

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: I01-2017

DATE: 2017-08-16

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 15
PAGES 1030 - 1095



**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

PROCEEDINGS ON 2017-08-16

COURT: Dr Pretorius?

MR PRETORIUS: Thank you, M'Lord. We did manage to locate the witness, advocate Fanus Coetzee will appear for the witness, M'Lord.

MR COETZEE: As the court pleases, thank you M'Lord. M'Lord I did consult this morning with Mr Sons, there is no conflict in relation to the other witnesses that I represent and with the leave of the court I will call him to the stand to testify. M'Lord I might just add that he will be giving his evidence in Afrikaans and he has also asked me that the
10 court would ... that he should be addressed quite loudly as he is a bit deaf and hard of hearing, M'Lord, so if we can just have regard to that when he is being asked questions. Mr Sons.

COURT: Mr Interpreter, you just heard that he wants you to speak louder.

INTERPRETER: That is correct, M'Lord.

COURT: Yes.

INTERPRETER: And I also want to apologise because we had a taxi strike, my supervisor is asking [indistinct] place of about an hour account and [indistinct] through the city.... [intervene]

20 COURT: No, no it affected most people and disrupted court proceedings, but that is fine. Mr Sons? Swear him in.

CLERK: U volle name en van asseblief?

GETUIE: Seth Sons.

CLERK: Het jy 'n beswaar teen die aflê van die eed?

GETUIE: Nee.

CLERK: Sweer u dat die getuienis wat u gaan nou aflê is die waarheid, die volle waarheid en niks anders as die waarheid sal wees? So help my God.

SETH SONS: (verklaar onder eed)

COURT: Thank you. Mr Sons if you want to you may sit down. Just speak into the mic. Where is the court mic? Where is it?

INTERPRETER: It is here.

COURT: Okay. Yes, Mr Coetzee?

EXAMINATION BY MR COETZEE: Thank you, M'Lord. Mnr Sons,
10 kan u vir die hof sê wat is u ouderdom? --- Ek is 80 jaar.

Wanneer het u in die polisiemag aangesluit? --- Dit was in die vyftiger jare, U Edele.

Mnr Sons, u is op 'n stadium verplaas en het aangesluit by die veiligheidstak in John Vorster plein, is dit korrek? --- Dit is so, U Edele.

Kan u onthou in 1971 wat was u rang gewees in die polisie? --- My rang is van konstabel af verander na luitenant, dit is in 71.

COURT: Lieutenant.

MR COETZEE: Mnr Sons in 1971 in die omgewing van Oktober 1971
20 wat was u taking gewees, u pos by die veiligheidstak? --- Ek was 'n gewone ondersoekbeampte.

Waar was u kantoor gewees in die gebou? --- My kantoor was op die 9de vloer, U Edele.

Wie was u direkte hoof aan wie u gerapporteer het? --- Ja, ek het direk gewerk onder kaptein Dirker.

Mnr Sons, u as 'n ondersoeker, het u op enige wyse betrokke gewees met persone wat gearresteer was en aangehou was deur die veiligheidstak? --- Nee, U Edele.

Wat het u gedoen op 'n dag tot dag basis? --- Ek het ondersoekwerk gedoen, U Edele die insameling van inligting, byvoorbeeld.

In die verloop van u pligte, het u diens gedoen op die 10de vloer by John Vorster plein? --- Nee, U Edele.

Op die 23ste Oktober 1971, dit is volgens die getuienis, was
10 Mnr Timol gearresteer saam met 'n Mnr Essop soos wat dit toe was. Het u kennis gedra van die arrestasie? --- Ja, U Edele ek het eers kennis gedra van die arrestasie na die arrestasie self.

Het u op enige stadium Mnr Timol of Mr Essop soos hy toe was, gesien? --- Nee, U Edele.

Was u op enige wyse betrokke by die ondersoek rakende Mnr Timol? --- Tot 'n mate, U Edele.

Kan u vir die hof verduidelik op watter wyse was u betrokke? --- U Edele, kaptein Dirker het my aangesê om hom na die oorledene Timol se huis toe te neem.

20 Was dit net u en Mnr Dirker gewees wat na die huis toe is? --- Nee, U Edele daar was ander mense by maar ek kan nou nie onthou wie almal daar was nie.

Was hulle ook polisiebeamptes van die veiligheidstak wat saamgegaan het na die huis? --- Dit is korrek, U Edele.

Wat het gebeur toe julle by die huis aankom van Mnr Timol?

--- U Edele, met ons aankoms by die oorledene se huis, het ek opgemerk dat daar hoenders byvoorbeeld, wat geslag was, dit was opgehang op die stoep van die oorledene se huis.

Het u op enige wyse by die huis deursoek of betrokke gewees by enige deursoeking by die huis? --- Nee, U Edele. Ek wil net verduidelik, U Edele dat ek eintlik die bestuurder van die voertuig was.

Het die ander lede en Kaptein Dirker inderdaad die huis deursoek? --- Ja, die mense wat saam met Kaptein Dirker was, het
10 die huis deursoek, U Edele.

HOF: Was dit voor of na Mnr Timol se dood? --- U Edele, ek sal u moet terugneem na die hele opset wat daar plaasgevind het.

Ja? --- Voor ek daarby kan kom.

MR COETZEE: M'Lord, I am on my way there, it is going to follow in the evidence.

COURT: I just wanted to put it in context, ja okay.

MR COETZEE: Yes, it is going to follow.

COURT: You may proceed.

MR COETZEE: Kan u onthou watter tyd van die dag was dit wat u by
20 die huis van Mnr Timol was? --- U Edele toe ons daar van die kantoor af weg was, was dit hier om en by etenstyd, dit kan 'n rapsie na ete was ook, U Edele.

Na die deursoeking, is u terug met Kaptein Dirker en die ander lede na John Vorster plein? --- Dit is so, U Edele.

Kan u onthou hoe laat u aangekom het by John Vorster

plein? --- U Edele, dit was hier om en by 4 uur of 'n rapsie na 4.

Wat het gebeur toe u by John Vorster plein aankom? --- U Edele met ons aankoms by John Vorster plein het ek die voertuig laat inbeweeg in die westelike ingang van die parkeerterrein. Ek het opgemerk dat daar 'n oproer was daar in daai omgewing en mense het gepraat van dat iemand het by die venster uitgeval.

Nadat u die voertuig parkeer het, wat het u toe gedoen? --- Ek is direk daar na my kantoor toe, U Edele.

COURT: Do I take it this happened on the 27th? That is what I
10 wanted to know?

MR COETZEE: Yes, M'Lord this happened on the 27th... he cannot remember the date, M'Lord but he recall when he came back to John Vorster square that this is... he cannot remember the date as such to say that it is the 27th.

COURT: Ja, I wanted to establish whether there were any investigation trips that he undertook before that date, that is what I wanted to find out from him. It is not much about the time but the date.

MR COETZEE: Yes, met betrekking tot Mnr Timol, voor hierdie
20 gebeurtenis wat u nou oor getuig het, het u op enige ander wyse betrokke gewees by ondersoekwerk rakende Mnr Timol? --- Nee, U Edele.

Het u die persoon gesien wat geval het? Het u gaan kyk na die persoon wat geval het? --- Nee, U Edele.

Gedurende u betrokkenheid by die veiligheidspolisie in 1971

was u betrokke by enige ondervraging van aangehoudenes? --- Tot 'n mindere mate, U Edele.

Kan u dit verduidelik? --- Dit was heel moontlik om inligting te verifiseer, U Edele.

Rondom die dood van Mnr Timol en die gebeurtenis wat u verduidelik het, het u in daardie tyd enige persone ondervra? --- In verband met die Timol verhoor, U Edele het ek niemand ondervra nie.

In die tyd... in die week voor Mnr Timol se dood, het u op enige van die aangehoudenes gesien wat op die 10de vloer ondervra was? --- Nee, U Edele.

Dra u enige kennis of Mnr Timol voor sy dood aangerand of gemartel was deur polisielede? --- Ek het geen kennis daarvan nie, U Edele.

Was u bewus gedurende u tyd by die veiligheidspolisie, van enige aanranding of marteling van aangehoudenes deur polisiebeamptes? --- Nee, U Edele. U Edele, ek moet op korreksie sê dat daar was tyd tot tyd nadat mense losgelaat was, was daar sprake van aanrandings wat plaasgevind het.

As 'n nie-blanke lid van die veiligheidspolisie, was u deel van die hoofstroom ondersoekspan wat daar deur die blanke offisiere gedoen was? --- U Edele, dit is 'n tyd terug, maar ek moet sê dat dit wil voorkom asof hulle baie min vertrou gehad in die nie-blanke spanne wat hulle gehad het.

Thank you, M'Lord I have got no further questions for the witness.

COURT: Thank you. Mr Pretorius?

CROSS-EXAMINATION BY MR PRETORIUS: Thank you, M'Lord. M'Lord apparently there is a problem with the recordings. Is that right? There is a problem with the recording, can we just sort that out?

COURT: Is there a problem with the recording? She is shaking her head. What is the problem?

[background talking]

MR PRETORIUS: Mnr Sons u het getuienis gegee dat in 1971 het u
10 bevordering gekry van 'n konstabel na 'n luitenant toe, nie waar nie? -
-- Dit is korrek, U Edele.

Dit is nogal 'n groot sprong, u het sersant en al daai ander range het u gemis, direk van 'n konstabel na 'n luitenant, na 'n offisier toe? Waarvoor het u die bevordering gekry? --- Ek sou sê, U Edele dat ek dit werd was. Ek het gegaan na 'n dinges toe, na 'n opleidingskamp toe waar ons eksamens en alles deurloop het. U Edele, ek moet byvoeg dat van onse punt af, voel ek dat die bevorderings te stadig was.

Terwyl ons nou by die opleidingskamp was, het u ooit
20 opleiding in eerstehulp gekry terwyl u daar of by die polisie kollege was? --- Kan u net herhaal asseblief, U Edele?

Terwyl u by opleiding is, toe u na die opleidingskamp gegaan het of toe u by die polisie kollege was, het u opleiding in eerstehulp, First Aid gekry? --- Ons het baie soorte opleidings gehad daar, U Edele.

Ek wil bietjie rondspring in u getuienis. Die rede hoekom u na die ouerhuis van Mnr Ahmed Timol was, u was die bestuurder gewees en u het geweet waar dit geleë is, nie waar nie? --- Kan u nt herhaal.

Ek herhaal weer vir u – die rede hoekom u die bestuurder was wat Kaptein Dirker en die ander lede na die ouerhuis van Ahmed Timol gevat het, u het geweet waar die ouerhuis geleë was, nie waar nie? --- Nee, voorheen het ek nie, U Edele. Ek sal byvoeg dat Kaptein Dirker hulle is die mense wat die leiding geneem het.

10 Ek neem aan julle het 'n deursoekingslasbrief gehad of dat daar ten minste mense teenwoordig was by die ouerhuis? --- Ja, die ouers daar het, veral die vroumense het ek daar opgemerk en in soverre die lasbrief aangaan, weet ek glad en geen niks daarvan nie. Ek was nie betrokke daarby nie.

Ek is baie bly u vermeld die vroumense, want u sien daar was 'n baie interessante gesprek met die moeder van Ahmed Timol, met Hawa Timol gewees. Daar was 'n baie interessante gesprek met die dame wat daar was, Hawa Timol, nie so nie? Volg u my vraag? --
- Nee.

20 Ek stel weer vir u – ek is baie bly u vermeld die vroumens wat daar was. Daar was 'n baie interessante gesprek tussen die polisie met die moeder van Ahmed Timol, Hawa Timol, daar was 'n baie interessante gesprek met haar. --- Ja, ek kan dit nie in twyfel trek nie, U Edele maar ek was nie betrokke by daai gesprek nie.

Kom ek kyk of ek u herinnering nie bietjie kan terugroep nie.

Sy was baie bekommerd oor haar seun gewees en sy het vir die polisie gesê 'julle moet hom nie pak slae gee nie'. Is dit korrek? --- Ek weet nie, U Edele.

Was u bewus van die geregtelike doodsondersoek wat op daardie stadium gehou is? --- Nee, U Edele.

Want u sien hierdie gesprek met Hawa Timol waar sy vir hulle gesê het 'julle moenie my seun pak slae gee nie' het nogal 'n geskilpunt geword in die geregtelike doodsondersoek. --- Ek sal dit nie in twyfel trek nie, U Edele.

10 En u sal seker ook nie in twyfel trek nie, as die polisiemanne vir haar gesê het nie: 'ja, as jy hom pak slae gegee het toe hy klein was, dan hoef ons hom nou nie pak slae te gegee het nie.' U sal dit seker ook nie in twyfel trek nie? --- Ek was nie betrokke by daardie gesprek nie, U Edele.

Kom ons gaan stelselmatig deur u getuienis. Ek wil terugkom by die opleiding by die polisie kollege. Het u noodhulp opleiding gehad tydens u basiese opleiding by die polisie? --- Noodhulp, ja.

20 U het ook gesê u kantoor was op die 9de vloer, nie waar nie? Die 9de vloer van John Vorster plein? U kantoor was op die 9de vloer, is dit korrek? --- Dit is korrek, U Edele.

En Surendra Babboo was hy saam met u in die kantoor? --- Ek kan nie vir Surendra goed onthou nie, U Edele.

Sy bynaam was 'Baby' gewees, kan u hom onthou? --- Ja, ek onthou die naam 'Baby'.

En wat was Baby se funksie by die veiligheidspolisie
gewees? --- U Edele, dit is 'n lang tyd terug, ek kan nie onthou nie.
Ek kan byvoeg, U Edele dat ek 'n span nie-blankes onder my gehad
het wat bestaan het uit kleurlinge en Indiers wat onder my gewerk het.

Ek wil aan u 'n foto toon van die nie-blanke lede wat destyds
by die veiligheidstak gewerk het. Is dit die groep nie-blankes waarna
u verwys? Herken u die persone wat verbeeld word? I do not have
full copies now, M'Lord but I will make as soon as we got a time.

COURT: Ja.

- 10 MR PRETORIUS: Herken u die persone wat op hierdie foto verskyn?
--- Ja, U Edele, ek kan Babboo uit hierso.

En van die ander lede? Herken u van die lede daar en
uself? --- Ekskuus?

Herken u van die ander lede en uself ook op die foto? ---
Ja, die persoon wat langsaan my sit het toe 'n offisier geword,
Mpahlele was sy van, maar hy het nie onder my gewerk nie.

So u was redelik senior as u 'n aantal lede gehad het wat
onder u gewerk het? --- Ekskuus?

- 20 U was redelik senior as u 'n aantal lede gehad het wat onder
u gewerk het, as al die nie-blanke lede onder u gewerk het,
[tussenbei] --- Daarom het ons bevraagteken omtrent die promosies,
die promosies, die bevordering so stadig was.

Oor die ongeregtheid van die sisteem kan ons later praat,
maar kom ons kom eers by die punt uit. U was 'n senior wat 'n aantal,
'n span onder u gehad het van nie-blankes, nie waar nie? --- Dit is

korrek, U Edele.

Hoe groot sou u hierdie span ongeveer skat? Hoe groot sou u hierdie span skat, hoeveel mense ongeveer? --- Nee, volgens hierdie dinges hierso, die foto wat u my gewys het, meeste van hierdie mense het nie onder my gewerk nie. My span kom na hierdie mense in, dit is waar Babboo byvoorbeeld ingesluit word, en die man hier aan die heel regterkant genaamd 'Sweet' hy kom ook ... hy was ook een van die lede wat later ingekom het.

Kom ons kom terug by my vraag. Hoe groot was u span? 'n
10 Half dosyn, 'n dosyn, twee dosyn? Hoeveel mense was ongeveer in u span gewees? --- Hierdie... om en by hierdie tydperk was dit baie klein.

Dit is vir interessant dat u verwys na hierdie tydperk. Is hierdie tydperk die tydperk wat Ahmed Timol dood is? --- Ek praat van hierdie tydperk wat hierdie foto geneem was.

Wanneer was die foto geneem? --- Ek dra nie kennis nie, U Edele.

Watter tydperk was dit wat die foto geneem was? --- Dit is die tydperk van die persone wat... wie se gesigte hier verskyn in
20 hierdie foto, U Edele, want baie van hierdie mense is al afgesterwe.

Mnr Soms, waarop ek wil afstuur is, daai Vrydag wat Ahmed Timol saam met Dr Salim Essop gearresteer is, daarna het 'n groot operasie plaasgevind, nie waar nie? --- Kan u net daai vraag herhaal asseblief?

Vrydag die 23ste Oktober 1971, toe Mnr Ahmed Timol

gearrester is, daarna het daar 'n baie groot operasie plaasgevind, nie waar nie? --- Ek sal dit nie in twyfel trek nie, U Edele.

COURT: Dr Pretorius, is it the 23rd or the 22nd?

MR PRETORIUS: 22nd, M'Lord.

COURT: Yes, it is the 22nd. I know it is the 22nd.

MR PRETORIUS: Daar is ten minste 20 mense, 22 mense gearrester as gevolg van die name wat op die koeverte ensovoorts verskyn het, so ek wil dit aan u stel, ten minste 22 mense is gearrester daardie tyd. --- Ek dra nie kennis van dit nie, U Edele.

10 Ek stel dit aan u dat naas Rivonia, dit een van die grootste operasies was van die mense wat gearrester is, en die mense is aangehou op die 9de en die 10de vloer van John Vorster plein. --- Aanhoudings, U Edele het nooit sommer plaasgevind op die 9de vloer nie. Dit het gewoonlik gebeur op die 10de vloer.

Ja, hierdie hof het getuienis van Dr Salim Essop dat hy op die 9de vloer spesifiek aangehou was. Die groot kantoor in die hoek waar daar 'n kluis was. --- Watter vloer is dit?

Die 9de vloer. --- En waar sou die kluis gewees het, U Edele?

20 Ja, Mnr Soms ek wil nou nie die vraag antwoord nie, maar kom ons gaan voort. Volgens u getuienis het u geen aangehoudendes in daai tydperk na Mnr Ahmed Timol gearrester is op die 9de vloer gesien nie? --- Dit is so.

Greyling se kantoor, was dit nie ook op die 9de vloer nie? --
- U Edele, jammer ek sal bly keer op keer vra dat vroe herhaal moet

word, ek kan nie mooi hoor nie.

Die bevelvoerder op daardie stadium was Kolonel Greyling, nie waar nie? --- Ja U Edele, maar ek praat hier op korreksie ook, U Edele want dit is 'n lang tyd terug en ek kan nie mooi onthou wat u sê.

En Kolonel Greyling se kantoor was op die 9de vloer, nie waar nie? --- As dit so is, U Edele dan was dit nie op die 9de vloer nie, dan was dit in die middel van die 9de vloer.

Hoe weet u dit? Hoe weet u dat sy kantoor in die middel van die 9de vloer is? --- U het die vraag gevra.

10 U kantoor was nie ver van sy kantoor af nie, nie waar nie? -- My kantoor?

Ja, u kantoor. --- Ja, my kantoor was min of meer by die ingang by die huisbakke.

Daardie stadium het julle baie na pakketbomme gesoek, nie waar nie? Op daardie stadium het julle na pakketbomme, bomme wat opskiet en pakkette versprei, nie waar nie? --- Dit is nuwe inligting vir my, U Edele.

U het met informasie of intelligensie gewerk? --- Kom net weer asseblief, U Edele.

20 U het met intelligensie of informasie gewerk, nie waar nie? -- Ja, ek het gewerk op informasie.

Het u op 'n besondere groep gefokus, soos die blanke seksie, dalk die nie-blanke seksie, dalk kleurlinge, het u 'n spesifieke groep op gefokus? --- Dit is so, U Edele.

HOE: Was dit al die groepe? Het u gefokus op al die groepe? --- Dit

is so. Dit is sonder instruksies.

MR PRETORIUS: Het u vir Paul Erasmus geken wat daar gewerk het? --- Paul Erasmus het skuins oorkant my kantoor gesit, U Edele. Dit is waar sy kantoor was.

Hy het met strategiese kommunikasie, Statcom gewerk, het u dit geken? --- Ja, U Edele.

Wat was Stratcom? Wat was strategiese kommunikasie? --
- Ja, Paul Erasmus het sy eie vertolking gehad somtyds omtrent hierdie dinge.

10 Brei bietjie uit, laat ons hoor hoe het hy dit vertolk? --- Ja, ek moet sê dat in sommige gevalle was hy nogal baie suksesvol.

Gee ons voorbeelde. Ons sal graag voorbeelde wil hoor, Mnr Soms. --- Ja, ek sal noem byvoorbeeld wanneer vergaderings gehou word in die middestad en dan gebeur snaakse dinge, byvoorbeeld die voertuie se wiele is afgeblaas. Die mense sukkel om by die huise uit te kom en al hierdie dinge kan toegeskryf word aan Paul Erasmus.

Die snaakse dinge is vir my baie interessant, ons kan dit ook noem 'dirty tricks'. Is dit reg? --- Dit is korrek.

20 En destyds het daar maar 'n paar dirty tricks gebeur, nie waar nie, Mnr Soms? --- Ja, baie van die dinge het al gebeur, U Edele.

Terwyl ons nou by die snaakse dinge of die dirty tricks was, hy het ook getuig van die waarheidskamer wat daar by John Vorster square was, weet u van die waarheidskamer wat daar was? --- Nee,

as u nie uitbrei daaroor nie, dan sal ek nie weet nie, U Edele.

Kom ek brei vir jou 'n bietjie daarop uit. Dit is iets soos 'n pakkamer wat klankdig is, waarin aanrandings kan plaasvind as hulle ondervraging doen. Help dit u geheue? --- Ja, ek hoor. I think the interpretation here is not correct, Your Honour.

COURT: His answer is, he hears what counsel is saying.

