told Mohammad that they were under surveillance and they needed to go to Durban.

### **Last time**

The following day, October 18, Timol gave Mohammad money to travel to Durban.

“That was the last time I saw Ahmed.”

While in Durban, on October 25, he was rudely woken up by between six or eight security policemen surrounding his bed.

He was taken to and from the Fischer Street and Berea police stations where he was continuously tortured and interrogated for several weeks.

On Wednesday October 27, again he was taken to Fischer Street but there was something strange in the policemen's behaviour.

“At around 18:00, there was complete silence. They offered me coffee and something to eat, something that they had never done. I said yes. Later on I was taken back to the cell. I could not understand the sudden change in their behaviour.

“At around 18:00, two policemen came to the cell, they said, ‘Mohammad, we have bad news for you, your brother is dead.’ I asked how he died. They said, ‘We don't have information, we are still waiting for information from Pretoria’.

“I asked if I could attend the funeral and they told me it would not be possible and they left.”

That night, Mohammed spent time wondering whether to believe the security police or not.

“I spent the entire night debating whether it was true that Ahmed was arrested, if he was arrested, is he now dead or are they playing games with me.”

### **Deaths in detention**

On Friday morning while driving to Fischer Street, he saw a board with the words, “Death plunge, Vorster speaks”.

He immediately thought about deaths in detention where people fell from the seventh floor in the offices of the security police in Johannesburg. At the time, it was said people committed suicide.

“When we arrive at the security police offices, one of the police officers expressed his condolences. I did not know whether to accept it, it was very difficult.”

Eventually a statement was prepared and he was forced to sign it.

On December 1, he was informed that he was being taken home.

He was taken to John Vorster Square. Head of the security branch, Colonel Greyling gave an instruction that he must be taken to the cells.

He was eventually released but before he could go home he had to answer to the CID for further questioning.

The CID asked him if Timol was suicidal or if he had mental problems and then took me home.

He spent a total of 141 days in detention.

Mohammad said he and his family had never accepted the ruling made in the 1972 inquest that Timol committed suicide.

### **Difficult to reintegrate**

“Ahmed loved life and there was no way that he could have taken his own life, he was also not a violent man. He died a week before his 30th birthday, he had his whole life ahead of him.

“He could have chosen to stay in England but he chose to come back to South Africa at the height of apartheid because he had a calling,” he said.

Earlier the court heard the testimony of retired Professor Kantilal Naik who told the court that he was arrested because of his association with Timol.

Naik told Mothle that after his release it was difficult to reintegrate back into his community.

“Some thought that I was responsible for Ahmed’s death.”

He said some community members thought that he was a spy that assisted the police with information.

“It is not true, the truth eventually came out that it was the security police. Timol was my friend.”

He said it was difficult to tell who was for and against him in the community.

Mothle asked Naik if he wanted to clear his name and he said he had told the truth.

Naik thanked the inquest from the bottom of his heart for listening to his version of events.

Mothle thanked both Mohammad and Naik for testifying.

The inquest is expected to be heard from June 26 and June 30, and will then resume between July 24 and August 4, and August 10 and 11.

### **Timol testimony: 'We have bad news, your brother is dead'**

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### **Police involved in Timol case subpoenaed**

Politics | 29 June 2017, 7:51pm Brenda Masilela

<http://www.iol.co.za/news/politics/police-involved-in-timol-case-subpoenaed-10058411>

Johannesburg – The judge overseeing the inquest into the death of anti-apartheid activist Ahmed Timol has ordered that all police officers involved in the arrest and interrogation and subsequent death testify before it.

Judge Billy Mothle said that he was of the view that their evidence would help the inquest into the death of Timol and the interrogation of Dr Salim Essop who was arrested with Timol.

The judge said he was authorised by section 8 of the inquest act 58 of 1959 to issue subpoenas.

“To the extent that such officers may still be alive, I’m authorised through the office of the national directorate of public prosecution that subpoenas must be issued for those officers to come and testify in these proceedings when we resume in our next sitting.”

