

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: I01-2017

DATE: 2017-08-03

INQUEST INTO THE DEATH OF:

AHMED ESSOP TIMOL

BEFORE THE HONOURABLE MR JUSTICE MOTHLE

ON BEHALF OF THE NATIONAL PROSECUTION

AUTHORITY:

ADV PRETORIUS

ADV MALOTWA

ADV SINGH

ON BEHALF OF THE FAMILY:

ADV VARNEY

ADV MUSANDIWE

ADV FAKIR

ON BEHALF OF THE SAPS:

ADV LETHOLE

VOLUME 11
PAGES 850 - 936



**DIGITAL AUDIO
RECORDING TRANSCRIPTIONS**

Glen Manor Office Park
138 Frikkie de Beer Str
Block 5, Suite 1/G
Menlyn

Tel.: (012) 326 1881
Fax: (012) 348 3542
www.digitalaudio.co.za

COURT RESUMES ON 3 AUGUST 2017

[09:59]

COURT: Yes Mr Varney.

MR VARNEY: As the court pleases. M'Lord we would like to call our first witness for today Mr Mohammed Ali Thokan.

COURT ANNOTATOR: Your full names and surname?

WITNESS: Mohammed Ali Thokan.

COURT ANNOTATOR: Do you have an objection in taking the oath?

WITNESS: No.

COURT ANNOTATOR: Do you swear that the evidence that you are
10 about to give is the truth the whole and nothing but the truth if so
please raise your right hand and say so help me God?

WITNESS: So help me God.

MOHAMMED ALI THOKAN: duly sworn statement

COURT: Yes you may be seated. --- Thank you.

Is there a microphone in front of you? It is lit is it fine is it
operating okay fine thank you. Yes Mr Varney?

EXAMINATION BY MR VARNEY: Thank you Your Lordship. Mr
Thokan firstly thank you for taking time out from your busy schedule to
be with us today it is greatly appreciated. Mr Thokan what is your
20 birth date? --- 16/021949.

And what do you currently do? --- I am a businessman.

COURT: Can you just speak up please I do not hear you. --- I am a
businessman.

Okay.

MR VARNEY: And what job were you doing October of 1971? ---

I was with the same company.

The same company? --- Yes.

Now if we can turn to the events of the 27th of October 1971 and just remind you Mr Thokan that is the day that the late Mr Ahmed Timol plunged to his death from John Vorster Square. Can you explain to this Court where you were on the 27th of October 1971 that allowed you to hear of...all right let me put this way. Were you filling petrol at the Dollars Petrol Station on the 27th of October? --- That is correct.

10 And this petrol station where is it situated? --- It is across the road from the police station.

Just for the record...[intervene].

COURT: Mr Varney.

MR VARNEY: Yes M'Lord?

COURT: Do you have his statement?

MR VARNEY: Oh yes my apologies Your Lordship his statement is part of the Exhibit it is in Volume "H".

COURT: Volume "H".

MR VARNEY: Number 1.

20 COURT: Yes thank you. Yes you may proceed.

MR VARNEY: Mr Thokan do you have a copy of your statement? --- Yes I have it in front of me.

Do you confirm that this is your statement which you have signed and attested before a Commissioner? --- Yes.

Thank you. Mr Thokan in paragraph 4 of your statement

you say that on the 27th of October 1971 you had stopped at Dollars Petrol Station to fill your vehicle with petrol and you have testified that this filling station was directly across the road from John Vorster Square? --- That is correct.

Just for the record has that petrol station or has the building at least changed over the years? --- Yes it is no longer a petrol station it is some kinds of shops there it is a building.

But when it was a petrol station can you just describe what it looked like and how you would actually get to the pumps that were
10 there? --- Yes it was an open court with offices or whatever else above, so you needed to get into the centre of the filling station to be able to fill the pumps.

Thank you, and for the record do you agree that the pumps and the driveway have now been removed and it is now fronted by a wall? --- That is correct.

And there is another business that is present there? --- That is correct.

Where exactly were the pumps? Would you say they were at the top end of the building? --- No it was from the middle to the
20 bottom end of the building.

Towards the middle? --- Yes.

And can you indicate to the Court when on the 27th you were filling up with petrol? --- It was sometime in the morning.

Sometime in the morning? --- Yes.

COURT: Now are you certain that it was in the morning? --- Yes

it was in the morning.

It could have been around what time? --- I would say midmorning.

10:00 or 11:00? --- I would not want to speculate I do not know.

But when you say midmorning with reference to...[intervene]. --
- Yes it will be in that period but that is something I cannot speculate about.

Were you on your way to work? --- I was on my way to get a licence in Pretoria for my business.

10 And normally what time would you do that ordinarily? --- No it was for the first time I was going to Pretoria to get a licence so it was in the midmorning area.

So you are certain that it was in the morning? --- Yes.

You cannot put the time but it was in the morning? --- It is in midmorning, so midmorning for me would be between 09:30 and 11:30.

09:30 and 11:30? ---- Yes.

Is there a chance that you could be making a mistake that it could have been in the afternoon? --- No, no, no it was definitely
20 morning.

Definitely morning? --- Yes.

Okay. Thank you proceed.

MR VARNEY: Yes Mr Thokan why the Court is putting the question to you is that the police, the police records put the timing of the fall in the afternoon, and that is why the Judge was asking whether you might be

mistaken, and I need to ask you as well is there a chance you might be mistaken given the 46 years? --- Absolutely not because I would not have left for Pretoria in the afternoon.

What were you doing that particular day explain why you say that you would not have left for Pretoria in the afternoon? --- Left for Pretoria?

Yes what...[intervene]. --- Yes because I need to go to a Government Department and it is known that you get there in the morning to apply for licences as it was a difficult process.

10 So you say you were filling up your car in order to get to Pretoria to get to the Licencing Department. --- Yes.

It was not possible that you could have filled up after your return from Pretoria? --- Absolutely not.

And you say that you normally filled up at this station because it was close to your business premises? --- Yes.

So you were quite familiar with the place? --- Yes I was quite familiar with the place yes.

Although you cannot put a number to it for how many years perhaps have you been filling up at that particular station? --- I
20 finished school so it is about two year's maybe two and a half years.

Which meant that you would have been going there perhaps once a week or once every two weeks? --- Twice a week maybe because I used Rep in those days.

All right so before according to your statement you heard a loud thud, but before that happened can you indicate what were you doing

and your orientation or position that you were standing? --- Yes I was getting some petrol so in those days you needed a key to open your petrol tank, so I got out and I opened where they put in the petrol on the car. I opened it so that the filling station assistant could fill the petrol into my car.

So does that mean that you were facing your car, and if I think of that particular street and the direction of traffic just travelling on that road fronting onto the station that would have meant that your back, you were facing your vehicle, and you were facing the filling station? -

10 -- Correct.

And your back was facing John Vorster Square? --- That is correct.

So at that time you yourself were not in a position to see John Vorster Square? --- No.

And then what happened as you were doing that? --- I heard a thud.

And the moment you heard the thud what did you do next? --- I looked around I did not see anything so I continued with what I was doing.

20 And then what happened? --- Then a pedestrian walked down Commissioner Street coming towards...[intervene].

Just lift your voice. --- Then a pedestrian coming down on the street said that somebody fell from the top of the police station.

Yes, so your statement says a few seconds later you heard a pedestrian exclaim that a person had fallen from John Vorster

Square, is that correct? --- Yes.

So what did you then do? What did you do after you heard the pedestrian exclaim somebody had fallen? --- I thought of going to see if I can help and the next best thing is I do not know if I can give you more detail straight away now.

Yes did you try to approach? --- Yes we tried to approach the police station yes.

And what happened when you tried to approach? --- There were police officers in plain clothes shooining us away.

10 I see, so how far across the road did you get before you were stopped? --- Halfway across the road.

Halfway across the road. Can you describe as best as you can who the individuals were who shooped you away? --- They must have been police officers because they were like in a position where they gave instructions and you just listened the commanding kind of instructions.

COURT: I cannot hear you. --- Sorry it is a commanding type of instruction to say 'move out of the way', but it was more than just aggressive.

20 Did you have to cross the road? --- We had to cross the road as there is a road in between.

Yes so you crossed the road? --- Halfway through.

Halfway through? --- Yes.

You had not even completed crossing? --- No.

When you had been told to go away? --- Yes.

Who was doing that? --- Three plain clothed people and I assume they were the police.

How many were there more or less if you can recall? --- I remember I think there were about three that I can remember.

Yes, and was it only you who was approaching the scene or were there other people with you? --- The person who saw him falling also tried to approach the scene.

Yes, and what happened he was also told to go? --- Yes, yes, yes everybody was told to go.

10 So you went back? --- Yes we went back.

Yes? --- And then again we did not know what was going on and I needed to carry on with my work so I left.

But when you went back to the other side of the street could you not see what was happening there? --- No you could not see anything because there was a little wall there in front that you cannot see anything from across the road.

MR. VARNEY: But that little wall can you recall how high it was? Would it have come up to your knees perhaps? --- A little bit lower yes about the knee yes.

20 If you can just return to your attempt to cross the road to go and look. What was going through your mind why did you want to approach that scene? --- It is natural a human being wanting to help.

Right because once you heard that somebody had fallen. --- Yes.

You wanted to see if there was anything you could do to help?

--- That is correct yes.

In your statement you say three white plain clothed policemen stopped you and as you testified you assumed they were policemen because they acted with some authority, and you said that they were somewhat aggressive. Can I ask you to explain to the Court in polite terms why you described them as being aggressive? What did they say to you Mr Thokan? --- I can I say it to you but in police ways?

Yes you may do so. --- F-off.

So they used a four lettered word to tell you to move away? ---

10 Yes.

Aside from the three persons who you assume were policemen you said you also saw individuals coming out of one of the side entrances. --- Correct.

Am I right in saying that you are assuming that they came out of a side entrance, because from the filling station you cannot actually see that entrance? --- Correct.

You can only see them coming around the corner. --- Yes.

But since there is an entrance around that corner you assumed that they were coming out of the building? --- Yes.

20 COURT: Among these people did you see any one of them who was in police uniform? --- No M'Lord I did not see anybody in police uniform.

They were all plain clothed? --- Yes plain clothes people that is correct.

Okay.

MR VARNEY: And am I also correct in assuming that if the plain clothes policemen assuming that they were all policemen that there were several. There were individuals who were stopping you and the other pedestrian from crossing the road, and there were policemen emerging from the building? --- That is correct.

Do you recall anyone of them perhaps carrying a blanket? --- I did not see that.

And you cannot put a number to the policemen that you saw, but there were more than a few there were several? --- Yes there
10 were several policemen.

You also say that you were surprised by the quick response of the police? --- Yes.

Why do you say that? --- Because it was not a long period before those people came there it was very quick.

And you say that because you after a very short time after hearing the thud and the pedestrian making the exclamation that somebody had fallen you could not even get half way across? --- That is correct.

When you got halfway across the road they were already there?
20 --- It was very, very quick.

And when did you learn that this was probably Mr Timol that had fallen out of the building? --- It was only when I read it in the newspapers.

In your statement you say that you were not able to get sight of the body, and that is because at that halfway point your vision

was somewhat obscured, halfway point on the road? --- That is correct.

You said you then left and I know it is a long time ago. When you were shooed away you did not hang about you left immediately you got into your car and drove off? --- Yes.

Did you per chance before you drove off see any medical staff, emergency services or ambulance at the scene or perhaps driving towards the scene? --- Not at all.

I have no further questions Your Lordship.

10 COURT: Thank you. Mr Pretorius?

MR PRETORIUS: M'Lord my Learned Colleague will take over.

COURT: Okay.

CROSS-EXAMINATION BY MS SINGH: As the court pleases M'Lord. Mr Thokan you made only one statement pertaining to the Inquest am I correct? --- Yes.

I just want to ask you the statement that I am referring to is the one before you. --- Yes.

I see it is made in 2017 this year. --- Yes.

20 Would you know when and how is it that you came to be approached with that statement, and why it took so long, do you know? --- Frank Dukkan approached me and he made an appointment to see me, and I said to him what for, and he said regarding...[intervene].

Sorry Mr Thokan can you just raise your voice so everybody can hear. --- Sorry Frank Dukkan wanted to have a meeting with me and

wanted to get more information, and I said to him okay I am willing to give you the information that I have.

When you learnt that it was Mr Timol that had fallen you know on the day you say you were filing petrol. Did you follow any of the media that covered the reports in the newspaper? --- What was in the newspapers we read a little bit about it yes.

Okay, did you know that the police had alleged that this incident that happened in the afternoon just by reading the newspaper, would you know? --- No I would not be able to tell you that.