INTERPRETER: Thank you, M'Lord.

COURT: It is non-committal. He is saying 'I hear what counsel is saying.'

10 MR PRETORIUS: Right, u het gesê as ek nie uitbrei daaroor nie, dan sal u nie weet nie. Ek wil dit aan u stel, destyds het daar maar aanrandings plaasgevind tydens die ondervragings, nie waar nie? --- Ek weet nie daarvan nie, U Edele.

Ja, in u getuienis in hoof het u ook gesê as hulle vrygelaat word, dan het die bewerings eers gekom. Het u so 'n getuienis in hoof gegee? --- Dit is korrek, U Edele.

Siviele eise wat teen van die lede van die polisiemag ingestel is, het u ooit daarvan gehoor? --- Ja, ek het al daarvan gehoor, U Edele.

20 In hierdie hof het ons getuienis gehad van Dr Nike waar hulle sy hande vasgebind het en met 'n besemstok het hulle hom opgehang dat sy hande verlam geraak het. Het u al van hierdie helikopter metode gehoor? --- Nee, U Edele.

Tydens die Waarheids en Versoeningskommissie het 'n aantal lede ook getuig onder andere, Jeff Benzien oor hoe hulle

mense 'getube' het. Weet u van die metode van tube? --- Nee, U Edele.

So u basiese weergawe is eintlik u het net gehoor van sulke aanrandings, u weet niks daarvan nie? --- Dit is so, U Edele.

U het nooit by 'n kantoor verby geloop wat jy iemand hoor skree of gekla of gehuil het nie? --- Nee, U Edele.

Het jy Hanif Wally ondervra? --- Ekskuus?

Het jy Hanif Wally ondervra? --- Hanif... die naam, die naam klink bekend, U Edele.

10 Het jy mense ondervra? --- U Edele, bitter min mense, U Edele.

Kom ons probeer 'n getal daaraan sit. Bitter min mense, half dosyn, 6 mense ondervra? --- Dit kan wees.

Het u opleiding in ondervraging gekry? --- Ekskuus, U Edele?

Het u opleiding in ondervraging en ondervragings metodiek gekry? --- Opleiding in ondervraging?

Ja. --- Op watter stadium, U Edele?

20 Ek wil nie hê jy moet terug vrae vra nie. Dink aan u hele loopbaan, het u ooit in u hele loopbaan opleiding gekry in ondervraging? --- U Edele, die rede waarom ek dit vra is ek dink miskien word dit gekoppel aan hierdie heel eerste gevalle waar ons byvoorbeeld ... waar ons van konstabel af verander het na luitenant toe.

HOE: Nee, hy praat van u hele loopbaan. --- Ja en as dit daai geval

is dan nee.

Nooit? --- Nee. Meeste van die sensitiewe ondervragings metodiek, sal ek dit stel, U Edele het hier teen die einde van my loopbaan gebeur toe ek nou 'n kursus ondergaan het van Kaptein af na Kolonel toe.

MR PRETORIUS: Ja, u woordgebruik is besonders. Sensitiewe ondervragings metodiek, kan u vir ons uitbrei daarop? Wat is sensitiewe ondervragings metodiek? --- Ja, U Edele dit is nie 'n geval van rond strom nie, U Edele. Dit is wanneer jy die inligting uit 'n
10 persoon uit kry sonder enige geweld, sonder enige dade van misdryf.

Ja, dis vir my interessant dat u pertinent nou by u antwoord byvoeg, sonder enige geweld, of sonder enige dade van misdaad. Ek wonder hoekom voel u dat dit relevant is? --- Ja, ek dink die antwoord pas mooi by die vraag, U Edele.

Kom ek vra vir u, het julle ooit geleer van 'Good cop, bad cop'? --- Ekskuus, U Edele?

Is u ooit in hierdie sensitiewe ondervragings metodiek geleer van 'Good cop, bad cop?' Goeie polisieman versus 'n slegte polisieman? --- O, dit kom altyd ter sprake.

20 Slaap onthouding? Is dit 'n aanvaarde metodiek wat jy gebruik in sensitiewe ondervragings metodiek? Slaap onthouding? Sleep deprivation? --- Ja dit is 'n metode wat destyds gebruik was.

Ja, Els het vir ons gesê. --- Ekskuus?

Els het vir ons gesê dat dit 'n metode is wat destyds gebruik is, inderdaad, slaap onthouding, sleep deprivation, aanvaarde

metode gewees, korrek? --- Dit is nie aanvaar nou nie, U Edele. Dit is nie nou aanvaarbaar nie.

Ja, die vraag is nie nou nie, destyds was die vraag, destyds was dit 'n aanvaarde metodiek, nie waar nie? --- U Edele, dit is 'n vraag wat ek nie kan beantwoord nie.

HOE: Hoekom? --- U Edele dit hang af van persoon na persoon. As ek byvoorbeeld gestempel word as een van diegene wat mense se slaap weerhou het om inligting te bekom dan is dit nie reg nie.

Nee, maar die vraag is... die vraag is nie dat jy word
10 beskuldig dat jy dit gedoen het nie. Die vraag is, het u kennis daarvan? --- Hier en daar, U Edele het so inligting ter ore gekom.

MR PRETORIUS: Is dit tydens ondervragings wat dit gebeur het, destyds? --- U Edele dit hang af watter ondervragings ons nou van praat.

Waar het u hierdie inligting bekom? --- U Edele?

Waar het u hierdie inligting oor slaap onthouding, sleep depravation, waar het u dit bekom? --- U Edele dit het ter ore gekom toe sommige van hierdie mense gekla het.

Voor die middagete wil ek jou net 'n paar ander pertinente
20 vrae vra. Toe u na Ahmed Timol se ouerhuis toe gegaan het, u het uit die voertuig geklim en saam met die lede in die huis ingegaan, nie waar nie? --- Kan ek net weer daai vraag kry?

Toe u saam met Kaptein Dirker en die ander lede van die veiligheidstak na Ahmed Timol se huis gegaan het, het u saam met hulle uitgeklim en die huis binnegegaan? --- Nee, U Edele.

Het jy in die kar bly sit? --- Ek het by die voertuig gebly, U Edele.

En waar het jy die sogenaamde dame gesien? --- Sogenaamde dame?

Die vroumens wat u na verwys het, ... [tussenbei] --- Ek het die vroumense op die stoep gesien, U Edele.

Kon u hulle hoor praat? --- Nee.

En ek wil net voor die etensbreuk wil ek net weet, toe u teruggery het, het u onder ... in die onderdak parkering gaan stop aan
10 die westekant van die gebou? --- Ja, U Edele.

En u het met die hysbak op na die 9de vloer gegaan? --- Dit is so, U Edele.

Maar, u moes om die suidelike kant van die gebou gery het om by die westelike ingang uit te kom, nie waar nie? --- Die suidekant van wat, U Edele?

Van John Vorster plein. --- Nee. Jy kom van 'n westelike rigting af om in die westelike ingang in te kom, U Edele.

Waar was die optog, waar was die samedromming van mense gewees? --- By die uitgang, die in en uitgang aan die
20 westekant, U Edele waar die voertuie moet inkom. Ek moet ook noem dat die hysbak net daar gesetel was.

En dis daar waar u gehoor het iemand het uit die venster geval? --- Dit is korrek, U Edele.

By wie het u dit gehoor? Waar het u dit gehoor? --- Ek kan nie sê wie presies nie, maar mense het uitgekome van die hysbak af na

die in en uitgang van die voertuie en dit is waar ek dit gehoor het, U Edele.

U gaan toe op na u kantoor toe? U gaan toe op na u kantoor toe, nie waar nie? --- Ja, toe gaan ek na my kantoor toe, U Edele.

Maar dit is snaaks. Was u nie nuuskierig nie? Wou u nie gaan kyk wat het gebeur nie? --- Nee, U Edele.

U het ook nie gevra wie het uit hierdie venster uitgeval of enige iets nie? --- U Edele, dit het my nie aangegaan nie.

10 HOF: Dit kon 'n kollega gewees het, jou eie kollega. --- U Edele?

Dit kon een van die mense saam met wie jy gewerk het? --- Ja dit kon gewees het, U Edele.

En jy was nie bekommerd nie? --- Nee, nie op daardie stadium nie. My plig was om vir Dirker te vat na Timol se ouerhuis toe en hom terug te bring. Daarna gaan ek na my kantoor toe en wat daar aangaan is... het niks met my te doene nie, U Edele.

M'Lord, I see it is 1 o'clock, maybe it is an apt time.

COURT: Yes, okay we will adjourn until 2 o'clock. Ons verdaag tot 2 uur. U moet ... *end of soundtrack*.

20 **COURT ADJOURNS**

COURT RESUMES

MR PRETORIUS: M'Lord we are just looking for the Interpreter quickly if the Court will just bear with us, and Advocate Nell will just quickly see for the Interpreter M'Lord.

COURT: Yes. Mr Pretorius there is something that I need to say to this witness which I have not said before if you could give me that opportunity?

MR PRETORIUS: M'Lord exactly M'Lord.

COURT: Yes. Meneer Sons u is nog onder eed.

GETUIE: U Edele.

HOF: Is u nog onder eed?

GETUIE: Dit is korrek.

SETH SONS: v.o.e.

10 HOF: Ek wil hê u moet nou luister wat ek gaan sê. Ek gaan vir u iets sê u moet luister wat ek gaan sê, nê hoor jy my? --- Dit is korrek u edele.

Ja. Kyk die is 'n doodsondersoek nê, dit is 'n doodsondersoek.
--- Ja u edele.

Verstaan u dit? --- Ja u edele.

En aan die einde van hierdie doodsondersoek ek moet sekere bevindings maak verstaan u? --- Dit is korrek.

Do you want to interpret that Mr Interpreter?

INTERPRETER: I will try my best M'Lord. At the end of the Inquest I
20 am going to make certain Findings, en een van daardie bevindings is te doende met die oorsaak van die dood. --- Ja u edele.

U verstaan? --- Dit is korrek.

En as ek tot die gevolgtrekking kom dat daar mense is wat betrokke is in die oorsaak van die dood ek moet die name van daardie mense in die bevindings byvoeg? --- Ek verstaan u edele.

U verstaan? --- Dit is korrek.

Nou dit is iets wat ek van vooraf vir u moes gesê het maar ek het geen kennis gedra van jou getuienis nie want u het nie getuig voor die eerste doodsondersoek, is ek reg? Die eerste doodsondersoek in 1972 u het nie getuig daar nie, is ek reg? --- Ja u edele.

Want ek het nie jou beëdigde verklaring gesien in al die papiere nie? --- Ek was nie betrokke daarby nie u edele.

Ja, nou die twee kollegas van jou wat hier al voorheen getuig het Meneer Rodrigues en Meneer Nell, of Meneer Els ek het ook vir
10 hulle gesê dat ek nou tot die gevolgtrekking kom dat Meneer Timol is dood as gevolg van die gedrag van sekere lede van die Veiligheidstak ek gaan name noem, verstaan u dit? --- Ek verstaan u edele.

Gevolgtrekking u dra nou die risiko want u was 'n lede van die Veiligheidstak, en u getuienis u sê dat op 'n stadium u het Kaptein Dirk vergesel na Meneer Timol se huis toe, is dit korrek? --- Dit is korrek u edele.

Nou ek verwag van u om ons die waarheid te sê verstaan jy dit?
--- Ja u edele.

Want as jy ons nie die waarheid sê nie die moontlik bestaan dat
20 u dra die risiko en ek kan aanbeveel in die bevinding dat u betrokke was i die dood van Meneer Timol. --- Ek verstaan u edele.

Dit is die risiko. So u moet versigtig wees met u weergawe verstaan u dit? --- Ek verstaan.

Ek is seker jou Prokureur het dit vir jou gesê. Het jou Prokureur dit vir jou gesê? --- Nee u edele.

Hy het nie? Nou verstaan u wat ek sê? --- Nee ek verstaan u edele.

Van nou af as u nou getuig u moet dit in jou gedagte hou verstaan u dit? --- Dit is korrek u edele.

Mr Pretorius you may proceed.

MR PRETORIUS: Thank you M'Lord thank you. Meneer Sons kom ons begin net weer. Wie het jou gewerk vir die Veiligheidstak? Is dit Rooirus Swanepoel kom ek vra u direk? --- Kan ek net daardie vraag weer kry u edele?

10 Wie het jou gewerk vir die Veiligheidstak is dit Rooirus Swanepoel? --- Yes it is Swanepoel Rooirus.

Weet u hoekom het hy u gewerk vir die Veiligheidstak? --- Ek sou aanneem u edele hy het my gesin het as 'n goeie kandidaat.

Jy het getuig dat jy gesien het dat hoenders opgehang is op die stoep van die ouerhuis van Ahmed Timol, nie waar nie? --- Kan ek net die vraag weer kry?

Jy het gesien dat hoenders opgehang is op die stoep die ouerhuis van Ahmed Timol, nie waar nie? --- Dit is korrek.

20 And that means you would have gone to the stoep to be able to see those chickens? --- No that is not correct.

What did you go and look for at the Timol house? ---
The reason for us to have gone there Dirkus went there to go and look for a typing machine.

Het hy die tikmasjien gekry en saam teruggevat kantoor toe? --
- I will say that he found it and took it to the office.

Hoekom onthou u hierdie hoenders wat op die stoep opgehang is, wat is die belang daarvan? --- For me to have been able to have seen these chickens they were full of blood and the skins of the chickens were peeled off.

Ek wil net die foto wat ek aan u getoon het afrond. U het self op hierdie foto erken. M'Lord I have got the necessary copies I would ask that this be accepted as Exhibit "S" at the present moment. There are some other statements that will be "Q" but if we can accept this as Exhibit "S" M'Lord. Op hierdie Bewysstuk het uself herken nie waar
10 nie?

COURT: Just a minute Mr Pretorius. Do you have a copy of this?

MR VARNEY: Yes I do M'Lord.

COURT: Thank you. It is accepted as Exhibit "S".

MR PRETORIUS: Het u uself herken op hierdie foto? --- That is correct M'Lord.

U het ook ander lede van die Veiligheidstak nie almal nie, maar ander lede van die Veiligheidstak daarop herken nie waar nie? --- That is correct.

Is hierdie foto nie miskien by Brixton geneem nie? Kan u
20 onthou waar hierdie foto geneem is? --- I cannot recall where this photo was taken.

From which division is that photo? --- Well from some of the people that are appearing on this photo they are from the Security Branch, and some of them were coming from Benoni world.

COURT: Just before you leave that photograph.

MR PRETORIUS: As the Court pleases M'Lord.

COURT: Yes I have just received it now and I am not sure all of them look very young here I am not sure who is he, and where is he appearing.

MNR PRETORIUS: Kan u net vir ons 'n aanduiding gee waarop die foto verskyn u? Miskien na aanleiding van wie 'n ligte pak aan het in die voorste gedeeltes kan u vir ons aandui waar sit u op hierdie foto? --- Wil u nou weet u edele of hierdie mense by daardie in en uitgangs uitgekom het?

10 Ekskuus Meneer Sons ons wil net die foto klaarmaak voor ons na die uitgang toe gaan. --- Dit is reg.

Op hierdie foto waar op hierdie foto verskyn u? As ek u moontlik kan help watse kleur pak het u aan? --- Ek is reg voor amper in die middel u edele die vyfde persoon.

U het 'n ligte pak aan nie waar nie? --- Dit is so u edele.

Can I move on M'Lord?

COURT: Yes, yes indeed.

MNR PRETORIUS: Ek wil die samedromming van die mense wat u gesien het verstaan. U sê dit is aan die Westekant van John Vorster
20 Square nie waar nie? Verstaan u die vraag? --- U edele as die vraag is of daar 'n geweldige samedromming is en dan is die antwoord nie, maar daar was 'n handjie vol mense wat uitgekom daar by die hysbak uit. Daar is twee hysbakke daarso u edele en uit daardie hysbakke uit het die mense uitgekom terwyl inbeweeg het.

HOF: En u het dit beskryf as 'n oproer? --- U edele? Nee dit is nie 'n oproer nie u edele.

Ja wat was dit? --- Dit is ook nie 'n samedromming nie.

Ja? --- Dit is 'n handjie vol mense wat uit die hysbak uitkom en uitbeweeg terwyl ons wil ingaan u edele.

MNR PRETORIUS: Weet u waar die Dollars Motorhawe is? Weet u van die motorhawe daar by John Vorster Square, weet u aan watter kant van die gebou? --- Dit is aan die Suidekant u edele regoorkant die pad.

10 En daar was nie 'n samekoms van 'n handjie vol mense of enigiets aan daardie kant van die gebou nie? --- U edele ek was glad en geen nie naby daardie plek nie. As daar mense was wat daar saamgedrom het weet ek niks daarvan nie ek was net nie daar nie.

U was nou net 'n handjie vol mense by die hysbak wat uitgekom het en hulle het gesê iemand het uit die venster uitgespring? --- Dit is korrek u edele.

En was hulle dood normaal, of was hulle opgewonde, of net 'n normale opmerking wat hulle gemaak het? --- Dit is moeilik om vir my om te sê u edele.

20 En hulle het ook net gesê iemand het uit die venster uitgespring? --- Dit is korrek u edele.

Is dit al wat hulle gesê het? --- Dit is so u edele.

So hulle het nie gespesifiseer wanneer hy uitgespring het of hy in die oggend uitgespring het, of wanneer hy uitgespring het, net gesê hy het uit die venster uitgespring? --- Nee u edele.

Die nee wat u nou antwoord wat bedoel u daarmee? --- U vra my het hulle gespesifiseer?

En hulle het nie gespesifiseer nie? --- Nee u edele.

So dit is moontlik dat die persoon al in die oggend daar kon uitgespring het? --- Ek kan nie sê nie u edele.

Ek wil teruggaan na die snaakse goed, die dirty tricks toe. Buiten bande afblaas wat is nog gedoen? --- Oh gids.

Ek vra weer vir u, ek wil teruggaan na die snaakse goed wat u gesê het Paul Erasmus gedoen het die dirty tricks. U het vir ons
10 voorbeeld gegee van bande wat afgeblaas is by 'n vergadering, wat is nog gedoen? --- Om dit te spesifiseer moet ek teruggaan na die geskiedenis en ek het nie daardie inligting nie u edele.

Het jy 'n Bouwer geken Robbie Bouwer? --- Ja u edele.

Hy het ook daar by die Veiligheidstak gewerk nie waar nie? --- Dit is so u edele.

Hy was betrokke by die ondervraging van Ahmed Timol, nie waar nie? --- Ek weet nie u edele.

Nou reeds gesien jy het Rooirus Swanepoel geken, het jy vir Hans Gloy geken, Kaptein Gloy? --- Ja ek het hom geken u edele.

20 En Van Niekerk, Kaptein Van Niekerk? --- Ek dink daar was meer as een Van Niekerk. Ek het een van die Van Niekerk's geken u edele dit is Tony Van Niekerk.

En Puthoed geken? --- Ja ek het hom geken.

Hy het ook gewerk by die Veiligheidstak? --- Ja hy was betrokke by President Mandela se arrestasie daar in KwaZulu Natal.

Het Babu onder jou gewerk, Sorendra Babu, Baby het hy onder jou gewerk? --- U edele dit was seker van 'n korter deur ek kan nou nie so mooi onthou nie maar ek weet Babu Sorendra Babu is 'n bekende naam.

Jy het getuienis gegee dat jy nou 80 jaar oud is nie waar nie? --
- Ekskuus?

Jy het getuienis gegee dat jy nou 80 jaar oud is nie waar nie? --
- My ouderdom is 80.

Maar u is die Direkteur van 'n aantal maatskappye nie waar
10 nie? --- Ekskuus?

U is die Direkteur van 'n aantal maatskappye nie waar nie? ---
Nie meer nie u edele.

Kom ons gaan net vinnig deur die maatskappye wat aan u behoort het, of waarvan u 'n Direkteur is. Rich Rewards Trading, herken u die maatskappy? --- Ja.

Het dit aan u behoort? --- Dit is korrek.

People's Empowerment Forum, het dit aan u behoort? --- Ja dit is korrek.

U was die Direkteur daar? --- Dit is korrek.

20 In Excess Trading 80? --- Die naam kom so vaag by u edele ek kan dit nie so presies onthou nie.

Sotra Transport Services? --- Ja u edele.

[Onhoorbaar] Investments? --- Kom weer u edele.

Bobonye Investments? --- Nee ek kan dit nie onthou nie.

Wat van Bobonye Oi? --- Ek kan dit nie onthou nie.

U posisie by South African Bus and Taxi Association by Supta was u Direkteur daar? --- Ja ek was op een stadium Supta's lid van die organisasie.

U het amper twee dosyn voertuie wat aan u behoort nie waar nie?
--- Ja u edele.

En 'n groot aantal daarvan is taxi's nie waar nie? --- Dit is so u edele.

MR VARNEY: M'Lord I am not sure where my Learned Friend is going with this there might be some method in where he is going but the asset
10 list of the witness I cannot see what the relevance thereof is.

COURT: We all do not know as I said to him earlier we do not have his affidavit here so I am unable to say he is off the mark, because I do not know whether there is a link between these company's and his activities at the Security Branch. It will be cleared up Mr Pretorius?

MR PRETORIUS: M'Lord it is just a question as to that this guy notwithstanding the fact that he is 80 years old, that he is quite involved and he can still handle himself on any question that is the only relevance.

COURT: Oh I see.

20 MR PRETORIUS: And I am more or less finished with that line of questioning in any case M'Lord.

COURT: Yes.

MNR PRETORIUS: Meneer el wil by u weet of u geweet het dat 'n groot vis gevang is toe Ahmed Timol gearresteer is? --- Die oorlede Timol se geskiedenis ken ek glad en geheel nie u edele.