It emerged from the inquest's investigating officer, Captain Benjamin Nel, that only three officials involved in the Timol saga were still alive.

They are Warrant Officer N Els, who at the time was called to identify the communist documents found with Timol and Essop during their arrest, a Sergeant J Rodrigues who was a clerk at John Vorster Square, and a Sergeant JP Fourie who worked at the state mortuary and received Timol's mortal remains.

Timol, a teacher, died in custody in 1971 and his death was ruled a suicide by authorities.

The inquest, brought by Timol's family, aims to overturn a June 1972 ruling by magistrate JL de Villiers that Timol had committed suicide.

Timol's family subsequently uncovered new evidence and the National Prosecuting Authority re-opened the inquest.

Earlier, Professor Kantilal Naik, who taught at the same school with Timol, told the inquest he was arrested after police suspected that he was involved in political activity. He was told that he was a troublemaker and was opposing the government.

He said police pressured him to write a statement and when they told him they were not satisfied with it, they started torturing him. He said he was punched and electrocuted.

Naik said the torturing stopped after a magistrate visited him and saw what police had done to him. He said the torture subsequently affected his handwriting.

When asked if he was ever charged, Naik said there were no charges brought against him and he was just released. However, he said he was forced to write and sign an affidavit explaining that he hadn't been tortured, otherwise he would not be allowed to leave John Vorster Square.

Timol's younger brother, Mohammad, told the court that he was in police cells when he found out his brother had died.

"They told me, 'Mohammad, we have bad news for you. Your brother is dead'. I asked how did he die and they told me they did not have information," he said.

He said he was not allowed to attend his brother's funeral.

Mohammad said as a family, they never accepted that his brother had committed suicide.

“Ahmed loved life and there is no way that he would take his own life. No way. He was mentally very stable. He had an extremely strong personality. And in Islam, we don’t advocate taking one’s own life,” he said.

The matter continues on Friday with Dr Dilshad Jethan a former detainee set to testify.

[African News Agency](#)

### **Security cops called shots in Timol inquest**

The Star | 29 June 2017, 2:07pm Khaya Koko

<http://www.iol.co.za/the-star/security-cops-called-shots-in-timol-inquest-10053560>

Apartheid's security police were a law unto themselves, who got magistrates, prosecutors and senior prosecutors to help them conceal their evil deeds - going as far as fabricating evidence.

These were the scathing views of human rights lawyer George Bizos, who described what he felt was a cover-up by the apartheid state in hiding the facts surrounding activist Ahmed Timol’s death in October 1971.

The renowned lawyer represented the Timol family alongside legendary human rights lawyer Issy Maisels in the 1972 inquest.

Bizos was testifying at the reopened inquest into Timol’s death in the Gauteng High Court, Johannesburg, yesterday.

The case was brought by the late activist’s family in a bid to overturn the June 1972 inquest ruling by magistrate JL de Villiers, that Timol had committed suicide by jumping from the 10th floor of John Vorster Square, which is today known as the Johannesburg Central police station.

A bone of contention for Bizos was an “invented” document by the apartheid police, “Inkululeko Freedom, February 1972, No 2”, which he said he and Maisels received from the police’s lawyer Fanie de Villiers. The document appeared to have been written by the SA Communist Party and implored comrades to “rather commit suicide than betray the organisation”.

Bizos told the court yesterday that the document was not part of the formal exhibit list. “The magistrate readily used it (the document) to base his finding that there was a political motive of communist ideology behind Timol’s supposed suicide I have no doubt that this document was fabricated by the police for the consumption of the court,” he said.

De Villiers said at the time in his findings that Timol was involved in distributing this document but Bizos rejected the findings, asserting: “Unless this date (February 1972) is incorrect, then it appears that this document was only published months after Timol’s death, which means he obviously had no sight of it let alone being involved in its distribution.

“This is an indication of the carelessness, or worse, of the magistrate.”

