

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION**

Case number: I01/ 17

In the matter of:

REOPENED INQUEST: LATE AHMED TIMOL

AFFIDAVIT OF LALOO CHIBA

I, the undersigned

LALOO CHIBA

do hereby make oath and state that:

- 1 I am an adult male. I was born on 5 November 1930. I am one year younger than the late Ahmed Kathrada.

- 2 Unless the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge and are, to the best of my belief, both true and correct.

PURPOSE OF THIS AFFIDAVIT

- 3 The purpose of this affidavit is to set out important events and facts regarding my detention and torture which I believe would be of assistance, to the inquest into Ahmed Timol's ("**Ahmed**") death.

- 4 I wish these facts to be presented to the inquest court for purposes of establishing the truth as to what happened to the late Ahmed Timol.

INTRODUCTION TO POLITICS

- 5 The late Ahmed Kathrada ("**Mr Kathrada**") and I came to know each other during the course of 1954. At this time I was not politically active but Mr Kathrada was. On 5 December 1956 there was a nationwide raid by the security forces in the country in which Mr Kathrada was arrested. His arrest was a wake-up call for me, in that I realised that I could no longer remain politically uninvolved.
- 6 I joined the Transvaal Indian Congress ("**the TIC**") and later the South African Communist Party ("**the SACP**") in 1960. In the same year the African National Congress ("**the ANC**") and the Pan African Congress ("**the PAC**") were banned. The ANC took a decision at the time not to disband but to continue its activities underground. The ANC decided to launch the armed struggle, in addition to the non-violent struggle, to actively oppose the system of apartheid. The ANC also decided to consider alternative methods of prosecuting the struggle.
- 7 Discussions took place between the SACP represented by Joe Slovo ("**Mr Slovo**") and the working group of the ANC, represented by Nelson Mandela ("**Mr Mandela**"). The result of these discussions was the launch of Umkhonto we Sizwe shortly known as MK on 16 December 1961. The MK was created as

the armed wing of the ANC which would eventually provide military training to its members in various countries of Africa and the Eastern Bloc.

- 8 I was a member of a four person underground sabotage unit within MK. *Wolfie Kodesh* (“**Kodesh**”) was our unit leader but I would later take over the leadership when he was re-deployed. As a member of an MK team we were only told what we needed to know. There were four sabotage units with 4 members each in the Indian areas of Fordsburg, Vrededorp, Ferreira’s Town, Doornfontein Central Johannesburg etc. All together the four units constituted a platoon. Reggie Vandeyar (“**Reggie**”), Abdulhay Jassat (“**Abdulhay**”) and Paul Joseph (“**Joseph**”) were the three other unit leaders. By mid-1962 I became the leader of the platoon based in Johannesburg.

FIRST DETENTION

- 9 In 1963 Vandeyar’s unit comprised of Indres Naidoo (“**Indres**”), Sirish Nanabhai (“**Sirish**”) and Gamat Jardien (“**Jardien**”). Unknown to them at the time, Jardien was a police informer who had infiltrated their unit. On 17 April 1963, Reggie and his unit went to bomb a relay signal box at the Riverlea Railway Station (“**Riverlea**”).
- 10 The Special Branch (“**the SB**”), knew of the plan through Jardien, and they surrounded the station and waited for Reggie’s unit to arrive. The three members were arrested at around 12h00 and taken to Langlaagte Police Station. The SB conveniently arranged for Jardien to escape the arrest.

