

Timol family appeals for justice

Thirty-five years have passed after the activist's violent death, and still no one has been charged, writes Jeremy Gordin

Friday, October 27 will mark the 35th anniversary of the death of Ahmed Timol, a 29-year-old ANC/Communist Party activist, who fell to his death from the 10th floor of John Vorster Square police station.

Timol, arrested five days before a road block, was being interrogated by members of the security branch when he plunged 10 storeys.

Ask someone who is 50 or older: from almost anywhere in the world, if he or she recalls the day when US president John F Kennedy was gunned down, and will even tell you what he or she was doing on November 22 1963.

Ask a South African who is (say) 43 or older if he or she remembers the day when Timol was thrown, or jumped, from the 10th floor of John Vorster Square, and more than likely most people will remember the incident, if not the precise day.

If some of the South Africans whom one is asking are being honest, they will probably not recall Timol by name, because it seems that in those days nobody but whites had names.

The district surgeon summoned to John Vorster Square (now renamed Johannesburg Central police station) to confirm that Timol was dead, referred to the body of "an Indian man" and Sergeant Joao Rodrigues, one of the policemen supposed to have been guarding Timol at the time, testified at Timol's inquest that: "The Indian appeared shocked when he heard [a certain] name... The Indian asked me if he could go to the toilet..."

Square, the Commissioner Street side, in the middle of Johannesburg, half a kilometre or less away from the Market Theatre and *The Star* newspaper, and even closer to the Johannesburg magistrates' courts.

It brought to the public attention the technique of so-called "defenestration" - the security police habit of dangling and sometimes dropping, by accident or on purpose, detainees from a high window.

The security police were callous about this technique and about Timol's death in particular, mockingly referring to Timol's fate - once they were out of the inquest hearing of course - by using the phrase, "Indians can't fly".

They also taunted later detainees with Timol's death.

According to what Gerald Sizani from Orlando, arrested in 1976, told Imtiaz Cajee, Timol's nephew, he was taken to the 10th floor of John Vorster Square for an interrogation at 2am.

There he was reminded that if he were "stubborn like Timol", he too could be thrown out of the window, which Sizani's interrogator referred to as "Timol Heights". The police then tangled Sizani out the window.

More importantly perhaps, the main finding of the inquest court - that Timol

had consciously committed suicide because of his training as a member of the Communist Party and that therefore no one was to blame for his death - was so farcical that it galvanised the attention of people both in and outside South Africa.

It also galvanised members of South Africa's Indian community.

Aboobaker Ismail (*nom de guerre* Rashid), who would later become chief of Umkhonto weSizwe's special operations, said this week: "I was in matric in Johannesburg when Timol was killed. It changed my life. I decided I was going to get out of South Africa when the time was right - and I did so in 1976 - and I decided there and then what I was going to go and do."

Yet there remain many unanswered questions about the death of Timol.

Was he pushed? If so, why? Did he jump? If so, why? Or was it an "accident"? When Timol came out of the window, was he barely alive, already tortured to the brink of death?

Following his death, there was an internal police investigation led by Major-General Stoffel Buys, head of the then criminal investigation department. Buys concluded that Timol had chosen to jump.

An inquest, presided over by JL de

Villiers, a magistrate, then accepted that the police investigation had been impartial. De Villiers also found that Timol had not been murdered; that therefore he either fell out of the window by accident or committed suicide; and that, since it seemed clear that Timol had committed suicide, the magistrate said he had to consider what Timol's motive for killing himself might have been.

His motive, the magistrate said, could not have been torture, because Timol had been handled in a "civilised and humane way".

What had caused Timol to kill himself had been a combination of fear of a long prison sentence, self-reproach for giving certain names and addresses to the police, the last-minute realisation that police knew certain things - all coupled with his communist training, which had taught him to commit suicide "rather than betray the organisation".

Yet there had been - and still is - a plethora of evidence either contradicting or casting doubt on the magistrate's findings.

No statement was taken for 14 days from Rodrigues, who had been guarding Timol between 3.38 and 4pm on the afternoon of October 27, which is when

Timol "jumped". In other words, it seemed likely that some time had been devoted by the police to deciding what Rodrigues' version would be.

Dr Jonathan Gluckman, the family pathologist, found at least 10 lesions and bruises, unrelated to a fall, on Timol's body.

Hassen Jooma, detained at the same time as Timol, had been taken to a room where there was blood and hair on the floor and told to clean it up. He realised, from the hair, that it was Timol's.

An undertaker testified that, when he saw Timol's body in the Hillbrow mortuary, Timol's one eye was out of its socket, his body had blue bruise marks all over it, the nails on the hands had been removed, and there were burn marks (from electrical shocks) evident on parts of the body.

Salim Essop, also arrested at the same time, was tortured so badly that he was found by the district surgeon to be in a "state of severe hysteria", as a result of trauma and pain and was admitted to hospital. As Cajee asked in his remarkable 2005 book, *Timol: A Quest for Justice*: "If this is what happened to Salim, then what was happening to Ahmed?"

Isie Maiseis, the legendary senior counsel, who, along with George Bizos,