

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 101-2017

DATE: 2017-06-30

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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CASE NUMBER : 101/2017

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COURT RESUMES ON 30 JUNE 2017

COURT ORDERLY: All rise.

COURT: I notice counsel for the, the minister is not here, I think we should proceed with your evidence.

MR VARNEY: M'Lord, just to conclude some of that [indistinct] while the previous evidence was presented, there was one of the smaller letters, we just made that full, G1, that is the judgement of the Supreme Court in [indistinct] Essop's case, G1, we just made it bigger and also G2, when Advocate George Bizos was giving evidence, I
10 asked him whether he appeared in the Quinton Jacobson case, which he confirmed, and that is just the judgement that we will hand in now, M'Lord.

COURT: Yes, thank you very much.

MR VARNEY: So I just wanted...

COURT: And by the way, I got to see the judgement you sent me by email in regard to the SCA decision.

MR VARNEY: Yes.

COURT: I only got to see it in this week.

MR VARNEY: I understand, M'Lord.

20 COURT: But thank you very much for that.

MR VARNEY: Thank you, M'Lord.

COURT: Yes, you may proceed.

MR VARNEY: As Your Lordship pleases. Your Lordship, before we call the next witness, we would also like to put up certain exhibits. M'Lord, yesterday we handed up the Department of Justice file in

respect of Professor Kantinal Naik and I undertook to Your Lordship to provide you with a paginated and indexed copy of that file.

COURT: Yes.

MR VARNEY: And we have such a copy for you. I believe this would be G3, yes, we handed it up as G3, so you can simply replace the paginated version of G3.

COURT: Is it legible?

MR VARNEY: It is legible, it is a much better copy.

COURT: Yes, thank you very much, that is G3.

10 MR VARNEY: M'Lord, we would also like to hand up two further Department of Justice files, dealing with Mohammed Timol.

COURT: Yes?

MR VARNEY: He testified yesterday, as well as Dilshad Jetham, who will be testifying this morning.

COURT: Yes?

MR VARNEY: And I believe the exhibit numbers of these two documents, in respect of Mohammed Timol, that could be G4 and the file in respect of Jetham can be G5.

COURT: Thank you, let me have it.

20 MR VARNEY: And both of those have also been paginated and indexed. M'Lord, one final housekeeping matter before we commence ...[intervene]

COURT: Just a minute, I want to be sure we are correct, this one has to do with, it is for Mr Mohammed Timol, right?

MR VARNEY: Yes.

COURT: You said it is G?

MR VARNEY: G4.

COURT: G4. And the other one will be G5.

MR VARNEY: For Dilshad Jetham will be G5.

COURT: Yes. Yes. Yes, you were saying in regard to housekeeping?

MR VARNEY: Given that the next witness will be describing her visit to John Voster Square, you might recall that she was the second witness that did certain pointing outs on the 9th and 10th floors...

10 COURT: Yes.

MR VARNEY: Your Lordship, I just want to bring to your attention that there are floor plans or sketch plans that are attached to the back of VOLUME F.

COURT: On F.

MR VARNEY: That is the photograph album compiled by Warrant Officer Kruger, the front cover has this SAPS emblem on it and there are helpful floor plans that are attached to the back of that document.

COURT: Are they numbered?

20 MR VARNEY: It is not, it does not have a specific number, but it is the last two documents that fold out.

COURT: Yes, I see.

MR VARNEY: At the bottom there.

COURT: Sketch plan.

MR VARNEY: Sketch plans, the first one is the 9th floor and the second one is the 10th floor.

COURT: Okay.

MR VARNEY: And Your Lordship may want to have reference to it as the witness testifies.

COURT: Will the witness be able to refer us to these sketch plans?

MR VARNEY: The witness has not as yet been supplied with the sketch plans, Your Lordship.

COURT: Okay.

MR VARNEY: As matters stand we have not intended to give her a copy, although we could if the need arises.

10 COURT: Yes, I recall that she was with us there and she pointed out with reference to certain features in the building.

MR VARNEY: Yes.

COURT: Yes. Before you call the witness, I notice the counsel for the police is here and she may want to give us an update. Yes, ma'am?

MR LITHOLE: Thank you, M'Lord, I just want to first apologise for being late, the traffic was terrible this morning.

COURT: Mmm.

MR LITHOLE: We sought, my attorney sought instruction and I am being instructed that the police and the initial police commissioner,
20 they will abide by the decision of the court.

COURT: Is there need for me to make an order to that effect?

MR LITHOLE: They request the order that it be made and then they will comply with the order.

COURT: Okay.

MR LITHOLE: Thank you, M'Lord.

COURT: Thank you, thank you, I will do that now.

ORDER

COURT: Having regard to the fact that this court yesterday authorised the issue of subpoenas to members of the police who were present during the interrogation of Mr Timol, I made the following order, that the commissioner is ordered to direct members of the South African police, who may be available to assist Captain Nel in the investigation, and location of the police who have to be served
10 with these subpoenas, and further that the commissioner is ordered to direct the state attorney to make available legal assistance to the police or former police who have been subpoenaed, to the extent that they may require such assistance. That is the order.

MR VARNEY: As the court pleases.