- 11 During the arrest and shortly thereafter, the other three members of the unit were tortured by members of the Special Branch. Reggie had his shoulder and some of his ribs broken by a Special Branch policeman known as Captain Swanepoel, also known as "Rooi Rus" Swanepoel. His face had a puffed-up appearance.
- 12 Indres had been shot through the chest, fortunately his wound was not fatal. Sirish was beaten on his face and on the bottom of his soles of his feet with a police baton. The three were later transferred to Marshall Square Police Station ("**Marshall Square**").
- 13 At approximately 03h00 on 17 April 1963, police arrived at my house and searched it. I was then arrested by Lieutenant Van Wyk ("**Van Wyk**") and Major Brits ("**Brits**") who then took me to Marshall Square. I would later learn that Van Wyk was the investigating officer on this case and Brits was a member of the Railway Police.
- 14 Upon my arrival at Marshall Square I saw Reggie, Sirish along with Indres Naidoo. I could see that Reggie and Sirish had been badly beaten and were in pain. This is when I came to know of the foiled plan of bombing the relay signal box in Riverlea and their subsequent arrest as I have explained above.
- 15 I met Jassat at Marshal Square who had also been arrested. We were detained in one cell. However, Reggie, Sirish and Indres were detained in a different cell. We were able to communicate with each other but were not allowed contact with members of our families or our lawyers.

- 16 During the evening of the 17 April 1963, Abdulhay, Indres, Sirish, Reggie and I were transported to the Railway Police Headquarters in Braamfontein. We were taken to that venue as the act of intended sabotage on railway property fell within the jurisdiction of the Railway Police. We were placed in a room together and called one by one for interrogation. I was the last to be called for interrogation.
- 17 My interrogation began around 09h45. When I entered the room, I encountered approximately 12 (twelve) policemen who had formed a semi-circle. Upon my entering the room, Swanepoel, Van Wyk and Brits left the room. I was then assaulted by the policemen, who each took turns in doing so. I ended up being tossed from one policeman to another. I was thrown around, punched and slapped. When I fell down I was picked up and the beating continued. I was badly beaten. My eardrum burst and my face was so swollen that when we appeared in court after 48 hours, Kathy said that he did not recognise me easily. The beating lasted approximately 30-45 minutes.
- 18 After the beating stopped a wet hessian bag was placed over my head and two-thirds of my body. It had the same effect of being straight jacketed. I was then flung onto the floor and pushed to the floor and my shoes and socks were removed. I could feel wires being tied to my toes, fingers and knuckles.
- 19 Shortly thereafter I felt electric shocks passing through my body. They wanted to know who my contact person was in MK. I pleaded ignorance. I kept telling them that I did not know, and that they were making a serious mistake in believing that I had known something. Every time I gave that answer, they

turned the handle of the dynamo, resulting in electric shocks passing through my body again, I couldn't help screaming and struggling in vain to free myself. I asked them to stop torturing me as I did not know the answers to their questions.

20 It is extremely difficult to gauge for how long or how many times they turned the handle of the dynamo. But I would say that it must have been between 30 to about 45 times, and that each time the duration of the electric shocks must have been about 10 seconds or so. They also poured water over my feet and hands, thereby dramatically increasing the intensity of the shocks, since water is said to be a good conductor of electricity. All that I could do was to scream out in pain - over and over again. Froth was dripping from my mouth. I was completely exhausted. Like the assault phase, this second phase with electric torture, must have lasted at least half an hour or so, if not more.

21 After the hessian sack had been removed, I was unable to get up and walk. They carried me down three flights of stairs, and bundled me into the car with Reggie, Sirish and Abdulhay. They took us back to Marshall Square Police Station. They again carried me another flight of stairs, and dumped me into my cell. Although I was in pain, I was overcome by conflicting emotions. I was extremely proud that I had not divulged any information. At the same time, I felt ashamed that I had screamed in the presence of the enemy, who were my torturers. I considered myself to be a revolutionary who would not scream in the presence of one's torturer, begging for mercy from a people's enemy.

