

# Inconsistent statements: CID chief quizzed

Staff Reporter

THE HEAD of the CID and leader of the team which investigated events leading up to the death of a Terrorism Act detainee, Mr. Ahmed Timol, was questioned in the Regional Court, Johannesburg, yesterday about alleged variations in accounts given by witnesses of events at John Vorster Square on the afternoon of last October 27.

Major-General C. A. Buys, questioned by Mr. I. A. Maisels, QC, appearing for the Timol family, agreed that inconsistent statements made in relation to the same event was a matter of importance.

Mr. Maisels suggested that this was so, particularly in a matter of this nature, when the only other person who could give an account was dead.

Major-General Buys said he believed the evidence given by Sergeant Joao Rodriques, who was alone with Mr. Timol on the 10th floor of John Vorster Square when Mr. Timol fell through a window to his death.

Brigadier C. W. St. J. Pattle conveyed a message to him during inquest proceedings that he could not agree with the evidence given by other witnesses relating to Sgt. Rodriques' account given to them, but he had not spoken to Sgt. Rodriques about this, Major-General Buys said.

He had never asked Brig. Pattle about the account Sgt. Rodriques had given him. "I got the report from the man involved (Sgt. Rodriques). I had no reason to doubt him," Major-General Buys said.

Mr. Timol, 30, a Roodepoort school teacher, died on October 27 last year after falling from the window of an office on the 10th floor of John Vorster Square, where he was being detained.

Brigadier C. W. St. J. Pattle was called to give evidence and the statement he made was read to the court.

In this, Brigadier Pattle said he was sitting in his office on the seventh floor when he received a report from Brigadier Burger, about a person falling from the 10th floor.

Brigadier Pattle said he went to the ground floor where he saw members of the Security Police under the command of Lieutenant-Colonel Greyling carrying what appeared to be a body in a blanket. He said Lieutenant-Colonel Greyling appeared to be "most upset" and said "it was our man".

riques appear to you to have a clear recollection of what happened? — I will put it this way. He said this twice, originally when I questioned him and when the photographer arrived. Originally when I questioned him he was very excited. I remember Colonel Greyling saying "Go easy with this chap, he is very upset."

Questioned further, Brigadier Pattle said he could not recall whether fingerprints were taken from the window through which Mr. Timol fell.

Mr. Maisels: You say in your statement there were no signs of blood stains on the floor, walls, ceiling or furniture in that office. What tests did you make? — It was by observation.

Hair? — Well, I had a good look through the office and I saw no signs of hair, blood or ...

Questioned by Mr. De Villiers, he said he had asked questions as he was actually investigating the matter.

He had entered office 1026 at about 4.45 pm on the afternoon of Mr. Timol's death.

Mr. De Villiers: Can you tell me in what position you found the chairs before you told Sgt. Rodriques to put the chairs as they were? — The chairs were more or less in the same position.



Major-General Buys yesterday.

Would that also apply to the chair he (Rodriques) sat on? — Yes.

Brigadier Pattle said Sgt. Rodriques had made some adjustment to the positioning of the chairs.

Mr. De Villiers said that according to Sgt. Rodriques'

recalled Sgt. Rodriques to the witness box.

He told Sgt. Rodriques that Brigadier Pattle had told the court that he had discussions with him soon after Mr. Timol's death. Mr. De Villiers asked Sgt. Rodriques whether he had indicated certain positions for the police photographer.

Sgt. Rodriques replied: "It was very confusing at the time. I cannot remember but it is possible that I was asked to take up certain positions."

Mr. De Villiers: I want to tell you what Brigadier Pattle had said and I must say that it differs considerably from what you have said in court. — When the man jumped I got a tremendous shock. When I saw the body I got an even bigger shock. At that stage I was under tremendous tension and strain and in a shocked condition. The incidents immediately after that are very vague to me.

Mr. De Villiers: The explanation you gave him and your evidence differ quite a lot? — I agree. As far as I am concerned what happened is explained in my statement. I cannot remember what I told him, there may have been a misunderstanding.

Questioned further, Sgt. Rodriques said he was 33 and had 15 years' service in the SA Police. He explained that he had done clerical work all that time.

Mr. Maisels asked Sgt. Rodriques whether he could explain how the chair, which he alleged he had fallen over when he had tried to grab Mr. Timol, came to be in the position shown in the photograph.

Mr. De Villiers interrupted and asked Sgt. Rodriques if he could explain why the chair apparently did not move. He said the chair was in the normal position, as one would expect it to be when a person sitting on it got up.

Sgt. Rodriques replied: "I never said the chair moved when I fell on it ... that is a very heavy chair."

Mr. Maisels: It is not a big chair. We were there, it is a light chair. You must think of another answer.

Mr. De Villiers: The chair has four legs with rubber ends, so it might not move easily.