MR LITHOLE: As the court pleases, M'Lord.

COURT: I do not know how long it will take to transcribe it, but it can be reduced to writing and then I will sign today before we leave here and I have just authorised the subpoenas.

20 MR VARNEY: I am indebted, Your Lordship.

COURT: They are ready to be served. Mr Varney, please proceed.

MR VARNEY: As the court pleases. M'Lord, just to advise you that we have consulted with this witness and although she said she was claustrophobic at the time of the inspection, she has not objections to the cameras being in the court today.

COURT: Yes, we will appreciate that.

MR VARNEY: May I please approach the witness box.

REGISTRAR: Your full names and surname?

MS JETHAM: Dilshad Jetham.

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

MS JETHAM: No, none whatsoever.

REGISTRAR: May you swear that the evidence that you are about to give is the truth, the whole truth and nothing but the truth?

10 MS JETHAM: It is the truth, the whole truth and nothing as the truth as I remember it.

REGISTRAR: Please raise your right hand and say so help me God?

MS JETHAM: So help me God.

DILSHAD JETHAM (d.s.s.)

COURT: Thank you. Ma'am, you are welcome to sit down if you want to. --- I prefer to stand.

You prefer to stand, then just shift nearer to the microphone there, this one, the one that is on, the microphone that is on, yes. Yes, thank you very much, you may proceed.

20 **EXAMINATION BY MR VARNEY**: Thank you, M'Lord. Dr Jetham, firstly thank you for agreeing to testify this morning and to revisit certain experiences that you had to endure back in 1971. Dr Jetham, could you tell us a bit about yourself and what you are currently doing in terms of your profession? --- I am an adult female, I am a cardiologist by profession. I stopped practicing as, what was known as invasive cardiology a while ago, but I still practice as a specialist

physician, mostly on a pro bono basis. Apart from that I am a family person and still very involved in the community in a social sense and doing a lot of charity work, that is how I spend all of my time.

Thank you and Dr Jetham, have you made out an affidavit for purposes of assisting this court in its enquiries? --- Yes, yes, I have, M'Lord.

And do you have a copy of that affidavit with you? --- I have a copy of it in front of me.

M'Lord, Dr Jetham's affidavit is in VOLUME C, at page 90.

10 COURT: 91, yes.

MR VARNEY: Ja.

COURT: 90, yes.

MR VARNEY: Ja.

COURT: Page 90, yes.

MR VARNEY: Dr Jetham, by way of some background, can you describe how is it that you were able to encounter Ahmed Timol as well as Salem Essop? --- M'Lord, I was raised in a town called Roodepoort, which is on the West Rand. We all, Ahmed Timol included, and Salem Essop, lived very close by. Ahmed Timol and I
20 lived in the same street, about just over 2 blocks apart. He was somewhat older than me and at the early stages, because he was so much older than me, I did not really know him, however, in Grade 10 he became my History teacher and I got to know him exceptionally well at that time. After I left Grade 10, I am not sure what happened to Ahmed Timol in terms of his career and where he went to, we met up

again when I became a student at the University College for Indians at Salisbury Island, which he visited because many of our mutual friends were then at that stage. I also knew him very well, because of the fact that the Desai family of Roodepoort were close friends of both of us, they had children, some his age and some my age, so we often met at the home of Mrs Amina Desai. As far as Salem Essop goes, Salem Essop and I went to school together, we started off school together, but we did not matriculate together, for various reasons. I then lost touch with him for a couple of years whilst he was admitted to Wits
10 university and I was not, as mentioned before, I was at the tribal college at Salisbury Island in Durban bay. I met Salem again when I was readmitted to Wits, well not readmitted, I was admitted to Wits university as a medical student in 1971. He was a year ahead of me at medical school, but we often met in what was known as the common room, where we had tea, coffee, played things like table tennis in our spare time and up till the fateful day of the 23rd of October, that is as I knew the two of them.

Thank you, Doctor, were you ever part of the underground activities of either Ahmed Timol or Salem Essop? --- As far as Salem
20 Essop goes I was not even aware that he was, if at all, involved in any underground activities, because Salem had his own group of friends at medical school, I had my own group of friends and at that stage, as I have mentioned, we had already lost touch for a couple of years, whilst I was in Durban and he was in Johannesburg, so I had not a clue. As far as Ahmed Timol was concerned, there was mentioned

now and then, because whilst he was my History teacher in Grade 10, he was extremely passionate about the European revolutions, such as the French revolution, the history of Italy and so on and then when I met him again, at the Desai home, I kind of picked up a few words here and there, but the extent of his involvement, I was not aware of, but I was aware that he was somehow involved in some form of politics. I, myself, was not involved with any of those politics at that stage.

