



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case no. I 01/2017

THE REOPENED INQUEST OF AHMED ESSOP TIMOL

STATEMENT IN TERMS OF SECTION 17A(1) OF ACT 58 OF 1959.

MOTHLE J

1. Inquest proceedings are regulated by the Inquests Act 58 of 1959. The purpose of holding an inquest is to investigate the circumstances of death apparently occurring from other than natural causes and where the prosecutor had declined to prosecute. To achieve this purpose, it is necessary for any person who bears knowledge of the circumstances leading to the death and/or the incident of death to avail such information to the court conducting the inquest proceedings.

2. The proceedings today relate to the reopening of the inquest into the death of **Mr AHMED ESSOP TIMOL who died in October 1971**. This Court will welcome any information that will assist these proceedings. Such information may be submitted through the office of the National Director of Public Prosecutions or the family of Mr. Timol

3. It is a matter of record that the incident which gave rise to the current proceedings, occurred on 27 October 1971, at which time Mr Timol died while held in custody by members of the South African Police. The then Attorney General, Johannesburg, declined to prosecute. Consequently an Inquest was held from April to June 1972, before a Regional Court Magistrate in Johannesburg, under case reference no. 2361/71.

4. In essence, the Regional Court Magistrate found and concluded that Mr. Timol had committed suicide and the police are not responsible for his death.

5. The family of Mr Timol has recently approached the National Director of Public Prosecutions with information that was not placed before the Regional Court Magistrate conducting the inquest then. This information was submitted in support of a request to have the 1972 inquest reopened. The NDPP referred the request to the Minister of Justice and Correctional Services for consideration.

6. Section 17A(1) of the Inquests Act 58 of 1959 reads as follows:-

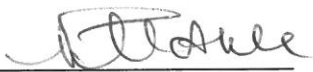
“The Minister may, on the recommendation of the attorney-general concerned, at any time after the determination of an inquest and if he deems it necessary in the interest of justice, request a judge president of a provincial division of the Supreme Court of South Africa to reopen that inquest, whereupon the judge thus designated shall reopen such inquest.”

NB. The words *“the attorney-general”* and *“a provincial division of the Supreme Court of South Africa”* in this section refers to **the National Director of Public Prosecutions** and **a Division of the High Court of South Africa**, respectively, as re-structured and re-named in terms of the provisions of the *Constitution of the Republic of South Africa, 1996*.

7. Acting in terms of this section of the Inquests Act, the Minister directed the request from the NDPP to the Judge President of the Gauteng Division of the High Court of South Africa, who in turn designated me to reopen the Inquest.
8. I have received and considered part of the record of the inquest proceedings before the Regional Court, Johannesburg as well as the recent information supplied to the NDPP. In addition, my attention has been drawn to the intention of the NDPP and the family of Mr Timol to present additional information as evidence during the proceedings.

9. At the end of the proceedings and in terms of section 16 of the Inquest Act, I am required to record a finding upon the inquest as to the identity of the deceased person; the cause or likely cause of death; the date of death and whether the death was brought about by any act or omission *prima facie* involving or amounting to an offence on the part of any person. Should I be unable to record any such finding, I am required to record that fact.
10. Considering the conspectus of the documents submitted thus far, there is no doubt in my mind that during these proceedings we, as South Africans are about to enter a door that will rekindle painful memories. A door that invites us to embark on a journey which will cause all of us to confront the sordid part of our history. That door will only close, once the truth is revealed.
11. I therefore find that there is sufficient cause, in the interest of justice, to reopen the inquest. In terms of section 17A (1) of the Inquests Act 58 of 1959,

**I HEREBY REOPEN THE INQUEST INTO THE DEATH OF
MR. AHMED ESSOP TIMOL.**


**JUDGE S P MOTHLE
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA.**

DATE: 26 June 2017