The Timol family’s advocate, Howard Varney, told the court that the non-inclusion of this document meant Bizos and Maisels “were deprived an opportunity to ask questions in relation to this document”.

Varney asked Bizos to comment on his view, to which he responded: “Well, I can only say that, unfortunately, the security police were a law unto themselves. They decided which magistrate would take which case. Unfortunately, there were security policemen, there were prosecutors, there were senior prosecutors that did the bidding of the security police.”

Bizos said the police’s representative, Cilliers, had told him and Maisels that he would not use this document as it was “defamatory in respect of Maisels, myself and others”, and was surprised when the magistrate relied on it.

“We thought the document would, at least, be shelved when Fanie said he was not prepared to use it. We believed there would be sufficient humanity to tear it up or put it away - not be handed over to the magistrate behind our back.

“What sort of magistrate takes into consideration in his judgment a document that was not placed before him?” Bizos asked.

Timol was arrested with his friend Dr Salim Essop in October 1971.

The inquest continues today.

### **It ‘wasn’t possible’ for Mohammed Timol to attend his brother’s funeral**

*Avantika Seeth* 2017-06-29 17:01

<http://city-press.news24.com/News/it-wasnt-possible-for-mohammed-timol-to-attend-his-brothers-funeral-20170629>

At 6pm on October 27 1971, after being held under section six of the Terrorism Act and subjected to daily interrogation and torture, Mohammed Timol was told by two police officers that his brother, Ahmed, had passed away.

“Can I attend the funeral?” he asked them.

“No, it wouldn’t be possible,” they replied, and they left Timol in his cell where he was being held at the Berea police station in Durban, to come to terms with what he had just been told.

This is what Mohammed Timol told the court in today’s proceedings on day four of the reopening of the inquest into the death of his anti-apartheid activist brother.

Apartheid-era judge JL de Villiers had ruled that Ahmed Timol had jumped to his death from the 10th floor of John Vorster Square, but many witnesses have come forward this week to speak out against this judgement, after the family of Timol appealed to the National Prosecuting Authority to reopen the case.

This week human rights lawyer George Bizos and friend of Ahmed Timol, Dr Saleem Essop, took to the stands.

His brother, Mohammed, told the court today that Ahmed would not have committed suicide because he had a “calling” to return to South Africa and engage in uplifting the people of South Africa who were constantly at the helm of the apartheid-led government.

“Ahmed died a week before his 30th birthday. He had a whole life in front of him.

"He did not have to leave England. He had a girlfriend in the United Kingdom that he introduced me to and I met her on quite a few occasions.

"She has kept in touch with the family, despite remarrying. But yet Ahmed returned, and in a small way began the process of building an underground resistance movement.

“Ahmed, for him it was a calling. I’m sure if he had lived and if he was tried with Saleem [Essop] and others he would have gone to Robben Island and he would have enjoying being with political leaders of the highest of integrity.

"And he would have studied. A few days before his detention he was writing his BA degree through Unisa. ” Mohammed said.

Just as Timol began his testimony, an unidentified woman boldly interrupted, saying that the courts had failed her because she was seeking justice for the deaths of her parents who were killed during apartheid.

Her mother was burnt to death.

The magistrate decided to take an early adjournment, as she was accompanied out of the court room. She continued to talk, citing section 16 of the Constitution.

“Excuse me, excuse me your honour. I beg the court to talk to me I am at the mercy of the court.

"I’m not one to take away from the importance and the terrors that this gentleman suffered, but I myself suffered tremendously under the apartheid era.

"My mother being burnt alive for the struggle, my father being murdered under the administration of Adriaan Vlok, minister of defence at that time.

“Nothing was done, the terrors that we faced, daily of police raiding the house, properties of my grandfather being confiscated for marrying an African woman. But the Constitution of the country is as such.

“I suffer now even worse than my grandchildren, and the courts are aware of the judicial bias.