U het seker uitgevind na daardie naweek die Vrydag aand gearresteer is u het seker uitgevind dat daar 'n groot deurbraak gekry is, en dat 'n groot persoon gearresteer is? --- Dit is wat gesê was u edele.

En u het Intelligensie of Informasie bedryf het ek stel dit aan u dat hulle na u toe sou gekom het om van die inligting te kom verifieer. --- Nee u edele.

U sien u het ook getuienis gegee dit het niks met my te doen nie u is op na u kantoor toe, en dit het u nie geraak wat daar onder
10 gebeur het met die persoon wat uit die venster uitgespring het, is dit korrek so? --- U edele daardie antwoord is honderdpersent dit is meer as honderdpersent korrek my gestel is so ingestel u edele dat ek nie sommer na dooie lyke kyk nie, veral die lyke wat uit 'n venster uitgeval het u edele. Ek het dit nie nodig gehad nie u edele vir propaganda doeleindes nie.

En watse propaganda doeleindes het u nou daarmee? --- Natuurlik u edele as ek daar gaan en ek het gekyk daarso dan het ek ook rondgeloop en gesê ek het hom gesien daar lê, hy het daar gelê daardie tyd, daardie tyd, en daardie tyd.

20 En onder regverdigheid wil ek net aan u stel dat dit vir my hoogs onwaarskynlik is dat u wat in beheer van 'n hele klomp nie blankes is soos wat dit destyds genoem is, dat u nie gekonsulter sou word oor die inligting nie. Het u enige kommentaar daarop? --- U edele as u kyk na die foto wat geneem was minder as 'n handjievol van hierdie

mense was nog steeds daar toe Timol verongeluk was. Bitter min van hierdie mense was nog betrokke by ons.

Ek wil nie te lank aanhou nie, maar hoekom gebruik u die woord toe Timol verongeluk was? Hoekom gebruik u daai keuse verongeluk was? --- Ek weet nie watter ander terme om te gebruik nie u edele.

Ek wil dit ook net aan jou stel vir 'n persoon wat by die Veiligheidstak gewerk het sou u wel kennisgedra het van aanrandings, en sou u meer bewus gewees het van aanrandings alhoewel uself nie noodwendig daarby betrokke was nie stel ek dit in alle regverdigheid
10 aan u? --- U edele as ek nuuskierig was het ek seker baie meer uitgevind u edele.

Die beëindig my ondervraging dankie u edele.

COURT: Thank you. Yes Mr Varney?

CROSS-EXAMINATION BY MR VARNEY: As the court pleases. Mr Sons I just want to check whether you were involved in running a business at the time that you were a Security Branch Officer. You have got a taxi service in Eldorado Park when you were a Security Branch Officer? --- Yes I was involved in the taxi industry for quite a period of time.

20 When did you start working in the taxi industry? --- I cannot remember.

But it was while you were working at John Vorster Square? --- Yes at one stage.

Was this with the knowledge of the Security Branch did they know that you were working in the taxi industry? --- Yes that is correct.

And they were not concerned about that, the fact that you had another job? --- Yes at one stage I was asked to resign from that industry.

And why was that? --- I do not know why that happened.

Did you ever use your work in the taxi industry in order to assist you to monitor potential suspects? --- Yes because there were a lot of
10 strikes we were nullified in this taxi industry.

Can you recall whether you were present at John Vorster Square on the 22nd of October 1971, that is Friday the 22nd of October? --- I am not sure of the date.

Just to remind you that it was that night that Mr Timol was arrested? --- It looks like I was part and parcel of the arrest of Mr Timol and I was not there when Mr Timol was arrested.

Yes that is not my question. The question was only whether you were present at John Vorster Square on Friday the 22nd of October that is all I asked? --- I cannot say as to whether how long
20 was he arrested but it came to me after he was arrested, or it came to my attention.

Mr Sons that was not my question but I will move on. Were you present at John Vorster Square if you can recall over that weekend, the weekend of the 23rd and the 24th of October 1971, in other words the Saturday and the Sunday? --- No I do not bear any information

in relation to the question coming from Counsel.

But I glean from your evidence in chief that you probably were present, you were at work on Monday through to Wednesday that is the 25th to the 27th of October, because you were doing some work during those days? --- I usually worked office hours it is from Monday to Friday and I would not have worked on a Saturday if it was not my duty week.

And what were your typical normal working hours in the week?

--- Pardon?

10 What were your office hours during the week Monday to Friday?

--- My hours or my office hours were from 07:30 until 16:00.

Mr Sons at that time correct me if I am wrong you were the most Senior Officer of colour, the most senior none white Officer working at John Vorster Square in 1971? --- Can you just repeat the question I do not understand it M'Lord.

Were you the most senior none white Officer in John Vorster Square in 1971? --- Yes I just became a Senior Officer in that year.

20 Let me ask you this. Was there another perhaps Indian or Coloured or Black Security Branch Officer who had a higher Rank than you at John Vorster Square at that time? --- Mphalele was the one that started to become an Officer he was a Lieutenant by then.

So in 1971 you were the second highest none white Officer at John Vorster Square? --- That is correct.

So would I be correct in saying that you were the more trusted none white Officers at that time? --- I will not say the most

trusted Officer...[intervene].

HOE: Die vraag is was u een van hulle, een van die Offisiere wat betroubaar was? --- Yes it should not be put to me as if they came specifically to knock on my door.

MR VARNEY: Mr Sons let us move onto the next question, and I want to return to Mr Surendra Babu. Now my Colleague Mr Pretorius has already asked you certain questions in relation to Mr Babu, and I think you sometime refer to him as Baby. Was his nickname Baby? --- That is correct it is Baby.

10 Yes, can you recall when Baby joined you at John Vorster Square? --- No I cannot remember as to when Baby joined me at John Vorster Square.

At the time of the Timol incident and that was October of 1971 was Baby present? --- I do not know whether Baby was present M'Lord in October 1971.

Did you ever share an office with Baby on the ninth floor? --- If that is what Baby said that we shared an office it was just for one or two chairs and if there is an instruction and he would go where he was supposed to go because I did not share an office with him.

20 And what kind of instruction do you think Baby might have been acting under? --- It depends on what was needed.

Was he used for purposes of monitoring or surveillance what kind of work do you recall he was doing? --- I cannot hear can you just speak up?

What kind of work was Baby doing? Did it involve monitoring

or surveillance of activists? --- It depends on what type of work he was involved in, and if it was a Coloured or [indistinct] I would also ask him or put him into that team.

And just to be as clear as possible you say you cannot remember when Baby was with you at John Vorster Square are you excluding the possibility altogether that he was present around the time of the Timol incident, or are you saying that maybe he was there but you cannot remember? --- I cannot remember.

Were you present in any room when Mr Timol was being
10 questioned? --- I did not see him with my own eyes I did not see him not at all.

You have explained to us that you were present on a visit to the Timol home on the afternoon of the 27th of October did you go at any other time to the Timol home? --- No.

I just want to put it to you that there were certain other visits.

MECHANICAL INTERRUPTION

[14:11]

MR VARNEY: On Saturday the 23rd of October very early that morning? --- I cannot remember that M'Lord.

And did you hear of another visit to the Timol home on Tuesday
20 the 26th of October at about 20:30 in the evening? --- No I cannot remember.

Do you know a Warrant Officer Johannes Liebenberg? --- Liebenberg?

Yes. --- The name sounds familiar.

Detective Sergeant Van Rensburg? --- Van Rensburg I

cannot remember that surname.

And a Lieutenant Martinis Ras? --- Who is that M'Lord?

Lieutenant Ras? --- Rusk?

Ras. --- No.

Because there is evidence before the Inquest that those three individuals were involved in the earlier visits to the Timol house. Now you have testified that during your visit to the house a typewriter was seized, is that correct? --- Yes there was a typewriter taken.

Because Liebenberg and Le Roux in their statements to the first
10 Inquest they say that they seized a typewriter from the Timol house on
the Saturday the 23rd very early that morning? --- It is possible.

In which case it would be two typewriters that were taken from
the Timol's? --- I cannot say whether there were two typewriters.

Following the death of Mr Timol did you have any discussions
with Baby about what happened to Mr Timol? --- I would not have
spoken to Baby because I did not know what happened.

Mr Sons in 1971 do you recall how you were paid? Were you
paid by way of cheque, or were you given an envelope with cash for
your monthly salary? --- I always got my money by the usual system
20 M'Lord.

And what is the usual system? --- The usual system is when
your money is being deposited into your bank account.

And was that the case in 1971? --- It was all the time like that I
cannot remember that there was any change.

Were you at any point paid by way of cheque which you

then had to go and cash at the bank? --- Pardon?

Were you never paid by cheque? --- I would only believe that if I can see it.

And in your early days when you were a young policeman were you not paid by cash in an envelope? --- No not at all.

Mr Sons please listen to this question carefully. Have you ever in your policing career witnessed an assault by a policeman on a detainee? --- In the cells yes you see that happening.

So you yourself have witnessed assaults in the cells? --- No
10 M'Lord.

So let me ask the question again have you personally seen or observed an assault on a detainee? --- Not that I know of M'Lord.

INTERPRETER: M'Lord may I just be excused I just need to run to the toilet?

COURT: The Court shall adjourn.

COURT ADJOURNS

COURT RESUMES

INTERPRETER: Thank you M'Lord.

COURT: Okay Mr Varney you may proceed.

MR VARNEY: As the court pleases. Mr Interpreter everything is
20 under control.

INTERPRETER: Yes.

MR VARNEY: Mr Sons you said in the response to my question as to whether you have witnessed assaults, and you said it usually happens in the cells can you explain to the Court what do you mean by it usually happens in the cells? --- When there is was misconduct and

they are charged with misconduct that would have happened yes that is correct.

Again Mr Sons I want you to listen very carefully to the next question. As a policeman throughout your career have you Mr Sons have you personally have you been involved in any assault, or any abuse of any detainee at any time? --- No M'Lord.

Are you certain about that? --- Maybe my brain has rusted like my age M'Lord.

COURT: Has your age rusted?

10 MR VARNEY: Are you saying that your memory might be a bit rusty?
--- Pardon?

Your memory might be a bit shaky? --- Yes it could be it could be.

Well let us see if we can help you with your memory? Do you know a Security Branch Officer by the name of Mr Billings? --- Who is that M'Lord?

Billings. --- What about him M'Lord?

He was a coloured Security Branch Officer who worked with you? --- That is correct he is a coloured that worked with me.

20 And how did he get to work with you, what work did he get to do with you? --- The same work that I did M'Lord.

And did that work involve the arrest and questioning of suspects? --- Yes.

And did you work with Mr Harry Persad? --- Harry Persad?

Persad? --- Yes I did work with him.

And was he also involved in the arrest and the interrogation of detainees with you? --- That is correct M'Lord.

And a Mr Smit? --- Smit?

A white Security Branch Officer? --- A white man?

Smit yes? --- I cannot remember.

I want to return to a name that was put to you by Mr Pretorius Hanif Vally. You testified earlier that you could not recall this particular name. --- Well I cannot remember the name but it rings a bell.

