

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 101-2017

DATE: 2017-06-29

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 SIGN

ON BEHALF OF THE FAMILY:

ADV VARNEY

ADV MUSANDIWE

ADV FAKIR

ON BEHALF OF THE SAPS:

MR LITHOLE

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PROCEEDINGS RESUMES ON 2017-06-29

COURT ORDERLY: All rise. Silence in court.

COURT: We are nearing the end of this week, of evidence and I need to place on record that since the commencement of these proceedings, we have been having Advocate Lithole representing the Minister of Police on watching brief. I am of the view as required by, or authorised by Section 8 of the Inquests Act 58 of 1959 to authorise the issue of subpoenas to all the police officers who were involved in the arrest and interrogation of Mr Essop and Mr Timol.

10 To the extent that such officers may still be alive, I am authorising through the office of the National Director of Public Prosecution that subpoenas must be issued for those officers to come and testify in these proceedings when we resume in our next sitting. Tomorrow, Friday we will be adjourning and we will be resuming sometime in July and that those subpoenas must indicate that those police officers must be present.

 And tomorrow I will give an order along the lines that the Commissioner, the National Commissioner of Police must be directed to assist with the location of these formal police officers, their location,
20 their whereabouts and to facilitate the service of these subpoenas and also to arrange through the police budget their representation, via the state attorney.

 They must be here, they must come here to testify and I take it Advocate Lithole you will be communicating this to the Commissioner.

MS LITHOLE: I will do that M'Lord.

COURT: I am not issuing any directives to the Commissioner now, I will do so tomorrow. So I am giving notice that in the event he wants to be heard before I issue those directives, then he must give instructions accordingly.

MS LITHOLE: I will communicate the same.

COURT: And if there are problems with him in regard to that, then he will have to brief you or be here present here tomorrow and give me reason why he should not be ordered to assist those former police men or officers.

10 MS LITHOLE: As the court pleases.

COURT: Thank you. With that said, Mr Varney?

MR VARNEY: As the court pleases. M'Lord, the first witness this morning Professor Kantilal Naik.

COURT: Professor?

MR VARNEY: Kantilal Naik. M'Lord he [intervenes]

COURT: Yes?

MR VARNEY: His affidavit is in Volume C, at page 105.

COURT: Yes?

MR VARNEY: Professor Naik, please approach the witness box.

20 COURT: Please swear him in?

REGISTRAR: Your full names and surname?

MR NAIK: My full name is Kantilal Jakilal Naik.

REGISTRAR: Do you have any objection in taking the oath?

MR NAIK: No, I do not have any objection.

REGISTRAR: Do you swear that the evidence that you are about to

give, is the truth, the whole truth and nothing but the truth, if so, please raise your right and say so help me God.

MR NAIK: So help me God.

KANTILAL JAKILAL NAIK (d.s.s.)

COURT: Thank you. Professor you may be seated. Either now or during your testimony if you feel tired. I am sure there must be a chair there. I hope it is not the interpreter's chair, because Mr Bizos had a problem with. Yes, anytime you feel you want to sit down, by all means do so. --- Thank you.

10 Just make sure that the microphone is, is nearer you. If you need assistance, the Registrar will assist you with that. --- Okay thank you.

 Would you like to continue standing there, now, to continue testifying standing? --- I have no objection.

 Oh, yes. Okay?

EXAMINATION BY MR VARNEY: Thank you M'Lord. Professor Naik, as you, as His Lordship has indicated, if you are feeling tired, if you want to sit down. You do not have to ask us, please feel free just to take a seat. --- Thank you very much.

 And also if you need to catch your breath or take a break, then
20 please just indicate to His Lordship and I am sure His Lordship will accommodate you. --- Thank you very much.

 Professor Naik, thank you for responding to our request and coming to court today. Can you tell us what you are currently doing? I understand that you are retired? --- I am retired and trying to florist.

 And before you retired, what were you doing? --- I was actually a

professor in a school of [indistinct] and applied maths at Wits University.

MR VARNEY: As a professor of applied mathematics? --- Yes, professor of applied mathematics.

And Professor, can you inform the court how it was that you got to know the late Mr Ahmed Timol? --- Well Ahmed Timol was actually in Roodepoort, we all in Roodepoort and so we came to know each other and of course he was also teaching with me at the Roodepoort Indian High School.

Before I proceed, Professor Naik, you have seen your affidavit, do
10 you have a copy with you? --- Yes, I have a copy with me.

M'Lord, this affidavit is reflected in Volume C of the record at page 105.

COURT: 105 yes, I have the page.

MR VARNEY: Professor, just for the record, do you confirm that this is your affidavit and do you confirm the contents thereof? --- I do.

Thank you. --- Thank you.

So you were explaining to us that you lived in the community of Roodepoort and that you were teaching at the Roodepoort Indian School, please continue from there? --- We were teaching at the
20 Roodepoort Indian High School

And is that where you first encountered Ahmed Timol? --- Ahmed Timol actually, not necessarily, but he was actually also in Roodepoort, he was born there I think and I was also there, so we were actually friends.

I see, and as it turns out you were also teaching at the same

school? --- At the same school, thank you.

MR VARNEY: Let us, let us move on how it was that you were arrested and detained. According to your affidavit at paragraph 9 Your Lordship.

COURT: Yes?

MR VARNEY: You were arrested on Saturday, 23rd October. Can you advise the court the circumstances of your arrest or first when the police came to talk to you? --- :At the, at Roodepoort I was actually helping at the pharmacy called Markosin Pharmacy.

Sorry to interrupt you, did, before you were at the pharmacy, did
10 the police came to your home earlier that morning? --- No.

According to your affidavit, at about 09:00 a.m. --- Yes.

The police did come to your house? --- Ja, they came to house.

And for what purpose? --- To say that, you know, I am actually friendly with late Ahmed Timol.

And then [intervenes]. --- and then I was probably involved with political [indistinct].

I see and did they ask you to accompany, accompany them to the school? --- Well, because I was a science teacher, they actually did come to the school, well timing in terms of chemicals and that, were part
20 of the laboratory and was not going to be used for anything else except teaching.

Yes, at the school, were they interested in taking something away? --- Who the police?

The security police, yes? --- I cannot remember if they wanted to take something away.

MR VARNEY: Yes, well to remind you, in your statement you say that they wanted to take the, your typewriter away. --- Well typewriter of course, was the [indistinct] various educators and I think they wanted to take that in so that the documents that they probably had from [indistinct] was done by that typewriter.

Right, but you were not arrested at that stage, and you then proceeded, according to your statement to the pharmacy where you were working and then what happened next? --- Well they take me to John Voster Square.

10 So they came to the pharmacy and at that point. --- They took me home and from there they took me to John Voster Square and of course they started talking to me and said [intervenues]

Before you get to John Voster Square, did they indicate to you when they were arresting you, why it was that they were arresting, what was they were interested in you? --- Well they said that you know, I mean the [indistinct] actually somebody they are trying to oppose the government in more than many ways.

Right? --- My attitude and my, well my knowledge of chemistry, I am not sure.

20 I see, did they indicate to you that at the time of your arrest, they had been given your name by Ahmed Timol as a potential recruit? --- Look it was very difficult to deduce that you know. Timol had given the name, but there is a possibility, but I am not sure, who said that he did not. Because the security police were, were really terrible. In my case of [indistinct] *Bliksemse Koelie, jy lieg* and they actually died my hairs

like this [intervenes]

MR VARNEY: Yes, let us slow down a bit. --- Ja.

Can I ask you just for the record, it is also reflected in your statement, whether in fact you were part of Mohammed at least Ahmed Timol's political or underground activities? --- Look, I mean majority of the learners and so forth, I mean they were actually opposed to the government.

Yes? --- In terms of their looking at the non-white people and they said they were actually not part of the country. I mean they were,
10 they had to make trouble. Because when I actually got detained, they said: "*jou bliksemse koelie.*" You are actually terrible. He says we will throw you out of the, out of the jail.

So you were, you were, you are saying that you were opposed to apartheid, but you were not part of Timol's underground unit? --- No, ja, because I mean look, I was the eldest son in the family. I had actually, my father passed away and I was supporting the family.

Right, professor, you were explaining that you arrived at John Voster Square, and what happened when you arrived at John Voster Square, where did they take you? --- Initially I think Sir, they took me to
20 one of the offices and tried to sort of [intervenes]

Was that on the 10th floor? --- 10th floor yes.

Yes? --- And they wanted to know from me in terms of chemicals and in terms of political background and they said, look you know, it seems that you know, you are actually trouble maker and you wanted to created battles within the community. And you wanted to oppose the

government. I mean look, I was not actually, I was actually not...

I mean I was following [indistinct] Makandi, non-, non-sort of, what shall I say, killing people or something [intervenes]

MR VARNEY: You were not violent. --- Non-violence yes.

Yes. --- I mean I was brought up like that, I mean I did not even hit any of my students when I was teaching and I followed Mohad Makandi's sort of philosophy.

Did they want you to write out a statement? --- Ja, without a doubt, I mean they said, what are you prepared to say and I actually
10 firmly said that look I am non-violent person and I am not there to go and kill people and had been sort of influenced by Mohad Makandi, you know who was actually our hero.

And what was their response to your statement, did they believe what you were saying? --- No, you know I mean, they will not, they were not sort of impressed at all. I mean they sort of wanted, sort of tortured me and the subsequently tortured me.

So as a result of their disapproval of what you had written in your statement. --- Ja.

They started to abuse you? --- Ja.

20 Perhaps you can now describe the kinds of abuse that you were subjected to? --- Look they had actually, tied my hands like this and put the thing over the knees and then they put a broom stick in between, where you know, you could actually put the broom stick in such a way that you know you are hanging and they started rotating.

Did they describe what were they doing to you? Did they perhaps

that this this was the aeroplane? --- Yes [intervenes]

MR VARNEY: Or helicopter. --- Ja, well they said that you know, because once they started rotating, I mean the thing not completely mobilised. I could not even hold anything and I mean for a, I cried, I mean, I said I am not even sure and I actually complaint to the Magistrate that used to visit the [intervenes]

Yes, well before we get to the complaints, and I know this must be difficult for you, but we would like to explore the precise nature of the torture that you were subjected to. In your statement you described that
10 you were being swung like a seesaw from this broomstick. How long approximately did that go on for? --- Look, it actually went for a quite, quite a while, I would say that between one to two hours. And with that, you know I mean the hands got totally immobilised and of course [intervenes]

Your hands became totally immobilised? --- Totally, I mean I could not even catch anything and any person like this. Subsequently, I mean a guy called, physio therapist [indistinct] visited me and he said: *“Ek is baie jammer dat die polisie het dit vir jou gedoen het.”* And he said look I am going to actually treat you and of course with the
20 electrical thing he started taking both my hands and tried to get the [intervenes]

To get the movement to return. --- Movement and things like that.

Before you we get to your torture treatment, can you describe to the court any other forms of abuse, so for example, you were offered a chair to sit down or were you made to and if so, for how long

approximately? --- No they did not offer me a chair and that, but the physiotherapist was sort of much more understanding.

MR VARNEY: Before we get to your sessions with the physiotherapist, while you were being questioned and interrogated by the police officers, were you forced to stand or did they allow you to sit? --- The one police called AJ, I mean van Tonder, he was very sort of considerate and he said to me "*Ek is baie jammer dat dit is wat hulle gedoen het.*" And he said looks he is sorry. Now what had happened with this van Tonder guy, I mean I had actually done text book [indistinct] in physical science
10 from matriculates and first year university students.

And I had given a copy of, look I mean, I could not even find publishers in, I mean in those days things were very difficult. I mean if you were non-white they were not going to be publish anything. But what had happened is that there was actually a friend of mine who had a printing shop in Ferreira's town and then I actually had all these things done.

So I was able to actually sell the books.

Okay, Professor, we will come to your post-detention life in a the not too distant future, but if I could just keep you for the moment, to the
20 period in which you were being interrogated and questioned by the police. Shortly we are going to be putting your police file as an exhibit, and it will show that you were in fact questioned over several days by multiple officers.

I just want to establish that during some of that time, or all of that time were you standing or were you seated? To the best of your

recollection? --- Look I was actually in the cells and then while I was there, I mean that is when they had actually immobilised my hand, but then the physiotherapist called, is it Koen, said. “Kyk jy moenie worry nie.” And then he actually started using electrical connection to get the hands moving and the muscles eventually got not 100 percent, but you know I was able to hold things properly afterwards.

MR VARNEY: Okay, well let us deal with the injuries that you suffered as a result of the so called aeroplane or hospital treatment. You said that you lost all use of your hands. --- Yes.

10 Describe to the court the sensation and for how long you lost mobility in your hands? --- You see there were one particular police man called Gert van Tonder. I mean he was quite a sort of understanding and felt that, look I mean, that is not what they should have done. But what had happened was that Gert van Tonder, I came to know him when I had actually published the text book, that he wanted a copy.

And he was quite sort of understanding and he spoke to AJ Koen and said look, you know, you know, please try to recover his hands to be able to hold. And that took a lot of time.

20 Yes, in your statement you were actually very shocking to read that, because your hands were immobile, you had simply lost the ability to, to do basic things. For example, to wash and clean yourself. Can you describe that to the court and how you felt about that? --- Look virtually when you were there actually at John Voster Square, I mean then when Khani could not even use things, I mean it was not easy and

as I have said looking at the person that a little bit of you know, sort of concern, was this van Tonder, AJ van Tonder.

Simply because I mean I had actually published a text book and I had given him a [indistinct] and he was actually understanding. But on [indistinct] I mean there was not very good service and they felt definitely no man I deserved what had happened to me.

MR VARNEY: Alright, and for the record professor, there was also other incidents abuse, according to your statement, you were also assaulted in other ways. You mentioned that two Burley policemen assaulted you
10 through punching. --- Yes.

Can you just describe that incident please? --- Well they felt that they, you know they were not satisfied, you know in terms of what statement I was making. And says: "*jou bliksems, jou koelie ons sal jou wys.*" And that is the time they had actually punched me and sort of badly treated me.

And how long did that particular assault go on for? --- Well that actually went for quite a while until my hands, you know when they were not mobile.

Alright, the complaint about your hands, that comes from the
20 broomstick treatment. --- Yes.

So that is a separate to the punching. --- Ja.

And other abuse. The broomstick treatment, how long was that approximately for? --- Well that took quite a lot of time. Of course, with this thing that they put in, the fingers and that used to move, but not 100 percent. But this particular guy, Koen was determined. I mean was

actually very considerate and he took a lot of time on me, you know. He took.

MR VARNEY: Yes, but the actual broomstick treatment your statement mentioned that it went on for perhaps an hour to an hour and a half? --- yes.

Would that be correct? --- Yes, I mean they wanted to sort of just, you know terrorise me.

COURT: Were you Professor, were you aware during this interrogation? During this initial phase of interrogation, were you aware
10 of any other detainee who was in the same area as you were? Were you told if there were people who had been detained? Were you aware of that? --- Not really, I mean, you know subsequently you said that there are other people also that are actually detained and I mean, these were sort of Indian people according to [indistinct], but I mean [intervenes]

That was much later? --- Ja much later.

It could have been several days after your detention? --- Ja, after, ja, [indistinct] immobilising it just happened during the first week. You know, I mean, so,

20 Yes, but did you see any detainee during that period of your detention? The first three, four days? Did you see any detainee? --- No I did not know who was actually arrested, nothing at all.

Did you hear any person during that period in that corridor making any kind of noise? --- No. It was difficult.

But do you remember that it was the 10th floor were you were

kept? --- Yes that is right.

COURT: And it was in an office? --- It was?

Was it in an office? In an office? Were you interrogated in an office? --- Ja, it was in an office and then it was subsequently in the cell.

Subsequently in a cell? --- Ja.

On a different floor or on the same floor? Can you recall that? It is, I know it has been quite a while? --- Ja I know look [intervenes]

And to the best of your recollection, but that would assist us
10 greatly if you would tell us whether you were taken to another floor and kept in a cell and what was the position? --- I mean if you look at the thing from Fordsburg, I mean it was second floor or third floor, but I am not sure now.

The floor on which you were kept, you were able to see Fordsburg through the window? --- Yes, because I mean it was facing ...

Okay. Yes Mr Varney, you may continue?

MR VARNEY: Thank you M'Lord. Just to clarify His Lordship's questions. When you were in the cell, you were not being interrogated
20 in the cell, you were simply sleeping and having your food there? --- Ja.

So the only questions put to you were on the 10th floor? --- Ja.

And that was in an office with windows as opposed to an enclosed space? --- Yes, not within the cell but within the office.

I see. Once you had sustained the injuries from the broomstick,

torture, were you then able to write? --- No.

MR VARNEY: No. --- Look I actually have had a very beautiful handwriting, sorry to say that. No I could not actually write anything, but the physiotherapist, you know AJ Koen, was very concerned. I mean he said "*ek is baie jammer hulle dat hulle dit vir jou gedoen het.*" And he actually was concerned.

I mean says how can the police actually do this to you.

I see, perhaps just describe the treatment you received from the physiotherapy and how long it took? --- Look it took a lot of time, it was
10 [indistinct] and they had put the electrical thing there around the thing and, you know it would go that way when the things was actually used. So it took a lot of time.

You see were actually receiving a form of electrical treatment to heal your arm and hand? --- Ja.

And how often would you receive this treatment and when and where did you receive it? --- I had received the thing actually in the cell.

In the cell? --- Ja and well it has to happen, I think [indistinct].

Would it be every week? --- Once a week or twice a week, depending on this physiotherapist [indistinct].

20 I see.

COURT: How long, how long were you held in detention? --- Look it took a lot of time. It was almost actually; you know three to four months.

You say about four months? --- [Indistinct]

You say it is about four months? --- Ja,

COURT: Four or six months? --- You know it was, I mean [indistinct] just come once a week or twice a week the physiotherapist.

Yes, and the interrogation and the torture, you are talking about, how long did it last? You were arrested on the 23rd of October, on a Saturday. From that point onwards, how long did the interrogation and this torture last? Can you recall that? --- Look it used to sort of take place once a week, twice a week, depending on...

Throughout your stay there, once a week or twice a week --- Ja.

Even after this police officer had said to you he is sorry, *hy is jammer*. It continued, nevertheless? --- Look it continued but of course
10 depending on the other police, but you know it did not carry on terms of treatment. Treatment was done because the magistrate that came there, he did not feel comfortable to say that look they are not treating you properly.

So even after the visits by the magistrates, once in a week they came in and took you for interrogation? --- Look they had interrogated me, but they, look they sort of felt that you know my hands must be completely recovered, because I mean if they are going to let me go, you know I mean there would be a problem.

20 Yes, but then, when they took you in for interrogation, once in a week as you say, were they asking you any questions about your involvement with Mr Timol's unit or they were concentrating on your recovery? --- No look, once they actually, I made statements in terms of Timol and so forth.