10 So you were never formally recruited into any underground unit? --- Absolutely not.

Thank you. Can you now describe to the court how it was that you got to be arrested on that fateful day of Saturday, 23rd October 1971? --- The whole of 1971 I was what I would describe as living my dream, because my dream was to be at Wits as a medical student and to graduate as doctor, M'Lord, from Wits university, which was then a very, very prestigious university. My whole involvement that year was medical school, my friends, I have always been, what I would like to say, a social person, so I had lots of friends. On the 23rd of October, which was a Saturday, it was the 3rd of Ramadan, which is 20 the fasting month for the Muslims, I had been fasting and it was the day that the university closed for students to go home for about 2 weeks and prepare for the final exams for that year. I came home at around between 04:35 in my car, which I will mention a bit later what car I owned and what car I drove at the time. In front of our house, in Roodepoort, my dad was waiting for me and there were 2 white

waiting in plain clothes. As I approached our gate, my dad said to me these men are here to look for you or something to that effect, I cannot remember exact words and the men introduced themselves as from the Special Branch. Of course, like everybody else at that time, I knew who and what the Special Branch was. I was quite shocked, why would the Special Branch be looking for me? I am not involved in anything that concerns the Special Branch. When I asked them why it was that they were interested in me, they said they wanted to take me away, they did not say whereto, to ask me a few questions,
10 concerning my activities. I said I was not involved in any activities and there and then they told me you are a communist and we need to ask you questions about that. I cannot remember details after that, but I was put into the car, whose make or anything I have no recollection of, because I was in an absolute state of shock, that I could have been picked up as a communist when I was not a communist or involved in politics. I found myself in the basement of John Voster Square, that I later discovered, there was tunnel there, I was taken up in a lift. Should I continue?

Yes, you were taken up in a lift and where did you go? ---
20 Taken up, they picked me up at home and taken me to an office and introduced to a man as Colonel Greyling.

Can we just pause there for a moment, can you recall the floor that was in the building? --- That was the 9th floor.

And can you advise the court or let me remind you that you were present at an inspection *in loco* on Tuesday afternoon, did you

point out to His Lordship that particular office? --- M'Lord, as you will recall, I was not 100% sure which office it was, but I did point out that it was one of the three offices there and I described the office to M'Lord.

COURT: Yes.

MR VARNEY: Thank you, and please continue, what transpired in that office. --- I was then left there in the presence of Colonel Greyling and asked, I was given a pad of paper, the kind one uses at college to write on, and a pen and I was asked to write my life history on it, who I was, where I was from and more particularly who my friends were and of course my political activities. I protested that I had nothing to say about
10 political activities, because at that stage I was not involved in any politics, I was asked to write these things down anyway. I wrote what I thought they wanted to hear and passed the paper on after a while, it might have been more than one page, I do not recall, to Colonel Greyling, who read it, crumpled it up, threw it into a waste basket and very angrily told me they were all lies. He asked me to write again. This procedure was repeated several times, I do not at this stage recall how many times. Eventually I think Colonel Greyling lost his patience with me, call me a lawyer, a liar, not a lawyer, I beg your pardon, and
20 asked me was I aware that my boyfriends were in the other offices somewhere along the line. I did not understand what he meant by the words my boyfriends were there, but I did not ask what he meant by my boyfriends. Anyway, I am not sure how it happened, but I cannot remember did he use the telephone, did he use some other means, but two men then appeared.

COURT: After how long, after how long were you [indistinct] --- I cannot recall.

You cannot recall the time? --- No, what I do recall is that I heard the call to prayer at that time, which would have been around sixish and when I was taken away from my home my mom had packed some food for me to break my fast with, because as mentioned earlier, M'Lord, I had been in a fasting state and I remember breaking my fast there, with the food that my mom had provided and I was then taken away. On Tuesday, when I was there at John Voster Square, I just
10 could not recall if, how I got to the 10th floor, was I taken in the lift, was I taken on the steps, I just cannot recall, but I was taken to a 10th floor office by these two men.

MR VARNEY: And, Dr Jetham, I am going to ask you again to cast your mind back to Tuesday afternoon of the inspection, you were asked to take us up to the 10th floor and you were asked to point out approximately where you were taken to, could you describe the offices that you pointed out to the court? --- M'Lord, I would like to remind everybody that since 1971 I have never been back to the 10th floor, I have been back to John Voster Square, but to the charge office, to
20 report minor traffic incidents that I had to report, but never to the 10th floor. When I got to the 10th floor, it was up the stairs, down the corridor and I was a little bit disorientated. I tried to figure my way around and I kept on saying if I can find that lift, if I can find that lift, because I needed to orientate myself in terms of the lift, that if I knew where the lift was, I could orientate myself. Once I spotted where the lift might be behind

that door and I opened the door and I found the lifts, the next thing I needed to find was something that later played a prominent part in my incarceration and at this stage I will use the word torture on the 10th floor, was a toilet. And I just knew that if I could find that toilet I will know exactly my orientation on the 10th floor, and where I was and the events, where the events had taken place. I walked around, at this stage I was quite traumatised, but I found the toilet. The toilet was not exactly as I had remembered it 45 years ago, but then it is 45 years ago, but once I found the toilet I immediately knew that if I turned round that corner and
10 then turned right, that would be the office in which I was interrogated and tortured.

And, Doctor, did you point out the toilet to His Lordship at the inspection? --- Yes, I remember pointing out the toilet to Your Lordship.

COURT: Are you saying that the, if I understand your evidence well, as you come out of the toilet that you pointed out, the first door would be that office in which you were kept or could it be further down the passage? --- No, it will be further down the passage, just round the corner.

20 Just around the corner. --- And then along the passage.

But you could not point out which particular office it was, if I recall, you said it is one of these offices. --- Yes, one of the two there.

Yes. And for the record, these offices were 1025, 1026, thereabout and 1027, if I recall, in that vicinity.

MR VARNEY: That is correct, Your Lordship, if Your Lordship will recall

there were two offices that were open, that was 1025, which also happened to be the office with a vault in it and 1026, but regrettably the other offices, 1027 and further to the right, were locked.

COURT: They were locked, yes.

MR VARNEY: Yes.

COURT: But she pointed out it was in that vicinity.

MR VARNEY: Ja, I think the words she used was adjacent to the right hand side.

COURT: Okay, thank you very much, you can proceed. You want to
10 add something? --- Yes. M'Lord, somebody mentioned there, I do not recall whether it was M'Lord or it was Mr Varney, that there is in fact another toilet around there and I said no, it was not the other toilet, it was the toilet I had already pointed out and then I asked about the door that was closed and after that I pointed out that I am pretty certain that that office that I pointed out was the one that I had been in, because I did not recall going through the other door, nor do I recall any other toilet there. The toilet there, I will mention later what happened in that toilet, was the one that whatever happened, happened and the one that I had been looking for to orientate myself.

20 Mmm.

MR VARNEY: Thank you, Doctor.

COURT: Yes, proceed.

MR VARNEY: You may proceed, so you were taken to an office in that vicinity and I think you have given the court a good idea as to its location and what transpired there? --- Are we now going back to the

time when I was up there, that Tuesday?

Yes, we are now going back to the 23rd of October 1971. ---
Okay. M'Lord, I must point out that on Tuesday, when I saw that office, I did point out that certain things had changed there in that office, like the tiles were no longer there, that had been there originally and that is important as I go along in terms of my testimony.

COURT: Yes. --- The other thing is, that partition that was there was not the one that I saw on Tuesday, it was frosted glass.

MR VARNEY: Yes, when you say partition you really mean the glass. --

10 - Yes, yes.

Was a bit different, different make. --- Yes, yes, yes.

And it was more frosted. --- It was frosted and I could not see through that glass, whereas on Tuesday, when we were there, I could see through that glass. I could not make out forms, but I mean I could tell, you know, that there were people on the other side or something like that, whereas 45 years ago it was frosted glass.

COURT: It was opaque, you could not see... --- Yes, opaque.

You could not see even figures behind it? --- No, no, I could hear, but I could not see.

20 Okay. --- When I arrived in that office, initially they gave me a chair to sit on and they told me since I was not going to be writing the truth, they had to somehow get the truth out of me, there were two men. At this point I would like to add that throughout my ordeal there were always two white male officers with me. At certain points in the next few days one or other officer, and they were not the same officers, they

worked by shifts, never was I left alone by myself. There were times when one officer left the room, for reasons I will mention shortly, but the other one was always there, I was never left alone.

MR VARNEY: Dr Jetham, do you perhaps recall the names of the first two officers who interrogated you? --- I do not recall any names whatsoever, at this point I would just like to mention, somewhere along the line, I cannot remember on which shift, exactly on which day, a man with a very red face and freckles on his hands was one of the interrogating officers and I was told previously by a friend that if ever I
10 had the misfortune to be at John Voster Square, the person did mean in terms of politics, that I had to be aware of a man with freckles on his hands and that man's name was Swanepoel. I do not remember his rank at all, that is the only one I remember and much, much later, after a whole lot of things happened, I remember another name, Patow, but Patow was not involved in my interrogation at that stage at all. The officers involved in my interrogation, I do not know their names and I do not think I ever actually knew them names.

If you were presented with photographs, do you think you might be able to recognise any? --- I do not think so. I do not think so,
20 may I explain why?

Yes. --- M'Lord, I have a problem, which is a medical thing that some people are born with, but until I get to know a person quite well, I do not recognise, there is a medical term for it, it is called Racial Recognition Deficiency, I have that. So even on social basis, if I meet people, if I meet them very briefly or not on a significant level, if I met

that person again, say in a shopping centre and the person said hi, I would struggle to put that person in perspective and this would go on until I truly got to know the person quite well. Perhaps it is because of that particular deficiency that I have, that I am very good at recognising voices and I know voices very well, perhaps it is a form of compensation, that if I cannot recognise your face, M'Lord, at least when I have listened to you, if I hear you again, I will know your voice.

COURT: Okay. --- And at some stage I will be able to eventually put a face to that voice and for that reason I would not be able to recognise
10 anybody from that time, except Patow, because I spent a lot of time with Patow.