10 When you were there at the petrol station, when you heard that thud I just want to find out, in that area in and around that time was there a lot of traffic, any noise? --- There was not much traffic because in those days the roads were not as busy as they are now.

When you were there standing before you head the thud did you hear anything out of the ordinary, any screaming, any noise? --- No absolutely no screaming. There was no other noise around there.

Nothing further for this witness M'Lord.

COURT: Thank you. Are you aware that in 1972 there was an Inquest into the death of Mr Timol? --- Yes I was aware.

20 And were you not approached to come and give evidence? --- Not at all.

And in regard to this particular Inquest how did you come to know about it, and how were you found to be a witness in this? --- M'Lord I am not so sure how they got to know about me, but [Indistinct] if I can mention him had a chat with me many years ago, I

cannot remember when was this, asking me that he heard that I was there, and that is how they got hold of me now.

That was some time ago? --- Yes some time ago yes.

Oh I see okay fine. --- Subsequently M'Lord Frank Duckan started pursuing this thing with me.

Yes but you yourself did not come forward in 1972? --- Nobody asked us to come forward nor did they request us to come forward.

Yes Mr Coetzee?

CROSS-EXAMINATION BY MR COETZEE: Thank you M'Lord. Sir
10 when did you first become aware of the discrepancy in the time? In other words the fact that the police alleged that it happened in the afternoon while you were of the opinion that it happened in the morning? --- I am not aware that there was a discrepancy I just know that it is in the morning.

So if I then can say you are now basically for the first time considering the issue after 46 years whether or not it happened the morning, or the afternoon? It is now the first time that you are basically confronted with the fact that it is alleged by the police that it happened in the afternoon? --- Yes I get to know about it now.

20 Did you at any stage make notes about it? I am asking now when it was fresh in your memory in the 70's the late 80's, at any stage did it become necessary for you to note the time that you saw it? --- No.

So as you stand here you are purely relying on your memory of 46 years ago? --- Yes that is correct.

The simple question and the obvious question is sir what is the chances that your memory is wrong that you are mistaken, and when you think back about it that you might be confusing the time, and the specific day? --- I will not confuse the time because I had a thing to do in Pretoria and I needed to get to Pretoria, and that is why I was filling petrol.

That is what I am actually curious about sir, remembering that 46 years ago in the morning you were going to a Government Office to apply for a licence. It is quite a tall order to remember that detail so
10 long afterwards sir. --- Well if you are in the situation that we were in those days we had to get a licence and that is a momentous moment in your life to try and get a licence to do business in our part of the world.

Sir as you are aware and maybe have you been made aware of the fact that the police all in their statements, and that was also the evidence that was before the Magistrate in 1972 in the Inquest. It indicated the time of death at around 16:00 in the afternoon, or just before 16:00 in the afternoon of the 27th of October 1971. Did you at all in your following of this matter did you follow any writing, or did you
20 follow that in other words? Did you follow the process as it was reporting in the newspapers of this Inquest and there was speculation regarding the causes of the death of Mr Timol? --- I was a young man then so I did not go into detail to follow things up like that.

Did you know Mr Timol, or the family of Mr Timol? --- No.

I just want to put it to you sir, and I will argue that you

are making a mistake in relation to the time of this incident. If in fact the incident that you referred to is the death of Mr Timol that you are making a mistake of the time. --- I am not making a mistake it was morning and I would remember that.

Just one thing you have never seen the body, and personally as you sit here you do not know whether it is Mr Timol, the falling of Mr Timol that you heard? --- No I did not see the body so all I can say is that I heard the thud, and a few days later it was in the papers that it was him.

10 If you say a few days can you perhaps elaborate on that? How many days after the filling station incident, how many days thereafter did you become aware of the death of Mr Timol? --- I will not be able to speculate.

A week, a month? --- I cannot tell you that.

And apart from the fact that you went for your licence and that you heard a thud nothing else stands out of that day? Nothing else that makes that day specifically significant to you? --- Yes I think that could be correct.

Thank you M'Lord I have got no further questions.

20 COURT: Yes. Mr Varney?

RE-EXAMINATION BY MR VARNEY: M'Lord just one or two matters on re-examination. Mr Thokan you said you were going to apply for a licence at a Government Building, but in those days that was an important occasion, and in those times it was somewhat special. Can you explain to the Court why do you say that? --- You know in

Apartheid South Africa we could not Trading Licences it was very difficult, and so it was something that...[intervene].

If you can be sort of blunt about it, when you say we could not are you talking about? --- My community.

Your community is that the Indian Community? --- Yes Black Community.

Yes, Black Community. You could not get Trading Licences? --
- Yes.

In certain areas because of the colour of your skin? --- That is
10 correct.

But you had to make special applications to trade in certain areas? --- And you had to go and see and beg to get what you wanted.

Now it was a long time ago and this question has been put to you but I must put it again. Is there not a possibility that you might have been mistaken in terms of the time of day? --- Absolutely not.

I have no further questions M'Lord.

COURT: How many times did you have to go to Pretoria to beg or plead for a licence? --- It was the beginning of a long process and this
20 was the probably the early part of going or coming to Pretoria to see the Government Department to get a Trading Licence.

But throughout your business career how many times did you have to go to Pretoria to get a licence? --- A few times.

How many times in a year? --- No when you start the process you have to go through all the different stages I would say about

three or four times.

Yes, and it was around that time when you were going to Pretoria? --- Yes M'Lord.

And thereafter did you go to Pretoria? --- They did give a Trading Licence.

Yes? --- And then we carried on with our life.

And it was a permanent Trading Licence, so did you have to renew it? --- No you did not have to renew it because once it was given then it was not difficult to kind of pay the fees and continue with
10 it.

Okay, you want to ask any questions?

FURTHER CROSS-EXAMINATION BY MS SINGH: Yes please M'Lord I just need to ask a question to the witness. Mr Thokan you said that you used to fill up at this petrol station at least twice a week if I heard you correctly? --- Correct.

All right other than his one time when you went to the police station, I beg your pardon to the filling station, you were filling petrol, you hear a thud, you were shooed away by the police, you go back, and then later on you hear, or a few days later according to your
20 evidence you heard that it was Mr Timol. Did you ever go to that station again hear a thud and see it was somebody else that fell? --- No.

Was that the one and only occasion? --- That is the one and only occasion.

Nothing further for this witness M'Lord.

COURT: Thank you. Okay thank you sir you are excused thank you very much for your testimony. --- Thank you M'Lord. Can I go?

Yes you are excused.

NO FURTHER QUESTIONS

MR VARNEY: M'Lord our next witness is Mr Ronny Kasrils I have just been advised by Attorney that he has popped to the bathroom. With the leave of the Court if could just wait a minute or two for him to return?

COURT: I will adjourn until you are ready you call me I will be out
10 here.

MR VARNEY: As the court pleases.

COURT: We adjourn.

COURT ADJOURNS [10:31]

COURT RESUMES [11:05]

COURT: Yes Mr Varney?

MR VARNEY: M'Lord before we commence with the evidence of Mr Kasrils we would like to hand up certain Exhibits including his signed affidavit.

COURT: Yes.

MR VARNEY: Previously we had only submitted an unsigned copy.
20 M'Lord we wish to put up as Exhibits there are three documents. The first document is the affidavit of Professor Kenneth David Bofhard, and M'Lord had requested a copy, or at least an affidavit from Professor Bofhard setting out his evidence.

COURT: Yes.

MR VARNEY: And that affidavit we would like to mark “C15”.
Perhaps the papers can be handed up.

COURT: Is this the Bundle of affidavits or is it just one?

MR VARNEY: Two affidavits M’Lord and one police file.

COURT: Yes.

MR VARNEY: So the affidavit of Professor Bofhard we would like to mark “C15”.

COURT: Yes.

MR VARNEY: The affidavit of Mr Ronnie Kasrils “H10”.

10 COURT: Yes.

MR VARNEY: And the police file of Nevil Els”J3”.

COURT: Thank you.

MR VARNEY: M’Lord we do have other Exhibits in relation to the photos and building plans, but I would like to suggest that we attend to those when we call that evidence.

COURT: Yes.

MR VARNEY: With Your Lordship’s permission I would like to call Mr Ronald Kasrils to the stand?

COURT: Yes you may do so.

20 COURT ANNOTATOR: Your full names and surname?

WITNESS: Ronald Kasrils.

COURT ANNOTATOR: Do you have an objection in taking the oath?

WITNESS: I prefer to affirm thank you.

COURT ANNOTATOR: Do you confirm that the evidence that you are about to give is the truth the whole truth and nothing but the truth please repeat after me and say I do?

WITNESS: I do.

RONALD KASRILS: duly sworn statement [affirms]

COURT: Thank you. Thank you Mr Kasrils you may sit down. --- Thank you Your Lordship.

EXAMINATION BY MR VARNEY: Mr Kasrils firstly thank you for making a special trip to Court I understand that you were abroad, and
10 that you made arrangements to come back to South Africa and testify, and for that we are grateful. --- That is right.

Mr Kasrils did you make out a statement as part of your preparation of this Inquest? --- I did.

Do you have that statement before you? --- I do.

M'Lord Mr Kasrils statement can be found in Volume "H" at page 35. Mr Kasrils to begin with we just want you to describe to the Court some of the highlights of your political career in particular your involvement with Organisations such as the South African Communist Party, the African National Congress and Umkhonto we
20 Sizwe. Now you have had a long career involving all those Organisations, so we do not have time to go through it in great detail. Perhaps you can give us some highlights, and I see in your affidavit you say that Sharpeville massacre in 1960 prompted you to join the ANC Congress of Democrats. Can you tell us what your position was with that Organisation perhaps some highlights that follow thereafter?

--- All right M'Lord as it has been said 1960 saw me as a young man just on 21 working for a Film Studio here in Johannesburg where I was born. I had already in my Post School years stood against the colour bar in the sense of making friends with the Black Compatriots of our country in defiance of the Laws. With Sharpeville I decided that action was needed and I therefore made contact with the ANC and the Communist Party of South Africa. I had a relative in Durban who had been a Member. I very soon became fully involved although still working I became a Secretary of the then Congress of Democrats in

10 Durban where I had moved because of work, and soon became its Secretary. I was very soon after that banned from public activity and restricted to Durban. In that period 1961 now I became a member of Umkhonto we Sizwe of the Natal Regional Command, and of the South African Communist Party. By 1963 I was as the term has it on the run from the police, and had to leave the country worked for the African National Congress for a while in Dar es Salaam. I was sent for Military Training to the Soviet Union as it then was. Following on this I was sent to London to work with a very strategic committee of the Communist Party headed by Doctor Yusuf Dadoo, Joe Slovo.

20 Sorry to interrupt was that the year of 1966? --- Absolutely yes it is by 1966 yes thank you.

Thank you please proceed. --- So by 1966 saw me in London working with this committee under Dadoo and Slovo. It was a committee which was focused on recreating an underground presence of both the ANC and the Communist Party in the country. I am sure

as Your Lordship knows Post-Rivonia the underground structure of both Organisations in the country had been totally crushed. So the committee in London was a very important one, and shall I proceed to talk about the work of that committee or...?

Mr Kasrils before you get to the work of the committee because we need to deal with that in some detail. I see in your statement that you list a few names including Ahmed Timol, Raymond Suttner, Jeremey, Alex Moumbaris, Tim Jenkins, Dave and Sue Rabkin and these are people that you are in your Colleagues were involved in
10 recruiting? --- Exactly Your Lordship.

We are going to return to that period because that is of great interest I believe for this Court. But just to complete your political career you became a member of Umkhonto we Sizwe's high command and you were appointed as chief of Umkhonto we Sizwe's Intelligence in 1983. --- Yes.

Perhaps you could just give the Court a few more highlights in the years from the early 80's through to when you resigned from the African National Congress. I think you did resign from the African National Congress at some point? --- Well yes just a couple of years
20 ago.

Yes. --- The current period.

So just some highlights from the 80's to the present time. --- Yes from 1983 I was working back in Africa, and had become the Commissar for the Umkhonto we Sizwe in Angola. I then worked in Mozambique and other frontline countries subsequently became a

central committee member of the Communist Party in 1983, and of the National Executive Committee of the ANC based in Lusaka in 1987. I was on what was called the Political Military Command or Counsel of the African National Congress which dealt with both the reorganisation and development of their political underground inside the country, and the military work of Umkhonto we Sizwe. By 1990 I was back in the country as part of Operation Vula which was an underground project of the ANC. Then once the ANC was unbanned I was elected to its National Executive Committee at its Durban Conference of July 1991.

10 I was still a member of the Communist Party Central Committee up to 2007, and the ANC's National Executive Committee in that same year Your Lordship. I was the Director of the ANC's internal National Campaigning from 1991 through to approximately sorry to 1994. Following on I became Deputy Minister of Defence until 1999. Minister for water and foster from 1999 to 2004, and then Minister for Intelligence Service from 2004 to 2008.

Thanks Mr Kasrils I think that is a sufficient background. Now if we can rewind a little and go back to the training and deployment of recruits that you referred to in passing. You have already testified that
20 this was for the purpose of reorganising the underground structures of those Organisations in South Africa because they had been smashed following Rivonia. You also mentioned a Committee that was spearheading this work. The Committee comprised of Yusuf Dadoo, Joe Slovo, and Jack Hudson. Can you explain in some detail the work of this Committee and what you were doing? --- As mentioned Your

Lordship the Committee's mission was to reorganise the underground structures of both organisations within the country. That also entailed creation of support network Umkhonto we Sizwe. To a very prominent degree from 1966 a focus was on sending literature and leaflets into the country, so that the people of South Africa would know and understand the programme, the policy, and the directives of both the Organisations. The propaganda distribution of course required people to carry this out. The recreation of an underground network required the same. So foremost was the identification of young South Africans
10 or old in the main it intended to be younger people who were studying in Britain or were passing through Britain, and with the inclination to serve the movement. We identified such people and we would then recruit them into the underground of both the ANC and the Communist Party in some cases simply the ANC. The training related to how to survive in a police state such as South Africa, and in relation to that training there are particular methods which are referred to as Trade Craft. How do you survive? How do you remain anonymous?

Mr Kasrils before you get to that detail. The recruits that you sent into South Africa you referred them as the London recruits. You
20 say in your statement that the missions carried out by the London recruits were highly successful, because they managed to distribute 10's of thousands of leaflets by way of [indistinct] in various cities, is that correct? --- Yes.

Mr Ahmed Timol was not involved in that particular campaign because that was just the foreigners the so-called London recruits

who carried that out? --- If I may I was coming to a distinction which you have brought out Your Lordship.

Yes? --- And that was there were two categories. The one category being South African such as the late Ahmed Timol who would be recruited to work for the duration of the struggle is possible the long term within the country. Then on the other hand there was the recruitment of foreign sympathisers who called them London recruits because that is where we made contact with them, but they could be from Greece and France, the Netherlands, America, and the
10 British Isles. Those London recruits came in to essentially pay a quick visit as would be tourists, but they would smuggle in with our assistance leaflets and other methods of distribution to the people of our country. The messages of the ANC and the South African Communist Party.

Thank you. While we are on the campaign about the London recruits were involved in. Would I be correct in saying that there were massive distribution in fact in your statement, you say 10's of thousands of leaflets were distributed by way of buckets bombs, and other means. Did this take place in 1970, and 1971 in other
20 words in that time period leading up to the arrest and detention of Ahmed Timol? --- Yes exactly it did start in smaller ways from 66, 67 but by 70 and 71 it had reached a peak of great efficiency in which those leaflets were distributed simultaneously in all the major cities of the country making an incredible impact in the media as well as in the streets.

And so this was something obviously that the Security Branch in your view would have been investigating with some vigour? --- The newspapers at the time both English and Afrikaans project that fully. From Ministerial statements, police statements they did not know what the source was and it really affected them to a great degree.

And so would you be of the view that through the course of 1970, and 1971 prior to October, and October is the month on which Mr Timol was arrested. Your recollection is that the Security Branch had no real success in getting to the bottom of this mass distribution
10 of leaflets. --- Correct there were no arrests made up to that point.

Thank you Mr Kasrils you were talking about the training that the recruits went through you may resume that evidence. --- Thank you. Your Lordship the training related to a number of key areas. I have mentioned in the first place how to operate in a clandestine manner within in a police state, which entailed giving such recruits an appreciation and understanding of the Security situation of the country. The press, the police and the military, their use of spy's and informers, and the like. I mentioned the question of what is called
20 [indistinct] craft and that relates to how to access whether one is under so called surveillance. Whether you are being followed, and whether your phone or your mail is being intercepted and the like. So it is preparation along those lines. There is the question of political education which for both the Communist Party and the ANC were very essential elements to understand the politics of the country, and the politics of the Organisations, their strategy tactics and so on. Then

there were aspects such as the production and dissemination of propaganda, of information relating to the production by methods in those distant times, and how to go about distributing them. Perhaps the highlight the question that form themselves recruiting people, organising the in networks and structures with in a celled system of three or four people per cell. So a very thorough training along those lines.

COURT: So some of the material that they would distribute would be produced by them by the Unit? --- Could you repeat?

10 Are you saying that some of the material that was used did not necessarily come from outside they produced it in South Africa the Units themselves? --- We started off by sending the material in and once a Unit was established as was the case with Mr Timol they would then receive a draft copy of the document, and they would then reproduce that in print form or in [indistinct] form.

MR VARNEY: Mr Karils in your statement you say that you never personally met Mr Ahmed Timol, is that correct? --- That is correct.

 And that you did not personally train Mr Timol, who did train Mr Timol? --- He was trained by Jack Hobson who was a member of the
20 Committee that I have referred to, so I did know about Mr Timol, and the training of Mr Timol.

 And you are saying that although you would not have first-hand knowledge of his actual training because that was done by Mr Hobson it would have been of a similar nature to the training that you would have given other recruits? --- Absolutely identical it was a syllabus

which we had developed Your Lordship, and we providing it in that way that it was a replica to quite a remarkable degree, of what one would teach as to oppose to another.

And your statement discloses an interesting mythology as to how Mr Timol and others would have received these publications and how they would then have reproduced them. Can you explain to the Court the Mechanics involved? --- This was basically Your Lordship through secret forms of correspondence, and gifts sent to individual or people that the individual was connected to who would be prepared to
10 receive a letter from abroad, and within that letter could be smuggled a very thin sheet of cigarette paper with the information on that. That was one way. Another way was in terms of using what is called secret forms of writing. Writing in which the writing is invisible where one uses a particular formula a chemical formula and that is brought out by a developing compound which could simply be the spray that you use to clean your oven with.

And just to wrap up the training. Your statement does talk about on how the recruits should deal with interrogation, could you explain what kind of training they received in that regard? --- This was
20 based in the first place in our politics. What we believed in a world view approach Your Lordship in which we understand then and now that an individual involved in struggling for a just cause against an invader, against a police state, against tyranny has a powerful weapon on their side which is a moral issue, and a question of giving them strength to confront any form of danger. Whether it comes in a form

of arrest, whether it comes in the form of assault, or even torture. Whether it comes in the form of facing a Court as Mr Mandela, Sisulu and others did in terms of possible death sentence. So it was based on strengthening the moral fibre of an individual in the belief in the cause that we were fighting for. That was the platform or the basis on which to prepare a person. Secondly would be an understanding an analysis of the kind of methods that your captors would use against you. We had plenty of examples by 1970 of how the South African Police or Special Branch were behaving in terms of their interrogation
10 methods, in terms of even torture. In relation to torture Your Lordship you cannot simply prepare a human being and know that, that person will break or not that is an impossibility, but the question of infusing a person with the belief and that strength arising out of belief is the best that you can do. However what to do then if one is caught and you have been part of a structure in which two or three other people have been working with you. That approach is one in which a study of world struggles, particularly I would say the colonial struggles against the Portuguese Colonialist or the French or the British throughout Africa, Asia, Latin America, and the Second World War. We have all
20 heard of the Gestapo and the kind of torture that people had to face, so we made sure that our recruits understood that. If they felt that they just could not withstand even capture then we would not force them into an underground or illegal situation. That had to come over time and patience, the politics, and the training, but we had to face and they had to face this crucial question if I am captured how do I

behave. We would go through the trauma of that, and we would go through the shock one would experience, and how to try to survive that in terms of inner strength, and so on. We would stress the need to withhold the most sensitive of information, and we knew this was something that could not hold out indefinitely because of the threshold of pain if under assault, or torture. So a key thing if one was a Mr Timol or a Member of his Unit would be comrades try and hold out if you are captured, try and hold out for at least 24 hours, 48 hours if possible so that those who you have been working with by those 24
10 hours you are working closely with them, you know their family etcetera you would be alert to the fact that individual A, B or C has disappeared, is likely to be under arrest. Then everybody is under instruction do not be a hero that is the time to run for it. We would have prepared people with the ideas of how to disguise and how to make for the Border, and we knew our Borders very well Your Lordship. So we would say such and such places or where you could quite easily cross into a neighbouring African State. So the question of holding out 24 to 48 hours is the key factor of time. We did not say that you should hold out indefinitely, but we did however Your
20 Lordship say if you can do that and there were many instances of Comrades who did resist to the point of being beaten unconscious. That if you have got that strength by all means, but if not hold out for that minimum period of time.

Yes and in fact there is evidence in this Court of Doctor Essop of actually holding out he is in the Court today. --- He is a very brave man.

He was beaten into unconsciousness. --- Yes.

Did you give your recruits reading material of others who had been through torture perhaps by the Gestapo or others so that maybe they might get the sense of what they might have to face? --- Indeed Your Lordship the literatures full of these accounts that one can mention many, many books, and indeed forms as well.

10 And for those with the misfortune to be arrested and interrogated did you offer advice on the sort of the things that they might be able to tell, or how they might be able to delay giving information about the Comrades? --- Yes that is a technique that is applied, and that would be a minimal amount of information to be revealed and particular limits on that information. In the first place reveal what the enemy as we called the Apartheid Rulers already knew, and try and limit yourself to that well knowing that once you give a little bit they also are not fools they would pressurise you for a little more, but that is a particular tactic in that battle of wits.

20 COURT: Well the evidence we have from Experts and former police officers is that they too were on a race. They told this Court that the moment they arrest a person just after arrest they will try to get as much information as quickly as possible. --- Correct.

It makes me think about what you are saying now that it looks like there was a race. The detainee holding out and the police trying

to extract as much as possible, and during that period would be the period where pressure is exerted on the detainee, is that correct? ---
Quite correct absolutely.

Thank you continue.

MR VARNEY: So Mr Kasrils there was an expectation that for some perhaps even many of the recruits who might be arrested, interrogated and tortured that there would be a breaking point, and there was an expectation that detainees under torture might break and reveal information. --- Exactly.

10 Was an instruction or perhaps I should say a doctrine or policy on the part of the South African Communist Party, or perhaps even the ANC that Members who were detained should rather commit suicide than betray the Organisation? --- Your Lordship absolutely not, absolutely not, and if I could add if that were the case then people like Mandela, and Sisulo and Billy and we could real off name after name, after name would have attempted something of that kind, but absolutely not.

 So you did not do things such as issue cyanide capsules or other kinds of devices to facilitate suicide. --- Your Lordship during
20 the Second World War the allies in running their spy's or Agents into Nazi occupied Europe in terms of their doctrine their approach they issued in cases not for everybody, but those doing the most sensitive work. If you read Wikipedia or you Google it cyanide capsules as did the Nazi's as well at a very high level, and there were some Nazi

Generals who decided to bite into that capsule instead of being arrested.

And the recruits that you sent back into South Africa like Timol although you did not have contact with Timol per say, but generally speaking did you discuss the possibility that they may be facing long term jail sentences. --- Exactly Your Lordship and that was something that we held out to them as an issue of hope to look forward to. Because as you yourself have seen that window, the race as you called it sir would be up to say 24, 48 to 72 hours. If one battled to
10 get through that and provide as little as possible, and then in most cases come to a Court such as this and face a trial, and end up incarcerated but there was hope as we know how Robin Island or whether white prisoners were in Pretoria just down the road here were told by us in the training preparation, Comrades get through your trial and the ordeal as well as you can, and maintain your dignity and commitment, and you will then find yourself with fellow Comrades, and they are putting up a battle with in penal walls, and they have a right to study. I think as every South African well knows Your Lordship the
20 approach of the elders on Robin Island was make the most of the time, study. We know a great example is the Justice Minister Deegan Mosoneke who goes in at the age of 15 for the Pan African Congress and he comes out and he becomes a leading Judiciary figure in our country.

Yes. --- So it is not as though sorry if I can just emphasise this point. It is not as though Your Lordship our people are going into

such a nightmare as sure as the nightmare will happen, but to look beyond it to a life in which they can prepare themselves for in our belief and the politics that they had would see through to a freedom in our country where they will play a role.

So why are they correct in saying that it was seen by these recruits that a possible jail sentence even a lengthy one would be seen as a badge of honour? --- Absolutely Your Lordship absolutely and I think we have seen that this is the case in our country.