Mr. Rodriques: I might say I

Gloy pages of notes (allegedly in Mr. Timol's handwriting) and handed all these to Captain Fourie, a handwriting expert of the South African Criminal Bureau, Pretoria, for investigation.

Cross-examined by Mr. Maisels, he said he had taken charge of investigations on October 29, but he had come to Johannesburg from Pretoria on the afternoon Mr. Timol had fallen to his death.

An investigation diary was opened, and this should show the date when he first spoke to Sgt. Rodriques. He said he saw Sgt. Rodriques for the first time on the late afternoon of October 28 at John Vorster Square.

When he had spoken to Sgt. Rodriques the photographs had already been taken.

Mr. Maisels: Did you write down what he had told you? — No.

Was he then in a state of shock? — I wouldn't say a state of shock, but he was distressed.

He said Brigadier Burger of Security Police headquarters had told him Rodriques had said a man had jumped and that in view of preliminary investigations they were quite sure there was no foul play.

Major-General Buys said Brigadier Pattle had made a statement, which he had read.

He agreed that Brigadier Pattle had said in his affidavit that Sgt. Rodriques had made a full report to him and that he (Brig. Pattle) had made an examination of the office.

Major-General Buys said it was so that he was concerned at getting at the truth.

Mr. Maisels: We have heard so far in this court three

accounts of what happened? — Yes, but I cannot say whether there are three versions.

There was Sgt. Rodriques' own account, what he is alleged to have told Capt. Gloy and Capt. Van Niekerk, and what he is alleged to have told Brig. Pattle, Mr. Maisels said.

Mr. Maisels: The fact that inconsistent statements are made by persons in relation to the same event is a matter of importance? — That is so.

Particularly in a case of this nature, when the only other person who can give an account is dead? — Yes, in any case.

Mr. Maisels: Yes, particularly in this kind of case.

You believe Sgt. Rodriques? — I do.

Don't you think, looking back, it would have been wiser to ask Brig. Pattle? — I rely on an officer to be truthful. It has been borne out here. When Brig. Pattle read newspaper reports of evidence by witnesses giving their account he sent a message to me through Major Fick saying he did not agree with what the other witnesses had said.

That's not the point in question? The point is that it was known to you that Brig. Pattle received a report from a man closely involved, and you never asked Brig. Pattle what it was? — I got the report from the man involved.

It that your explanation? — I had no reason to doubt him.

How did you check it? — He was the only man there.

He said that after Brig. Pattle had communicated with him, to say he did not agree with the earlier evidence about what had happened, he did not

speak to Sgt. Rodriques about it, and he told Major Fick not to speak to the sergeant about it.

The account Sgt. Rodriques had given to him of the incident was substantially the same as that given in his affidavit and evidence, Major-General Buys said.

Major-General Buys said he was aware of the variations of the versions given by Sgt. Rodriques to Capt. Gloy and Brig. Pattle, but he thought the variation in the version given to Capt. Gloy might just be a matter of interpretation.

Asked if he had given an interview to the Press, Major-General Buys said a reporter of the Afrikaans Sunday newspaper, a Mr. Frikkie Swart, had telephoned him at his home on the night of October 29 or 30.

The reporter had said that "dirt or mud would be slung" in this matter, and it would be alleged that Mr. Timol had been tortured and that all his nails had been pulled out.

"I tried to find out who gave him the information, but he did not want to name the person," Major-General Buys said.

Mr. Maisels referred to a report which appeared in the newspaper which said Major-General Buys had said that an inquest before a magistrate would show that Mr. Timol had not been assaulted by anyone, and had not been threatened, either.

Asked if this was right or wrong, Major-General Buys said he could not remember using those words, but the sense was "more or less" correct.

Mr. Maisels then said the report had quoted Major-General Buys as having said the atmosphere in the office on the 10th floor "was the most relaxed atmosphere one can imagine in such circumstances."

Major-General Buys said he could not say whether this was absolutely correct. It was "more or less" correct.

The hearing will continue today.

Mr. J. J. L. de Villiers and an assessor, Prof. I. W. Simson, are on the Bench. Mr. P. A. J. Kotze is leading the evidence and Mr. S. A. Cilliers, instructed by the State Attorney, is representing the police. Mr. I. A. Maisels, QC, with him Mr. G. Bizos, instructed by Cachalia and Loonat, is appearing for the Timol family.

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that he could not agree with the evidence given by other witnesses relating to Sgt. Rodrigues' account given to them, but he had not spoken to Sgt. Rodrigues about this, Major-General Buys said.

He had never asked Brig. Pattie about the account Sgt. Rodrigues had given him. "I got the report from the man involved (Sgt. Rodrigues). I had no reason to doubt him," Major-General Buys said.

Mr. Timol, 30, a Roodepoort school teacher, died on October 27 last year after falling from the window of an office on the 10th floor of John Vorster Square, where he was being detained.

Brigadier C. W. St. J. Pattie was called to give evidence and the statement he made was read to the court.

In this, Brigadier Pattie said he was sitting in his office on the seventh floor when he received a report from Brigadier Burger, about a person falling from the 10th floor.

Brigadier Pattie said he went to the ground floor where he saw members of the Security Police under the command of Lieutenant-Colonel Greyling carrying what appeared to be a body in a blanket. He said Lieutenant-Colonel Greyling appeared to be "most upset" and said "it was our man".

Brigadier Pattie said he later spoke to Sergeant Rodrigues who made a full report to him.

He said in his statement that he had made an examination of the office, No. 1026, from which Mr. Timol had fallen, and found no signs of a disturbance or struggle.

He said there were no signs of blood or traces of hair or body tissue.

Later, Detective-Warrant Officer Van der Merwe took photographs in the office of points indicated to him by Sgt. Rodrigues.

He said in his statement that the next morning photographs were taken outside John Vorster Square where the body struck the ground.

He said Mr. Timol's body landed about 3 m from the building line, and there was no visible indication that the body had struck the wall of the building or any projection from the building.

Questioned by Mr. P. A. J. Kotze (leading the evidence) he said Sgt. Rodrigues had been asked to place the chairs in the position they were at the time of the incident. Sgt. Rodrigues had done this and a photograph before court indicated how the chairs were positioned.

He had also asked Sgt. Rodrigues to take up the position where he alleged he was when Mr. Timol, according to the information furnished by him, moved away from his chair in the direction of the window.

Brigadier Pattie said the third photograph before court was taken when he asked Sgt. Rodrigues to take the position where he alleged he stood when Mr. Timol jumped out of the window. Sgt. Rodrigues had also been asked to open the window to the angle which it was after Mr. Timol had passed through it.

Mr. Kotze: Did Sgt. Rodrigues explain to you how he arrived at that position? — He did.

Would you mind telling the court what he said? — He told me that he had moved round the table.

Brigadier Pattie explained that Sgt. Rodrigues had said he was sitting in a chair with his back to the window. Mr. Timol had sat in a chair at the opposite side of the table.

When Mr. Timol asked to go to the toilet, Sgt. Rodrigues rose from his chair and moved towards a third chair at the side of the table. When he arrived at this chair he observed from the corner of his eye that Mr. Timol moved from his chair in the direction around the table toward the window.

"He then followed the deceased around the table in the same direction and when he reached the point indicated by him in the photograph before court the deceased jumped through the window and he was unable to do anything about it," Brigadier Pattie said.

Asked what Sgt. Rodrigues's emotional condition was when he made this report, Brigadier Pattie said: "He was as white as a sheet and very upset."

Mr. I. A. Maisels, QC, (for the Timol family): Did Rod-

He had entered office 1026 at about 4.45 pm on the afternoon of Mr. Timol's death.

Mr. De Villiers: Can you tell me in what position you found the chairs before you told Sgt. Rodrigues to put the chairs as they were? — The chairs were more or less in the same position.



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Would that also apply to the chair he (Rodrigues) sat on? — Yes.

Brigadier Pattie said Sgt. Rodrigues had made some adjustment to the positioning of the chairs.

Mr. De Villiers said that according to Sgt. Rodrigues' version, the chairs he and Mr. Timol sat on "were certainly disturbed to a great extent."

He said the Sergeant had told the court he had left his chair and, not paying particular attention to what Mr. Timol was doing, reached a chair at the side of the table. Then he noticed Mr. Timol moving towards the window.

Sgt. Rodrigues had said he had intended going towards the door but, realising he would not get hold of Mr. Timol, he turned and went back. When he got to the chair he had been sitting on, he tried to grab Mr. Timol and fell over the chair.

Brigadier Pattie: Sir, that is not what he told me.

Mr. De Villiers: Let us assume that Rodrigues got hold of the deceased and pushed him through the window. What would have happened under those circumstances? — I rule it out, Sir.

Why? — I rule that out for the simple reason as explained to me by Colonel Greyling and Rodrigues and the two officers who were with Rodrigues prior to the incident and who had left for some specific purpose.

The body being where it was found indicates to me that a certain amount of propulsion had propelled it away from the building line.

Mr. De Villiers: And what would you have expected about the state of the room? — I would have expected some indications of a struggle. It is a sheer drop. There were no projections, windows or other objects, against which the body could have struck and be propelled.

Mr. Maisels: Have you done any study of projectile and what happens when certain things fall from certain windows at certain heights? — No, I left that to Sir Isaac Newton.

... I only know what I have read.

Mr. De Villiers: I think this is very important and if necessary tests will be carried out. I am trying to get to the truth. If there is any doubt this is most important.

Mr. De Villiers said his remark was made in view of the variations in Sgt. Rodrigues' account and other versions of what Sgt. Rodrigues was alleged to have said afterwards.

Mr. Maisels: Supposing the man (Mr. Timol) was standing at the window and the window was wide enough so that he could either jump through or be pushed through, or suppose he was taken up to the window and given a push from behind. He was a slight man weighing 59 kg. What sign of struggle would you have expected to find? — Theorising on those lines you wouldn't expect signs of struggle.

Brigadier Pattie said he thought Mr. Timol had dived out of the window as explained by witnesses.

Mr. De Villiers: He had to open the window and make a standing dive from the floor? — Well, the motion was very fast as Rodrigues explained. It was more or less a continuous motion as he opened the window and dived.

At this stage Mr. De Villiers

... evidence differ quite a lot? — I agree. As far as I am concerned what happened is explained in my statement. I cannot remember what I told him, there may have been a misunderstanding.

Questioned further, Sgt. Rodrigues said he was 33 and had 15 years' service in the SA Police. He explained that he had done clerical work all that time.

Mr. Maisels asked Sgt. Rodrigues whether he could explain how the chair, which he alleged he had fallen over when he had tried to grab Mr. Timol, came to be in the position shown in the photograph.

Mr. De Villiers interrupted and asked Sgt. Rodrigues if he could explain why the chair apparently did not move. He said the chair was in the normal position, as one would expect it to be when a person sitting on it got up.

Sgt. Rodrigues replied: "I never said the chair moved when I fell on it... that is a very heavy chair."

Mr. Maisels: It is not a big chair. We were there, it is a light chair. You must think of another answer.

Mr. De Villiers: The chair has four legs with rubber ends, so it might not move easily.

Mr. Rodrigues: I might say I tried to get over the chair, I put one hand on the table and tried to get over the chair.

Mr. Maisels told Sgt. Rodrigues that he had given the same explanation to Brigadier Pattie on two occasions that evening. Sgt. Rodrigues said he had not been asked about what he had said to Brigadier Pattie.

The police photographer, Detective Warrant-Officer P. van der Merwe, said he had taken photographs at John Vorster Square after Mr. Timol's death. While there, Brigadier Pattie asked Sgt. Rodrigues to "demonstrate what actually took place" in office 1026.

Sgt. Rodrigues' account was that he had got up from the chair to accompany Mr. Timol to the toilet. When Mr. Timol moved towards the window to the left of the table he (Sgt. Rodrigues) ran around the table. When he got to the position to the left of the table (shown in the photograph), Mr. Timol went through the window.

Mr. De Villiers: How did Rodrigues appear to you at that time? — He was very pale and appeared shocked.

Questioned by Mr. Maisels, he said he thought Rodrigues understood him well and had given a clear explanation of what happened.

Detective-Warrant Officer Van der Merwe said, in reply to a question by Mr. De Villiers, that he did not examine the room for finger prints. He had not been asked to do this.

Another witness called yesterday was Sergeant P. M. Steyn, of the Flying Squad. In a statement he had made, and which was read out by Mr. Kotze, he said he had gone to the offices of the Rand Daily Mail in Main Street on the evening of August 13, 1970.

He said there he was shown a paper bag containing pamphlets which had been found in front of the building by a night watchman. He picked up the bag and put it closer to the building and when doing so he heard a noise and a flame shot into the air, causing burns to his left arm and uniform.

Questioned by Mr. Kotze, he said he could not remember the nature of the pamphlet found.

Detective-Sergeant P. J. du Preez, of the Security Police, Pretoria, who is an investigator of disputed documents and handwriting, was then called.

He was shown a typewriter which, it has been said in evidence, was found at the late Mr. Timol's home. He explained that he had examined this and documents he had received from Captain Dirker and had found that the typewriter was used to prepare a stencil which was used in turn to produce a document called "Nkuluheko."

The head of the Criminal Investigation Department, Major-General C. A. Buys, who was in control of investigations in to the death of Mr. Timol, was the next witness called.

He said that on November 4 last year he went to the home of Mr. Timol where he received cards bearing the handwriting of Mr. Timol. He had also received from Captain

with what the other witnesses had said.

He said Brigadier Burger of Security Police headquarters had told him Rodrigues had said a man had jumped and that in view of preliminary investigations they were quite sure there was no foul play.

Major-General Buys said Brigadier Pattie had made a statement, which he had read. He agreed that Brigadier Pattie had said in his affidavit that Sgt. Rodrigues had made a full report to him and that he (Brig. Pattie) had made an examination of the office.

Major-General Buys said it was so that he was concerned at getting at the truth. Mr. Maisels: We have heard so far in this court three