MR VARNEY: Thank you, Doctor. Let us return to the commencement of your interrogation on the 10th floor. --- Okay, already, when I was taken to the 10th floor and put into that office, there was a lot of aggression. I must admit that from my part I was very angry, because it was my study break, I wanted to go home, because this is what I was told, we are going to ask you few questions, I was not told I was being arrested or anything like that and I had spoken what I knew to be the truth, that I was not involved in any way, but I knew nothing about, up to
20 this point, the names Timol and Essop were not mentioned to me, it was only in that office on the 10th floor that I was asked about the so-called boyfriends of mine, which had been mentioned earlier by Greyling, that they were in fact referring to Essop and Timol, to which of course I screamed that they were my friends, I knew them, we lived in the same town, etcetera, etcetera, but they were not my boyfriends, which they

were not. After that I was asked questions about them. Words were being attempted to be put into my mouth, which I knew not to be true. As I became more aggressive, they became more aggressive, I became aggressive verbally in that my denials, the two guys are lying, this is not true, you know, I know nothing about this. At some point the one said to the other, that was the first time I heard them speak Afrikaans in front of me, *sy is parmantig*, and the next thing I knew is that I had a terrible smack on my face. As I reeled from that smack more and more rained down on me. The questioning went on, relentlessly.

10 Can I just check, was that a smack with an open hand? ---
Yes, with an open hand. With an open hand and it was on both sides of my face and it was excruciatingly painful. Initially it was just the one fellow smacking me and then the other and then they took turns. Somewhere along the line, because I think I had drunk water when I broke my fast in Greyling's office, I needed to relieve myself and I asked to go to the bathroom, they would not let me. I still feel the pain, I still feel the humiliation, I still feel awful when I think of urine running down my legs. Here I was, a decently brought up young lady, at medical school, and this happening to me, it was humiliating.

20 was a huge joke, they mocked at me, they laughed at me, somewhere along the line they picked up just how horribly humiliated I was by this, they then decided to use that as a ploy. They brought water in a jug, a glass jug, and a glass tumbler and every now and then I was asked to finish that jug of water. Needless to say what went in the top end came down the bottom end and the whole situation just became more and

more humiliating, until I was standing in a puddle of my own urine. And they were jeering at me all the time. Somewhere along the line, in the course of that evening, they brought a bucket, because they said I was messing the floor too much, this is the reason why the importance of the fact that there were not those tiles that we saw on Tuesday in that office, they were the Marley tiles. I was then standing in a bucket of my own urine. Eventually that bucket was taken away. I was given a mop. I was asked to clean the floor myself. The interrogations and the beating went on. I was exhausted.

10 Can I just check, Doctor, both your interrogators, at all times they were men? --- They were always men, coincidentally or otherwise, they were always Afrikaans speaking people. Always Afrikaans speaking people, because they either spoke Afrikaans in my presence to each other or somewhere along the line, when they realised I could speak Afrikaans, I would not be speaking, but that I could speak Afrikaans, now and then they through jibes at me in Afrikaans and the word *parmantig* came up many times, that it was because of my being *parmantig* that they had to deal with me in the manner in which they did.

COURT: Throughout that session, was there a female police officer
20 who came in? --- No.

 None, whatever? --- No, the first time I came into contact with a female was several days later, when I was taken to a cell, that was the first time I came in contact with a female officer. These interrogations continued right through the night, I heard the call to prayer from the Hamedia Mosque, which I know very well since

childhood, and I knew it was morning because it became important to me afterwards, that call to prayer, because the morning call to prayer has an added phrase in it as compared to the other calls to prayer during the day. That phrase is “prayer is better than sleep”, so I knew that morning had arrived, because morning is the only time that the Miasien actually used that phrase.

MR VARNEY: This is now a Sunday morning, the 24th of October? --- Sunday morning, Sunday morning and at that stage I was still somewhere, swimming in my own urine, getting the slaps across the
10 face, being asked questions. By now I knew that many people whom I knew very well, from my childhood, from my school, from Salisbury Island, wherever, were in fact detained somewhere along the line, because names were thrown at me, so you did this with this one or you did that with that one or you went there with that one, none of which was true. None of the people that was mentioned ...[intervene]

COURT: And in the course of that conversation, ...[intervene] --- Part of the interrogation.

Yes. --- Part of the interrogation.

Interrogation, did they make mention of the fact that there are
20 some of them who are detained? --- No.

Or you just concluded? --- No, no.

In your mind. --- No, no, no, no. No. The reason I knew those people were there, as an example, I had a friend called Fatima, she used to be called Fats for short, not because she was fat, they asked me so you went to this meeting with Fats. Now how did they

know that I called her Fats? So each time they used to leave now and then and come back and well Fats says this...

Oh. --- ...about you or another time they would come back, whichever one left the room will come back and say oh, Shirley says this about you and this is what Shirley says you did, so I kind of figured out that Shirley was there, Fats was there, Kanti was there and a whole host of other people, because their names were bandied about and each time one of those interrogators left they came back with a name and information, so I figured out these people must be there. Not much
10 was said about Timol or Essop at that stage.

MR VARNEY: Dr Jetham, I should pause for a moment, you mentioned three names, Fats, Shirley and a third name, perhaps you can supply the court with their full names? --- Shirley was Shareen Adaf, we were best friends at Salisbury Island, never involved in any political activities, either together or to my knowledge nor was Shirley ever involved. She was called Shirley, but her name was Shareen Adaf. Fats was Fatima Wadee, who is now a retired dentist, we were at Salisbury together.

Sorry, what was that surname? --- Wadee, w-a-d-e-e. We were at Salisbury Island together and County was a maths tutor, his full
20 name is Kantilal Naik.

And how do you spell Kantilal? --- I think it is k-a-n-t-i-l-a-l.

Kantilal Naik. --- And the Naik is n-a-i-k. He was my maths tutor from high school in Roodepoort. He did not teach at Roodepoort school, he was my tutor. There were several other names mentioned, that I do not recall, but these were the prominent ones, particularly

Shirley and Fats, because we had been very close friends. It was next day that something else started happening, apart from the slaps in the face and my excessive drinking of the water, so obviously I was no longer in a state of fasting, because all that water was going down.

When you say the next day, are you still talking about Sunday the 25th? --- Now we were on Sunday.

Yes. --- Okay. Now we are on Sunday. Initially I was sat down on a chair and then I was made to stand, a device which eventually when I became a doctor I learnt was used to measure up a pulse, well the devices look similar, but obviously when a doctor
10 measures your pulse you do not get electrocuted. It is just something that measures your pulse. Anyway, the device was very similar, there was on put onto each of my index fingers and I was electrocuted, repeatedly. It was at this point, somewhere along the line, I am not sure which came first, did Timol and Essop come in first or did the electrocution come first, but they kind of happened at about that time, and I continued to deny, M'Lord, all the accusations that were being made about things that Timol was supposed to have done and about the time oh, but you were there in the Desai household and so on and so
20 forth, yes, I was there in the Desai household, but not doing the things you say I was doing, I was doing something else, like chatting to Mrs Desai's daughter or reading a book or something like that. Not doing the things that, Essop did not feature in the Desai household, either in reality, I never had any interaction with Salem or Essop in the Desai household, nor did it feature in the interrogation, it was about Timol. At

some point in time, I think I might have passed out, because I found myself on the floor.

Do you have recollection ...[intervene]

COURT: You found yourself where, sorry? --- In that office.

Oh. --- I was exhausted by now, the electrocutions.

MR VARNEY: Do you have a recollection as to how long the electrical torture treatment carried on for? --- I cannot recall, but then I was told to tell them about bucket bombs. I had never heard that word up to that point in my life. I had no idea what a bucket bomb was. They explained
10 to me what a bucket bomb was and I kept telling myself through all that pain, through all that agony, through everything girl, watch out, these people are trying to put words in your mouth, you do not even know what a bucket bomb is and here they are talking about a bucket bomb. They explained to me what a bucket bomb is and I explained, M'Lord, they told me what a bucket bomb was.

COURT: Yes. --- They explained to me that Timol was busy making bombs out of plastic buckets in which there were pamphlets of a subversive nature, asking people to overthrow the then government and convert the country to communism and that when that bomb was set off,
20 the pamphlets were distributed through the air for anyone to pick up and read, that was what I was told a bucket bomb was. To this day I have no idea what a bucket bomb really is. Anyway, after that, when I still went on, you know, at this point I think, I know myself, I am not proud of it, but I must have become a lot more aggressive, being very tired, very exhausted, in a great deal of pain, hungry, lack of sleep, now I was put

onto a chair and told that she is very tired now, it is time for a massage.

Pads were applied to my shoulder blades for the so-called massage.

MR VARNEY: Was that directly to your skin? --- Directly to my skin, underneath my dress. This was a more a severe form of electrocution, a much, much more severe form. To this day I sometimes ask myself how did I survive that, how is it that I did not scream, I am not the kind of person who screams, I am not the kind of person who cries very easily, it is just the way I am, there is nothing good about it, M'Lord, there is nothing bad about it. It is just the way I am. But it was horrible.

10 This went on for a long period of time, the day went by, all these accusations were made about Essop, about Timol, somewhere along the line on that day an attempt at blackmailing me was made. At that time Salem Essop was very keen on photography and I had at some stage modelled for him, but fully clothed. They claimed that they had pictures of me in the nude taken by Salem. I realised they must have raided Salem's home, as they had raided my home, but I knew for a certainty there was no such thing as nude photos of me, because I had never posed in the nude for Salem, I had posed yes, but not in the nude. All kinds of attempts were made at blackmailing me. That day

20 went by. The next day more and more of the same went by, except that now the forced drinking of water had stopped and I was now allowed to go to the bathroom. Hence the importance of that toilet that I was looking for, because I was no longer allowed to sit. The only time that I actually sat was when I crumbled down to the floor, literally crumbled down to the floor and I discovered that if I said I needed to, excuse me,

go and wee, I would be allowed to go to the bathroom, to the toilet I took that opportunity when I went to that bathroom that I pointed out on Tuesday afternoon, just to lay on that floor for a very short period of time, until I heard a bang on the door, each time I went to the toilet, that am I not finished yet. That was the importance of the toilet, that I actually used it just to lie down and get my muscles realigned or whatever.

Doctor, are we still on Sunday, 25th of October? --- I think all this kind of, you know, kind of just merges into Sunday and then
10 Monday. In all this time I could hear a lot of voices around me, of some voices that I recognised, for instance, at some point I did recognise the lady I called Fats, I recognised her voice, but she was crying, she had passed our office, so they had been taking her somewhere. I think it was on that Monday that a new voice I recognised in the office next door to me, but if you are facing the offices i pointed it out, it would be a big office on my left. If indeed I am 100% correct about the office I was in, but in any case, that office was to my left. So long as it is humanly possible, M'Lord, to be sure without actually seeing what you are seeing, which is why I mentioned earlier about this problem I have with
20 facial recognition and the fact that I know voices, I recognise people's voices, I recognised the voice coming from that office as being that of Ahmed Timol and I am reasonably certain that Ahmed Timol was being interrogated in that office at least from the Monday onwards, the office next door to me and we were separated by just that partition with the frosted glass and I think it is called drywall at the bottom, it was not all

glass and it is still more or less similar, except for the kind of glass that is there. Then interrogations continued. On my side the smacks continued, the lies continued, the accusations continued, my denials continued, not very polite denials on my part, M'Lord. At some point I was so fed up, so exhausted, so almost, for want of a better word, finished, that I eventually said to them to leave me alone, to go out of there and do their own homework properly first, because they accused me of being at political meetings in Durban and the time given to me was a time that I was in fact hospitalised with a sporting injury to my spine. But I told them go back to Shifa hospital and check, you will find that I was in traction. When you are in traction you are completely bandaged up with weights coming down from your legs to straighten your spine. There is no way that I could have been in hospital in that state, but then I remembered, that was the time that I had lent my car to friends and it would appear that Ahmed Timol was one of them that had been in that car and I thought they had gone to a party, social outings with my car, I have no idea where they went to. I am being told or I was being told that they had been to political meetings. I have no idea.

Doctor, can we just establish, you testified that you heard the voice of Ahmed Timol, can you tell the court, approximately when the first time that you heard Timol's voice? --- I cannot be a 100% sure, but it was not the night I was taken to that office, for the first time from Greyling's office. It was not on the Sunday, I think it was on the Monday.

Could it have been early Monday? --- M'Lord, I cannot recall, but it was the Monday. Because in the evenings that place was very

quiet, remembering that John Voster Square abuts on the double decker, but at that time there was not much traffic on the double decker as compared to now and the evening were very quiet, but it was definitely that Monday.

Can you describe the nature of what you heard? --- Okay. On the Monday there was a lot of screaming, there was a lot of protesting, but I could not actually make out distinctly what was being said. At no stage could I make out what was being said because, to remind M'Lord, I myself was being interrogated at that time, I myself
10 was being, you know, repeatedly, the smacks continued all the time and threats were being made against me. When it really became quite vicious was I think on that Tuesday night, because this went on throughout the whole of Tuesday. Every now and then, as mentioned earlier, one of the interrogators would leave the office and would come back and then they came to tell me that I was in the car, in which Timol and Essop had been distributing pamphlets. I, of course, had no idea whether Timol and Essop were in fact distributing pamphlets and I went to pains to describe to them that Timol was at that time using Mrs Desai's car, which was a Ford Anglia, pale yellow in colour. I drove a
20 Ford Anglia, perhaps slightly newer model, which was white in colour, both the registration numbers, we lived in Roodepoort, so the registration number at that time began with TU and the registration numbers were very similar, just a coincidence, because there were not many cars around at that time. So it was after that, when they left the office and came back and told me but Timol says it was your car, but I

had never lent my car to Timol and I had never been either in my car or in Mrs Desai's car with Timol. My last meeting with Timol, in 1971, was when I had, I was already at Wits as medical student, I had gone to visit Mrs Desai one afternoon, just a visit, because we had been close friends, her son had been at school with me, her daughter, Bahia, had been a very close friend of mine, I just went to say hi, how do you do, Timol was there, we got into a conversation of no significance whatsoever and Mrs Desai was a very, very hospitable lady, there was always lunch, there were always cookies around, she asked me to stay
10 for lunch, which was not unusual, whomever was at the Desai home always stayed for lunch, it is the way Mrs Desai was and we had a very nice lunch with a very nice chitchat and I left after that. That was the last time, this would have been roundabout June, because it was vacation time for me from Wits. That was the last time I actually physically saw Ahmed Timol.

If we can return to Monday, the 25th of October, you testified that for the first time you were allowed to sit on a chair, but that the electric torture and the assaults had stopped. In your statement you say that you were asked by your interrogators, whether you knew what was
20 happening to the other people in the building. --- Yes.

What was your response? --- I did not reply to that, because I guessed the same that was happening to me or something similar to what was happening to me what happening to them, but by now I knew better than to stop what they called this *parmantig* thing, I knew better, that the more aggressive I became, the more aggressive they became,

so at this time I might not have had the energy not the, I do not know, gumption, guts, I think I was just too exhausted and, you know, continuous lies, every now and then a statement was produced to me, Timol says this, Essop says this, Desai says this, this one says that, names were just banded around, M'Lord, and the statements were shown to me, but I did not actually read the statements, but papers were trust at me. No way could the statements have been made by those people, I thought, because there was not a shred of truth in it. As mentioned earlier, that I was in a car distributing pamphlets with Essop
10 and Timol, it did not happen. Never at any stage was I in the Anglia, owned by the Desai's, driven by Timol, I was always in my own Anglia, it did not happen and at no stage had Timol and Essop ever travelled with me in my Anglia, it just did not happen.

You say, Doctor, this continued through the course of Monday... --- And on Tuesday.