Yes? --- When I was, I did not know that, you know they had

already sort of got rid of him by torture.

COURT: Okay? --- But, I mean I also did not know that Timol was badly tortured and I think thrown out of the window. I mean I did not know. Nobody said anything.

But then, during that period of detention, what I want to know is that as you said when you were brought to John Voster Square on the 23rd, you were interrogated and assaulted. Right? --- yes.

Now I want to know to the best your recollection, when did the assault stop? --- The assault actually stopped when a Magistrate who
10 used to visit you and he actually saw the thing and he felt that he is going to do talk to the people that had assaulted me and so after that, you know I mean they just left me alone and then of course the physiotherapist has done his actual work.

So the magistrate saw the injuries? --- Yes.

Was this on his first visit or on her first visit? The magistrate, when he came to see you, --- Oh sorry?

When the magistrate came to you first saw you for the first time?
--- I hear you, I think so, he was actually a little understanding person and he got satisfied that look, you know they are actually, you know
20 giving me treatment physiotherapy and hence beginning to be used again. And very much so the right hand.

I know this may be a difficult for you, but would you remember who he was? The magistrate, do you remember the name or he was? Who came to visit you and instructed that they should give you treatment for your injuries. Would you remember the magistrate? You

are not, you do not remember the magistrate or do you? Do you understand the question I am trying to pose to you? --- Yes I know yes.

COURT: Yes, but look I understand that this has been quite a while. If you do cannot remember the magistrate, there is nothing wrong with it? --- You see there were sort of police that used to come.

Yes? --- And then of course your physiotherapist was also somebody that came regularly and he was very understanding and his name was AJ Koen.

His name was? --- AJ Koen. K-o-e-n.

10 AJ Koen. Was he a police officer? --- No, no he is actually, he was a physiotherapist.

He was a therapist. Did he say who send him to come and see you? --- Look, he did not say who send him, but he said looks, "*ek is baie jammer dat hulle dit vir jou gedoen het.*" Obviously the police had actually consulted him to come down and treat, and treat the sort of completely.

So after he started with his treatment, were there any further assaults that took place? --- No I do not think so. There was not any assault. I mean the police that was very concerned was Gert van
20 Tonder he was very and said look "*ek is baie jammer dat hulle dit vir jou gedoen het.*" And he actually sorts of took a little bit of interest in try see that the physiotherapy is properly done.

And can you recall after how many days following your arrest, did this therapist come? You were arrested on a Saturday, could he have come on the Monday, or the Tuesday. Would you have an idea about

this? --- Look, I think so, they were coming twice a week you know, the physiotherapist.

COURT: Yes, the first time, for the very first time when he came through, do you remember how long after your arrest was this? --- Look it, look it was probably, I think so, a week, it could have been.

About a week? --- Because van Tonder, you know said look, “*ek is baie jammer*” and he says that look he is going to see it that some medical treatment will be done.

Thank you Mr Varney, you may proceed?

10 MR VARNEY: Thank you M’Lord. M’Lord, perhaps this would be an appropriate moment to hand up the police file in respect of Katilal Naik. We were supplied the police file by the investigating officer. We have flagged one or two pages for the court.

COURT: Yes?

MR VARNEY: And there is a copy for the witness as well.

COURT: Thank you.

MR VARNEY: And I am told that the police constable also has a copy as well. M’Lord it is quite [intervenes]

COURT: This would be what?

20 MR VARNEY: M’Lord yes [intervenes]

COURT: We are working on G yesterday?

MR VARNEY: We think this would be Volume G3?

COURT: G3? Yes, we are still continuing with G, so it is G3

MR VARNEY: Yes.

COURT: Okay, it is, do you have further questions, I just want to ask

one question before we take adjournment?

MR VARNEY: Yes I do Your Lordship.

COURT: Yes before we take adjournment.

MR VARNEY: But you please proceed.

COURT: Yes, Professor, were you ever charged for any offence, following your detention? --- No.

You were never brought to court? --- Not ever, as soon as I got released, I mean nothing happened.

You were just released? --- I was just released.

10 They never came back to you to ask you to be a witness in any other case? --- No.

And during 1972, where were you? Were you still in the country? In 1972, that is a year after your arrest? Were you in the country? --- I was actually still in Roodepoort.

You were still in Roodepoort? --- Ja.

And no one came to you about the inquest of Mr Timol, or were you requested to come and testify in regard to that inquest? As to what happened to you in detention? --- No, subsequently, I mean there was not something from the police that were and there was nothing else that
20 was done afterwards.

No one contacted you afterwards? --- No.

Okay. Yes, I am looking at the time.

MR VARNEY: Yes, would this be an appropriate time for me to [intervenes]

COURT: Yes, I need to go and see the Judge President, he is here and

then we will come back at 11:30.

MR VARNEY: Thank you M'Lord.

COURT: We will adjourn until 11:30. Professor, you will continue with you at 11:30. --- Okay thank you.

Yes.

COURT ORDERLY: All rise.

COURT ADJOURNS

COURT RESUMES

COURT ORDERLY: Silence in court, all rise.

COURT: Mr Varney.

10 MR VARNEY: Thank you M'Lord,

COURT: The document you gave me just before we adjourned.

MR VARNEY: M'Lord, we put up as EXHIBIT G3.

COURT: Ja, G3, what is this exactly?

MR VARNEY: It is titled Apartheid Police file, directorate of Security legislation and it deals with the subject Kantilal Jakalal Naik, the file number is 2/3/2/3038, detained under Article 61 of Act 83 of 1967 (Terrorism)

COURT: Yes?

20 MR VARNEY: 23 October 1971 and then finally the heading is access that the National Archives in Pretoria on Wednesday 15 December 2004.

COURT: The subsequent pages, I am not concern about those.

MR VARNEY: Yes.

COURT: Who compiled this subsequent pages?

MR VARNEY: M'Lord, we understand that this is the police file in

connection with Professor Naik.

COURT: Including this, what appears to be a media statement on page one?

MR VARNEY: The media statement, that would appear to have been inserted subsequently. We must apologise that this document is not paginated, it is only numbered in certain sections. M'Lord, we will undertake to get you overnight a paginated version together with an index [intervenes]

COURT: Yes, I just want to hear from my understanding as to, its
10 evidential value, is this compiled by the police or is it someone else who compiled it, taking excerpts from the police file? That is what I want to know, what is his standing?

MR VARNEY: M'Lord, we will have to call Captain Bernell, the investigating officer to [intervenes]

COURT: To clear this up.

MR VARNEY: To clear this up.

COURT: Yes, because I want to know whether I am dealing with a document that was put together by the police or a document that was put together by the investigator, accessing the police records. So that I
20 am clear in my mind as to what, what is the status of this document. Are you with me?

MR VARNEY: I am with you M'Lord.

COURT: Yes, okay fine. Then we can continue with witness, that we do later.

MR VARNEY: We will recall Captain Bernell for that purpose and in

fact, we have asked for the police files in respect of all the relevant cases.

COURT: Yes.

MR VARNEY: So he will also have to offer evidence in relation to the other files.

COURT: Yes?

MR VARNEY: And all these files M'Lord, contain most importantly reports of magistrates in relation to visits that we are undertaking.

COURT: Okay fine, you may proceed.

10 MR VARNEY: Thank you M'Lord. Professor Naik, you have been given a copy of this police files that I have read out the title. According to this document, during the month of November, you were visited by Magistrate on four occasions, the 3rd of November, the 9th of November, the 16th of November and the 23rd of November.

Does that sound approximately right to you? --- Yes.

In relation to the first visit, you made a complaint about food. You advised them that you are a vegetarian and that you needed vegetarian food, do you recall that? --- Yes I do.

20 In relation to the visits on the 9th of November and the 16th of November, according to this file, you did not make any specific complaints or requests? If you cannot recall, you can simply say you cannot recall. --- It is very difficult.

Yes, no we understand, this goes back to some 46 years. --- Ja.

However, on the 23rd of November, you did make a specific complaint and I am going to read out to you how it was recorded and

you can comment on the correctness of the recording. It was recorded by the Magistrate as follows:

“I did not tell you last time but during October, the people who were questioning me, tied my wrists with cloth and put my balm hands over my knees so that...”

And the typing is a bit obscured here, so that you were in a squatting position.

10 “They then put a broomstick through at the back of my knees and suspended me between two tables. The cloth was tied tightly around my wrists with the result that my muscles became weak. I have no marks that I can point out. I am getting medical attention every day for my weaken muscles. I have no request.”

Do you recall making that statement to a Magistrate? --- Yes I do.

And M’Lord, the document will reflect that there were at least two magistrates who was visiting Professor Naik, a Landdros M J Meiring as well as a Landdros A W Brink and they were point in the documents, exactly where those documents are.

20 COURT: Yes, it has got to be paginated, because I am struggling to follow the pages here.

MR VARNEY: Yes.

COURT: Yes?

MR VARNEY: M’Lord we do wish to refer you and the witness to the most substantial report in this document and I believe that that might be the second or third pink slip that has stuck into your exhibit. It is a

document that is dated 24 November 1971. It also has a stamp of the Department of Justice which is made on 29th November 1971.

COURT: Yes, it is difficult to follow it without, without pagination. I am unable to find the text you are referring me to.

MR VARNEY: I am only going to put a few things to the witness.

COURT: Is it one of the documents you have marked with this?

MR VARNEY: Yes indeed, I think it, I think it is either the first or the second one.

COURT: Oh. You say what is the date again?

10 MR VARNEY: It has two dates on it. In typed it is dated 24 November 1971.

COURT: Yes I have.