10 So do you recall that Mr Billings and Mr Harry Persad arrested Mr Vally in 1980? --- I cannot remember that.

We will be putting up an affidavit from Mr Vally and he will say that you actually searched his house, and following the search you took him back to John Vorster Square. --- I cannot remember that M'Lord.

And on arrival at John Vorster Square when you began to question him you took away his spectacles, his glasses. --- I cannot remember that.

20 Mr Vally will say that while in that interrogation room with you and your Colleagues he was forced to stand naked. --- I cannot remember that.

Did you ever require anybody to stand naked during interrogation? --- Not that I can remember.

Mr Vally says that thereafter he was assaulted by way of

being slapped and kicked. --- The answer is again I cannot remember that M'Lord.

Does the name Arwen Musson does that ring a bell? --- No M'Lord it does not ring a bell.

Because Mr Arwen Musson will be giving us an affidavit which he will say that on the morning of June 1983 Mr Harry Persad came to his home in Bosmont and arrested him? --- No I cannot remember that incident M'Lord.

He will say that he was active in a group called Action Youth, do
10 you remember that organisation Action Youth? --- M'Lord that was an organisation that was years back I cannot remember or recall it M'Lord.

Yes it was an organisation active in the Coloured and Indian areas mobilising the youth. But Mr Musson will say further that you were in the car when he got into that vehicle and was taken to John Vorster Square. --- I cannot remember that M'Lord.

He will say that he was questioned by you and your Colleagues on the 10th floor and that before you left you assaulted him by using an open hand and hitting him on his head twice? --- I cannot
20 remember that.

He will say that at the time of that assault you said to Mr Arwen Musson that you needed more information and you then left the room? --- I cannot even remember that organisation M'Lord.

In your evidence in chief you said you worked under the direction of Warrant Officer Dirko, was he your immediate

Supervisor? --- Yes it depended on what was being investigated M'Lord.

So from time to time he would use you to help with his investigations? --- That is correct.

So we have heard evidence before this Court that Warrant Officer Dirkus was the Security Branch Officer who was tasked with investigating the so called bucket bombs. The distribution of illegal leaflets or pamphlets produced by the South African Communist Party, and other prohibited organisations. Do you recall that he was the
10 Officer looking into those bucket bomb campaigns? --- Yes I cannot say precisely as to whether he was responsible for that but I know that he played a role with the investigations of such organisations.

Do you recall those bucket bombs going off? I mean you were in Johannesburg in 1970, and 1971 do you remember that these bucket bombs were being detonated in Johannesburg and Cape Town and Durban? --- No I cannot remember.

Because we have heard evidence that some of those bucket bombs were in fact detonated quite close to John Vorster Square for example in Diagonal Street. --- I cannot remember M'Lord.

20 And in fact just in August of 1971 bucket bombs went of simultaneously in every big city in South Africa you have no recollection of that? --- I am wondering if I was not on course during that period of time.

But following the arrest of Mr Timol did you have an occasion to talk to Mr Dirkus at all? --- Did I ever?

Did you ever speak with Mr Dirkus Warrant Officer Dirkus? --- I have not seen him since 1993 if I am not mistaken.

I am talking about the days following Mr Timol's arrest on the ninth floor? --- Yes because as I have already testified that as we were known as none white you would not be given those type of investigations to investigate.

Did you ever come across a Detective Sergeant Gerhardus Van Tonder? --- Van Tonder, the surname Van Tonder sounds familiar M'Lord.

10 Did you do any work with him? --- Yes M'Lord if it is the same person then I did work with him.

Was this the Van Tonder that focused quite a lot on the Indian and Coloured cases? --- That can be so M'Lord.

And is that why you did some work with him on the Indian and Coloured cases? --- That is why what?

Is that why you worked with Detective Van Tonder? --- Not specifically M'Lord we would work together from time to time and then you would be placed there if necessary.

Mr Sons if I recall correctly you said you heard following the
20 arrest of Mr Timol that he was a big fish, is that correct? --- I only heard that here in Court that he was regarded as a big fish.

So you never heard while you were in John Vorster Square that he was an important detainee and that the police were very happy to catch him? --- No M'Lord.

Was it a common place for an important detainees to sleep

in the offices rather than the cells, did you hear of that practice? ---

Yes after the investigation then they would be taken to the cells where they would sleep.

Did you ever see in one of these offices perhaps a mattress, or some blankets where a detainee might sleep? --- No M'Lord.

Would it be surprising to hear that Mr Timol who was regarded as a big fish was left alone, and was guarded by a Pay Clerk? --- Yes as much as I have already said that I did not know him and I only saw him in the newspapers.

10 Yes that is not my question so please listen carefully. The question is let me rephrase it. Would it have been proper or acceptable for a Security detainee to be guarded alone by a Pay Clerk? --- Yes it is naturally like that then they must be very much aware.

HOF: Wie moet versigtig wees? --- Ekskuus u edele?

Wie moet versigtig wees? --- Wie ook al toegesê word om daardie persoon op te pas.

Maar wat was die belet? --- Ekskuus u edele?

20 Wat was die praktyk daar? Was dit toegelaat dat... --- Die praktyk is dat jy los nie die man alleen nie jy moet hom nie alleen los nie.

MR VARNEY: The evidence before this Inquest and also the first Inquest is that he was left alone not with a Security Branch Officer, not with a specially trained Guard but with an Administrative Clerk who happened to be dropping off salary payments. In your view would that

be improper or would it be irregular? --- No that would not have been allowed.

I think the translation is that it could not have been allowed? ---
Yes.

Mr Sons my Colleague Mr Pretorius has asked you whether you have heard of or are familiar with certain kinds of assault and torture that were perpetrated. There is evidence that these acts of torture were perpetrated against detainees at John Vorster Square. I want to put to you a few other methods of torture. I will tell you up front that
10 all these methods that I will be putting to you detainees have alleged, detainees were detained around the same time as Mr Timol have alleged that they suffered such torture at John Vorster Square between the 23rd and the 27th of October. As I put this to you, you can tell me whether you have heard of such torture. Detainees being punched, kicked, or slapped. --- No M'Lord.

Standing on detainees toes. --- No M'Lord.

Dragging or pulling a detainee by the hair? --- No M'Lord.

Threatening a detainee with death or more torture? --- No
M'Lord.

20 Placing a hessian or plastic bag over a detainees head in order to suffocate that person? --- No M'Lord.

Applying of electric shocks? --- No M'Lord.

The giving of mule kicks? --- No M'Lord.

Do you know what a mule kick is? --- Kicking backwards.

Kicking backwards, and there is evidence before this Court

that detainees were kicked on the upper part of their legs repeatedly it was known as mule kicks. Dangling a detainee by the ankles? --- No M'Lord.

Have you ever heard of a detainee slipping into unconsciousness? --- No M'Lord.

Urinating on a detainee? --- Pardon.

Urinating on a detainee? --- No M'Lord definitely not.

Making a detainee stand on one leg with an arm raised high? --
- No M'Lord.

10 Forcing a detainee to do half spots with hands raised high? ---
No M'Lord.

Forcing a detainee to sit on an imaginary chair? --- No M'Lord.

Forcing a detainee to stand on a sheet of A4 paper for a prolonged period? --- No M'Lord.

Depriving a detainee of food and water? --- That was not allowed M'Lord.

Not allowing a detainee to go to the bathroom and forcing that detainee to urinate on oneself? --- No M'Lord.

20 Mr Sons there is evidence before this Court that following the arrest of Mr Timol a large number of other individuals other suspects were rounded up, and you have heard from Mr Pretorius that there were some 22 suspects who were arrested on the days following Mr Timol's apprehension. There is also evidence before this Court that one of the detainees a Professor Nike was interrogated around the clock. The evidence is that some 17 Interrogators questioned Mr Nike

in the days that followed Mr Timol's arrest. Did you not see additional traffic in John Vorster Square particularly on the ninth floor at that time? Now I am talking about from Monday the 25th and the days that followed? --- Can I just hear that question again M'Lord?

Yes. On the Monday do you remember that Mr Timol was arrested on the Friday night? Now on the Monday particularly Monday and Tuesday as well as Wednesday when you were at work did you not see more people at work than usual particularly individuals from other officers of the Security Branch like the Pretoria Head Office? ---

10 No M'Lord.

Well Mr Pretorius has asked you whether you know certain individuals who interrogated Mr Timol. I want to put a few more names to you. Have you come across a Sergeant Lenard Kleyn? He was actually he was not a Security Branch Officer he was based at Newlands Police Station. --- Can I just hear the question again?

Do you know a Sergeant Lenard Kleyn? --- No M'Lord.

Did you come across a Lieutenant Kernel Willem Van Wyk he was from the Pretoria Head Office? --- No I cannot remember that surname.

20 Do you know a Captain Richard Bean? --- Bean?

Yes. --- The surname sounds familiar but I cannot put a picture to that surname.

Yes there is evidence that he had an office on the ninth floor? -
-- It is possible M'Lord.

And did you ever come across a Sergeant Jacob Louw? ---

I cannot remember that M'Lord.

Were you ever shown the documents or did you ever come to the see documents that the SACP were distributing through the bucket bombs and also through the post? --- I did not even see those documents.

Mr Sons just a few more questions arising from your evidence in chief. According to your personal file you were promoted to an Adjutant Officer, or I assume that is Warrant Officer in 1968? --- Can I just hear the question nicely again.

10 Were you promoted to Warrant Officer in 1968? --- There was not such a Rank.

COURT: Adjutant Officer, Warrant Officer you say in 1968?

MR VARNEY: Yes. We are just going to check your personal file because you have testified that you were a Lieutenant in 1971. You were a Constable in 1958. In 1964 you were promoted to Sergeant. In 1968 you were promoted to Warrant Officer. It says in 1970 Sergeant well that seems back to front. Although there is another list which says you were promoted to Sergeant in 1964. According to your personal file you were only promoted to Lieutenant in 1973. Do
20 you confirm what I am telling you from your personal file? --- If my memory serves me well I was promoted to Sergeant in 1971 M'Lord.

And just to complete the story in 1978 you were promoted to Captain. In 1987 to Major, and in 1989 to Lieutenant Kernel. You have indicated where your office was you said that it was on the ninth floor and this of the northern wing of that part of the John Vorster

Square. Would I be correct in saying that your office was what was known as the none European Section of the ninth floor? The section of offices close to the lifts was reserved for none Europeans, is that correct? --- From the southern side of the corridor which is from the lifts to the Bevelvoeder se kantore toe.

In your testimony in relation to your return trip to John Vorster Square on the 27th of October 1971 when you came back from visiting the Timol house, you testified that your approached the building from a westerly direction. So that means you did not drive down
10 Commissioner Street, or Main Reef Road, is that correct? --- No I did not.

But you did approach the building by coming underneath the double-decker highway? --- I approached the building M'Lord from the northern side or from the northern wing, and then I drove from the highway and I turned left to the eastern side.