- 22 The five of us appeared before Mr Bosman in the Johannesburg Magistrates Court on 19 April 1963, and he acceded to the request of the Attorney-General that we be detained at Marshall Square for another 10 days. Sirish's brother-in-law, Ramlal Bhoolia, and Harold Wolpe represented us. They requested that we be examined by a District Surgeon who discovered burn marks on our toes and knuckles.
- 23 We were charged with sabotage and taken to the Old Fort prison in Johannesburg. We did not suffer any further torture whilst detained at the Old Fort. Reggie, Indres and Sirish were put on trial and sentenced to 10 (ten) years imprisonment. Abdulhay and I had our trial separated from the other three. The reason for the separation of the trials was that Reggie, Indres and Sirish were caught red handed at Riverlea. Abdulhay and I on the other hand were arrested at home. The prosecutor withdrew the charges against Abdulhay and myself due to a lack of evidence.
- 24 We were held in the holding cells beneath the Magistrates Court consulting with Harold Wolpe after the charges were dropped. We were then approached by Sgt Dirker, a member of the SB who informed us that we were not allowed to communicate with our lawyer further as it had been ordered that we be detained under the newly promulgated 90-day detention law.
- 25 Abdulhay and I were taken back to Marshal Square and placed in solitary confinement. I would describe the design of the prison as a U-shape structure. African prisoners/detainees were detained in one wing. White prisoners were detained in the wing directly opposite and parallel to the African wing, and the

Coloured and Indian detainees were held in the interlinking section which had three cells.

- 26 Abdulhay, Jassat, Mosie Molla and I were held in the inter-linking Section. Comrades Wolfie Kodesh and Leon Levy”) were held in the white section, one of the prison warders was a black African policeman who was also a member of the ANC. It was through him that we got news about what was happening in the movement.
- 27 Kodesh and Levy successfully applied for exit permits. That meant that at no stage in the future could they ever return to South Africa. None of the other detainees made a similar application.
- 28 I was released after 78 (seventy-eight) days. My release came after Van Wyk approached me on 6 August 1963. He offered to release me under the condition that I would not lay charges against those Special Branch members who had tortured me. He wanted an immediate answer. I accepted the condition, but in my mind I was clear that I would refer the matter to the leadership for its view. I was released on Tuesday 7 August 1963. I referred the matter of laying the charges against the Special Branch to the leadership, which said that it was important that I should lay charges. I proceeded to do so.
- 29 Harold Wolpe and Arthur Goldrieche (“**Arthur**”), owner of Liliesleaf farm in Rivonia, had been arrested and detained at the Marshall Square Police Station.. It was through them that I came to know of the raid on Liliesleaf Farm on 11 July 1963.

30 Mosie Moolla, Abdulhay Jassat, Arthur Goldreich and Harold Wolpe were not released. They decided to plan an escape from Marshall Square. The plan involved a young, friendly and easy-going policeman, who worked at the police station. The four detainees managed to persuade him to facilitate what was supposed to be an “escape”, in exchange for a sum of money with which he could then purchase a car of his choice. The so-called “escape” then took place in the early hours of Saturday morning, the 12th August 1963, and the four escapees were smuggled out of the country to friendly African states a few weeks later.

SECOND DETENTION

31 After the National High Command (NHC) of Umkhonto we Sizwe had been smashed by the arrests that had taken place on Liliesleaf Farm in Rivonia on 11 July 1963, Wilton Mkwayi, who had served on the Logistics Committee of the NHC, was required by the leadership to re-constitute the NHC. He approached me to serve on the new structure. I voiced my reservations, but he insisted, and I reluctantly became a member of the Second National High Command. Its other members were Wilton Mkwayi, who became MK’s new Commander-in –Chief, David Kitson and Lionel Gay.

32 We carried out a few acts of sabotage. We were instructed to be careful with our activities whilst the Rivonia Trial was taking place. There was a real risk that any act of sabotage which caused a loss of life could persuade the judge to sentence the Rivonia Trialists to death. Two or three days after the Rivonia Trial, where all the accused were sentenced to life imprisonment – and not to

the death sentence as originally feared – a post office in the Indian township of Vrededorp was bombed, as well as various acts of sabotage were carried out in Soweto and the Reef, to demonstrate that the armed struggle would continue, despite the incarceration of MK's top leadership.