COURT: And that would mean they would not look forward to long
10 prison sentences as something that is very bad on their side? --- Not at all, not at all and certainly by 1970 the examples of the Leaders whether it was the Bram Fischer's and Dennis Goldberg's here in Pretoria all or on the Island were already very clear. So in our preparation in 1970 we had that as an example to hold up, and that is what we did in our training Your Lordship.

Thank you.

MR VARNEY: Mr Kasrils you have testified that Mr Timol would have
20 been trained in bucket bombs and distribution of leaflets, but in fact in terms of that big campaign of leaflet bombing combined with banner unfurling through 1970, and then part of 1971, he in fact was not involved in that particular campaign. It does seem certainly from the evidence before the first Inquest Court that the Security Branch believed that they had caught a very big fish. He was responsible for those campaigns, do you agree? --- That was my perception Your Lordship it was the way i8 thought, and we had, had discussions with

people like Joe Slovo, and Yusuf Dadoo, and Oliver Tambo and we thought that this was possibly a connection.

So your statement says that given this context or given this backdrop and given that it appears that the Security Branch knew that they had this window 24 to 48 hours or thereabout to get key information on collaborators or co-conspirators. That this is the reason the individual such as Essop and probably Mr Timol was so brutalised in those early days of their detention? --- I would say Your Lordship that as severe as the treatment of Mr Essop was with Mr
10 Ahmed Timol it was getting far greater, because Mr Essop had not been out the country. They knew that Mr Timol had been out the country, and they already had some clues and information to that effect. Indeed they would have regarded him as a really important catch, and the way to explain this very embarrassing distribution, series of distributions of material from the ANC and Communist Party that had shocked the Special Branch and their bosses.

Mr Kasrils just a small correction Mr Essop actually is a Doctor he does have a doctorate. --- I am terribly sorry.

No it is my mistake because I also call him Mr Essop
20 erroneously but it is Doctor Essop. Mr Kasrils can we move to another topic and that is certain documents that were purportedly published by the South African Communist Party and other prohibited Organisations. The first document I want to deal with is called the Frelimo document. I believe you have a copy. M'Lord the Frelimo document is in Volume "B" it is in Exhibit "YY" it is at page 161 of

Volume “B”. Now Mr Kasrils in preparation for this Inquest you were shown a copy of this document. --- Yes indeed.

And can you explain to this Court whether you believe this document to be authentic or not? --- Your Lordship the document which is three pages is very detailed indeed, and apart from the last few sentence let us say the last paragraph which I will come to in due course has a ring of authenticity. In reading the document it sounds absolutely genuine. I have never seen this document before as far as I can remember, and I do tend to have a good memory for
10 documentation such is this. It basically deals with some of the points I was making to the Court earlier Your Lordship about the struggle between somebody who is under interrogation, and the interrogators. The kind of tactics employed by both sides, and it is very detailed in terms of the experience of Mozambican Political Prisoners under the Portuguese. In terms of the methods that the P-Day which was the Portuguese Special Branch had used. It is when one comes to the very last part of the document page 3, and the last paragraph which begins but in addition to this there must be continuous or constant training and education. The kind of thing that I was referring to earlier
20 which the document had gone into Your Lordship, and that is correct. The next five lines are also in keeping with my view it is authentic. Suddenly out of the blue in terms of the second last line I will read from the third or fourth last line. They will have to carry on with their interrogators should they be pulled in, and how it should be carried on possibly to a final conclusion/suicide, but certainly to such aggressive

methods of counter attack as hunger strikes, passive resistance etcetera. That inclusion the final conclusion suicide jars. It jars in a couple of ways. The reading of this three paged document Your Lordship gives details, so when the person reading this, and this is meant to be an educational document for the Underground. They talk about the hunger strikes, and passive resistance, and so on all these methods. The writer talks about this in detail, and suddenly a tactic the final method which is the most complexed of all suicide. That I said final conclusion suicide, and if this was genuine and I am in the

10 Underground and I am reading this and I am meant to be educated what is the reasonable person's expectation? Suicide how do I do that? What guidance can they give me? It is not easy Your Lordship not even a bullet to the head, because anybody who pays an interest in methods of suicide well knows that a bullet to the head can leave you mortally wounded and in a terrible state, but not dead. Incidentally I mentioned Google, and reading this, this morning the Nazi's in biting into a capsule what they were told to do is as you put the bullet into your head bite down on the capsule, so as to make sure you finish yourself off. Any way the point is Your Lordship it comes to

20 this invasive word in this entire document which makes me sit up and feel that has been included after this document was written, if indeed it is a genuine document and in my view it is.

Mr Kasrils do you notice that there is a name at the bottom of this document? --- Yes.

P. Lopez? --- Yes.

Were documents issued by SACP normally ended off with somebody's name at the bottom? --- It is extremely strange Your Lordship. Even if this is a person's code name which people in the Underground have they do not have their proper names, but to put your code name down gives a clue to a police officer who will want to know from other people who is F. Lopez. So it opens the writer up to danger by adding a name, and that is very strange as well.

COURT: So part of the training was that no names must be used? --- Absolutely not only verbally in connection with each other.

10 Yes. --- Or if there is a list Your Lordship there is a list and this is a possibility that list which would be a very secret list quite clearly it would be in code, and hidden somewhere that would have people's code names written. So that should the entire structure or part of that be smashed those who are trying to revive it at least know that there is an F. Lopez who we might be able to contact through somebody else but not in relation to a document of this kind.

MR VARNEY: Now Mr Kasrils the fact that the reference to committing suicide at the very bottom of the last page would that have made it easier to potentially insert? --- Well extremely easy because it
20 is quite a different task if you are making a change within the body of a document and even a school pupil well would know.

Yes and I notice on the statement that you observe that the Security Branch often seize typewriters from those they have arrested, or from houses they have raided, so here is a possibility that they could have used those typewriters to create a fabrication such as this?

--- I can assure you Your Lordship this did in fact take place the seizure of equipment. I know of a number of cases where raids have taken place where the people concerned have been arrested, the typewriter appears in Court in the trial against the person. There is documentation and illegal leaflet and the police would lead evidence to show that the leaflet in this case would have been typed on that very typewriter.

Thank you Mr Kasrils. Mr Kasrils in your statement you do make reference to a document titled Nkululeko Freedom Number 1
10 issued in July 1971 by the South African Communist Party. I do not intend to put questions to you on this document because in your statement you confirm that this document is authentic? --- It is definitely and I know this document pretty well. What I think is useful for the Court is that the title of the document has issued by the South African Communist Party and that becomes very important. Because the correct name of the Party which exists in our country to this day from 1953 became South African Communist Party, Party that was banned in 1950 was the Communist Party of South Africa.

Yes, and the relevance of that will become clear when we look
20 at the third and last document. --- Precisely Your Lordship.

Which is titled Nkululeku Freedom Number 2 dated February of 1972, and M'Lord that is in Volume "C" at page 15. Mr Kasrils you have a copy of that document before you? --- Yes indeed.

So by way of background Mr Kasrils unlike the other two documents this was not a formal Exhibit before the first Inquest, but

nonetheless it found its way into the hands of the Magistrate. There is some controversy as to how it got to the Magistrate but that is not relevant for us right now. We do know this because the Magistrate relies on a Section of this document in coming to the conclusion that Mr Timol in all likelihood had committed suicide. Now can you point the Court to or before we look at the passages of interest what can you say about this document? Is there anything that is familiar about this document to you? --- Yes indeed Your Lordship I would say that in the main this is an authentic document of Nkululeku Freedom which
10 was the Underground paper of the South African Communist Party. So certainly it is an authentic document in my view.

And who do you know that? --- Pardon?

Why do you know that most of it is authentic? --- Well through the reading of it, my memory. I have tried to locate the copy as indeed the Court has but we have not been able to track it down, however my view is that and I can recall that Nkululeku Freedom came out in successive numbers. So my view would be that this document save for an issue which we would come to a falsification of a real document that this is a real document in the main.

20 And in fact so Mr Kasrils is it not true that you wrote part of it or much of it? --- Well there are parts that I recall writing. I wrote from abroad some of these parts of these documents yes.

COURT: Let me ask this how often was this document produced? Was it an annual thing, or was it produced over six months, or what was it series? --- It started off in July in 1971 with the first issue and

the idea was that once the Underground was fully established that it would come out more frequently perhaps once every three months or so. The second document, the second issue number 2 comes out then in I think it is February of 1972. If my memory serves me correctly Your Lordship there are subsequent editions in the following years. Perhaps after this issue every three or four months, so it was not set up as a monthly it was set up as a regular, but it was meant to come out as often as the Underground could produce it.

Thank you.

- 10 MR VARNEY: Mr Kasrils as you are aware we have tried to locate the original version of this document so if it can be located and brought to the attention of this Inquest within the next say two weeks we would be enormously grateful. I understand that the SACP Archives unfortunately does not have copies this old. It may interest you to hear where we found Nkululeku Freedom Number 2, because as with much of the record it was not part of the Inquest record that we recovered, and as I mentioned it was not an Exhibit either. But we recovered it when we looked at the records of the Agit Inquest. As you might recall the conclusion or finding of the Agit Inquest was also
- 20 suicide. You mentioned in your evidence that there is part of this document that in your view is not authentic, can you point the Court to those passages. I believe it is on the very last page. --- Yes before coming to the very last page if I may?

Please do. --- If you look at page 1 Your Lordship and bearing in mind that Nkululeku Freedom is not meant to be a secret internal

document like possibly the Frelimo one. Nkululeku Freedom is meant to be a document which is produce clandestinely the thing is distributed for people to read. The number would depend on how the capacity of the Underground, but it is written for South Africans to read. Therefore I make a point that on page 1 in the fourth or fifth paragraph which begins the third of the way down the page. The torture and killings continue Ahmed Timol is the latest people's mater his death and that of all our other dead will be avenged. It goes on in that next paragraph: The enemy is not continuing to have it all his
10 own way. The unprecedented wave at protests which swept the country when Comrade Timol was murdered is testimony to the growing revulsion of ordinary people. So here authentically I would say the document refers to Ahmed Timol as having been murdered, and that is publicly stated.

And in fact the date is February 1972. --- February 1972.

Which is months after his death? --- Yes.

October. --- It is from October but this is the second issue of Nkululeku Freedom, so it is quite possible that in the second issue there would be reference made to the latest communist mater of the
20 struggle Ahmed Timol. Can I proceed?

Please proceed. --- We come then to the key falsification in my view Your Lordship on the final page 7, and the final topic under the topic heading Stand Firm. The fight is on and you must now expect increased arrests, detentions, torture, and brutality. It carries on along those lines about do no fear arrests, be on your guard not to

divulge any information to the enemy etcetera, etcetera. Harass your enemy it is a little bit of a jarring term the 'your enemy', because Your Lordship the entire document especially the last page talks about our enemy. It suddenly refers to your enemy just the individual that is not the way the Communist Party was writing even to this day, because it is always as you would see on this page we are this, we are that, they are the following. Then to carry on that particular section which is the third paragraph harass your enemy by going on hunger strike, act insane it is a very strange term. We had, had people up to that stage,

10 my late wife included incidentally Your Lordship who had feigned insanity or a mental breakdown, and at that basis could be transferred to a prison hospital, or the like. From there it was somewhat easier to escape, but we would never say act insane. It would be if we were publicly and I will come to this point if we were publicly divulging our tactics it would be feign a mental breakdown. Lodge complaints whether true or false. Very strange when you are talking the public at large you are giving away what you might be saying secretly, okay Comrades lodge complaints it does not matter whether they are true or false. It is really doubtful that we would give such an instruction.

20 I am not trying to indicate that we were puritanical Your Lordship, but there was an approach which was an approach of dignity, and we did not have to fake things because the treatment was in Layman's terms unimaginable. So the question of lodge complaints they would have very, very complaints justified complaints to lodge. Then again this question comes: Resort to civil and criminal actions in Courts as often

as possible. Make sure your complaints and actions against the suppressors get the utmost publicity. Rather commit suicide than to betray the Organisation. So again there is the insinuation of we are instructing people rather commit suicide. I had dealt with the suicide issue previously, but if I may just take this opportunity to point out in that sentence Your Lordship, fake complaints and actions against the suppressors. We never referred to the Apartheid Advisory or Enemy as Suppressors we referred to them as Oppressors. The writing is always the Oppressor the struggle against the pressure and the
10 struggle against the Oppressor. So the term Suppressor there jars and then rather commit suicide than to betray the Organisation. Your Lordship this is not English, rather commit suicide than to betray the Organisation. English as is written in this and the other documents would be rather than betray the Organisation. Now I am not a fluent linguist but it seems to me that this is how an Afrikaner might translate an English term rather than to betray the Organisation. We would simply write rather than betray the Organisation. There is a couple of other real further anomalies.

Well let us complete it because there is not much further to go,
20 and there is another example of poor English in the very next sentence. --- Exactly. Remember our brave Comrades who have paid for their lives. Your Lordship who have paid for their lives, the term is you have paid with their lives, not with who have paid for their lives. Again in my view it would be someone in Afrikaans writing this.

MECHANICAL INTERRUPTION

[12:14]

MR VARNEY: [Indistinct]. --- Exactly Joe Slovo particularly and I have mentioned that I had written quite a bit we all jointly contributed, and my English Your Lordship is too full of Adjectives. I will never forget this and I know it is those many years ago but I see Joe Slovo looking at my drafts and say, "Oh Ronnie too many Adjectives can you just cut them out a bit'. So it is not as though we dashed these things off we were very concerned at the flow of the English as it needed to be simple for our people to read, and in good English. So those aspects understand firm coming right at the end of the document easy
10 to deal with really jar, and this signals to me that there was another hand Your Lordship playing with this wording.

Mr Kasrils I need you to comment on that last paragraph and perhaps you can read it for the benefit of the Court. --- When you say the last paragraph are we now referring to honourable people like George Bizos.

Yes Vorster if you can start there. --- Yes it is the last main sentence apart from slogans Your Lordship. Vorster and his professional murderers will not halter our people when we have Comrades like Riley, Vernon [Indistinct], M.D. Naidoo, George Bizos,
20 Sougert and others who have been fighting with us since the days of Rivonia.

Now Mr Kasrils is that what the Communist Party used to do in those days list names such as George Bizos the evident Defence Lawyer? --- It is laughable Your Lordship again there the anomalies in this document in which it is a document for the public not for internal.

Not all of these Lawyers mentioned are people who we would have said were [indistinct] incidentally, but we would never have listed people who were conducting very important activity for people who were appearing in the Courts. Why on earth mention name after name it is absolutely ludicrous. There is a name here of a person that I knew very well in Durban Rolie Orenstein a very good man actually, but who had been expelled from the Communist Party in 1964. We would not have then if we wanted to parade along with the George Bizos to give them an accolade which would have been handing them
10 a dagger in their backs. We would not have then mentioned somebody along with George Bizos who had been expelled from the Communist Party.

In fact am I right in saying that Rolie Orenstein I understand for ideological reasons was expelled from the Party and as you say it is unlikely that he would have been mentioned amongst other heroes of the Communist Party? --- Absolutely if it was a secret document which we were sure and we could never be sure would fall into the hands of the Authorities you know even then we would not put the names, but if we had we would not have include Rolie Orenstein or
20 David Soggart who was by no means similar to a George Bizos.

Yes just for the record most of them I know is but some were not for example the [Indistinct] must be the late Archbishop of Durban Dennis Hurley. --- Oh yes, yes I see you are right of course yes.

And perhaps just to revisit at the very bottom of the page...[intervene]. --- Sorry I think Hurley's name is mentioned elsewhere not there.

COURT: Yes it is not there.

MR VARNEY: Okay it must have been mentioned elsewhere I beg your pardon. --- Yes.

Perhaps you can explain to the Court who Naidoo is? --- Naidoo was a Durban Advocate Your Lordship who I think at this particular point in time is serving a sentence in prison.

10 And perhaps this would be a good point to revisit who this was issued by? --- Yes thank you.

You said that it would become relevant. --- Yes exactly thank you. Your Lordship so that point I made right at the start when I made reference to Nkululeku Freedom July 1971 issued by the South African Communist Party this document now February Edition 1972 number 2 at the end it says: Issued by the Communist Party of South Africa. If I may Your Lordship and I see there are a number of Communists in this Court they know very well which perhaps the Layperson might feel is not relevant but Your Lordship I ensure you
20 the distinction between using the term Communist Party of South Africa to South African Communist Party is extremely relevant to the very noble history of the Communist Party of this country. Not that there is an embarrassment but as I referred earlier in historic terms up to the time the Communist Party is banned in 1950 it is known for inception in 1921 Communist Party of South Africa. There is much

that is written in its literature concerning its banning and the aftermath about why they changed the name to South African Communist Party. So a policeman or somebody without that kind of internal insight might very well feel at the end let us just put in issued by. There would have been issued by the South African Communist Party but I am talking here about a document which I feel had this last paragraph totally changed, and doctored to include the reference to suicide. The job then is done and whoever is typing and here whoever is dictating issued by the Communist Party of South Africa. It is a perception of
10 mine but it really seems logical the way I would explain the fact that this has been fraudulently dealt with to include the suicide reference.

So in your view a blunder like that is simply not the kind of mistake that the South African Communist Party would have made? --
- Not even the newest recruit could have made such an error Your Lordship.

And in your statement you say it is no coincidence that again this occurs at the bottom of the page? --- Precisely so.

So it was probably was easier to insert? --- Precisely Your Lordship.

20 So in your statement you say you have total confidence in concluding that those last five paragraphs are obvious forgeries do you maintain that view? --- That is my view one hundred percent.

And why do you think if it was the Security Branch that had done this why do you think that they had inserted this? --- Well I think this gets to the very point of their faking the suicide of the late Ahmed

Timol. This is an attempt to provide the proof that the Communists teach their people to commit suicide rather than face interrogation. I quote the words those are the very words that the Chief of Police after the death of Ahmed Timol made in his press conference which would have been in October. I wrote a poem about that press statement that he gave, and I used that very term. That Communists are taught to jump out before interrogation, and my title of the poem was Before Interrogation with a question mark. So I know it is a long time ago Your Lordship but there are things that remain in one's mind because
10 of the vividness, and the drama of the event.

And would you say that the timing would have been quite convenient for the Security Branch given that the Inquest also happened in 1972? --- I should think so.

M'Lord no further questions.

COURT: Thank you. Mr Pretorius?

CROSS-EXAMINATION BY MR PRETORIUS: Thank you M'Lord. Mr Kasrils another version of this Nkululeku Freedom 2 surfaced in Parliament and I think there the name Hurley was mentioned. I think it is in that regard that, that was mentioned. Mr Kasrils you were quite
20 active in the Underground, and I just want to know Quintin Jacobson does it ring any bell? Quintin Jacobson does it ring any bell? --- Somewhat I cannot put a face or a date to that but nothing that I could say further.

In regard to Nkululeku Freedom 2 for a big part you are the Author of this? --- No parts partly.

Partly. --- Yes probably three different items written by different people.

Thank you M'Lord no further questions.

COURT: Thank you. Mr Coetzee?

CROSS-EXAMINATION BY MR COETZEE: Mr Kasrils, for any of the recruits to come to South Africa they understood the danger of coming to South Africa as recruits in the situation as they were here to form the Underground structures, and to promote the Ideology of the Organisation? --- Yes that is correct.

10 And certainly they operated with a disregard to their own safety in doing so? --- No in terms of being exact Your Lordship to say that they operated with disregard would not be the case. I have gone through the preparation so that recruits understood the dangers, and therefore they would not just simply act in a carefree manner they would take great care in relation to their work.

Yes Mr Kasrils maybe it is my Afrikaans background that let me down with my wording. They were not thinking necessarily of themselves, they were taking the larger picture and the bigger purpose that they were there for as their main driving force? --- Yes

20 Your Lordship that is the case people becoming involved in a struggle do see that higher level of sacrifice to the people as a whole.

And as history has shown us also to the extent that some of them died for the cause? --- Exactly and ready to die if needs be.

Yes. What was the position in the training of the recruits in relation to escape? --- Well if there was a possibility of escaping that would be encouraged Your Lordship.

Even if that escaping might lead to your death? --- No I am talking about a realistic escape not an escape by diving out of a window 10 floors up from the street that is not an escape. So sorry with all due respect.

No, no, no I am not trying to be disrespectful but if a person escapes and he tries to get away there is always a risk? --- Of course
10 but there is a risk in relation to diving out of a window there is no risk you are going to die a horrible death.

Yes if you know where you are and if you are orientated most likely? --- Well if you know where you are if you are on the ground floor and there is a window open there is a possibility you can escape that way yes.

Thank you M'Lord I have no further questions.

COURT: If you had any Members of the South African Communist Party escaping from the cells in custody has there been such an incident? --- Yes of course.

20 How many of these instances do you know offhand? --- Of South African Police escaping?

Members of the South African Communist Party escaping from police custody? --- I beg your pardon Your Lordship.

Yes. --- Just an estimate because unfortunately I do not believe there is an actual record that is being kept. In the latter days when

the struggle had reached such a height talking about 1988, 1989 there were quite a number not necessarily of the Communist Party, but quite a number of people who managed to get out of the prisons. From that point of view possibly a dozen in 1989 of the United Democratic Front people like Valley Moosa, and I think Billy and Others managed to get transferred to hospitals, and then from there made an escape.

Yes let me give you the context that is relevant to this case. Mr Timol and Others were arrested and detained in terms of [Section 6] of the Terrorism Act. Now the detention warrants authorised that they
10 be kept in the cells. Now what happened in this instance is that from the evidence we received is that they were in fact kept in the offices for purposes of interrogation. They were not allowed to be taken to the cells that happened later for those who survived the torture. Now the reason the police used to justify keeping them in the offices was that there was proof that Members of the South African Communist Party escaped from the cells. That is why I want to find out whether you know of any that could have escaped from the cells. --- Thank you Your Lordship.

At that time, at that time? --- In 1963 August the 1st was the
20 famous escape of Mosi Moola, Adulah Jazeed, Arthur Goldreig, and Harold in Johannesburg from the then Martial Square. This was very prominent and I think all four were connected to the Communist Party in one way or another. I cannot recall anybody else after that time. My wife then who is deceased managed to escape from the Special

Branch in Durban by being transferred from prison cells to a mental hospital.

Now the other issue I think you touched on them on that issued when you said that part of the training would be such that if a person were to be charged in Court he should look forward to going to prison that is a possibility. Now one of the reason that the Magistrate advances in saying that Mr Timol committed suicide apart from the instruction from the South African Communist Party, the Magistrate says that he was concerned about the possible 20 year sentence that
10 he would get once convicted. Would that have been the case with a person trained? --- Not at all Your Lordship. Can I give you an example from the Rivonia Trial? When the accused was sentenced to life imprisonment and Dennis Goldberg accused 3 called out to his elderly mother, and he is joyful, and he says mother it is life, a life to live. This is the spirit of the people involved in struggle, and I have no doubt this Dennis Goldberg at that stage was the same age maybe a few years different from Ahmed Timol. This is the spirit of our people they would on the basis of five, 10, 20, 25 years for them this was still life and a struggle in prison. They would see this in a positive way. I
20 could give you many examples of people sentenced in that way.

Any questions arising from my questions?

MR VARNEY: No further questions Your Lordship.

COURT: Yes?

MR PRETORIUS: I have got no questions thank you.

MR COETZEE: I have got no further questions thank you M'Lord.

COURT: Thank you very much Mr Kasrils. --- Pleasure thank you Your Lordship.

NO FURTHER QUESTIONS

COURT: Yes?

MR VARNEY: Your Lordship we still wish to call an Architect Mr Savage and we still have to hold the photo parade might this be a good moment to take the lunch adjournment.

COURT: Yes we will be back at 14:00. We are adjourned.

COURT ADJOURNS [12:35]

[13:40] **COURT RESUMES**

10 COURT: Yes Mr Varney?

MR VARNEY: M'Lord we are going to commence with the architectural evidence that we had spoken about earlier.

COURT: Yes?

MR VARNEY: M'Lord as you can see from the large pieces of photos that are floating around this presents a few challenges. M'Lord I wonder if I may, before the witness is sworn in, whether I can hand up certain exhibits?

COURT: Yes.

20 MR VARNEY: Mr Savage for the moment you may take a seat. M'Lord I understand that already with you are the exhibits. Can I check? Is it with Your Lordship? I beg your pardon. Perhaps my attorney can hand up your copy of the plans. I don't see Anthony, but perhaps ...[intervene]

COURT: There is this document here. There is this thing?

MR VARNEY: These are the buildings of John Vorster Square Your Lordship.

COURT: My goodness.

MR VARNEY: We thought that you might be able to put it on the chair that is next to you.

COURT: Is it only this one page, or will I have to flip over?

MR VARNEY: Unfortunately there are seven pages.

COURT: Oh. Couldn't we get a4 size of this?

MR VARNEY: M'Lord in due course we can provide you with A3 copies. But for purposes of explanation they would be way too small. But for purposes of filing we can provide you with reduce A3 versions.

10 COURT: Yes I think they will have to come in at some point, because when I have to go and work with this, it is going to be it won't be practical. I mean how will I be able to prepare judgment flipping through this?

MR VARNEY: Yes indeed. You won't be able to, and we will provide you with reduced versions.

COURT: Yes?

MR VARNEY: M'Lord together with the plans there is an index to the plans. It should be clipped on the plans.

COURT: Yes.

20 MR VARNEY: Perhaps Anthony can assist you with that? M'Lord with your leave we would like to create a new volume for the architectural evidence? Volume M. Volume M comprises of the following items. Firstly M1 is the Curriculum Vitae of the architect Collin Woodall Savage.

COURT: Sorry just 1 minute. Yes?

MR VARNEY: M'Lord that should be directly under the index that you have. Then M'Lord we have three photocopied photographs taken from the Times Live newspaper. There are three of them and they marked M2, M3 and M4. M'Lord do you have those three copied photographs?

COURT: Yes I have them here. I have them here. When was this photograph taken?

MR VARNEY: M'Lord I must say that we only discovered these last night.

COURT: Oh.

10 MR VARNEY: And we are grateful to Mr Savage's partner, Heather Dudd who found these while doing Google searches for photos of John Vorster Square. It will be the evidence of Mr Savage when we put questions to him that this photograph accords with the original plans of the exterior and landscaping of the outside, as per the plans drawn up in the early 1960s. And it is one of the best photographs we have as to how the impact site would have looked in 1971.

COURT: Yes?

MR VARNEY: Then M'Lord the balance of the exhibits are the actual building plans. Now I can advise M'Lord that the Department of Building
20 Works supplied us with several hundred building plans, and we have waddled several hundred down because we didn't think you would work want to work through several hundred building plans. And we waddled it down to jus seven. So EXHIBIT M5 is what is referred to as the garden plan.

It is dated November 1961, and there were additions made in

August 1964. I will just take Your Lordship through what we have, and then we will return to the plans.

COURT: Yes?

MR VARNEY: The next plan is marked M6, is also a garden plan. M'Lord that plan reflects adjustment to the outside, to the garden. That plan is dated 1979. Those adjustments which we will take you through were then affected in the years later, probably the early 1980's. M'Lord EXHIBIT M7 is one of the smaller plans and it deals with what is called the Waghuis, the guardhouse. M'Lord might recall on the *inspection in*
10 *loco* seeing a smallish building located just to the right of the impact site, perhaps about maybe twenty five metres away, and that is dated 31st October 1979.

It will be the evidence of our expert that construction would have happened in the early 80's. M'Lord M8 is a floor plan of the 9th floor, and that is dated November 1961 with certain additions in May 1964. It is confident that that plan reflects what the 9th floor looked like in the 1970's. M'Lord EXHIBIT M9 this is when we move to the 10th floor. With the leave of the court we are going to change the order here, because M10 Your Lordship is a floor plan that does reflect the as built
20 structure as originally built.

So we will start with M10 rather than M9, and we will then move to M9 which is a full floor plan of the 10th floor. Then finally M'Lord M11 is the roof plan, the very top of the southern wing. M'Lord now that we have dealt with the exhibits with your leave, we call our next witness Mr Collin Woodall Savage. I would be grateful if he could be sworn in.

COURT: Yes? Your full names and surname?

MR SAVAGE: My name is Collin Woodall Savage.

COURT: Do you have any objection taking the prescribed oath?

MR SAVAGE: No I don't.

COURT: Do you swear that the evidence you are about to give is the truth, nothing else but the truth? If so raise your right hand and say so help me God.

MR SAVAGE: So help me God.

COLLIN WOODALL SAVAGE d.s.s.)

10 COURT: Thank you. You may be seated Mr Savage if you want to.
--- Thank you.

Yes Mr Varney?

EXAMINATION BY MR VARNEY: Mr Savage firstly the legal team and the Timol family are very grateful for the time you have provided in order to consult with the legal team on two occasions and to take time out your busy practise to provide expert testimony to this inquest court. Mr Savage in order to establish your credentials and expertise I just want to take you through aspects of your Curriculum Vitae, and M'Lord I must apologise, because I think I overlooked EXHIBIT M1 which is Mr
20 Savage's CV, which hopefully is before you. Mr Savage perhaps to save time I am going to put a few of the highlights on your CV to you, and you can just confirm the correctness thereof. You have a BArch from the University of Cape Town in 1978. --- That is correct.

You are the member of certain professional bodies, including the member of the Pretoria Institute of Architects, the South African Institute

of Architects, and you are also a registered architect with the South African Council of Architects. --- That is correct.

You are a member of certain boards and committee. You are a member of the organisation called Social Housing Focus Trust, Shift. --- That is correct.

Just briefly what does that organisation do? --- They It is a group of people who have come together to assist or focus onto social housing as a particular housing type that is new Well it was new to South Africa when we did focus onto it. It is obviously now much further
10 down the line.

Thank you. You are also a founder member of the Build Environment Support Group at the University of Natal, Durban. --- Correct, yes.

You have practised architecture. I see from your CV you established a firm Collin Savage's Architect based in Durban in 1980. --- Correct.

Then you relocated to Johannesburg in 1988. --- Correct.

You also have been involved in academics. You were part time lecturer at the University of Natal from 1981 – 1987, and Wits
20 University to 1988 – 2007. --- Correct.

You are the author of numerous published works. They look impressive. I am not going to take you through those journal articles. --- Thank you.

You have also been awarded a number of awards for particular buildings that you have been responsible for designing. --- Correct.

And too many to deal with. So apologies. I am not going to take you through those either. --- Thank you.

M'Lord I should say that I have spoken to my colleagues and these building plans have been handed in by consent. In due course we will submit an affidavit from the Department of Public Works. M'Lord with your leave I would now like to turn to the building plans. Because of the size of these plans, we thought that it would be helpful if two of my colleagues held up a plan, and perhaps your assistant as needs be, can ensure that you are also looking at the relevant plan that is being
10 considered. So M'Lord the first plan is M5 and it is titled the garden plan, and as mentioned this plan dates back to November 1961. It was adjusted in August 1964. M'Lord I am hoping that your copy has certain markers on it. There should be an orange marker which indicates where room 1026 will be or is in relation to that southern wing. Why we believe that this particular plan is very useful is because of its date. And Mr Savage if I may now ask you to start assisting the court. Could you explain to this court what this plan illustrates and perhaps you may want to put the court, as you are pointing out the southern wing, and the garden and its features, you may also wish to make use of these
20 photographs that your partner generously provided. --- I will do that M'Lord. I just want to make one point of correction. It is not called a garden plan, it is called a site plan.

COURT: Yes.

MR VARNEY: Right. --- Okay. Do I need to refer to the date and how the date has been inserted onto the plan?

Yes please Mr Savage. In any architectural plan we need to refer to when the original plan was drawn, when it was issued for various kind of changes, and that is generally recorded on the drawing title. Either at the bottom or on the side of that plan. This particular one has the last entry here is purely for the telephones, it is August 1964. But unfortunately there is no reference to when the original plan was generated.

But because of its date. --- Correct.

Are you confident that this reflects what was taking what
10 the building looked like in 1961? --- Correct. I am very happy with that.

To assist you if we found a slighter longer ruler, and if this would help you pointing out. --- Thank you, that will help.

Can you pass that please. --- My apologies, I was meant to bring a stick. Thank you. Okay. Now we need to refer to the drawing specifically, and we need to focus onto this area of the building which is the southern elevation of the building. And it shows where that wing of the building which is relevant to the case sits in relation to a piece of garden that then sits in front of that building. That has it reflects its
20 original shape and position.

And Mr Savage can you explain to the court how it was that you were able to mark room 1026 with some precision? --- Okay. It is quite difficult to get any reference points on the building that says where the pieces of structure are, so we needed to refer to a further plan which then assisted us in getting ...[intervene]

Mr Savage I don't want to cause chaos here. Let us wait until we get through to that plan, and then we can revisit that. --- All right I will refer to that later. But specifically we were able to identify that point along the building by looking at these photographs that assisted us with a lot of interpretation, where that position is on the photograph. Do we need to refer to which photograph this is?

Yes. --- Is it M2.

Are you looking at? Yes it is M2, but I see that you did certain measurement on the second photograph. --- Sorry yes let us do that.

10

M3. --- M3 that is correct.

M'Lord do you have M3? It is the second photograph. --- It is the smaller photograph.

COURT: Yes? --- On that photograph we were then able to identify the I think it was the fourth office along from the corner of the building, that was were that person as being held in the building, and we were then able to dimension that according to this plan here, which is thirteen metres from the corner of the building.

MR VARNEY: And the dimensions, were there any complications with those that are on the plan? --- The original plans were done as an imperial scale. The current plans that we have also got are metric scale. Now that happened at a period of time during the course of when these plans were prepared and when ultimately the alternative or the changes to those plans were done, which was done in the 1970's and 1980's, in the later part of the last period.

20

Thank you. Perhaps Mr Savage these photographs do they reflect the plans that we are currently looking at? In particular the face of the southern wing and the garden or lawn, together with what looks like a small barrier or retaining wall. --- If we look at photograph M4 which is the largest of the three photographs, it is easier to refer to the pavement in front of this wing of the building, and showing as a point of reference people walking along the pavement that gives a degree of scale and size to that wall. Because that was one thing we were struggling to find. There is no note on the drawing here that says what
10 height that wall is, until we discovered this photograph, that then describes exactly that wall size. If you look at the person's leg here, it is about at knee level which is the position of that wall at it steps down the pavement.

So Mr Savage in terms of metres and centimetres, what would your estimate be of that? --- It is about seventy five centimetres, or seven hundred and fifty millimetres to be exact.

And so in your view because of that height it could be easily stepped over by an adult person? --- Very easy.

Including persons perhaps carrying a stretcher, it wouldn't have
20 posed much of an issue? --- Very easy. It would pose no problem at all for people to actually get across and to pass whatever they needed to do from the garden to the pavement edge.

Mr Savage looking at what they call the lawn section, would that have been flat terrain? Would it have been completely flat from that wall through to the edge of the building? --- M'Lord there would be certain

kind of small changes as the landscaping might have introduced to it. But there is nothing more radical than maybe a slight slope to that garden or to that lawn. But there is nothing of major kind of change to the lawn position.

COURT: But then that small wall there, standing this side of the street, would it obscure vision to the ground level of that garden? --- Would it obscure, sorry?

Any vision to the ground floor of that garden? I am talking about this picture now. --- Yes, yes.

10 Yes. When one is standing where the camera man was standing for example. --- That level there is the ground floor of this wing of the building.

No, no not the building. I am talking about You are still on the garden. --- Correct.

You see there is a wall there next to where these people are passing. --- Correct.

Now the height of that wall is the size that it obscures vision to the ground level of that garden? --- M'Lord if you look at the growth behind the wall or what seems to be on top of the wall, that reflects the
20 level of the ground behind that wall.

How does that happen? Look I have no idea how tall are these shrubs above the ground, because I don't see the ground there. Are you able to see it? --- I am suggesting that that represents the line of the garden behind the wall, and this is where the plants were positioned in such a way that they don't sit below that line of the wall, the sit behind

the wall.

I don't know if he understands what I am talking about.

MR VARNEY: M'Lord can I rephrase your question?

COURT: Yes.

MR VARNEY: Because I think it is a critically important question.

COURT: Yes. --- Sure.

MR VARNEY: Mr Savage if there was a body lying approximately three metres from the edge of the building and you were standing halfway across the road, because of the height of the wall would I be
10 right in saying that the vision of that body would be obscured? Or in fact you wouldn't see the body? You would have to be standing pretty much close to that wall to see over it. --- If those people along the road were looking into that garden, they would be able to see anything that is lying in that garden.

But if somebody was perhaps, and I can only estimate here
...[intervene]

COURT: This side of the street?

MR VARNEY: The other side of the street. --- No, no I understand that, I am coming to that. But from the other side of the street, the
20 planting sitting on that terrace does obscure some of the visibility of what might be lying on the ground of that piece of garden.

COURT: What about this wall here? The small wall here. --- This wall here?

Yes. --- I will repeat what I said earlier which is I believe that the garden is kept and that is the reason for that wall, was that it was

acting as a retaining function. In other words the garden was sitting very close to the level of the top of that wall, running all the way down.

You still don't get what I am trying to establish. A person is standing Let us say where the person who took this photograph, the cameraman. --- Correct

If I am standing where he was standing which will be this side of the street, right? --- Correct.

Right. Would I be able to see the soil on that other side of the wall? --- From this position on the other side of the wall?

10 Yes from there, from this side? --- No you wouldn't be.

Yes.

MR VARNEY: I am indebted to Your Lordship.

COURT: Yes?

MR VARNEY: On that score Mr Savage, do you recall a building called the Dollars Filling Station? It was a garage and Panelbeaters. --- Across the road from where this photograph was taken.

20 So your recollection is it is directly across the road? --- Correct. Well directly, as in to the left of this photograph as we are looking at it. In other words we are looking at it like that. To the left of it.

Yes, yes. Thank you for pointing it out. --- Okay.

Just in terms of other features. There appears to be some kindIf a lay person were looking at this line over here, one would suggest that it was another wall. And for that purpose I want to refer you to the photograph album. You have a copy M'Lord, it is volume F.

COURT: Yes.

MR VARNEY: Maybe your assistant can ...[intervene]. --- What page would it be on.

So unfortunately the pages are not numbered. But it is photographs 141 – 146. --- Let me just have a look.

Anthony is not here to assist you.

COURT: No go ahead.

MR VARNEY: Okay.

COURT: You say it is N.

10 MR VARNEY: Volume F.

COURT: Volume F?

MR VARNEY: It is the album that was compiled by Warrant Officer J M Kruger.

COURT: Yes. What pages?

MR VARNEY: Sadly that album is not numbered. It is really something that should have been numbered. But it is photograph 146. --- Right there it is there.

Mr Savage you will notice from these photographs it depicts the wall as it looks now. There is another retaining wall where the small garden is behind and then there is what appears to look like a gutter. --- Correct.

We have been advised by the police that in fact it is not a gutter, but a light well. --- Correct.

Because there are windows there that front onto the basement. My question to you Mr Savage is, that light well what appears to be a

gutter on the right hand side, structurally after examining these plans has that changed over time? --- No.

No? --- Not at all.

Thank you. So I think that is an important note to take that that gutter which is made of concrete and has two sharp edges, has always been there, from the moment that building was constructed. While we were dealing with I know I shouldn't refer to it as the garden plan, but for us the garden. --- The site plan.

10 But the garden for us is the most important part of this. There is certain vegetation that is visible in that garden Mr Savage. In fact there is quite a bit of vegetation. There is some bushes, but there is also an interesting looking tree that is standing up. It is a small narrow tree. --- In this photograph?

Yes. So if I had to count the panels from the right hand side of the building, it helpfully is between two of the individuals walking in the direction of the double dekker highway. From the edge of the building that tree would be one, two, three, four, five, six, seven, eight, nine panels away from the edge of the building. That big concrete corner of the building.

20 COURT: Are you on M3? --- M3?

Yes.

MR VARNEY: I was looking at M4 which is the blown up version of this photograph.

COURT: Yes. You say what?

MR VARNEY: It is the same photograph Your Lordship. I suggest

looking at M4 for this purpose because it is bigger than the others. I suppose it is also roughly give or take 13 metres from the edge of the right hand side of the building. --- Correct.

Now I would like to point you to a few more photographs. If we go to 141 which also shows the light well. You will see there a palm tree in that photograph. Anthony if you are back if you can show Your Lordship Volume F. I think also helpful photographs would be 144 and 145. Now Mr Savage we can't say for sure if it is the same tree. But in your view is it possible likely looking at the photographs, number 1
10 photographs and then looking at the older photograph, that it is probable that it is the same tree? --- It possibly is. I agree with your statement.

Yes. And in terms of its positioning? --- In terms of its position it is exactly in the same position as what this original photo depicts or shows. Being thirteen metres off the edge of the corner of the building.

Yes. Your Lordship in order to finish up with this particular plan, I want to point out that this portion of the building, Your Lordship will notice that this portion is referred to as portion 2. Mr Savage I see that there are two entrances to this building. Could you point out to Your Lordship those two entrances? One for Europeans and one for non
20 Europeans? --- The main entrance is sitting to the right hand side of the plan, in other words on the east side of the building is here. The non European entrance is sitting on the opposite side of the plan, from the western side of the building.

Thank you. And to the right of the European entrance the ...[intervene] driveway and a lawn. But this plan does not reflect

another building situated where that driveway and lawn is. --- Correct.

M'Lord if we can move to the next plan which is EXHIBIT M6. On the index we have referred to this also as a garden plan. But now this date is 1979. Mr Savage unfortunately the copying of these plans seems to have obscured the date, unless I am missing the date. But can you advise the court how it is that we know that this particular plan dates from 1979? --- M'Lord there are other plans done by the same company that give better reference to dates, and which I know would have been done by them as the entrance building. Are you referring to
10 this building here specifically?

No I am referring to we have been plan on this plan. --- The general kind of layout of this plan done by that company.

So what you are saying is that from those other plans dealing with the Waghuis of guard house? --- Correct.

That is dated 1979. So by logical deduction that is the plan of 1979 and the palisade fencing, it must be also. --- Yes. Do you want to refer to those plans.

It is okay. We are going to get to them shortly. Let us just keep them in the order. --- Okay.

20 Now Mr Savage can you point out the big differences between this 1979 plan and the 1961 plan when it comes to the garden outside the south wing, the retaining wall or barrier, and what appears to be an addition to the site where the driveway existed previously? --- M'Lord the issue here Let us start with the garden first or the grass area.

Yes. --- Originally it was up to that point parallel with that line,

which was following that line to there. And came out to a point roughly in that position over there. What has been modified is that this has been reduced back, scampered the corner to enable a pathway to be achieved all around the building as a result of the new palisade fencing being put around the boundary of the site, as a result of security issues around the building that was introduced at that time.

If we can just pause there for one moment. M'Lord if I can refer you to photograph 146 of the photo album EXHIBIT F. That photograph 146. In fact from 146 all the way to 150 gives a pretty good indication of the palisade fencing which is now much taller, as well as the pathway referred to by Mr Savage. --- Photograph 148 is the top photograph. 149 the bottom one. This one First of all 148 refers to the size of the wall. Exactly the position of that, I couldn't really tell you. But the other one 149 indicates a photograph taken on the inside of the palisade fence, showing that pathway that I was referring to, running along here. It is probably taken roughly in this position looking in that direction.

And that palisade fencing is now quite high, and your estimation of approximately how high? --- Oh it is in the order of about three metres.

Thank you. Mr Savage to the right of that southern wing there appears to be the site of a new building. Can you point to that new building? --- The new building is positioned here where the original driveway, which was positioned over there. That building is now sitting in that position and the new palisade fence is taken up to the edges of

that building, on both of the sides of that building.

If this plan was dated 1979, in your estimation when would have constructed started? --- I think that date is referring to quite late in the year of 1979. Let us have a look here. No, no. This is a plan of that particular that I was referring to, and it has a date at the bottom of it.

Just to pause for a moment. M'Lord we have now moved to the smaller plan, EXHIBIT M7. We have titled it Entrance/Waghuis plan. Please proceed Mr Savage. --- It is called Waghuis plan on the plans. Its date is 31-10-1979 and was probably meaning that the building was
10 built in the year following that. Because that states the date very close to the end of the year, which is not a very good time to actually start any construction. That would be the tender evaluation etcetera. So it would definitely go onto the following year which is 1980.

Thanks. Does this plan also reflect the palisade fencing? --- On the south aansig, or suid aansig, south elevation there is a palisade fence shown on the side here that also gives some indication of its height.

Thanks. We don't need to interrogate that more. --- No.

I see that the palisade fencing continues on the other side. ---
20 There you go. But this also refers to plans that are giving more detail in relation to that palisade fence on another section of the plans.

M'Lord might recall this small building on the inspection. Part of it is now actually used as a recruiting office. I imagine the balance is a guard house. We can now move to the next plan, so that would be EXHIBIT M8. M'Lord this indicates the 9th floor. Perhaps Mr Savage you

could explain why this plan is very useful in terms of reflecting the situation in 1971? --- Because we didn't have the plan for the following floor, which is the Sorry can I check this is the 9th floor.

This is the 9th floor. --- Is it the 9th floor? The 10th floor, the one above this, correct?

Correct. --- We don't have that plan. So in order to give some indication of what the layout of the building was like as a general kind of layout, this plan gives a good reference as to where things like positions of staircases, how the two wings are then linked together, how
10 the passages are then controlled at various points of access, entering and exiting. All of those aspects of the building.

Thank you. And for the record this plan was drawn up in November 1961. That should be in the top right hand corner. --- Correct. Sorry yes. Position yes. There we go. The first reference to the first issue of revision is 1961.

Yes. --- November.

COURT: Now where would this floor plan be facing? Where is south?
--- South would always be As a point of understanding how plans are drawn, south is usually at the bottom of the drawing and north is at
20 the top of the drawing. That is how the points of the compass are orientated on the plan.

I see. So this is still the south face? --- Correct. Which would be that face of the building. The southern face of the building, facing towards the south.

Okay. --- That is the north side.

MR VARNEY: But why this particular plan is useful is that in relation to portion 2 of the John Vorster Square complex, it includes the two wings joined by what appears to be a walk way or bridge of sorts. We have M'Lord hopefully your copy will have certain stickers on it. Just to orientate you before I return to Mr Savage, the yellow sticker on the bottom wing of portion 2 is what Mr Savage believes is where 1026 is situated. Mr Savage I see because this There seems to be numbering on this one. Would this be a helpful plan in which you could advise the court? --- Sorry numbering? What do you mean by
10 numbering?

Measurements perhaps? --- Measurements? Yes correct.

In terms of calculating where that room 1026 would have been.
--- Correct. M'Lord if you refer to the bottom of this thing it has got grid lines. What we call grid lines. Those grid lines set out where the grids are then located and there is a dimension line running along the southern part of the building that gives the dimension spacing of that grid. And this goes nine foot nine inches continuously all the way along that, right through to the other side. So that gives us some indication of what the size, the scale of that building is.

20 Thank you Mr Savage. M'Lord if you look at the northern wing of the 9th floor we have marked for your convenience certain important features. So for example we have marked out the lifts that we believe certain of the witnesses would have used, such as Dr Essop. Then the next sticker down is the office we believe of Colonel Greyling. If one were to read the actual plan it says sound proof room. So it would be

the first sound proof room on the left. Witnesses such as Mr Jetlin and Dr Essop testified that they were taken initially to those offices or that office. Further down that corridor there are two stickers. The top sticker is pasted over a room called the strong room. M'Lord we believe that is the strong room in which Dr Essop was tortured for days on end. And the bottom sticker depicts the bathroom. If one reads underneath it says Euro staff, male clerks. In Dr Essop's testimony he referred to that particular bathroom. To the right of the strong room is the stairwell. The stairwell of course also features in the evidence. Both on the 9th
10 floor and 10th floor. Mr Savage unless there is anything else you would like to draw the court's attention to we can move to the next? --- That is fine.

All right. Now we can move Your Lordship and if we can ask you to jump to M10. M10 Your Lordship is a smaller plan thankfully. Mr Savage I think you need to help us with the orientation here, because you explained to us in consultation that the orientation here has to be carefully highlighted. --- In the top right hand corner of this plan there is a thing called a location plan. I don't think it is detailed as that. But that location plan gives where this plan is located on that plan which is
20 then cross hatched. But when you look at this plan in relation to that plan, you will see that the two have been positioned contrary to each other. In other words they sit at ninety degrees to each other, which is contrary to how we would follow through on a drawing convention.

So. --- So that is why.

So is that why you have turned this plan on its head? ---

Correct. In order to understand the relationship of that plan to the rest of those other plans, this would have to be turned through ninety degrees to understand its relationship to these other plans.

COURT: Okay,

MR VARNEY: And hopefully Mr Savage that bird's eye view plan on the top left hand corner which seems to have the main buildings in the entire John Vorster Square complex. --- Correct.

It sets out the different buildings. Your Lordship we want to point out to you where the cells were located. So if you are looking at that
10 smaller view of the entire John Vorster Square complex, you will see that the cells are in the block that is top right. To the left of the single quarters, directly underneath the cell section there is a uniform branch. Then to the left of the uniform branch is a building for the CID. Then directly under the CID is the building which I believe it says personnel. It is that personnel building that the security branch came to occupy the 9th and 10th floor. Mr Savage at the bottom of this page appears to be a big stamp that says 'as built'. Can you explain to the court what does that mean? --- When a construction process goes through a period of construction, it reaches a point of finality and completion. At that point
20 what happens is that the professionals then go and do an inspection of the building, and then say what has been drawn is not built. That is how it gets the title as built. That is then confirmed as built, and gets put onto record, in this case the Public Works Department, to keep that record available for inspection.

So because of those prominent words as built, you are satisfied

that this depiction of the 10th floor would have been the structural arrangement or at least the floor plan as it was in 1971? --- Correct. But I must just say without an *in loco inspection* from my point of view I cannot say definitely yes to that question.

