

Media Articles: Re-Opening of Ahmed Timol Inquest - 1st July 2017

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We cannot afford another fool in gold braid

Opinion | 1 July 2017, 10:00am William Saunderson-Meyer

<http://www.iol.co.za/ios/opinion/we-cannot-afford-another-fool-in-gold-braid-10077467>

When the perpetrators of wrongs are police officers, William Saunderson-Meyer writes.

Reputedly, the mills of the gods grind slowly but exceedingly fine. When the perpetrators of wrongs are police officers, it can seem that they simply grind to a halt.

This week, almost a half century after the events under scrutiny took place, a South African inquest court re-examined the supposed suicide of political activist Ahmed Timol, while held at John Vorster Square police station in Johannesburg. His was one of 73 documented deaths, all inflicted with impunity, in police detention over the period 1963-1990.

Coincidentally, also this week, almost 30 years after Britain's Hillsborough disaster in which 96 football fans died, criminal charges were brought against six people for what happened there. They include two senior police officers – the officer in command on the day and a knighted former chief constable.

In South Africa, the judicial process now under way is largely symbolic. The possibilities of legal retribution are diluted by the passage of time and the fact that Timol died while in the custody of a diabolical, secretive security police. In any case, only three of the officers implicated are still alive.

In Britain, the shorter period and the mass of evidence available make some form of punishment more likely. The charges against the officers range from misconduct while in public office to multiple charges of manslaughter.

While the lesson that the law will, mostly and eventually, collar the wrongdoer is an important one. These developments in South Africa and Britain are obviously not only about crime and punishment. They are about bringing a sense of closure to the loved ones of the victims.

They are also a reminder that the police – whether you choose to call them a “force” or a “service” – occupy an ambiguous place in society. Protection can slide easily into aggression, or even repression.

The primary purpose of the police is to form that “thin blue line” that shields civilians from a savage criminal underworld. But it is the state that pays salaries and determines senior appointments, so pragmatically, their ultimate loyalty is to the government of the day.

And, in the case of the SAPS, what a disaster has resulted from this! All three national commissioners appointed from within ANC ranks over the past 17 years have been abject failures, with one going to jail and two narrowly avoiding doing so.

As the Institute of Security Studies (ISS) pointed out with the launch this week of a campaign for a merit-based, transparent process to appoint the next national police commissioner, even the government’s National Development Plan acknowledges that the SAPS has a “serial crisis” of top management. It’s a crisis, says the ISS, that has “destabilised the SAPS and fundamentally undermined public safety”.

That is an understatement. Not only does lack of police leadership mean that crime is rampant and the nation's citizens are being robbed and slaughtered with relative impunity, but the police are distressingly often the offenders.

Statistics from the Independent Police Investigative Directorate, which is supposed to police the police, tell the scale of the problem. In 2015/16, there were 216 deaths in SAPS custody, while a further 366 people died as a result of police action.

Of those deaths, 66 – as supposedly was the demise of Timol – were claimed as suicides.

Interim Ipid figures presented to the parliamentary oversight committee last week show a worrying upward trend from that report. Deaths from police actions this year were up by 30%, to 207, compared with the same period last year.

Just under six out of 10 of those deaths were the result of “police brutality”, as Ipid put it. Just over 4 out of 10 of those deaths were while the arrested person was in police custody.

One cannot simply conclude from these statistics that the new SAPS is as bad, or even worse, than the apartheid era one. The one thing that has improved since the death of Timol, is official record keeping.

What hasn't improved is our ability as a supposedly civilised society to ensure justice. In the period 2015/16, Ipid managed to secure only four convictions for deaths in custody and 25 for deaths as a result of police actions. From those 29 convictions for wrongful death came not a single jail sentence. Not one.

As Gareth Newman, analyst at the ISS, points out, the first step to rectifying the SAPS's problems is to ensure that the next national police commissioner is fit to serve. South Africa, both in terms of ordinary crime and police brutality, cannot afford another fool in gold braid.

But, at the end of the day, it comes down not to mechanisms of government.

As with the re-opening of the Timol inquest and the launch of the Hillsborough prosecutions, it ultimately comes down to the determination of ordinary people to hold their governments and their public servants to account.

We must seek justice not only for Timol, but for anyone and everyone who has been the victim of police criminality.

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Ghosts hold key to Timol

Politics | 1 July 2017, 3:46pm Shaun Smillie

<http://www.iol.co.za/news/politics/ghosts-hold-key-to-timol-10084158>

Johannesburg - A ghost long believed dead is alive and could solve the 45-year-old mystery of anti-apartheid activist Ahmed Timol's death.

The Timol family were shocked to hear this week that three policemen who interacted with their lost loved one at the time of his death were still alive.

Police sergeant Joao Rodriques told investigators 45 years ago that he was in the room when Timol allegedly leapt to his death from the notorious 10th floor of John Vorster Square, now known as Johannesburg Central police station. The Timol family had believed Rodriques and other policemen involved in Ahmed's interrogation were long dead.

But this week the family learnt that not only were three of the policemen still alive, but they would be subpoenaed to appear in the reopened inquest into Timol's death.

"The gods above have intervened. We, the family, can't comprehend it," says Timol's nephew Imtiaz Cajee.

"Our investigations had come to the conclusion that they had passed on."

Besides Rodriques, the two other policemen are N Els and JP Fourie.

On Thursday, Judge Billy Mothle told the high court in Joburg that he would issue subpoenas.

“To the extent that such officers may still be alive, I’m authorised through the office of the National Director of Public Prosecutions that subpoenas must be issued for those officers to testify,” the judge told the court.

The men were expected to appear in court when the inquest into Timol’s death next sits this month.

Cajee has for the last 20 years been trying to piece together what happened to his uncle after he was detained and taken to John Vorster Square in October, 1971.

At his home, Cajee even has a reconstruction of the roadblock where his uncle was stopped by police.

Cajee had been pushing for a reopening of inquest into Timol’s death.

This week the family got their wish with the start of it, which they hoped would overturn the 1972 finding that Ahmed committed suicide.

On June 22, 1972, magistrate JLL de Villiers found Timol had committed suicide and no one was to blame for his death.

His finding relied heavily on the testimony of Rodriques who stated Timol had asked to go to the toilet and had rushed passed him to the window.

The high court this week heard harrowing details from Salim Essop, who was detained with Timol, about how he was given electric shocks, had a plastic bag placed over his head and was dangled by his feet over a staircase.

Essop told how he saw who he believed to be Timol being dragged by two policemen. The court was also shown the exact spot on the 10th floor from where Timol was believed to have plunged to his death.

"It has been an emotional experience," says Cajee.

For historian Nicky Rousseau, what was heard in court this week was further proof of the torture being used by the apartheid security police.

The use of torture had evolved since the early 1960s, shortly after Umkhonto we Sizwe was formed. “People talk of the old police who didn't torture,” she says. “Then they set up the sabotage squad and they got into heavy-duty torture.”

By the 1970s people such as Timol were dying in detention but this underwent a change when Steve Biko died in 1977.

“The state got a lot of flak internationally in the wake of Biko’s death. It was a high political cost for them. After Biko they had to find another solution and make the bodies disappear. At least for our family we have a grave, where we can go to,” says Cajee.

But the question now is whether the old policemen will talk. Many former security police have gone to their graves with their secrets and it's thought the trio might stick to their original testimonies for fear of prosecution. But for Timol’s family there is now hope. “We are counting the days until they appear,” says Cajee.

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