- 33 On Monday, 6 July 1964, within a matter of 3 (three) weeks of the bombing of the post office, Babla Saloojee, Paul Joseph, Mac Maharaj, Steve Naidoo and Amien Cajee and myself were arrested. I was arrested at home by Major Brits of the Railway Police.
- 34 I was taken to the 7th floor of the Special Branch headquarters at the Gray's Building in central Johannesburg. When I entered the room, I saw Lieutenant Van Wyk, and the notorious Captain "Rooi Rus" Swanepoel. Both assured me that unlike the previous interrogation, none would even lay a finger on me. They placed an A4 foolscap sheet of duplicating paper on the floor, and ordered me to stand on it. I was not allowed to move off that sheet of paper, except for the purpose of visiting the bathroom, escorted by some policeman.
- 35 The idea was that I should be standing for many hours without sleep or food, thereby reducing my powers of concentration and resistance. I stood there for more than 50 hours – from about 9 or 10 o'clock on Monday morning until Wednesday afternoon. Van Wyk and Swanepoel desperately wanted to know where Wilton Mkwayi was. I told them that I did not know where he was. They also wanted to know about my involvement and activities in the Second NHC.

- 36 During the interrogation, I acknowledged that during 1960, I had joined the South African Communist Party, that I had visited Moscow in 1960; that I confirmed my membership of the Second NHC; that I had assisted in the broadcast over "Radio Freedom" on 26 June 1964; and that I had single-handedly sabotaged the Vrededorp Post Office. Actually, this act of sabotage had been carried out by Kista Phillip's unit, but I had to protect the identity of those involved.
- 37 A Lt Van der Merwe and a Lt Victor also interrogated me. They made up a team of two types of interrogators – the former appeared to be soft-spoken and kind; the latter was rough, aggressive and brutal. Whereas van der Merwe restricted himself to a few slaps, Victor would not hesitate to badly assault me. They took turns in asking questions. During the process I tended to seek comfort from the supposedly softer interrogator. My vulnerability increased after standing for so many hours without food or sleep.
- 38 I was then taken to the Langlaagte Police Station and detained under the 90 day law. I was re-detained and that 90 day period was extended on 2 October 1964. I was transferred to Pretoria Central Prison and put on trial with Wilton, David Kitson, John Matthews and Mac Maharaj. Lionel Gay had turned state witness. We were charged with 58 counts of sabotage and found guilty. The trial became known as 'Little Rivonia'. While in Pretoria I learned that comrade Babla Saloogee had been murdered by the police while in detention at the Grays Building. It appears that he had been thrown out of the 7th floor window on 9 September 1963.

39 I was sentenced to 18 years imprisonment in December of 1964 along with Wilton who received a life sentence. David Kiston was sentenced to 20 years, John Matthews received a 15 year sentence and Mac Maharaj received a 12 year sentence. I served my sentence on Robben Island except for the last 6 months of those 18 years which were spent at Victor Verster Prison in Paarl. I was released on 17 December 1982.

THIRD DETENTION

40 I was again detained for seven and a half months during the state of emergency of 1985. I was released in 1986. During my third time in detention I was not tortured or assaulted.

EFFECTS OF TORTURE

41 The effects of being tortured during my first and second detentions have left a negative and lasting impact on me. I still become extremely emotional when I relive my experiences of torture. Whilst I may not have physical scars from the torture I endured, I have serious psychological scars that can never be healed.

42 In terms of my own personal experience of two sessions of torture, and their impact on me, I am convinced that Ahmed Timol was in no physical and/or mental condition to summon the physical and mental strength to jump out of the window by himself, after being severely tortured for several days. I firmly believe that Ahmed Timol was tortured to death by the Special Branch police,

and that the police then covered up their crime by staging the fall from the 10th floor of what was then known as the John Vorster Square Police Station. .

LALOO CHIBA

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at _____ on this the _____ day of _____ 2017, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

FULL NAMES:

DESIGNATION:

ADDRESS: