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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION**

Case number: 101/2017

In the matter of:

REOPENED INQUEST: LATE AHMED TIMOL

AFFIDAVIT OF ISMAIL MOMONIAT

I the undersigned,

ISMAIL MOMONIAT

do hereby make this oath and say:

1. I am an adult male resident in Johannesburg.
2. The contents of this affidavit are within my personal knowledge and are both true and correct.

PERSONAL BACKGROUND

3. I was born in Johannesburg on 19 August 1957.
4. I attended the Lenasia High School matriculating in 1974 and completed my BSc in 1977 and my BSc Hons in 1978 at the University of Witwatersrand and my MSc (Economics) at the London School of Economics in 1995.

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5. During the late 1970s I was involved with the Black Student Society at the University of Witwatersrand, and in the 1980s I was active with the Transvaal Anti-South African Indian Council Committee, Transvaal Indian Congress and United Democratic Front.
6. During the period 1979 to 1987 I was a senior tutor and/or junior lecturer in the Mathematics Department at the University of the Witwatersrand. Thereafter, I worked for the Transvaal Indian Congress and United Democratic Front as a full time organiser. After the unbanning of the African National Congress in February 1990 I worked in the Economic Policy Department of the African National Congress at its headquarters in Johannesburg.
7. For the last 22 years, since January 1995, I have been employed in the National Treasury (former Department of Finance) in the Government of the Republic of South Africa. I am currently the Deputy Director-General: Tax and Financial Sector Policy in the National Treasury. .

EXPERIENCES WITH SETH SONS

8. From 26 April 1980 to 8 May 1980, I was detained by the Protea Security Police in connection with the school boycotts in Lenasia. I was interrogated at Protea police station but then held in solitary confinement at John Vorster Square for 14 days, under s 22 of the General Laws Amendment Act.
9. On my first day of detention when I was taken to the detention cells at John Vorster Square, Captain Sons escorted me and attempted to intimidate me. Knowing that I come from a Muslim family, he threatened that he would force me to eat pig meat, but before doing so he would make me say "*bismillah*" and after eating it, to say "*alhamdulillah*". Both are well-known Arabic terms in the Islamic religion, and though I do not speak or understand Arabic, and according to an online internet check, *bismillah* means "In the name of Allah" and *alhamdulillah* means "all praise to God". Been familiar with the terms, I understood this as a threat and a clear attempt to humiliate and intimidate me, because Muslim persons do not eat pig meat. In my case, it was even worse as I do not even eat meat.



10. This was not my first encounter with Captain Sons. Sons had previously summoned me to report to John Vorster Square after I had attended a public meeting addressed by Rev Jessie Jackson around 1979.
11. My political activities were mostly focussed in Lenasia and Johannesburg. Captain Sons and his men would invariably be monitoring our meetings. He followed, harassed and detained many anti-apartheid activists, and I was keenly aware of their role (and enthusiasm) to suppress and intimate any and all anti-apartheid activities. His two juniors were Billings and Harripersad. In Lenasia, Soweto and Eldorado Park, Major Heysterk and Sergeant Pietersen from the Protea Security Branch embarked on similar intimidatory activities, working closely with Captain Sons and his men at John Vorster Square.
12. Sons was generally very aggressive, and very enthusiastic about serving his Apartheid masters. Not being white, Captain Sons and his men were not as powerful as the white security policemen they worked with, and hence appeared to do the largely more menial jobs, with more serious interrogation methods left to his white security policemen. It appeared to me that they were always under pressure to prove their commitment to their white security police colleagues. He was determined to stop the school boycotts and any campaigns against the Apartheid government, particularly since they had now spread to Coloured and Indian group areas, communities that he himself came from. Indeed, I am aware of other detainees who indicated at the time that they were harassed or assaulted by Sons and his men.
13. I was also detained in solitary confinement for a second, and longer time, from 20 January 1982 until 24 April 1982 at John Vorster Square ("JVS"). I was assaulted several times during this detention. My detention cell was two cells away from that of the late Dr Neil Aggett, who died whilst we were both in detention. I gave evidence at the inquest of Dr Neil Aggett on behalf of his family. The affidavit I presented for purposes of that inquest is attached marked "IM1".
14. Sons would have definitely been aware of the beatings or torture at JVS. This is because one could easily hear people when they were being assaulted or tortured, and sometimes one could even see assaults taking place through stained glass partitions. It is simply not true that a long-serving and dedicated security policeman like Captain Sons would not have heard or seen any assaults on

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detainees, particularly since he operated or had access to the same security branch floor at JVS.

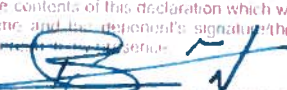


ISMAIL MOMONIAT

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at Pretoria on this the 18 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.



I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to/affirmed before me and the deponent's signature/thumbprint/mark was placed thereon.


 Commissioner of Oaths

Name: Olano Billy-Stene Makhubela

Designation (Rank): Chief Director Ex Officio

Date: 18.08.2017 Place: Pretoria

COMMISSIONER OF OATHS

FULL NAMES: Olano B Makhubela
 DESIGNATION: Chief Director
 ADDRESS: National Treasury
240 Madiba Street
Pretoria
0001

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Final Form

IN THE MATTER OF THE INQUEST OF THE LATE DR N H AGGETT

S T A T E M E N T

I, the undersigned,

ISMAIL MOMONIAT,

hereby state:

1. I reside at 4 Woodpecker Street, Lenasia (Telephone No 852-1211). I was born on 19 August 1957.
2. I am a senior tutor at the University of the Witwatersrand and I am attached to the Department of Mathematics. I hold a B.Sc. and a B.Sc. Honours.
3. From about 26 April 1980 to during or about 8 May 1980 I was detained by Protea security police in connection with the Indian school boycotts. I was interrogated at Protea although on one day I was interrogated at John Vorster Square.
4. I was detained under section 22 at John Vorster Square from 20 January 1982 until 3 February 1982. I was thereafter detained under section 6 at John Vorster Square until Wednesday, 21 April 1982.

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5. I was mainly interrogated in connection with my activities with the anti-SAIC campaign.
6. Until Friday, 5 February 1982, I was held in cell No 204. On the afternoon of 5 February I was transferred to cell No 229.
7. I did not know Neil Aggett personally. In fact, I only became aware of him through the press coverage surrounding his detention.
8. (a) During the second week of my detention, which was the week beginning 25 January 1982, I met Neil Aggett on more than one occasion. I either met him at the showers or on the first floor prior to going up to the tenth floor for interrogation.

(b) On one occasion I had been taken to the showers. However, I had forgotten my towel and was returning to the showers to fetch my towel when I noticed that the outer door to Neil Aggett's cell was open. I greeted him and told him who I was. He came to the grille and we had a short conversation. I asked him whether he thought he would be charged and he replied that he did not think so but that he would probably be used as a State witness. He appeared quite relaxed and healthy. Our conversation was cut short as Const Chauke saw us talking and he reprimanded us and got W/O MacPherson to reprimand us.

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- (c) During the third week (starting on 1 February 1982) and prior to 3 February 1982, I may have bumped into Neil Aggett on one or two occasions.
- (d) On 3 February 1982 and at approximately 8.30 a.m. (at least, the usual time when we went up to the tenth floor), I encountered Neil Aggett on the first floor prior to being taken up to the tenth floor for interrogation. During this time I was being interrogated every day with the exception of Saturdays and Sundays. We met at the desk where the occurrences book is kept. I was standing next to Neil Aggett with him on my right hand side and I greeted him. I was surprised by the fact that he did not respond. It was usual for detainees to greet each other or at least to respond in some way, for example by winking. He appeared to be in a daze, oblivious to what was happening around and he seemed to be staring into space. He appeared to have a large darkish mark on his forehead above his right eye. I hadn't noticed this mark before. The mark appeared to be a large bruise. He was handcuffed. He was first to leave the first floor.
- (e) On one occasion I saw Neil Aggett on the tenth floor. He was sitting in one of the offices at a desk with one or two interrogators sitting on the other side of the desk although they might have been

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standing. My impression was that he was writing something. I think this contact may have occurred during Monday, 1 February, or Tuesday, 2 February 1982.

9. (a) During my detention I was maltreated a number of times. At approximately 10.00 a.m. on 5 February 1982 I saw Dr Jacobson for the first time since these incidents had taken place. At that stage I was not aware that Neil Aggett had died. I told Dr Jacobson about one assault that had taken place on or about 26 January, but I asked him not to record what I had said. I said this because I feared that he would hand the report to my interrogators. However, he pointed out that if I did appear in court it would help if he had made a note of the assaults and I accordingly agreed that he should record the incident.
- (b) Quite soon after that, I saw a magistrate for the first time (shortly after I had been held under section 6). His name was Mr Wessels. Once again, I reported the assault although I did not mention the names of the offenders. (I did not mention the names of the offenders to Jacobson either.) The magistrate told me that all he could do was to record these incidents and that he could not help me in any way with any requests that I made.
- (c) On Thursday, 11 March 1982, I was summoned to the tenth floor. I saw my interrogators.

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They told me that they knew I had reported an assault to the doctor and asked why I had told lies. I replied that I had been assaulted. They then said that I should make a statement denying the assault. I mentioned that my complaint did not refer to them and I told them that I had been smacked on the head. They then stated that I had not been assaulted but that I had simply received a gentle pat on the head. They insisted that I make a statement denying the assault but I refused to do this. I was then sent back to my cell.

- (d) On the following day, Friday, 12 March 1982, I was once again summoned to the tenth floor and once again my interrogators insisted that I make a statement denying the assault. Although they did not threaten me, their persistence finally persuaded me to make a statement playing down the assaults and harassment I had suffered. I was then persuaded to sign and date the written statement.
- (e) They took my statement away to show to "the major". They came back indicating that he found it satisfactory.
- (f) A few days later I saw the inspector of detainees, Mr Mouton. I mentioned that I had been assaulted but once again I did not disclose any names although I mentioned that the person concerned held the rank of

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captain. He said that his reports were communicated directly to the Minister of Justice. I decided to make the complaint to avoid the possible denial of assaults by the Minister. Mr Mouton also mentioned that the Minister had his own channels of investigation into the conditions of detainees.

- (g) On 19 February (in the morning) I was taken to a high ranking member of the security police. He had knowledge of the allegations of assault which I had made. I gave him the impression that I was not going to pursue the question of my assault as I felt that I would be victimised as a result thereof. He insisted that I sign a piece of paper in which I stated that I would not be laying charges. He said he would use the document against me if I ever claimed that I had been assaulted.
- (h) That afternoon I was taken to a Sgt Blom in one of the offices on the tenth floor. We sat alone in the room and she claimed that she worked independently of the security branch and that she was investigating the charges of detainees on behalf of the Minister. I told her that I had been assaulted and gave her details. I told her that I knew the names of the people who had assaulted me but that I was not prepared to divulge their names as I felt that I was in a vulnerable position under section 6. I then

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said that I would not lay charges while being held under section 6 and would not take any action until I had had the opportunity of consulting with my lawyer. I said that I feared that I would be intimidated if I was more specific. She then asked me whether I was prepared to swear to a statement and I answered in the affirmative. I then swore to the statement which she had written down.

(i) After that I heard nothing further about the assaults.

10. In the course of my detention at John Vorster Square, there were times when members of the police force were decent to me. I did, however, suffer treatment such as:

(a) Being slapped on my body and my head.

(b) Being shouted at and told that if I did not talk I would be dealt with.

(c) Being referred to in a derogatory and humiliating way as a "coolie".

(d) Being told that if I did not co-operate I would remain in detention.

(e) Being made to stand for periods of approximately one hour, naked from the waist upwards.

(f) Being told that if I did not co-operate and

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testify for the State I would be sent to jail for five years.

(g) Being picked up off my chair and shaken.

(h) Having an open knife put to my throat.

(i) Being threatened with electric shocks.

12. I am ready to testify to the inquest court on these matters if requested and in respect of any other matters which the court may deem relevant to the inquest.

SIGNED at JOHANNESBURG on the 10th day of JUNE 1982.

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