And when you come under the double-decker highway what road did you use to access the building, can you remember the name of the street? --- I think it is Main Road.

Main Reef Road? --- Main Road, not Main Reef Road.

20 Is that a different road? --- Main Reef Road is the other side.

Is that the other side of the building? Is Main Road on the other side of John Vorster Square to Main Reef Road? --- Yes that is correct.

Now after the arrest of Mr Timol on the 22nd of October were you asked by anybody any superior Officer to do some research, or do

some background checks on any Indian or Coloured persons who had been detained? --- Can you just repeat your question please?

Yes, after the 22nd of October you will recall Mr Timol was arrested on the night of the 22nd, Friday the 22nd. In the days that followed were you asked to do any research perhaps in some files to do some background checks on any Indian or Coloured persons who had been apprehended? --- No I cannot remember that.

But that is the kind of work that you might have been asked to do at that time? --- Yes that is correct.

10 In response to a question that Mr Pretorius put to you whether you have heard of any assault or abuse. You said to him that from time to time there was talk that detainees had been assaulted. Can you advise this Court who was this talk amongst? Who was involved in talking about assaults? --- Yes if you open up a newspaper you realise that there is somewhere where they are talking about the assaults.

And so this talk would be amongst your Colleagues? --- No M'Lord that is said in the newspapers.

20 Now would your Colleagues talk about what was in the newspapers? --- Yes the news in the newspapers.

So in other words there was no discussion between yourselves and your Colleagues about what as in the newspapers? --- No M'Lord.

One of your talks was also focus on Indian and Coloured cases particularly activists who were involved politically, is that correct?

--- Yes M'Lord.

So did you ever come across the name of Ahmed Timol while you were doing your research and your investigations prior to his arrest? --- No M'Lord.

The photograph that Mr Pretorius showed you do you recall where it was taken? --- No I do not know where the photograph was taken.

Do you think perhaps it was take at the Brixton Murder and Robbery Unit? --- I have confirmed that I do not know where the
10 photo was taken and I cannot confirm as to where this photograph was taken.

Or perhaps we need to get you a better picture, because in the better picture you can actually see the background and it appears to be taken at the front of a window with bars. In other words the cells, and we have information to suggest that it was taken at Brixton Murder and Robbery Unit, is that a possibility? --- There is a possibility M'Lord.

You spoke about a team of individuals you said it was a very small team of individuals that worked with you, none whites who
20 worked with you. When was that team started? --- As I have already mentioned that most of the people that are there are no more M'Lord, and there are a few of them left.

That is not my question. My question is that you have testified that you had a small team that worked with you and my question is when did you create that small team? --- It is quite a long time ago

I cannot recall.

Could it have perhaps started in the late 1960's? --- Yes it might have happened with this whole Timol issue.

If it started around the Timol issue can I ask why was it started at that time? --- I do not know M'Lord it was the Officers or the big heads that started that team.

Is it not possible that it was started then because of the information that emerged from the Timol investigation? --- It is possible M'Lord.

10 In your time at John Vorster Square with the Security Branch did you ever hear of a term called Resident Sweeper? --- No M'Lord I have not heard of it.

Did you ever hear of an individual by the name of Brigadier Groblar? --- Yes I did M'Lord at some stage he was a Commissioner there at John Vorster Square.

20 There is an allegation before this Court made by Mr Paul Erasmus that Brigadier and I believe his first name was [Indistinct] Groblar was known as the Resident Sweeper. Whenever there was a big problem that had to be dealt with the police who had perhaps assaulted or tortured somebody, and they needed cover up what the police had done Brigadier Groblar was pulled in to fix that kind of problem, did you ever hear of that? --- Yes I am surprised as to why did he not come and tell the Court and not tell the Court that he wanted to commit suicide and I have spared his life.

I am not aware of Mr Erasmus of given such evidence but

we will move on. Are you aware of any cover ups that have been perpetrated by the Security Branch at any time while you have worked at John Vorster Square? --- Cover up of what M'Lord?

In connection of any crime that the police have committed? --- I do not know anything of those cover up's.

Have you ever been involved of a cover up of any particular crime? --- I do not have any knowledge of that.

In your work did you ever recruit people in order to ever inform others, in other words to spy on political activists? --- That is part of
10 your work and it happened daily M'Lord.

Was Baby recruited to do that kind of work? --- Yes it is possible M'Lord but if there was something that he would unveil then nobody would trust him again.

I have no further questions M'Lord.

COURT: Thank you. Any re-examination?

RE-EXAMINATION BY MR COETZEE: Thank you M'Lord. Meneer Sons teen opsigte van Babu het ek 'n dokument van af die polisie ontvang wat aandui dat sy aanstellings datum die 20 Maart 1972 was, dra u kennis daarvan? --- Nee ek dra nie kennis van dit nie u edele.

20 Ek het nie verdere vrae nie dankie u edele.

COURT: Mr Sons there is just one aspect that I want you to clarify. You testified that you did not want to see the person they were talking about when you arrived at John Vorster Square do you remember? After you heard that somebody had fallen through the window you did not want to see that. But were you not curious to know who that

person was? --- I really did not know who fell through that window M'Lord and to go and look at a person who has fallen out of a 10 story building my stomach cannot handle that M'Lord.

Dit is nie die vraag nie Mnr Sons. Die vraag is het u belang gestel om uit te vind wie die persoon was? --- U edele ek het eers uitgevind nadat ek in die kantoor was u edele.

Maar daar op daardie stadium het u nie die mense gevra maar wie is dit wat daar geval het? --- Nee u edele ek het nie eers gevra nie u edele.

10 Hoekom nie? --- Dit is iets net in my u edele dit is hoe ek groot geword het. As jy nou 'n lyk daarso sien dan moet jy [onhoorbaar] dat God vir jou daardie liggaam gegee het, en hy kan nie net sommer dat liggaam net so vat nie u edele.

Nee ons praat nie van die liggaam nie. --- Ek het glad en eens gevoel dat dit my belang is om nou te vra en rond en bont te snuffel en vra, wie het daar geval, hoekom het hy geval? Wie was saam met hom? Nee u edele.

Hoekom nie? --- Ek weet nie u edele dit is maar net iets in my in.

20 Is dit nie 'n mens se reaksie nie as u sulke nuus hoor dat iemand het geval dit kon een van jou kollegas gewees het. --- Ja dit kon een van hulle gewees het u edele.

Maar jy het dit nie geken nie? --- Maar weereens het ek nie belang gestel om rond te snuffel en te vra nie u edele.

Dit is nie snuffel en vra nie. --- Soos nou...

U reaksie is jy wil slegs weet wie is die persoon dit is al, dit is nie snuffel en var nie, wie is die persoon? --- Nee u edele ek het nie belang gestel om te vra nie, en 'n beter antwoord as daai u edele kan ek jou nie gee nie. Ek kan nie sê ek het gevoel ek het hierdie persoon te lief of die of daai, nee ek kan dit nie sê nie. Ek moet die waarheid sê en wat ek sê is die waarheid die waarheid is eens en ver altyd. Ek het nie belanggestel om te gaan kyk wie daar lê nie.

Is ek verkeerd as ek kan aflei dat op daardie stadium jy het kennis gehad wie geval het dit is waarom jy nie gevra nie? --- Dit is
10 wat u edele?

Kan ek aflei en u moet vir my sê of ek korrek is. Kan ek aflei dat die rede waarom jy nie gevra nie is dat hy het kennis gedra wie is die persoon wat geval het, is ek korrek? --- U edele ek kon nie kennis dra van wie die persoon is nie as ek van buitekant af in kom, en die nuus hoor die persoon lê daar op die grond. Nee hoe anders watse bydra kon ek lewer tot Timol se dood toe? Watse bydra? Wat sou ek daarby gebaat het? Sou ek meer inligting gekry het of wat? En as die antwoord nee is dan moet ek onskuldig bewys word, want ek weet nie hoekom dit so gebeur het nie dit is nou net so gebeure u edele ek is
20 jammer.

Okay dankie. Any questions arising out of my questions?

MR PRETORIUS: Yes please thank you M'Lord.

COURT: Yes?

VERDERE KRUISONDERVRAGING DEUR MNR PRETORIUS: Dit is interessant wat jy nou sê, so daar by die hysbakke het hulle vir jou

gesê die persoon lê daar om die draai, is dit korrek? --- Ek luister nou.

Daar by die hysbak het hulle vir u gesê die persoon lê daar om die draai? --- Nee die inligting was nie dat die persoon daar om die draai lê nie.

Wat was die inligting? --- In die inligting was dat iemand uit die venster uitgeval het.

Thank you M'Lord.

COURT: Thank you.

10 MR VARNEY: No further questions M'Lord.

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

COURT: Thank you Mr Sons you are now excused.

NO FURTHER QUESTIONS

MR PRETORIUS: M'Lord there is certain matters that we have got to finalise on the record. In regards to the Exhibit "C7" that is the pictures of the post-mortem we just need to ensure that the chain evidence is being proper, and that there was no tampering.

COURT: Just a minute. Mr Interpreter we are busy here I hear you are talking there.

20 INTERPRETER: My apologies, my apologies M'Lord.

COURT: Yes.

MR PRETORIUS: Just to complete that and I ask that this Exhibit be accepted as "C7A" it is just so that the chain evidence is done properly.

COURT: Yes.

MR PRETORIUS: It is an affidavit by Zahira Adams just to ensure that there was no tampering with the photos that was put in the photo album “C7” M’Lord. My Learned Friend Advocate Howard Varney will put in the complete letter that has been written by Mr R.C. McAdam to Mr [Indistinct] and that will be Exhibit “Q” M’Lord, Exhibit “Q”.

COURT: Yes.

MR PRETORIUS: And if the Court could just bear with me I am also just handing in an affidavit of Advocate McAdam if the Court could just bear with me that will be “Q1” M’Lord. There it is thank you M’Lord it
10 is just an affidavit of Mr McAdam to explain that he worked with Mr Powel and that, that information was negative. So I have given the necessary copies and I ask that be accepted as Exhibit “Q1” M’Lord.

COURT: “Q1”?

MR PRETORIUS: Yes M’Lord. “Q” would be the letter that he has written and “Q1” would be the affidavit of Advocate Raymond McAdam M’Lord.

COURT: Okay.

MR PRETORIUS: Thank you M’Lord.

COURT: Yes thank you. Is that letter which is not illegible in here?

20 MR PRETORIUS: M’Lord we did get a copy of that I also got copies of that but I think my Learned Friend will hand that in M’Lord but there is a copy of that specific letter that is attached to Mr [Indistinct] affidavit. I have got a copy here M’Lord it is already handed in but there is a better copy of that M’Lord.

COURT: Thank you.

MR PRETORIUS: That was part of his affidavit M'Lord.

COURT: Yes.

MR PRETORIUS: But that is a better copy that is readable.

COURT: So this is the letter that is attached to the affidavit?

MR PRETORIUS: That is right M'Lord so it is already handed in but this is just a better copy.

COURT: Yes.

MR PRETORIUS: Thank you M'Lord.

