

"H14"

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION

Case number: I01/2017

In the matter of:

REOPENED INQUEST: LATE AHMED TIMOL

AFFIDAVIT OF MUTONDI MUOFHE MULAUDZI

I, the undersigned

MUTONDI MUOFHE MULAUDZI

do hereby make oath and state that:

- 1 I am an adult female candidate attorney at the Legal Resources Centre. We and others act on behalf of the Timol family in the reopened inquest into the death of 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.
- 3 I was tasked with locating the pleadings and the medical records related to the case of Dr Salim Essop ("Dr Essop") as well as the medical records of Dr Dilshaad Jhetham ("Dr Jetham").



- 4 The following attempts were made to retrieve the Dr Jetham's medical records:
- 4.1 On 11 July 2017, I called Yusuf Dadoo Hospital to request Dr Jetham's medical records from when she was admitted to Yusuf Dadoo hospital after her detention in John Vorster Square.
 - 4.2 I Communicated with Tshego Seene ("**Ms Seene**") who informed me that I should address put the request in writing and address it to Ms Agnes Bautlwane ("**Ms Bautlwane**").
 - 4.3 On 12 July 2017, I sent letter to Ms Bautlwane requesting the medical records of Dr Jetham. The correspondence is annexed hereto marked "**MM1**".
 - 4.4 On 19 July 2017, I called Yusuf Dadoo hospital to follow up on our correspondence dated 12 July 2017, I was informed by Ms Bautlwane that she is the head of human resources, she is not in charge of the records department.
 - 4.5 She further informed me that I should forward my correspondence to Ms Gladys Mazibuko ("**Ms Mazibuko**") and Ms Tsebo Litheko ("**Ms Litheko**") who would be in a better position to assist me. The correspondence is annexed hereto marked "**MM2**".
 - 4.6 On 21 July 2017, I received a response from Yusuf Dadoo Hospital confirming they are not in possession of Dr Jetham's medical records. The correspondence is annexed hereto marked "**MM3**".

Handwritten signature and initials in the bottom right corner of the page.

5 The following attempts were made to retrieve Dr Essop's medical records and pleadings:

- 5.1 On 11 July 2017, I phoned Steve Biko Academic Hospital, the hospital where Dr Essop was held after he was detained at John Vorster Square.
- 5.2 I communicated with Ms Sarah Maditse ("**Ms Maditse**"), she informed me that they do not keep records that old and advised me to make the request in writing.
- 5.3 Between 12 July 2017 and 17 July 2017, I made several attempts to email Ms Maditse, however, the email failed to deliver. The email and the "undelivered mail returned to sender" notifications are annexed hereto marked "**MM4**" and "**MM5**" respectively.
- 5.4 She proceeded to inform me that there was something wrong with her email and advised that I contact Marie Stander ("**Ms Stander**") who would assist me further.
- 5.5 On 17 July 2017, I contacted Ms Stander. She asked that I forward the letter to her email and she would pass the letter on to Ms Maditse. The correspondence is annexed hereto marked "**MM6**".
- 5.6 We did not receive an official response from Steve Biko Academic Hospital.
- 5.7 Adv Israel Maisels ("**Adv Maisels**") was counsel in the 1972 inquest into the death of Ahmed Timol ("**the 1972 inquest**"). On 13 July 2017, I phoned Ms Helen Maisels who is the daughter of Israel Maisels to see if

HT R D

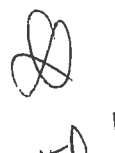
she could find the medical records as well as the pleadings in her father's records.

- 5.8 On 18 July 2017, she informed me that she did not find the pleadings or the medical records of Dr Essop in her father's records.
- 5.9 Furthermore, I phoned Mr Ismael Ayob ("**Mr Ayob**"). Mr ayob was a candidate attorney in the 1972 inquest.
- 5.10 Mr Ayob informed me that he that was no longer is possession of any pleadings. I do not remember the exact date of the conversation.
- 5.11 Furthermore, I phoned Mr Mohamimed Loonat ("**Mr Loonat**"). Mr Loonat was also an attorney in the 1972 inquest.
- 5.12 Mr Loonat informed me that he was no longer in possession of any pleadings as Dr Essop took them all. I do not remember the exact date of the conversation.
- 6 I was not able to locate any pleadings or medical records related to Dr Jetham or Dr Essop's detention at John Vorster Square in 1971.