MR VARNEY: And the date stamp is 29 November 1971.

COURT: Yes I have that.

MR VARNEY: And in fact M'Lord, on the first page you will see the quote that I have just read out in relation to the broomstick portion.

COURT: Yes.

MR VARNEY: And if we can turn page 3 of that report, I wonder if I can ask, perhaps one of my attorneys to assist the witness in finding the
20 passage, alternatively I can just read the passage to him, that might be quicker Your Lordship.

COURT: Yes?

MR VARNEY: Professor, according to this report, which was compiled by a magistrate by the name of Landdros R W Brink, you were visited on a number of occasions and we have gone through your November

visits. It does include references to reports provided by various people, including the district surgeon, Vernon Dennis Kemp.

Do you recall being examined by a doctor Kemp? --- It is very difficult [intervenes]

MR VARNEY: Your Lordship can I ask again for the front door to be closed? --- Remember, but Well you had regular visits by the doctor and of course he actually said that look things are actually improving in terms of your hand. Because with the electrical machine, that would make your hands close and open and trying to sort of repair the
10 muscles.

I see. I just want to read the paragraph, dealing with what Doctor Kemp had to say and it read as follows. It is in Afrikaans, we can translate if you need translation:

“Vernon Dennis Kemp, Distrik Geneesheer sal verklaar dat hy by die aanhoudende op 27 October 1971 by Veiligheidspolisie in Johannesburg hom ondersoek het. [Onduidelik] ‘n rapport aan hom gemaak het as gevolg van by aangehoudene ondersoek het hy gevind het aangehoudene se linkerhand effens verlam is.”

20 My understanding is that there is slightly paralysed. --- Ja.

And it looks like there is some type missing.

COURT: Should be *regterhand*.

MR VARNEY:

“Regterhand byna heeltemal verlam vanaf die half rug.”

And again a type is missing. Saying your right hand was more

completely paralysed. --- Paralysed ja.

MR VARNEY:

“Lieutenant Kolonel Greyling versoek het om aangehoudene te behandel deur fisio terapeut. Hy geen beserings gehad het, [onduidelik] sy arm gesien het nie. Hy nie voor voltooi het nie (twee getuie deur Colonel van Aar gevra was wat die aard van die aangehoudene se rapport, ek hom meegedeel het dat hy nie meer die aard daarvan kan onthou nie.”

10 It seems to me Professor, Doctor Kemp is saying that your left hand was somewhat of slightly paralysed, your right hand more or completely paralysed. Would you agree with that observation? --- Yes thank you.

Nonetheless, there appears to be a qualification that the physiotherapist apparently said that “*hy geen beserings op die aangehoudene se arm gesien het nie.*”

COURT: Is it the physio therapist or is it Colonel Greyling? It says that Colonel Greyling asked that a physiotherapist must visit?

MR VARNEY: Yes.

COURT: And I am not sure whether when this refers to Colonel
20 Greyling or physiotherapist self?

MR VARNEY: Yes it is potentially either way. Your Lordship if we were to look at the next paragraph.

COURT: Ja?

MR VARNEY: Which is in fact is the [intervenes]

COURT: Physio therapist.

MR VARNEY: Is the physio therapist, he refers to the injury as Saturday night paralysis and they are suggesting that it was not serious and so my reading would probably that the physiotherapist was reporting to Greyling that there were not [intervenes]

COURT: That he did not see it.

MR VARNEY: He did not see any injuries.

COURT: Okay, the problem is that the text, it has been cut off on the side

MR VARNEY: Yes.

10 COURT: And it does not really, it is not very, very much helpful.

MR VARNEY: Yes.

COURT: In terms of the [intervenes]

MR VARNEY: I think we must ask Captain Nel if he can put Your Lordship the original document.

COURT: If the original is there, it will be helpful. You do not have to worry about interpreting, I think I will manage. I just need a full text.

MR VARNEY: Yes.

COURT: Yes.

20 MR VARNEY: Yes Your Lordship. Professor, according to this document you were interrogated by a large number of officers, 18 in total, does that sound right to you? --- I am not quite sure about the number.

You do not have to be. --- Ja.

But does that sound approximately correct? --- But of course, you know you had different police coming to see you and one of the

difficulties was you know they wanted to find out whether the treatment that is given by AJ Koen or whatever, the physiotherapist, has been working and they would actually ask me to show whether things are working or not.

MR VARNEY: Yes --- [Indistinct]

If we can focus on the initial [indistinct] because according to these records, your interrogation began at 18:00 p.m. on the evening of Saturday 23rd October and then carried on through periodic sessions of interrogation, which lasted all the way through until the 5th of November.

10 Not in one stretch.

You already testified that you were taken to the cells from time to time and nonetheless it still seems as if during those few days you in fact went for fairly intensive periods of interrogation. Would that be correct? --- Yes.

And whether did you get the impression there were shifts, something of a roster system for interrogating you, because it was not the same interrogators all the time? They were changing. --- Ja, they were changing.

20 One of your interrogators, we have in fact the names of all your interrogators, but one of your interrogators was a Warrant Officer Els who commenced his interrogation of you at seven in the evening on the 24th of October and in fact, in fact, he alleges that, perhaps I am going to read this to you, it is in Afrikaans.

M'Lord, this is in same the document, on page 6 at the top of the page, next to the letters A16.

COURT: Yes?

MR VARNEY: So:

“I O Neville Els, Veiligheids Polisie, John Vorster Plein
sal verklaar dat hy [tussenbei]”

COURT: A/O should have meant at the time *Adjutant Offisier*. It is
Warrant Officer.

MR VARNEY: Exactly.

COURT: That must have been his rank.

MR VARNEY: That is how I understanding of his rank.

10 COURT: Yes.

MR VARNEY:

“Dat Kaptein van Heerden die aangehoudene vanaf
10.20 n.m. namiddag op 23 Oktober 1971 tot om 07:00
v.m. voormiddag, op 24 Oktober 1971 ondervra het.
Aangehoudene altyd met sy hande in gevoude posisie
gestaan het of gesit het. Hy geen kennis dra van ‘n
aanranding op aangehoudene nie. En ook nie genoem
dat ook nie ‘n aanranding aan hom rapporteer het nie.”

20 Just to summarise Professor, according to the report supplied by
Adjutant Officer, Neville Els, together with a Captain van Heerden, you
were questioned between 10:20 in the evening all the way through until
seven in the morning on the morning of the 24th and you were either
standing or sitting?

Can you comment on that allegation? --- It seems to be the
situation.

MR VARNEY: I see.

COURT: He says from 10 in the evening on the 23rd, that is Saturday until the following day seven o'clock, you were standing there with your arms folded and sometimes sitting down and they were interrogating you during that period and basically that you did not, you did not tell them about any assault and they do not have any knowledge about any assault on you. --- You see, they did not want you to say things that were you toughed.

It was during that period that you were tortured, overnight? Did
10 the torture begin at that time? The evening of your arrest? --- Well I mean, you know you were so sort of terrified and you were not quite sure whether you want to say that you know this, that these things have been done by the police of whatever. You know you are under terrible situation.

Yes, I understand that, you would not say this to anyone, even to the police, what they did to you. But what I want to know is can you confirm that now that this period that Warrant Officer Els is referring to, from 10 in the evening on the 23rd, that Saturday, hear was questioning you until the following day at about seven o'clock.

20 He says sometimes you were sitting, sometimes you were standing and you had your arms folded. During that time, was there any assault or injuries that they have inflicted on you, during that period, the very first evening of your detention, can you recall if there was? --- I am not quite sure about the thing for, you know that was the situation I mean.

COURT: You are not sure whether you were assaulted? --- You know I mean with the physiotherapist treatment, it seem to be helping;

Yes look, the physiotherapy treatment came after. --- Ja.

Your first day of detention, right let us get to that day, when you were arrested and brought to John Voster Square. Do you recall at what time did the assault start on you? When did they start with their assault on you? On the first day? The very first day, do you recall? --- I think it was actually in the afternoon, but I am not [intervenes]

In the afternoon of the same day? --- So by the time Warrant
10 Officer Els came at 10, 10:20 in the evening, you had already been assaulted? --- Yes.

In the afternoon. --- Yes;

Yes, that is what I wanted to know, yes you may proceed.

MR VARNEY: Thank you for clarifying that Your Lordship. In the evening when Warrant Officer Neville Els together with Captain van Heerden took over the interrogation, do you recall whether you were assaulted in that period? So on the same day of your detention, but late in the evening? If you cannot recall, you can simply tell the court. --- is that the first day that I got taken in?

20 This is the night of your arrest yes. --- I think the assault was probably done the following day, but it could have been, it was not the same day that I have got arrested. I mean it did not happe, it could have happen the next day.

Okay. --- But I am not 100 percent sure.

Okay. --- But definitely I got assaulted, there is no two ways

about it.

MR VARNEY: Did you get the impression that you were being kept in detention for all these months in order to ensure that your hands and arms were being healed and recovered? --- I think; you know in terms of this Gert van Tonder. He said that look, if they are going to treat you and do not panic. And so this treatment started by the physiotherapist, but it was done regularly, until they felt that I was able to, you know, use my fingers, I mean and all that.

Because it was this hand that was badly.

10 Yes. --- Ja.

And at what stage did the interrogations or questioning stop? Or did they carry on throughout the period of your detention? --- Look after the treatment and all those things, I mean the torture was, I mean they did not torture me afterwards, when the, because when the physio therapist started treating me,

So once the physiotherapist started treating you, there was no more torture and no more [indistinct]. --- There were no more. I mean and one of the security police called Sergeant van Tonder. I mean he was quite understanding. He said look *ek is baie jammer dat hulle dit*
20 *vir jou gedoen het*. Now, he actually came to know me, because I had actually published a text book and he wanted a text book for his son.

And look, so he was a little bit of, sort of understanding. He said okay *ek is baie jammer dat hulle dit vir jou gedoen het*. So he knew that I mean he and the police, the security police had tortured me.

But you, you have testified to this court that nonetheless, you

made a complaint to the magistrate, did you lay charges against the police for the torture? --- Look it can be [indistinct] but I had to withdraw the thing, they were literally pressuring me.

How did they pressurise you to withdraw the charges? --- Well they said you know, you are actually sort of blame us, but you know you were actually not going to get out. You are going to be here forever. So I mean their torture was actually was sort of verbal after physical torture.

So you considered their requests to withdraw charges and ultimately what did you decide to do? --- Well I thought look if I am not
10 going to withdraw the charges then I am not going to be released.

MR VARNEY: Can I suggest that we adjourn for lunch?

COURT: Yes, we will take a short adjournment now.

COURT ADJOURNS

COURT RESUMES

COURT: Yes, before we proceed, let me just indicate to you, Mr Timol, I am sorry that we had to be interrupted and I want to thank those who assisted with calming down the lady. [indistinct] I know you were there to help us out. I hope she gets help, hope she gets help, but we will proceed with this inquest, it is important that we take all the evidence we can. You are still under oath, Mr Timol. Proceed, Mr
20 Varney.

MR VARNEY: M'Lord, from our perspective were are also grateful to those who assisted in dealing with that disturbance, in particular the Archbishop [indistinct] .

COURT: Yes.

MR VARNEY: Mr Timol, before the disturbance, you have been giving

us some context and background in relation to your political activities and that of your brother. I think you have given us a very good indication as to how it was, the two of you were motivated to enter into the political struggle and I want to move, if I may, to another part of the story, and that is how it was that the two of you ended up living and working in the United Kingdom. Perhaps you can explain to the court briefly. --- In 1966, December, 26 December 1966 Ahmed left South Africa for Saudi Arabia to perform the hutch, he was 25 years old and his intention was after Hutch to go to Cairo and go and study
10 at the Al-Azhar University. After Hutch he went to Cairo and then in April 1967 the Middle East Warrant Officer broke out, the 6 or 7 day Warrant Officer, and I think where his plans got destructed and he had to proceed to the UK and he arrived at the flat of his two closest friends, that Essop and Aziz Pahad. This was in 1967, April. He kept contact with the family, we used to receive letters from him and used to write letters to him as well and he found himself a teaching job and he was teaching immigrant children in London. After I finished my matric in 1967 he wrote to me and he said I should try and come to the UK and continue my studies in the UK. At that time it was
20 extremely very difficult to get a place at university or colleges and we were living under a most oppressive system, particularly in the late '60's, after the Rivonia arrest and after the complete smashing of the liberation movements of the African National Congress and the other organisations. So it was very oppressive living in that environment and Ahmed had encouraged me to leave South Africa and I went to

the UK, and that was in September 1968. I worked, I earned sufficient funds to buy my own air ticket and I got a place in Leicester, that was in the Midlands, at the college in Midlands, to continue my studies. There was an engineering course which I undertook. When I arrived in London I stayed with Ahmed and with Essop and Aziz Pahad, they had a flat there. I stayed with them and after about 2 weeks I had then had to go to Leicester to start college, but it was complete new experience. My first impression at Heathrow airport was to see white people sweeping the airport, which we never saw in South Africa, so I
10 was entering a new phase of my life and a new world, all together. Until, during our stay, my stay and Ahmed's stay in the UK I began to, apart from my studies, I started to get a better understanding of the problems of South Africa and I took it upon myself to study the period of Mahatma Gandhi in South Africa, the formation of the [indistinct], the Transvaal Indian Congress as well as the African National Congress and I interacted with the exiles, with ANC exiles, particularly at the Pahad's flat. So that was my, but political consciousness was reaching at a higher point, right. But in April 1969, about 6 months after my, I was in England, Ahmed came with me, visit me at Leicester
20 and he told me that he was going for further studies to the Soviet Union and he said that just ensure that the family ask where he is, I must find some sort of reason, that I must not let anybody know that he has gone to the Soviet Union and he returned some time in 1969, actually subsequently that I learnt, that he had gone to the Soviet Union for political studies with the former president, Thabo Mbeki, and

one other member of the Communist Party, by the name of Anne Nicholson and he stayed with Thabo Mbeki, from what I am told, they shared a room at the university that they were in, in Moscow. Ahmed returned from his political training and he left for South Africa, if my memory serves me correct, was on February 20th, 1970, he left for South Africa and he went home, back to Roodepoort, and I was still in England.

And did you have a suspicion or a knowledge as to whether your brother had decided to go back for purposes of working in the
10 underground? --- The fact that Ahmed told me that he was going to the Soviet Union, and at this rate I was quite politically conscious and I knew that the Soviet Union was the enemy of the Apartheid regime, I was also aware that the Soviet Union was a close ally of the liberation movements in Southern Africa, that is the ANC, Frelimo, Swapo and this was my political education and I had an inkling that Ahmed was returning to South Africa to participate in the underground. To what extent I did not know and I did not want to know, right.

And did you, yourself, make a decision to engage in
underground work? --- In 1971 I, after I had completed my studies, I
20 felt that I had to go back to South Africa, I could not think of myself remaining in the UK. I then approached Essop Pahad, who later became a minister in Thabo Mbeki's cabinet, I said Essop, I am returning home, I have still got about 5 months to go and I want to be involved in the underground and I want to receive training. He said he will have a discussion with Dr Dado, who was a senior leader of the

movement in London and I had met Dr Dado before and he was a friend of my father.

Is that Dr Yusuf Dado? --- Doctor Yusuf Dado, renowned South African patriot and I subsequently met him and we had discussions and he said fine, we agreed I should undergo training, to work in the underground and we worked out some codes and he said I could go to certain underground station in London and there will be somebody, I will have to identify with a newspaper and he will identify me, I have got to carry a newspaper in a certain way and I have got to
10 follow him until such time that we reach the flat where he was going to give me training. So I underwent political training as well as security training as well as training in the production and distribution of banned literature in South Africa. Leaflets of the African National Congress, I was also trained in secret writing, I was trained in the manufacturing of a leaflet bomb, basically a plastic bucket with a small explosive device, with a timing mechanism on a small platform in that bucket and put leaflets in that bucket, put it in a carrier bag and go to places where there is, at business stops or at places where there is a congregation, particularly of African people, right, and leave the
20 carrier bag there and after 15, 10 minutes of 15 minutes there would be an explosion and these leaflets would go up in the air and hopefully the people would pick it up and basically it was a leaflet from the African National Congress, this was what I was trained in.

I see, and what was the name of your instructor? --- Jack Hodgkin.

And so when you returned to South Africa, did you have any specific instructions? --- Yes, I had to get my final briefing from Dr Dado and that was around late September 1971, he wished me luck. We then worked out that after my return, at some point, I will be contacted by another underground operative and I will be working with that unit. The name was not given to me, we worked out signals and passwords, etcetera, but it was sometime in the future and I think it was agreed at that particular time that I will go to Durban and find work in Durban, right, and in passing he then told me that please
10 inform Ahmed we have not heard from him for some time and if he is okay or if he is detained we worked out that I will send him a postcard with certain sentence meaning he is okay or if he is arrested I will write a very specific sentence that he is, not he is arrested, but using codes that mean that he is arrested. I returned to South Africa, in my recollection it was on the 30th of September 1971, I took a day flight from Paris to Johannesburg, I arrived at about 10 o'clock in the evening, Ahmed fetched me in an Anglia at the airport and as we were driving home I informed him that Dr Dado said they had not heard from you for some time and they were worried. I conveyed that
20 message to him, I did not ask him any further questions or anything of that sort.

What happened on the very first morning after your return from London? --- Coming from London and experiencing the 3 years' stay abroad and it was the period of the hippy years, so I had very long hair. On the eve of my departure for Paris in London Aziz Pahad

told me Mohammed, your hair is very long, you will get into trouble, please you have got to cut your hair, so his wife gave me a haircut. When we arrived at home my mother was sleeping, I went to sleep. In the morning Ahmed went to school, I was asleep and my mother woke me up and the first thing she said, your hair is too long, please go for a haircut, because the haircut that I had was not short enough for her. So I went back to the barber shop that I have been going as I was growing up and from an early age, there is only 1 barber shop there and we all went to that barber shop. And I had a haircut at the barber
10 shop, a very short haircut to please my mother, I came back home and she then tells me the security policemen was here, asking for you. It was the same security policemen who has come many times before, enquiring about you and my mother then told me that they want you to go and see them at the Security Police offices in Roodepoort. That was within 12 hours of my arrival in South Africa, and told that I have got to go to the Security Police. Ahmed returned from school, the school was about a 10 minute walk from our home, Ahmed returned from school. I told him that the Security Police were here and they want me to go and see them at their offices. He said no, go and see
20 them. I went to the office there, I got a lift, somebody dropped me off there, and as I entered the building and went to the Security Police offices were I saw the security policeman, I remembered him from my 1966 detention and my mother described who he was and I said this is the same, I could not recollect his name and as he saw me, we made eye contact, he asked me Mohammed, when did you arrive? I said

but I arrived last night, my mother told me you came and looked for me. He said no, we do not want you, we want Ahmed, but when did you come, what did you do in England? I said I was studying in England. Were you involved in political activities? I said no, I was not involved in any political activities. He said okay, tell Ahmed we want to see him and I went back home, I informed Ahmed that they wanted to see him and not me.

And what was the response of Ahmed? --- Ahmed seemed a bit worried and he said he will go and see them. A day later I asked
10 him Ahmed, did you go and see them and he said yes, I saw them, and it was nothing, because it was in connection with his passport, he said, because he had applied for a passport earlier, a few months ago his passport expired and he had applied for a passport earlier and it was in connection with his passport and in recollection I knew at the times, if you had a passport and you are renewing your passport, the Security Police would be interested why you want to renew your passport and the matter was then closed, it was over.

So then what prompted your trip to Durban? --- It was on the 17th of October 1971, on the Sunday evening, I was at home, we
20 lived in a small flat, Ahmed came home and he said both of us are under surveillance and I suggest we leave for Durban and was planning to leave for Durban to go and look for a job, I have already been 3 weeks in the country. He said when I get back from school tomorrow I will give you some money and you take a train to Durban, there is a night train to Durban and the following morning, after

school, he came, he gave me some money and we greeted one another and that was the last time I saw Ahmed, that was on the 18th October, a Monday, 18 October 1971.

And was it Ahmed who arranged a place for you to stay in Durban? --- Yes. From our hometown, Roodepoort, there was a friend of ours who was also living in England, in Leicester, he was working in Durban, actually managing a factory in Durban and Ahmed had told me to contact him and he will provide me with accommodation.

10 So you were in Durban, and explain to the court what happened on the morning of 25 October 1971? --- I stayed with Jacks Vratsa for a night or two and then he suggested I stay with some friends and I wanted to stay with my cousin, my cousin and some other students from the Transvaal then were sharing a flat and I went to go and stay in the flat with them, in Durban. They were writing exams or they went to Varsity and on the Monday morning, at about 08:30, and the Sunday night I had the most terrible toothache and I said following morning I have got to go to a dentist, but Monday morning I was rudely wakened up by between 6 and 8 security
20 policemen who had surrounded my bed and they asked me are you Mohammed Timol, I was completely disorientated, I said yes and they said you are under arrest, we got you now and they took me to the Security Police offices in Fisher Street in Durban.

And please explain what happened at the Security Police offices in Fisher Street? --- After a while I was taken to an, initially I

was held in the holding room and then taken to one of the floors and taken to one of the offices and then a group of security policemen came, between 3, 4, 5 and remember you are caught completely unawares, so you are not registering as you would normally register in a normal situation and they were saying that we have got you, we have got your brother, we have got the big fish and we have got all of you, right, now is the time to sing.

And what did they wanted you to sing about? --- They started interrogating me. They started interrogating me, when I returned, what was I doing in England, the usual questions, who are the people that started, who did I meet in South Africa after my return and as I tried to respond to them, the answer that they wanted, the usual thing was that you are talking lies, you are talking bull, you know, that was the normal approach for security policemen. A brick was placed in front of me, I was not made to sit at all, a brick was placed on the ground, a brick was there, a brick was placed on the ground, I was made to stand on the bricks and then I was given two telephone directories and told to hold it up and I had to stand on the bricks and [indistinct] legs, I got punched in the face, I got smacked, I got kicked and this continued on and off it continued for hours on ends, different questions, interrogation continued, until about 11 o'clock that night, that was the Monday night...

Just before you leave your abuse, were you made to sit on a so-called imaginary chair and what happened? --- Between standing on this brick and holding up, the telephone directories are quite heavy,

and you keep it up, you can only keep it up to a certain point, and then made to sit on an imaginary chair, actually you are sitting on a chair which is not there, on a squatting position and if you relaxed you got kicked, you got beaten up, you got smacked, you had to sit up again, sit on the imaginary chair and there would be laughter around and they continued, they just continued.

And where would they be beating you and how would they beat you? --- Basically on the stomach with punched, in my case it was mainly punches.

10 And mainly on the stomach? --- Stomach, punches in the stomach, on the side of the stomach, in the middle of the stomach, on the chest and smacks.

And how long did this go on for? --- This continued, I would say my interrogation started at about probably any time between 10:00, 11:00 that morning, I was picked up at about 08:30 and it continued about 11 o'clock at night, and at some point I then got to realise that the head of the security branch of the Durban offices, a Lieutenant Colonel Steenkamp, had also come, just to see what I looked like, it seemed like it.

20 And you do recall some of the names of the individuals who interrogated you. --- There was an Indian security policeman, he was very nasty, his name was Lieutenant Nayger, which I can never forget, and there as a security policeman by the name of Andy Taylor, Captain Andy Taylor, he was [indistinct] very brutal and there was a security policeman, he was supposed to be the nice guy and you know

try to soften me up after the others have beaten me up, his name was Lieutenant Wessels.

Wessels? --- Wessels, that is right.

What was their main interest, what were they trying to extract from you? --- Their main interest was that what was I doing in the UK and who did I meet after my return to South Africa, right, and that was their main interest, as far as they were concerned, Ahmed was involved in underground activities and possibilities was that I was also involved in underground activities. So I was taken to the cell that
10 night at about 11:00PM at the police station, the Berea police station in Durban. I do not even think we went through the formalities of the police station, occurrence book, taking, registering me as a detainee, a political detainee, but just taken into the cell and I was locked up there and it gave me time to try and recollect what happened the last 12 hours, because I had in my training I also had training in interrogation methods and what happens during interrogation, so I was not sure if Ahmed was arrested or not, right, so it was important for me to hold on as long as possible, that if Ahmed was not arrested, would give him time to get away as well and this one of the things in
20 our training. The following morning I was, the security police came and fetched me again, taken to Fisher Street, must have been about 08:00, 08:30 in the morning and the usual interrogation started, they would be 3, 4 guys, they would change, other guys would come and standing on a brick and hitting me in the stomach. At some point I broke. I broke. I could not take the beating up and I told them that I

had received training and that somebody was supposed to have contacted me, but that did not happen, right. Now I had seen what was important for them is who are the people I was in contact with in South Africa and these were all innocent people, these were my relatives, my friends and I mentioned whoever I could remember, I mentioned them and subsequently I learnt each and every person that I mentioned was caught by the security police or the security police had interviewed them, to corroborate my story. That was on Tuesday, it continued till about 11 o'clock Tuesday night as well.

10 I see. So how long were you kept in Durban? --- On Wednesday, I was kept in Durban for a month, but if I can just come to Wednesday.

 Sure. --- I think it is very significant. On Wednesday the same procedure started, I was picked up at, the two security police would come to Berea police station, take me, take me to Fisher Street and then interrogation would start. So they were now trying to dissect everything that I had told the, but at about 6 o'clock on October 27, that my third day of detention, I was detained on the 25th and this was the 27th of October, at about 06:00PM in the evening, all of a sudden
20 the interrogation stopped. One of the security policemen left and another one came and all of a sudden there was just complete silence and after a while I was asked would I like to have coffee, which they have never offered me before and would you like something to eat. I have had nothing to eat all day, the only thing was, before leaving the jail, you were given a cup of coffee and two slices of bread, that is all,

so I said yes, I would not mind to have something to eat and I was given a sandwich or something and later on, on that very same evening, I was taken back to the cell in the Berea police station, it was a routine now, but I could not understand why all of a sudden there was this complete stop as far as the interrogation was concerned.

So there was a marked change in their behaviour. --- A marked change in their behaviour, that is right.

And you were to discover of the Thursday probably what happened? --- Thursday morning, on Thursday morning two security
10 policemen came to the Berea police station again and 2, 3 security policemen came and they told me Mohammed, are you now going to tell us the truth? But everything that I have been saying, they do not accept it. These people, you are going to write and tell us the truth and if we come back and you did not tell us the truth, you are going to rot in the cell and they left and I was relieved, because there was going to be no interrogation. It could have happened any time, the interrogation, but at about 6 o'clock that evening, and we are now on the Thursday, at 6 o'clock that evening, 06:00PM, an another security policeman came to the cell I was locked in and I thought they were
20 going to take me back for interrogation and they told me Mohammed, we have bad news for you and I asked him what is it, they said your brother is dead. I asked them how did he die. They said no, we do not have information, we are still waiting for information from Pretoria. I asked them can I attend the funeral? They said no, it will not be possible and they left, so I was left to my own thoughts that night.

Now do I accept what the security police are telling me or is it just a rouse or is the truth? I spent that entire night debating is it true that Ahmed is dead, firstly is it true that Ahmed was arrested or if he is arrested, is he now dead or are they just playing games with me, right? I pulled through the night. Friday morning two security policemen came and fetched me again, going back to the routine and as we are driving to Fisher Street, the Security Police offices, I see a newspaper poster on a street pole there, "Death plunge, Voster speaks". Voster is the prime minister of South Africa that time, "Death
10 plunge, Voster speaks", and the first thing that comes to my mind, there was a death in detention and someone was fell off the 7th floor of the Security Police offices in Greys Building in Johannesburg, Von Willich Street, someone that we had known, a person by the name of Suliman Barber Selugy, 7 years earlier. He died as a result or we were told at the time that he committed suicide by jumping out from the 7th floor of the Grey's Building at the Security Police offices in Johannesburg. This was done before John Voster Square, so in my mind, is this what has happened to Ahmed? So as we arrived at the Security Police offices I am ushered into the lift and the security
20 policemen who brought me at the police station did not get in and handed me over to an Indian security policeman and as we are going up in the lift, he then expressed his condolences, I am sorry about your brother. Now do I accept that, yes or no? It is very difficult, very difficult. That particular day there was no interrogation, some questions were asked and at some point on that late Friday afternoon

I was taken back to my cell.

So you spent the weekend in your cell and then you were taken back to the Security Police offices. --- Subsequently, after the few days later...

A few days later. --- ...I was taken there, a statement was prepared by Andy Taylor, he wanted me to go through the statement, I went through the statement, I corrected the spelling mistakes and that caused me a big slap on my face and he was a big man, so he slapped me on my face, why did I correct his spelling mistake. So I
10 had to sign the statement.

Seems some are sensitive about their spelling. [laughter] --- In retrospect I can laugh about it, years later, ja. And I was left most of the time in a cell there and occasionally they would fetch me and corroborate something and take me back to the cell and I was in a cell behind the police station.

COURT: Throughout your detention, period of detention... --- Yes?

Was there any time when you shared a cell with someone?
--- Sorry, repeat?

Any time during that period, were you with someone in a
20 cell? --- No, I was in solitary confinement.

Throughout? --- Throughout.

It is noted, okay. --- I had no contact with any other persons who may have been detained, I did not even know who were detained.

MR VARNEY: Yes.

COURT: Were you told in terms of what law were you being detained? --- [indistinct]

Which law, which law were you detained with? --- Oh, section 6 of the Terrorism Act.

They told you section 6? --- Ja, they told me I am detained under section 6 of the Terrorism Act, I think the first of second day then, during the course the interrogation and I think Colonel Steenkamp then came and told me I am detained under section 6 of the Terrorism Act.

10 Okay.

MR VARNEY: Your Lordship, we will be submitting his Department of Justice file in due course.

COURT: Yes.

MR VARNEY: You said you signed a statement that was presented to you. --- That is right.

20 Do you remember essentially the contents of that statement? --- The content of the statement basically you are giving them your life story, growing up in Roodepoort, getting involved in political activities, removing the flagpole from the school, not singing the Stem, right, protests, right. My stay in England, my contact with Yusuf Dado, with Essop Pahad, but one thing I did not break during my interrogation was that Ahmed had gone to the Soviet Union. If they knew about that I did not ask, the fact that I was not questioned or anything, I think many years later it became public that Ahmed had gone to the Soviet Union.

So after you had signed that statement, you recorded in your affidavit that you did not see those security branch officers again? ---
No, I did not see any, excepting after that statement, on the night of the 30th of November or the 1st of December, Lieutenant Wessels and Lieutenant Nayger woke me up at about 11 o'clock at night, I said am I going back to interrogation and they said take your things, I had very little things, and we are taking you home and I washed at the tap that was outside, I just washed my face, I got into the car, I had to sit at the back, I was handcuffed with handcuffs through the strip that is on
10 the door there or on the ceiling of the car, I was stripped and then to a another police station and it seems another detainee was then also in another car and the two cars then left for Johannesburg. And throughout the journey I was told you are going home, your parents are waiting for you. I remember stopping in Harrismith, I had never been through the Free State, we stopped in Harrismith, the white security policeman, there were three of them, went into a roadside take away to have coffee and they sent coffee for us and this was the other detainee, it was an Indian detainee as well and myself and Lieutenant Nayger had to take care of us and I commented to
20 Lieutenant Nayger you see your colleagues, because of Apartheid you cannot go into and have coffee with your colleagues. He was not pleased when I told him that. [laughter]

Do you remember the name of the other detainee? ---
Indaseen Moodley, he was subsequently charged with selling Essop and others.

Yes. So you arrived in Johannesburg and where were you taken? --- I was taken, we arrived in the basement of the security police of John Voster Square, we arrived in the basement, I was taken out of the car, taken to the lift and taken to the 9th floor, it think the lift goes up to the 9th floor or something and then take to the 10th floor. I was taken to the offices of Colonel Greyling, who subsequently learnt was the head of the security branch at John Voster Square and I was handed over to Colonel Greyling and Colonel Greyling then told one of his staff I am expecting to be released and go to my parents and he
10 gave instructions in Afrikaans, go lock him up. So I was taken to the cells, which is adjoining in the complex, but adjoining on top of the charge office, I was taken to the cells ...[intervene]

So one of the lower floors or? --- There were only three floors on the cells.

Okay. --- Where the cells are, there is only three floors and on the second floor I was taken, I was taken to the cell as they did not take me to Roodepoort, they took me to my cell. I do not recollect, I do not even think that at the charge office it was recorded that a political detainee is being brought to the police cell there.

20 And can you tell us about your experiences at John Voster?
--- It was in solitary confinement, taken out for half an hour for exercise in the courtyard and at the time you had your shower as well, there was a shower in the courtyard and there was a water supply pipe below the window, It was [indistinct] on that pipe, I could actually see out of the cell and I could see Commissioner Street and Market

Street, that means it was looking East. At times I could actually see people that I knew, but I could not shout to them, I could not shout because of all the traffic and everything.

Were you further interrogated at John Voster Square? --- Absolutely no, I was not interrogated at John Voster Square at all. My stay was basically in solitary confinement.

And on the 13th of March 1971 you were called into an office? --- Back to Colonel Greyling's office, I remember the name of the security policeman, it was a young chap, Snyman, his name was I
10 think and there were Sergeant Bouwer, they took me to the office of Colonel Greyling and as you got to the office Colonel Greyling went told me that you are released, you can go home, do you have any complaints, I said yes, I got complaints, I was assaulted and beaten up while I was in Durban. He just frown at me and just get out from my office, just get out. And before he said that, he said you are being released, but the CID wants to question you, if they detain you, it has got nothing to do with the security police and have you got any other thing, I said yes, when I was detained, I had, my passport was detained and some personal belongings, so Colonel Greyling then
20 gave instructions to this Snyman, I do not remember his rank, take him to Captain Dirker office. Now I had known that name, because he was one of the investigating officer of the Rivonia trial, right, so he takes me to Dirker office, there is a whole lot of documents on the table and as I walk in he looks at me and starts swearing me, he said you communist, now you want to know what information I have got on

the table, so he threw me out his office as well, but I could not get my passport and I asked him, he said no, you will never get anything of yours back, so I was then taken to the CID office. I was introduced to Major Fick, he told me that he is was the responsible investigating officer of your brother's death and we would like to ask you a few questions. They wanted to know whether Ahmed had any tendencies of suicide, they wanted to know whether he had any mental problems, it was basically such questions and then they took me home. It was the CID that took me home and my mother, everyone was surprised
10 when I was released.

Mmm. Mr Timol, ...[intervene]

COURT: Just a minute. For how long were you in John Voster? ---
From the time, in John Voster Square, I was there from the 1st of December right up to the 14th of March. My total period of detention was 141 days.

Okay, thank you. Sorry about that.

MR VARNEY: Mr Timol, before you left the United Kingdom, you testified that you had received training and instruction in particular in how to deal with interrogation, were you ever advised to commit
20 suicide rather than betray [indistinct] --- The instructions were very clear that in the event of arrest, hang on as long as you can, as long as you can, hold on as long as you can, so they do not give information on other members of your unit, to give enough time to get away, but at no point were we told to commit suicide or take our own lives. It was accepted that as political operatives against Apartheid,

the struggle against Apartheid, if you got arrested you will go to jail, but no one expected, I did not expect that Ahmed would have been killed in detention, which has happened before, but to take one's own life, I do not think we will take our own lives, particularly political activist and I was not given such instructions.

And did you see any document issued by the Communist Party, for that matter any other opposition entity which called on or exhorted members to commit suicide? --- During my period of staying in UK for three years I readily read the publications of the African
10 National Congress or Sechaba, which came out monthly, I read the African Communist, which came out quarterly, the South African Communist Party journal, all publications by the African National Congress or the South African Communist Party, at no stage was there any talk about suicide, of when you are arrested you must commit suicide, but what we were told and what we knew, that in the course of detention the chances were very high that one got killed in the course of detention and there were already 21 people, when I was in the UK I knew there was a list of 21 political detainees that were killed in detention and the one was Luke Small, he was killed in
20 detention and Imam Nabal was killed in detention in 1969 and what in my reading of political of ANC journals and publications and they had the list of all the detainees and what was the finding if there were inquests and what was reported by the police or the traditional finding was that either they committed suicide or the detainee hanged himself with a shoestring or fell on a bar of soap or fell down the stairs and

had concussion and died and that was the story.

And just to complete, sir, this aspect, after you had returned to South Africa, did you ever come across any document or a newsletter that suggested suicide by the Communist Party or any other organisation? --- Absolutely not, absolutely not.

Mr Timol, very briefly, can you just describe for the court what transpired after your release from detention? --- Firstly, my family were very overcome, full of emotions and one of the first things my mother told me to say a prayer, to perform a prayer that and thank
10 God that you have come back home alive and that you should go to the cemetery to pay respect to your brother, right, which I did, right. But the, shortly after that the inquest started in August, on April 22nd, and I accompanied my parents daily to the inquest, which went on for a period of time, right up to June the 25th of something like that there and we sat throughout the period, through every sitting of the inquest.