Yes. Well luckily the court has conducted an inspection, and I was present at that inspection. It appears to me to reflect what we saw at that inspection. But of course it is a determination that the court will have to make. Can you point out certain features? Let us start with room 1026. So can you just describe where you are pointing Mr Savage? --- Sorry.

10 That 1026 that has been referred to is this one highlighted with an orange sticker on it, and it is a single office call it, with a single door and a window wall against the southern face of the building. I think that the width of that room was about two point seven, two point six I think in the end. Is that correct?

Yes. We have one expert measure it at two point six. --- Two point six, yes.

But you have indicated in consultation that two point seven will take it to the middle of the concrete? --- So the centre line of each of the subdividing walls.

20 Correct. --- Between each space.

But the space in between would be approximately two point six metres? --- Correct. Free spaces, yes.

Yes. And could you point out where the bathroom is, which I believe is one of those stickers? --- It is the blue section up the top here. There is a bathroom there coming off the passage, with access off

the passage

M'Lord you will recall that in the evidence of Jethan, she spoke about spending time in that particular bathroom. Mr Savage there is another room that is just next to the bathroom, just to the right of it. Can you point that out? --- Which is the pink highlighted sticker.

Can you just describe what that room would look like? Its features? --- It has got no windows, it has got one door and all four of the walls that enclose it are two thirty size wall. In other words it is a double brick wall. So in other words it is very thick walls, on all four sides.

10 Except possibly the one side onto the passage, but I doubt that.

In fact perhaps the next plan might present it better. ---

Correct.

...[indistinct] as a storeroom. It is not clear to us what it was used for in those days, but on the left hand wall at the top, there were some smallish windows running along part of that left hand side. --- Do you want me to point that out?

If it is evident? --- M'Lord can you see that?

COURT: Yes.

MR VARNEY: If the court recalls that? All right unless there is
20 anything else for this particular exhibit I think we can move on. I will go back to M9 Your Lordship. Your Lordship this is also a depiction of the 10th floor. But this time it includes the two wings. This particular plan is dated 19th February 1997. But the structure of the building appears to have been the same. --- Correct. This particular plan is called a lighting and power plan. In lieu of not having the actual plan we said

what is something that represents the 10th floor as we would believe it to be. And that would have been exactly as the plan would have been.

Yes. So let us start with the southern wing. You have already pointed out where room 1026 is, so we don't need to revisit that one. But there is a room that is in the right hand corner of the southern wing called the strong room. Would that have been what appears to be quite a large vault? --- Correct. That is a common name for a vault or a strong room.

Yes. --- In other words you are keeping things under tight
10 control. And then sorry, there are no windows in that room at all.

Yes that is correct. --- Only one access door and that gives access from an adjacent office.

Yes. And this plan also has stickers that mark out the location we have referred to in the plan M10, namely the storeroom and the bathroom. M'Lord that storeroom we believe to be the room identified by Mr Paul Erasmus as the waarheids kamer or the truth room.

COURT: That strong room to the extreme right? --- Yes this one.
M'Lord this one here. This strong room here.

Oh.

20 MR VARNEY: So M'Lord the strong room is in fact part of the office. It would have been part of 1024. In fact we did visit 1024 and peek into that strong room or vault during the inspection. M'Lord I should add that at this stage we do not have testimony from any witness of any events in that particular strong room, but because of its close proximity to room 1024 we just wish to point that out.

COURT: Yes?

MR VARNEY: Die Waarheids kamer or truth room referred to by Mr Paul Erasmus in his evidence is a room that is titled store. So it will just be underneath the bathroom. Then M'Lord we have also highlighted with a sticker the one set of lifts in that southern wing and you can see that there four lifts depicted there. --- Sorry I just need to point out because I was pointing to the wrong thing. There are four lifts in the southern wing. They sit there like that.

That is right. --- Okay.

10 Perhaps moving across to the northern wing if we can call it that, perhaps you can point out the lifts in the northern side. --- Two other lifts.

Yes. --- Yes.

Now M'Lord during the inspection we also pointed out to you that next to those lifts there appeared to be a security area. There was a short corridor with offices leading to the left and right of that corridor. Just as you step out the lifts you were confronted by a steel gate as well as a vault door. Then walking through that small corridor the other side is also protected by what appeared to be a vault door. So in fact that
20 entire section was a secure section. And perhaps it is no coincidence that the top section there is referred to as security section. Then the bottom two offices are called sound proof rooms. M'Lord if we can then ask you to cast your gaze to the right hand side of that northern wing to the stairwell. M'Lord it is important to point out that stairwell, because that is where Dr Essop in his evidence said that he sustained

particularly severe form of torture, namely security branch members picked him up and hanged him over the edge of the stairwell, 10 floors up holding him by the ankles.

COURT: Just 1 minute where is that now? --- It is here where this green sticker is.

Oh yes I see.

MR VARNEY: Mr Savage is there anything else which you wish to draw the courts attention to on this plan? --- I just wanted to see if the dates on these plans. This plan was done on 19-02-1997.

10 Yes? --- That kind of puts it into a time scale.

That is right. But as you have testified structurally this does represent how it would have looked in 1971? --- Correct.

M'Lord if we can move to the final plan? In the final plan which is EXHIBIT M11. Luckily this plan was actually the roof of this section of John Vorster Square. It is dated November 1961. Apparently certain adjustments were made in May 1964 and August 1964. M'Lord might recall from the inspection that we alighted certain stairs in order to access the roof from the 10th floor. M'Lord will recall that it was very accessible. We simply had to walk around the corner from room 1026,
20 up the stairs and from – We would have to consult the other plan to see where it was. But it looks like it was just beyond the bathroom that we have been referring to. Perhaps Mr Savage you can point out on your map where those stairs are. --- The stairs here, highlighted in blue.

It appears that these were the European stairs and there were non European stairs on the other side of the building. --- Correct.

If we can now turn to the roof area, and it seems that the roof area was quite accessible by simply turning right and then accessing the roof. There appears to be If you can point out what appears to be the actual roof section and then what appears to be a pathway around the roof and what appears to be a parapet and to the best of your ability describe it? --- The parapet around the edge of the building then determines the edge That was a particular way of finishing off a building in a way, rather than having in a conventional way having a roof overhanging the building like you would in a domestic
10 situation. This being the building that it is, had a pitched roof but set back from the edge. The way that the architects had then provided access to the rest of the roof, in other words for inspection or for whatever, is that they provided a walkway around the edge of that building, all the way around. So you could then get to various parts of the roof where there might be maintenance problems or other types of problems that you would need to address. Rather than bringing cranes and things into it, you could easily get from the access that has been spoken about onto that roof very easily and do that maintenance.

So Mr Savage it would have been quite easy to have walked
20 around the roof, there was sufficient path to do so. --- Correct.

In order to more or less access the positioning where you have placed a sticker indicating where room 1026 is. --- Correct. It is about nine hundred millimetres wide or nine centimetres wide.

Yes. --- So it is the normal kind of corridor width that would be in any building passageway.

And in fact if I can refer the court to volume F. I don't know whether you wish to take a look as well Mr Savage. But from photograph 82 all the way to 122, there are numerous photographs that depict that walkway, the roof itself, certain views and indeed the parapet. --- Sorry on which page would that be?

I would have to apologise, the page is not numbered, but the photographs are. I think Christina can help you get to photograph 82. --- Oh 82. Okay. There we go. There we go.

Actually. --- That is fine.

10 Yes. While we are on 82, you will see all of these photographs do have people. In fact at 82 you can see the parapet and two persons standing next to the parapet which will give you a sense of how high that parapet is. --- I will just turn to the next page.

So that is the first photograph 82. --- That is 82. There are two people standing over there looking through a window, as to the height of that parapet.

On the other side of the window on the edge of the room, there are two people standing. --- Yes.

20 Not so far from the parapet. Unfortunately we don't have any of a type picture to give you a sense of dimension. In fact we do. If I can refer you to photograph 108. --- There we go.

My recollection is photograph 182 was more or less taken from where room 1026 is. So if you could give the court an estimate as to how high that parapet it? --- It seems to be about sort of hip height, which is like 700 – 800 millimetres high or 80 centimetres high, 70

centimetres high. 70 – 80 centimetres high.

Yes. Actually my recollection at least if I have to think of my own size is that it was lower than my hips. I felt quite insecure up there actually. --- Correct. I was just going to say that doesn't look very safe. That height. The height of that parapet M'Lord.

COURT: I can see. --- It looks like frightening actually.

MR VARNEY: Mr Savage is there anything else that you want to bring to the court's attention in relation to this plan? --- No that is basically it. Thank you.

10 M'Lord no further questions.

COURT: Yes?

CROSS-EXAMINATION BY MR PRETORIUS: Thank you M'Lord, just one. On any of these plans is the windows depicted? --- Sorry I can't hear you.

On any of these plans is the windows depicted of this building or not? --- There are. But I mean well Do you want to have a look at them?

No, no that is fine. Thank you M'Lord. --- Yes.

COURT: Yes.

20 MR VARNEY: I have got no questions. Thank you M'Lord.

COURT: Thank you sir. That will be all.

NO FURTHER QUESTIONS

MR VARNEY: M'Lord is Mr Savage excused?

COURT: Yes, yes. Thank you.

MR VARNEY: Thank you Mr Savage. M'Lord at Your Lordship's

request we have prepared certain documents with photocopied photographs of certain members of the security branch from that period. The period in which Mr Timol was detained at John Vorster Square, October 1971. Now I am advised by my learned junior that these photo albums are already with you.

They are marked N1, N2 and N3. I just want to confirm M'Lord that you have those photograph albums?

COURT: I have N1, N2. Yes and N3.

MR VARNEY: M'Lord if I may formally with the leave of the court enter
10 these into the official record. We have marked the first document N1 and it is titled 'Uncaptured SB (Security Branch) Officer Identity Photograph album. In other words M'Lord the photos attached to this album do not have any names marked. The second album is marked N2 and it is titled Index to SB Officer Identity Photograph Album. This particular album does have names marked on the photographs.

Then M'Lord the final album is titled Secondary SB Officer Identity Photograph album and it is marked N3. M'Lord just to give you some background as to how these were compiled. When M'Lord made the request we approached a very helpful staff at the South African
20 Police Service, and we made copies of photographs from the member files where they were available, of potentially relevant security branch officers.

So that would be the photographs depicted in EXHIBITS N1 and N2. The EXHIBIT N3, the secondary SB officer identity photograph album. M'Lord there you had requested the witness Dr Essop to

compile photos from his records as well as available newspaper articles. That is that particular document. M'Lord we have two witnesses who are available to engage in this, what we might call a photograph id parade. That is Dr Salim Essop as well as Dr Jilshad Jassim.

M'Lord what I am proposing to do is that we provide the witnesses with the uncaptioned identity photograph album and ask them to see if they are able to identify the photographs in that album. If the court is of the view that that is an appropriate procedure, then we can commence with Dr Essop.

10 COURT: You want to say something Mr Pretorius?

MR PRETORIUS: Sorry M'Lord. M'Lord I was under the understanding that we agreed this morning that the photographs of Mr Els and Mr Rodriguez will be removed from these albums. The album that I have been provided with, those photographs are still in the albums M'Lord.

COURT: Okay.

MR VARNEY: M'Lord I have to apologise. That is an oversight on our part. May I beg leave for an adjournment of 5 minutes to remove those photographs.

20 COURT: It is late in the day. We will have to move faster, because the witnesses are here. Please.

MR VARNEY: M'Lord these two witnesses are attending court every day. If the court prefers we can call them tomorrow morning just before the final witness, Mr Cajee.

COURT: Will you be able to remove this, because I have them as well? If you could remove them from all the documents. I don't know

how long that is going to take.

MR VARNEY: Yes. We will take back your copies and remove them.

COURT: Yes how long are they going to be on the stand?

MR VARNEY: M'Lord it is difficult to predict. Are you asking how long you take to remove or how long will the evidence take?

COURT: Well perhaps let me put it this way. How many witnesses do we have tomorrow? I know of one.

MR VARNEY: We only have Mr Cajee.

COURT: Yes. Can they do that tomorrow morning?

10 MR VARNEY: Absolutely M'Lord.

COURT: Before we hear Mr Cajee. Dr Jittam will it be in order if you come in tomorrow in order to identify this? Yes? Dr Essop? Yes. Thank you. Then let us do it tomorrow, so that you prepare the documents properly.

MR VARNEY: As the court pleases M'Lord.

COURT: As we discussed.

MR VARNEY: M'Lord we have no further witnesses for today.

COURT: Pardon?

MR VARNEY: We have no further witnesses for today.

20 COURT: Yes. These will be the three witnesses to complete this. We will take an adjournment until tomorrow 10:00.

MATTER POSTPONED TO 2017-08-03

COURT ADJOURNS