MUTONDI MUOFHE MULAUDZI

The Deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and affirmed before me at Pretoria on this



the 6 day of August 2017, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

FULL NAMES:

DESIGNATION:

ADDRESS:

011-352-1111
Kommissaris van Ede / Commissioner of Oaths
Praktiserende Prokureur / Practising Attorney R.S.A.
Woltemade Gebou / Building
Paul Krugerstraat 118 Paul Kruger Street
Pretoria 0002

MMI

Johannesburg Office

15th Floor Bram Fischer Towers • 20 Albert Street • Marshalltown • Johannesburg 2001 • South Africa
PO Box 9495 • Johannesburg 2000 • South Africa
Tel: (011) 836 9831 • Fax: (011) 836 8680 • Website www.lrc.org.za
PBO No. 930003292
NPO No. 023-004



Our Ref: NFAKIR/1131317J

URGENT

DR YUSUF DADOO HOSPITAL

12 JULY 2017

Hospital Rd & Memorial Street,
Krugersdorp,
Johannesburg,
1740

By email: Bautlwane.Selebaleng@gauteng.gov.za

Dear Ms Selebaleng Agnes Bautlwane

AHMED TIMOL INQUEST: REQUEST FOR HOSPITAL RECORDS

1. The conversation between our Mutondi Mulaudzi and your Tshego Seene on 11 July 2017 refers.
2. We and others act on behalf of Ahmed Timol's family ("the Timol Family") at the reopened Ahmed Timol Inquest number 2361/17.
3. Ms Dilshad Jetham ("Ms Jetham") was admitted to Dr Yusuf Dadoo Hospital ("the hospital") in November 1971 as a detainee from John Voster Square.
4. In the event that the hospital is in possession of medical records from 1971, kindly provide us with Ms Jetham's medical records.
5. In the event that the hospital is not in possession of these records, kindly confirm this in writing and further advise on where we can access the records from.

National Office:
Cape Town:
Durban:
Grahamstown:
Johannesburg:
Constitutional Litigation Unit:

J Love (National Director), T Wegerif (Deputy National Director), K Reinecke (Director: Finance), EJ Broster
SG Magardie (Acting Director), A Andrews, S Kahanovitz, WR Kerfoot, C Mathiso, C May, M Mudarikwa, EL Roos, HJ Smith
S Samuel (Director), E Deochand, TC Mbhense, A Turpin
C McConnachie (Director), LK Jolobe, S Sephton
N Fakir (Director), AF Ashton, ZP Khumalo, KS Kropman, LJD Limacher, SP Mkhize
SG Magardie (Director), MJ Bishop, G Bizos SC, C du Toit, LK Siyo, ER Webber, WC Wicomb



Handwritten initials

6. Please be advised that the second sitting of the Inquest commences on 24 July 2017, as such, we kindly request that you provide us with the documents and or response to our request materials on or before 17 July 2017.
7. Kindly contact the writer hereof or Ms Mutondi Mulaudzi on 0118369831 if you require further information.
8. We trust you will find the above in order.

Yours Faithfully

M. Fakir (P.P.)
LEGAL RESOURCES CENTRE
Per: NASEEMA FAKIR
naseema@lrc.org.za

AKH

8/4/2017

FW: Ahmed Timol Inquest: Request for medical records

FW: Ahmed Timol Inquest: Request for medical records

Mon 7/17/2017 11:39 AM

From: "Mutondi Mulaudzi"

To: Mazibuko.Gladys@gauteng.gov.za

Cc: Bautlwane.Selebaleng@gauteng.gov.za, Litheko.Tsebo@gauteng.gov.za

MMR



Dear Ms Mazibuko

1. Please find the attached correspondence for your urgent attention.
2. The letter is addressed for Ms Bautlwane as I was under the impression that she was in charge of records, however she has informed me that you are the contact person for any queries related to records.
3. Please find my contact details in the signature below. Please contact me if you have any further questions.

Warm regards,

Mutondi Mulaudzi | Candidate Attorney

LRC

Legal Resources Centre

| Tel: 011 836 9831 | Fax: 011 836 8680 | Email: mutondi@lrc.org.za

| Physical: 15th Floor Bram Fischer Towers | 20 Albert Street | Johannesburg

| Postal: P.O. Box 9495 | Johannesburg 2000

| Website: www.lrc.org.za

| Johannesburg | Cape Town | Durban | Grahamstown



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From: Mutondi Mulaudzi [mailto:mutondi@lrc.org.za]
Sent: Wednesday, 12 July 2017 6:01 PM
To: 'Bautlwane.Selebaleng@gauteng.gov.za'
Cc: 'naseema'
Subject: Ahmed Timol Inquest: Request for medical records
Importance: High

Dear Ms Bautlwane,

The above matter refers.

Please find the attached correspondence for your attention.

Warm regards,

Mutondi Mulaudzi | Candidate Attorney

LRC
Legal Resources Centre

| Tel: 011 836 9831 | Fax: 011 836 8680 | Email: mutondi@lrc.org.za

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8/4/2017

FW: Ahmed Timol Inquest: Request for medical records

Attachments:

- image001.png
 - image002.png
 - image003.png
 - image004.png
 - image005.png
 - image006.png
 - 20170712 letter to yusuf dadoo.pdf
-



MM3



Office of the Admin Manager

Enq: Mr T Litheko
Tel: (011) 951 – 6218
Fax: (011) 953- 5952
Email: tsebo.litheko@gauteng.gauteng.gov.za

Date: 20 July 2017

Ms Mutondi Mulaudzi
Attorney
Legal Resource Centre
Johannesburg

Attention: Ms Mulaudzi

AHMED TIMOL INQUEST: REQUEST FOR HOSPITAL RECORDS

RECORDS REGARDING MS DILSHAD JETHAM:
Your telephone enquiry dated 19th July 2017 refers;

In reference to the request from your office, on the day of 19th July 2017; please find hereunder the following detail to clarify on the matter.

According to the records of Dr Yusuf Dadoo hospital, the following information

1. Information contained in the TPH 14 (Admission Register) indicates that Ms Dilshad Jetham is not on the records of Dr Yusuf Dadoo hospital. This is according to the register of admitted patients during November 1971.
2. Reviewed record book is a register which starts from 01 January 1971 to January 1972.

The hospital management would like to furthermore inform the Legal Resource Centre that Ms D Jetham's patient file could not be found due to the length of the period in question.

Thank you in advance for your consideration.



Mr P.M Sofohlo

Chief Executive Officer

Dr Yusuf Dadoo Hospital

Date: 21ST JULY, 2017 .



Johannesburg Office

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Tel: (011) 836 9831 • Fax: (011) 836 8680 • Website www.lrc.org.za
PBO No. 930003292
NPO No. 023-004



Our Ref: NFAKIR/11313171

URGENT

STEVE BIKO HOSPITAL

12 JULY 2017

Dr Savage Rd,
Prinshof 349-Jr,
Pretoria,
0002

By email: maditse.sarah@gauteng.gov.za

Dear Sarah Maditse

AHMED TIMOL INQUEST: REQUEST FOR HOSPITAL RECORDS

1. We and others act on behalf of Ahmed Timol's family ("the Timol Family") at the reopened Ahmed Timol Inquest number 2361/17.
2. Mr Salim Essop ("Mr Essop") was admitted to Steve Biko Hospital ("the hospital") in or around October to December of 1971 as a detainee from John Voster Square.
3. In the event that the hospital is in possession of medical records from 1971, kindly provide us with Mr Essop's medical records.
4. In the event that the hospital is not in possession of these records, kindly confirm this in writing and further advise on where we can access the records from.
5. Please be advised that the second sitting of the Inquest commences on 24 July 2017, as such, we kindly request that you provide us with the documents and or response to our request materials on or before 17 July 2017.

National Office:
Cape Town:
Durban;
Grahamstown:
Johannesburg:
Constitutional Litigation Unit:

J Love (National Director), T Wegerif (Deputy National Director), K Reinecke (Director: Finance), EJ Broster
SG Magardie (Acting Director), A Andrews, S Kahanovitz, WR Kerfoot, C Malthiso, C May, M Mudankwa, EL Roos, HJ Smith
S Samuel (Director), E Deochand, TC Mbhense, A Turpin
C McConnachie (Director), LK Jolobe, S Sephton
N Fakir (Director), AF Ashton, ZP Khumalo, KS Kropman, LJD Limacher, SP Mkhize
SG Magardie (Director), MJ Bishop, G Bizos SC, C du Toit, LK Siyo, ER Webber, WC Wicomb

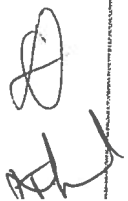
A handwritten signature in black ink, appearing to be 'S. Mkhize', is located in the bottom right corner of the page.

6. Kindly contact the writer hereof or Ms Mutondi Mulaudzi on 0118369831 if you require further information.

7. We trust you will find the above in order.

Yours Faithfully

MChipe. (P.P.)
LEGAL RESOURCES CENTRE
Per: NASEEMA FAKIR
naseema@lrc.org.za



8/4/2017

Undelivered Mail Returned to Sender

Undelivered Mail Returned to Sender

Wed 7/12/2017 6:13 PM

From: MAILER-DAEMON@mailchannels.net (Mail Delivery System)

To: mutondi@lrc.org.za



This is the mail system at host relay.mailchannels.net.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<maditse.sarah@gauteng.gov.za>: host

za-smtp-inbound-2.mimecast.co.za[41.74.197.210] said: 550 Invalid Recipient
- <https://community.mimecast.com/docs/DOC-1369#550> (in reply to RCPT TO command)

Handwritten signature or initials in the bottom right corner of the page.

8/4/2017

Undelivered Mail Returned to Sender

Undelivered Mail Returned to Sender

Fri 7/14/2017 9:58 AM

From: MAILER-DAEMON@mailchannels.net (Mail Delivery System)

To: mutondi@lrc.org.za



This is the mail system at host relay.mailchannels.net.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<maditse.sarah@gauteng.gov.za>: host'

za-smtp-inbound-2.mimecast.co.za[41.74.193.201] said: 550 Invalid Recipient

- <https://community.mimecast.com/docs/DOC-1369#550> (in reply to RCPT TO command)

FW: Ahmed Timol Inquest: Request for medical records

Mon 7/17/2017 11:16 AM

From: "Mutondi Mulaudzi"

To: MarieS3@gpg.gov.za

MM16


Dear Marie

1. Our telephone conversation this morning as well as the correspondence below refer.
2. During our conversation this morning you informed me of the following:
 - 2.1 that Steve Biko Hospital does not keep records as old as 1970 and
 - 2.2 that the oldest records that the hospital has only date back to 2008.
3. For our purposes, we need the above to be confirmed in writing.
4. I am aware that as the Supervisor, Ms Maditse is in charge and is the person to assist me in this regard. However, I have been trying to email her since last week without any success. She has also informed me that there might be something wrong with her email.
5. If there is any way that you can assist me in getting this email to her or to someone who can confirm paragraph 2 of this email in writing, it will be highly appreciated.
6. Please find the letter attached as it was sent to Ms Maditse last week and again this morning.
7. Furthermore, please find my contact details in the signature below should you have any further questions.

Warm regards,

Mutondi Mulaudzi | Candidate Attorney

LRC**Legal Resources Centre**| Tel: 011 836 9831 | Fax: 011 836 8680 | Email: mutondi@lrc.org.za| Physical : 15th Floor Bram Fischer Towers | 20 Albert Street | Johannesburg

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From: Mutondi Mulaudzi [<mailto:mutondi@lrc.org.za>]
Sent: Monday, 17 July 2017 11:02 AM
To: 'Maditse.Sarah@gauteng.gov.za'
Cc: 'naseema@lrc.org.za'
Subject: FW: Ahmed Timol Inquest: Request for medical records
Importance: High

Dear Ms Maditse

The above matter and the correspondence below refer.

I hope the email goes through this time. Please find the attached letter that I attempted to send to you on various occasions last week.

I spoke to your colleague Marie and she explained to me that Steve Biko hospital does not have a system for

Dear Ms Maditse

Our conversation on 11 July 2017 as well as the above matter refer.

Please find the attached correspondence for your attention.

Warm regards,

Mutondi Mulaudzi | Candidate Attorney



| Tel: 011 836 9831 | Fax: 011 836 8680 | Email: mutondi@lrc.org.za


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Attachments:

- image001.png
- image002.png
- image003.png

- image004.png
- image005.png
- image006.png
- 20170712 letter to steve biko hospital.pdf

A handwritten signature in black ink, appearing to be 'Mutondi'.