"All my rights, the rights of my son and my grandchildren whom I have come to the courts repeatedly to ask for mercy, attorney firms were appointed under rule 40, I approached law societies, human rights attorneys, legal aid.

"I attempted to speak to Advocate Bizos, I attempted to everything, ran in circles in the country.”

Magistrate Billy Mothle interrupted her, saying she is disturbing proceedings, to which she held her left hand out and said: “No please this needs to be spoken.”

Mothle replied that she would get her chance to speak. She refused to leave, as she continued to relay her experiences at seeking some form of justice for her and family for the crimes inflicted on them during apartheid.

Court was adjourned abruptly, but she refused to budge. She went on for another 15 minutes before finally leaving the court room.

Journalists were told that the woman was mentally unstable and always disrupted court proceedings.

Court was adjourned until 2pm, when Mohammed Timol continued with his testimony.

Prior to Timol’s testimony, Professor Kantilal Naik took to the stand, where he too relayed his experiences of being arrested, detained and interrogated.

Naik was a teacher at Roodepoort Indian High School, where Ahmed Timol taught, and was subjected to torturous interrogation by security police, to determine if he was involved in any underground political activities with Timol.

Naik relayed his experiences of being beaten by the security police, to the point where he lost the mobility of his hands and had to undergo physiotherapy in order to regain the movement of his hands.

At the time of his arrest, he also worked at a pharmacy, and was arrested and taken into police custody, where he was held at John Vorster Square, now the Johannesburg Central Police Station.

For Naik, today's proceedings was also pivotal in helping him to "clear his name", because he said that many people thought that while he was in detention, he had perhaps said something which led to the death of Timol.

The proceedings would resume tomorrow at 9am.

### **Fellow detainee, brother to take stand in Timol inquest**

SOUTH AFRICA

Thursday 29 June 2017 - 8:45am

<https://www.enca.com/south-africa/fellow-detainee-brother-to-take-stand-in-timol-inquest>

JOHANNESBURG - Ahmed Timol's brother and a former fellow detainee are expected to take to the stand on Thursday when the inquest into his death continues.

On Wednesday, human rights lawyer George Bizos testified. He was the junior counsel in the first inquest into Timol's death.

Bizos has written about how he believes the law was defeated in this matter.

An apartheid-era magistrate supported police claims that Timol committed suicide, instead of being tortured to death by the cops, as claimed by his family.

eNCA

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eNCA

## **Timol's brother details his own torture at inquest**

SOUTH AFRICA

Thursday 29 June 2017 - 6:20pm

<https://www.enca.com/south-africa/timols-brother-details-his-own-torture-at-inquest>

JOHANNESBURG - Ahmed Timol's brother Mohammed was the family's fourth witness at the inquest into his death 42 years ago.

Magistrate JL de Villiers ruled during an inquest in 1972 that Timol committed suicide by jumping out of the 10th floor of the infamous John Vorster Square, currently known as the Johannesburg Central police station.

This new inquest has been fought for by his family for years.

Mohammed Timol told the court how he was tortured for information about his brother, and couldn't even attend his funeral.

After Timol died, the police claimed his death was guided by a Communist Party document that encouraged activists to commit suicide rather than betray their comrades.

But Timol's brother denies such a document ever existed.

He say activists were trained to endure torture, and to never provide information to the enemy.

As far as the court is aware, 3 of the 23 police officers who were involved in Timol's detention are still alive. The court now wants them to testify in the inquest's second sitting, which starts next month.

The South Gauteng High Court also heard from Timol's friend Professor Kantilal Naik.

Professor Kantilal Naik was a close friend of Ahmed Timol.

And that friendship was the reason for his arrest in October 1971.

Naik was detained at Johannesburg's John Vorster Square for about four months.

He was tortured until he could no longer use his hands.

Naik was arrested a day after Timol, but he says he never saw him while in detention, and only learnt of his death once he was released.

He faced even worse punishment after his release, when some accused him of giving information to the police.