And in terms of your own trajectory, I understand that there were some more brushes with the law and that ultimately you left South Africa. --- The inquest finding was Ahmed committed suicide, which as a family we never accepted and the community did not
20 accept nor our relatives nor the wider community in South Africa accepted that Ahmed committed suicide. On the first anniversary of Ahmed's death there was an impromptu gathering, it was a Sunday and there was an impromptu gathering of students from the local school, our family and friends, at our flat. There is a long passage and Helen Joseph, renowned political activist, whose banning orders

were not renewed, she came to the flat to pay respect to my family and my mother and she gave an impromptu speech at the flat and there were quite a large crowd of people there and I met some political activists that I knew about and I had started a political relationships with these political activists. Subsequently, in the second anniversary of Ahmed's death, and at this time political prisoners were getting released, and we were in contact with political prisoners and we were encouraged that Ahmed's name resonates with many people in South Africa, right, that he was someone who was
10 involved in the underground, arrested and subsequently killed, right, and we can use his name to mobilise people, resistance of this Apartheid, so we then organised the second anniversary, we formed a committee called Ahmed Memorial Committee to commemorate the second anniversary of his death, with the purpose of also calling for the release of political prisoners, the unbanning of the South African National Congress and the returning of the exiles. But a few days before, we were going to have it in a sports ground, the Minister of Justice banned that rally that we were organising and at the last minute the Student Union at Wits and the student representative,
20 counsellor at Wits agreed to host that memorial meeting at Wits, so that was the second anniversary of Ahmed's death and we had quite, 3 to 400 people attending that particular memorial and subsequently we then formed a committee, called the Human Rights Committee and I was then elected as a chairman of that committee and what we wanted to highlight or what we highlighted was basically the Human

Rights Charter, the universal application of human rights, we highlighted the oppression and suppression in South Africa, South Africa not respecting human right in this country here, we highlighted the plight of political detainees, the deaths in detention of political activists, we highlighted political prisoners, so we were basically doing legal work but with the aim of promoting an ANC agenda. As a result of the activities of the committee, in 1976, at the height of the Soweto uprising, I was once again detained under section 10 of the Internal Security Act, preventive detention and I was taken to Modderbee
10 prison and put in a cell with 30 other political detainees and there were 3 cells, or about 100 detainees in total. They were prominent South Africans who were detained at the particular time, I recall the name of Dr Mpathi Motlala, a very prominent doctor and activist of Soweto, Reverend Mkhathshwa who was also detained at the time, Peter Mokobane was a photographer, we actually slept on a mat next to one another and we were detained for a period of 4 months and the people of different political persuasion, black conscious movement, Saslo, ANC aligned people, PAC aligned and at time we felt it was better if we simply confine them and on December 27th, just after
20 Christmas, most of the detainees were being released and I was in the last batch of about 10 detainees who were released on the 27th of December and we were informed we are released and as I am walking out of Modderbee prison, the security police stopped me, they took me into an office and they said we have got a present for you, the Minister of Justice has just issued house arrest only for you. So there was a

house arrest order for me and I had to find my way home, I contacted my brother who is sitting in court today, I managed to call him. There were no cell phones at this time, I think I used the prison phone and asked him to meet me in Johannesburg, I took the train to Johannesburg and I met him and one of the first thing that I did was met someone at the station who was also under banning order and an ex-political prisoner, so I met him and I already violated my banning order on the very same day. I was then taken home and my restriction meant that I was allowed to leave the magisterial district of

10 Johannesburg at 6 o'clock in the morning, I could come to Johannesburg for the sole purpose of work, at my place of employment, where I was arrested, and returned to my home by 07:00PM in the evening. On the second day I was allowed out from 08:00AM to 12:00 noon and from 12:00 noon till Monday morning I had to be in my home, I was not allowed any visitors, my parents could receive visitors, but not me, I was not allowed in the company of more than one person at a time, I was not allowed to participate in any political activity or any other activities, right. Shortly after my release my brother got married, I could not attend his wedding, I requested

20 permission to attend his wedding, which was out of the magisterial district, I was refused. My niece, who grew up with us, got married, I applied to attend her wedding, I was refused. So my movements were restricted and if Monday was a public holiday I could not leave on that Monday as well. I then started work, I went back to my place of employment and asked my boss will you employ me? He said no, the

security police were here and they wanted to know whether he was prepared to employ me and he said he is not concerned about my political and I was a good worker and he does not mind employing me, so therefore, in my restriction order they had actually enclosed I could only go, taking the shortest route to my place of employment, which was just 2 blocks away from here and I started working again.

Mr Timol, according to your affidavit in January of 1978 you escaped from South Africa and you then embarked on a career with the African National Congress in exile, engaging in anti-Apartheid work in neighbouring countries and then eventually you returned with the unbanning of the ANC. Time does not permit us to go into that interesting history, I do have two final questions. You have testified that when you were asked by Major Fick whether Ahmed had any suicidal tendencies, you said that he had not. Since he was your brother, did you detect any other emotional imbalances, any depression, anything that would potentially have made him unhinged? --- Ahmed loved life and there is no way that he would take his own life, no way. He was mentally very stable, he had an extremely strong personality, he was a very mild person, he would not want to be involved in a fight, yes, in the debate, he would argue, but he was not, he was not an aggressive person at all, right, but he had politically a very strong conviction, politically, but he would not take his own life and in Islam, I mean we do not advocate one's own life as well.

And in conclusion, Mr Timol, please feel free if you so wish,

to say a few words about your late brother, Ahmed. --- It is very difficult, it is very difficult, he was very young. Ahmed died a week before his 30th birthday, he had a whole life in front of him and he did not have to leave England, he had a girlfriend that he introduced me to and I met her on numerous occasion and she has kept in touch with us in this 45 years. She remarried, but the context is still there, right. Ahmed enjoyed his stay in the UK, he enjoyed his teaching, but the calling, the calling to the return to South Africa during the most difficult days of Apartheid, then this, when Apartheid was at its height, when
10 the security apparatus was at an, you know, controlled the entire country, the people were living in fear of participating in political [indistinct, but that Ahmed decided that the calling to return to South Africa, he left South Africa legally, he was not to return legally into South Africa and in a small way begin the process of building the underground resistance movement against the Apartheid system, because post Rivonia, the trial, the Mandela and Sisulu trial, both the trial of Braam Fisher and others, underground activities had virtually come to a stand and the resistance against Apartheid came to a stand, so Ahmed, for him it was a calling and I am sure if he had lived
20 and if he was tried with Celine and others he would have gone to Robben Island and he would have enjoyed the political leaders of the highest of integrity and he would have studied. One, two days before his detention he was writing his BA degree through Unisa and he was studying after he retained [indistinct] so there is no way, Ahmed, I think his students or what do you call him now, I do not what, learners,

I think they all, he was my teacher at one point as well and Celine's teacher as well, Celine [indistinct], he had empathy with the students and he had an empathy for the poor people and for the oppressor and he had a way of teaching recognising the limitation of the country that we were living in, but he tried to get the best out of his students and he would encourage his students to study and get to know the world that we were living in and that, at the time of his death, there are people up to now who have not forgotten him, 45 years later.

Thank you, Mr Timol. Your Lordship, that concludes my
10 questions for Mr Timol.

COURT: Thank you. Mr Pretorius?

MR PRETORIUS: Thank you, Your Worship. Your Lordship, you have already described your brother, Mr Timol, thank you, just two short questions. When you went to Durban, it seems to me that Ahmed was suspicious that he is being followed, can you elaborate a little bit on that? --- When he told me that we were under surveillance, I would not want to ask him more questions that necessary, because I am not even supposed to know really his underground activities, right, and in the course of the training also we
20 were told you only need to know what you need to know, do not ask questions, right.

So he did not elaborate? --- No, he did not and I did not even ask him.

You did not want to ask at that stage, all right. Okay, the only other question that I need your clarification is in Durban, while

you were interrogated, after the interrogation you were taken to cells?

--- To?

In Durban. --- Yes.

When you were interrogated, when you were arrested there, detainee there, after the day's interrogation were you taken to cells, did you sleep in cells in Durban? --- To a cell.

Into a cell, yes, sir. --- Police?

Police cell. --- To a police cell, yes.

10 Police cell, not an office ...[intervene] --- At the Berea police station, no, no, I was interrogated in offices...

Yes? --- ...at the Fisher Street Security Police offices and what I learnt that was their head office in Durban and I was kept in the police station, I was interrogated in an office.

An office. --- A normal office, in a normal office.

But once that is finished, were you taken to a cell then, to a police cell? --- Yes.

Once the interrogation was finished. --- Yes, yes, like they did every night, they took me to a police cell at the Berea police station.

20 That is all I wanted to know, thank you, M'Lord.

COURT: Thank you. Mr Timol, thank you very much for your evidence. You were able to assist us a lot in understanding, you were able to assist us in understanding the background to Ahmed Timol, thank you very much. --- Thank you.

You are excused. Yes, Mr Varney?

MR VARNEY: M'Lord, we have no further witnesses for today. We do have one witness for tomorrow, that is Dilshad Jetham.

COURT: Yes.

MR VARNEY: We hope and expect to complete her evidence by the end of tomorrow morning.

COURT: Yes, so we will adjourn until tomorrow morning 9 o'clock here.

MR VARNEY: As the court pleases.

COURT: Is it still 9 o'clock?

10 MR VARNEY: Yes, she has requested 09:00AM, so she can get to the mosque by midday.

COURT: Yes, okay. Tomorrow morning 9 o'clock we resume, for now we are adjourned. Is there anything, Mr Pretorius?

MR PRETORIUS: No, thank you, M'Lord.

COURT: Will I have the subpoenas tomorrow morning?

MR VARNEY: Yes, M'Lord, you will have the subpoenas tomorrow morning.

COURT: Okay, and I hope to hear from the commissioner tomorrow morning. We are adjourned until tomorrow morning, 9 o'clock.

20 **MATTER ADJOURS UNTIL 30 JUNE 2017**

COURT ADJOURNS