COURT: Thank you. Yes Mr Varney?

10 MR VARNEY: M'Lord we have a small packet of Exhibits and we would also like to hand it up.

COURT: Are these now further affidavits?

MR VARNEY: No further affidavits M'Lord.

COURT: Yes.

MR VARNEY: M'Lord the first document is actually the same as the document that Mr Pretorius has handed up it is a better copy of Annexure "A" of the affidavit.

COURT: Okay.

MR VARNEY: We have an updated Exhibit list for you.

20 COURT: Yes.

MR VARNEY: And then the first Exhibit we are handing up today is the Police File of Mr Sons who has just given evidence it is marked "J5".

COURT: Yes.

MR VARNEY: And then the next document is the Police File

of Rooirus Swanepoel we have marked that “J6”.

COURT: Was there an affidavit by this Swanepoel among those who testified in 1972?

MR VARNEY: There is no affidavit from Mr Swanepoel.

COURT: Yes.

MR VARNEY: He is deceased as far as we know.

COURT: Yes, so this file what relevance is it having? Was he one of the people who interrogated Mr Timol?

MR VARNEY: M’Lord we are still investigating his roll a bit further,
10 but he might be implicated because we have put evidence of truth
commission findings that he underwent an interrogation course in
France with Captain Gloy. Furthermore the truth commission held Mr
Swanepoel responsible for the death of Babalas Selugi who fell from
Greys Building I believe that was in 1963.

COURT: Oh okay.

MR VARNEY: There is evidence of Mr Swanepoel interrogating
[Indistinct], so we think it is safe simply to hand up his file in case we
wish to make reference to it. M’Lord the third last document is a
memorandum from the Legal Resources Centre. This simply provides
20 the breakdown of the figures that we supplied to you previously in
relation to the deaths in detention. We had previously only highlighted
the deaths by suicide that is hanging, but this document gives a
detailed breakdown of those deaths, and in relation to assaults and
injuries sustained through interaction with members of the force, there
are 14 cases. We will make reference to the upper report

in argument. We have marked that document “P1”.

COURT: Yes as I indicated to you I will be more interested in the evidence of assaults and deaths in detention which was seen to suicide prior to that of Mr Timol. Those that came in after would only be of interest in terms of looking at the trend but I cannot use that evidence to make a finding about what happened to Mr Timol. I cannot do that you know very well that I cannot do that.

MR VARNEY: Yes indeed M’Lord. M’Lord and in argument we will make special reference to the cases that preceded Mr Timol’s death.

10 COURT: Yes I am interested in those yes.

MR VARNEY: M’Lord the second last document is a letter from the Office of the National Director of Public Prosecutions it is dated 25 February 2004 it is addressed to Mr [Indistinct], and it is from the Deputy Head of the Priority Crime Litigation Unit R.C. McAdam. M’Lord he makes reference in his affidavit to this letter and in this letter Mr McAdam says that certain investigations produced negative results, but he requested further documents, and that is evident from the contents of this letter.

COURT: Yes.

20 MR VARNEY: M’Lord finally we presented to you a printout of a Google Map. M’Lord this is a Google Map which provides approximate walking and driving times from 77 Harrison Street which we understand was the office of the District Surgeon of Johannesburg to Johannesburg Central Police Station, which at the time was John Vorster Square. M’Lord we give this to you simply because in

argument we will be raising certain questions about the times provided in the police version starting with the arrival of Mr Rodriguez in room 1026, the arrival of Mr X allegedly at 15:30 when the fall that took place shortly thereafter, and then the calling of Doctor Kemp, and then his arrival on the ninth floor at 16:05. We would be suggesting to you that at that time it was a little too tight, and we will be suggesting that timing was probably unrealistic.

COURT: But the routes have they undergone any changes then and now, has there been any changes?

10 MR VARNEY: In terms of the actual words?

COURT: Yes?

MR VARNEY: I do not believe so M'Lord Harrison Street and Commissioner Street existed at that time as did Jeppe Street, so I do not believe that the roads have changed.

COURT: Well I will hear you in argument but there are other factors such as traffic and all that which may play a role in terms of the time one would spend ordinarily moving from one place to another, but I will hear you in your argument about the roads.

MR VARNEY: Yes and indeed M'Lord we will be submitting that even
20 in 1971 at 16:00 in the afternoon there would have been some traffic.

COURT: Yes.

MR VARNEY: On the streets at the time.

COURT: Yes.

MR VARNEY: M'Lord we have marked that as Exhibit "R".

COURT: Yes.

MR VARNEY: No more Exhibits from our side M'Lord.

COURT: Yes thank you.

MR COETZEE: M'Lord may I there was a document handed to me by the police with regard to Babu indicating his appointment date in 1972, and I think it might be of relevance to hand up this document indicating that appointment date of him as reference has been made to him in relations to the witness Sons.

COURT: Appointment into the police or into the Special Branch?

MR COETZEE: Yes into the police.

10 COURT: Oh 1972.

MR COETZEE: Yes 1972 on the 20th of March.

COURT: So he could not have been at John Vorster Square?

MR COETZEE: Well that is the documents that was handed to me by General Groenewald and I believe she has also handed it to my Colleagues in relation to his appointment.

COURT: Okay let us see. Yes?

MR COETZEE: Thank you, and that will be Exhibit "J7" I took the liberty of marking it as such.

COURT: Is it "J7" do not have a "J7"?

20 MR COETZEE: M'Lord I followed on "J7" as Rooirus Swanepoel is "J6", and Mr Sons was "J5", so I believe that would be the next logic number with regards to these similar Police Files.

COURT: Have you checked with the updated table the list of Exhibits? Yes perhaps it will fall in there so we will accept it as "J7", is that all?

MR COETZEE: From my side that is all thank you.

COURT: But Mr Coetzee I asked you specifically if you could provide us with an affidavit relating to...[intervene].

MR COETZEE: Yes M'Lord I will draft the affidavit I just have not had time now to draft the affidavit.

COURT: No, no not of this witness.

MR COETZEE: Yes.

COURT: Of Mr Rodriguez because there is a specific question that I wanted to ask him and I said we can dispense with it by way of an
10 affidavit.

MR COETZEE: M'Lord I have drafted the affidavit already we were waiting to hear whether there were some further indications in relation to Mr Rodriguez and it will be signed and I will make sure that it is signed tomorrow morning and then I will hand it in. It just simply deals with the questions of time and basically I have consulted with him so he just needs to sign it, because I did not want him to sign it before it finalised as we were waiting whether or not there would be more implications. It can be signed immediately with him, and if Your Lordship I will deliver it tomorrow to my Colleagues per email and to
20 yourself in person.

COURT: Yes I would like to receive that affidavit because it then completes the picture.

MR COETZEE: Yes.

COURT: But would that be all from your side?

MR COETZEE: That will be all from my side.

COURT: Any further witnesses to call

MR COETZEE: I have no further witnesses. The one witness that we wanted to consult and we did consult with is unfortunately he just cannot help us due to work he is currently in Canada on official business in Canada.

COURT: Okay. Mr Varney that is all from your side there are no further witnesses?

MR VARNEY: M'Lord we have no further witness but we do wish to consort with the Prosecutors as to whether we should be calling Mr
10 Babu. I would like to confer with Mr Pretorius before that decision is made.

COURT: Unless this is not the verdict "J7" is not verdict. If "J7" says that he was appointed in 1972 will it be really necessary to call him? Because that was the time when the Inquest was already taking place.

MR VARNEY: Yes that is so and if in fact Mr Babu had no previous association with the police then that brings that matter to a close. I can tell you that we have consulted with Mr Babu and he has provided us with another document that suggests that he went on some police course in 1970. He has given us information which he believes
20 supports his version that he was at John Vorster Square at that time in 1971. But I would like to confer with Mr Pretorius and his Team before we burden this Court with a further witness.

COURT: My problem is I want to arrive at a stage where we say that we must now begin to argue this matter. It is difficult for me to leave this matter open with the hope that some other witness might or might

not come that is the difficulty that I have. I have explained that to you in Chambers I think we need to reach a point where we say I am not putting you in a stage where you must close your case when you are not ready to do so. But if he is going to be called I need to be informed because then we need to arrange the time and date to hear his evidence. So...

MECHANICAL INTERRUPTION

[15:26]

COURT: That is the position?

MR PRETORIUS: That is the position of the MPA.

10 COURT: Yes in the light of that then you will have take a position you will to confer with your Attorney and everybody else you have heard what the opposition is. I want to move to a point where we then talk about a date where we will argue this matter so that I must begin to write.

MR VARNEY: M'Lord at this stage we would still suggest that we stick to next Thursday the 24th as the date for arguments. Since we have now heard from Mr Pretorius and maybe we have reached the same conclusion, but in the light of the very serious allegations made by Mr Babu in relation to Mr Timol himself and on what he observed, I
20 would want to consult with my Legal Team as to whether we should be calling him or not.

COURT: Yes but I would like to know that when will you be coming back to me on that point?

MR VARNEY: M'Lord we can phone you this afternoon.

COURT: Yes I need to know that you know because then it does

not help to keep this thing open ended. I need to know this afternoon but then we will stand down this matter to Thursday the 24th next week that is when I expect Counsel to argue. If possible can I have the Heads of Argument ahead of time? It is going to be difficult for me to follow the arguments if I do not have the Heads, and I receive them on time before that date. Is it doable Mr Varney?

MR VARNEY: M'Lord it will be a challenge but if we can perhaps undertake to give it to you by Wednesday afternoon?

COURT: Yes Wednesday afternoon even though it is too close unless
10 you do not give me a Bible you give me Heads.

MR VARNEY: We endeavour to give you...[intervene].

COURT: Not argument itself but Heads.

MR VARNEY: Heads.

COURT: And then I will listen to argument just Heads let them be brief to the point and then it will be easier for me to go through three sets of Heads, and I will expect and I will get into Court on Thursday knowing and being able to follow your argument.

MR VARNEY: As the court pleases.

COURT: Any particular Authorities that you may have there.

20 MR VARNEY: We shall do so Your Lordship.

COURT: Yes I will appreciate that. Is that achievable?

MR PRETORIUS: It is achievable M'Lord.

COURT: On Wednesday afternoon.

MR PRETORIUS: In Heads M'Lord.

COURT: Heads.

MR PRETORIUS: Yes.

COURT: If one or if any of Counsel wants to write out a whole argument you may do so but I will only read the Heads.

MR PRETORIUS: As the court pleases.

COURT: Because those are the points on which you want to argue it is not much the argument itself. Mr Coetzee?

MR COETZEE: I will be ready M'Lord you will have my Heads.

COURT: Yes okay. Then Wednesday afternoon I will get the Heads I will have to go through them overnight and Thursday 10:00 we meet
10 here for argument. Thursday 10:00 be here on the 25th of August.

MR PRETORIUS: Sorry the 24th M'Lord.

MR VARNEY: The 24th.

COURT: Yes the 24th of August Thursday next week the 24th of August. We adjourn.

COURT ADJOURNS TO 24 AUGUST 2017

[15:29]