

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)

CASE NO: 76755/18

In the application to intervene of:

**IMITIAZ AHMED CAJEE** Applicant

In the matter between:

**JOAO RODRIGUES** Applicant

and

**NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS OF SOUTH AFRICA** First Respondent

**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES** Second Respondent

**THE MINISTER OF POLICE** Third Respondent

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SUPPORTING AFFIDAVIT

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I, the undersigned

**MOHAMMED TIMOL**

do hereby make oath and state that:

- 1 I am an adult male residing in Victory Park, Johannesburg. I am the brother of the late Ahmed Timol.
- 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.

*M.T.*  
*KT*

- 3 I endorse the application launched by my nephew, Imitiaz Cajee to intervene as a Respondent in the application instituted by the Applicant on 18 October 2018 seeking to *inter alia*: declare the criminal proceedings instituted against him to be an infringement of his constitutional rights; and obtain a permanent stay, and the withdrawal, of the criminal proceedings in respect of the charge of murdering Ahmed Essop Timol ("**the main application**").
- 4 The late Ahmed Timol was my older brother. The age gap between myself and Ahmed was 8 or 9 years.
- 5 My brother Ahmed was born in the small town of Breyten in Mpumalanga on 3 November 1941. He was the eldest son of Haji Yusuf Ahmed Timol and Hawa Ismail Dinder. Ahmed was one of six children, with my two sisters, Zubeida and Aysha, myself and two other brothers, Ismail and Haroon.
- 6 In 1949, our family moved to Roodepoort in the west of Johannesburg. In 1955, our family moved back to Mpumalanga to the town of Balfour where my father opened a shop.
- 7 Ahmed was forced to go to high school in Standerton, Mpumalanga as there was no school in Balfour at the time. He completed his high school education at the Johannesburg Indian High School ("**the JIHS**"). Once more, our family moved back to Roodepoort in 1956 where my father opened another shop. The shop was not doing well and to assist in my family making ends meet my mother had to do sewing.

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- 8 My father developed cataracts in his eyes and had to undergo an operation to correct his failing eye sight. This inevitably put a strain on our family's income. My sister, Aysha had to leave school and Ahmed was forced to take up employment as a clerk at a bookkeeper's office in Johannesburg to augment our family's income.
- 9 Eventually, Ahmed received a scholarship from the Kholvad Madressa to pursue a teaching course at the Johannesburg Training Institute for Indian Teachers ("the JTIT"), at the time the only institution of higher education for Indians in the erstwhile Transvaal. Between 1962 and 1963 he served as the Vice Chairman of the Students Representative Council ("the SRC").
- 10 Ahmed later completed his teacher's diploma in 1963 and was posted to the Roodepoort Indian School. As a teacher, he was well loved and respected by colleagues and students. Considered a gifted teacher, he would inspire and motivate his students and was one of the most popular teachers at the school. At some point, Ahmed was also my high school teacher
- 11 I was in detention at the time of Ahmed's death on the 27<sup>th</sup> October 1971. I was detained in Durban on the 25<sup>th</sup> October 1971 under Section 6 of the Terrorism Act. On 14<sup>th</sup> March 1972, I was informed that I was being released and could go home. I was detained for a period of 141 days endured assaults by the SB's and long periods of solitary confinement. When I got home there were high emotions in the air. After the security police left, my mother broke down and said that I should go and say my prayers and thank God that I was home safe.

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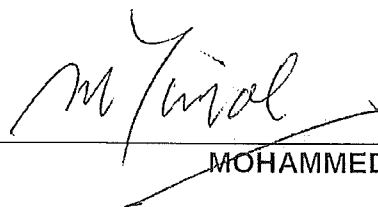
She told my cousin to take me to the graveyard to pay my respects to my brother.

- 12 My mother informed me at a later stage how the police informed her of Ahmed's death. They simply told her that "*your son is dead*". When my mother asked how Ahmed died they told her that he committed suicide. This came as complete surprise to everyone in our family. No one believed that Ahmed would commit suicide.
- 13 Later in 1972, an inquest into the death of Ahmed was initiated. The inquest was held in Johannesburg before magistrate De Villiers. I attended the inquest every day.
- 14 We, as a family, were disappointed by the first inquest court's finding. We refused to believe that Ahmed had taken his own life. This was not like him.
- 15 Our family has always sought justice for Ahmed's death. My mother participated in the Truth and Reconciliation Process, my nephew, Imitiaz, has actively taken up my uncle's case, engaging with the National Prosecuting Authority and conducting his own investigations into my uncle's death.
- 16 It was Imitiaz's efforts that ultimately caused the inquest into my late brother's death to be re-opened. The re-opening announcement, as well as the date that this Court announced its findings as to the truth of my brother's death were historical and emotional days for our family.

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17 The Applicant has had numerous opportunities to come clean. Yet, he has persistently and stubbornly opposed truth. In our view, this Court should not grant the relief the Applicant seeks. We as a family embrace and support the position adopted by Imitiaz in his founding affidavit in this regard.

18 I respectfully pray that this Court grant the order sought in the notice of motion to which Imitiaz's founding affidavit is attached.



MOHAMMED TIMOL

I certify that the deponent has acknowledged that he knows and understands the content of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and affirmed to before me at LINDEN on this 05 of NOVEMBER 2018, the regulations contained in Government Gazette Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.



K.G. THAEDI Capt

0274181-1-1  
COMMISSIONER OF OATHS