...through to Tuesday, can I just check, they are still not allowing you to sleep? --- No, I must have dosed off and passed out, because it is humanly impossible not to pass out after that length of time and as I said, those few minutes breaks that I continually, well not
20 continually but now and then when I was allowed to go to the bathroom, that I lay on that floor, but it was not long, it must have been a minute or two after they banged on the door. It was on the Tuesday evening that the screams from the next door office became particular vicious and unbearable and I thought to myself, after what was being done to me, I wonder what is happening to poor, what I thought was Ahmed Timol, in

the next office.

Can we just check in terms of the timing, because Tuesday late afternoon, you said in your statement, that you were taken for a cold shower, to a bathroom downstairs and you were able to change. --
- It was earlier than late afternoon, it was well before the breaking of the fast.

Yes. --- But it was in the afternoon. Not in the afternoon as in 12:00 noon, it was closer to like 4 o'clock or so.

Yes, indeed in your statement you said 05:00. --- 04:00 or
10 05:00, yes, because when I came upstairs I was allowed a change of clothing, which my family had brought me. To remind M'Lord, I was stinking of urine after all those days, so I was eventually allowed to shower, but an ice cold shower.

COURT: What day of the week was this? --- This was the Tuesday.

The Tuesday? --- The Tuesday.

Was the first time you are allowed to shower, the Tuesday. ---
Pardon?

Was it the first time? --- It was the first time I was allowed to shower.

20 MR VARNEY: So you were brought back up to the 10th floor... --- I was brought back to the 10th floor.

To the same office? --- To the same office, by now there was more of a pattern to the interrogators that came in.

If I can just ask, the interrogators had changed? --- Yes, they had changed.

A few times or? --- They had changed many times. They had changed many times, but always two at a time, then they wanted to go to another office, supposedly to get statements or bring back information from the other detainees, one would read what the other was there, I must emphasise, at no point during that period of time, was I ever left alone, except in the actual toilet itself. Tuesday night, those screams became particularly bad and that is what I thought to myself if what I am going through as I am going through, I wonder what that person is going through. I kind of, was reasonably certain that that person was Ahmed,
10 but I have no way of being 100% sure.

COURT: At what time would that have been? --- This was now night.

At night? --- At night. At one point the person was crying, now this was quite late at night. An important thing, M'Lord, that I should have mentioned is that the first thing that was done when I was taken to Greyling and introduced to him, on that Saturday when I was taken up to the building of John Voster Square, I was asked to take my watch off and give it to them. Afterwards I discovered that was to disorientate me, I have never seen that watch again. The only way I could keep time was because of the call to prayer from that minarette
20 from the [indistinct] mosque. It was the only way I could keep time, so that is why I knew what day it was, there were no calendars there, nobody told me what day it was, but as I said, each time that added phrase came on for the call to prayer, I knew a new day had begun, because that is how the new day begins for a Muslim that prays at dawn, so that is why I knew it was a new day and that is how I kept

time, by the call to prayer. That Tuesday, as the night wore on, things became really, really what I would say hectic and the new guys that came in, the guys being the interrogators, I have no idea what time, but it would have been after the late nights prayers, that would have been about eightish, they were particularly vicious and angry and something to that effect. Long after that I was told somewhere along the line, on that night, that they have made a breakthrough and that they were giving me an opportunity to own up to everything and it was my last chance to own up. I had no idea what this breakthrough was, except
10 that much later they told me that Timol had spoken up and told them the truth. Salem Essop was not that much mentioned in my interrogations.

You say, what do you say about Timol, they said Timol did what? --- They said that Timol had confessed, that they had a breakthrough and that I had better come clean. Otherwise I was in very serious trouble.

MR VARNEY: Did they disclose the nature of that breakthrough? ---
No, no, no, no, no. No, no. I did know what to make of this, because I was hearing all the screaming from next door, I was hearing all the, some of the crying from next door. I cannot now recall hour to hour or
20 anything like that, but that screaming continued.

How frequent was the screaming and crying through Tuesday evening and night? --- It got worse as the night wore on and what I could not understand is if the man had made a confession, why was all this screaming still going on? So you got what you wanted, let us get it all over and done with, it is finished now. You got your confession.

Was the screaming always from the same person? --- The same person, the same voice, the same office. At that stage I no longer heard any screaming from the other side, it was just that office.

COURT: And ...[intervene] --- I am not sure of my state, you know, did I pass out for a while on that night, but somewhere along the line, when the screaming, by now there was no more crying, just screaming, at some point the screaming suddenly stopped.

MR VARNEY: Before we get there, Your Lordship, you had a question?

COURT: Yes, I just wanted to find out from this witness, this screaming,
10 how did you recognise whose voice it was? --- I knew Ahmed Timol well, I knew him well.

You were positive that it was his voice behind the screaming? Were you positive about it or it was something...? --- I cannot be 100% sure.

Okay. --- But I would say I am up to 99% sure. The other thing is that when the interrogators left the room to supposedly, you know, bring information, when Timol's name was mentioned, it was a brief disappearance. So I kind of gathered from that that Timol was not very far away, but what happened is in the early hours of that morning,
20 whoever was in that office, I cannot be 100% sure, M'Lord, that it was Timol...

Okay. --- ...stopped screaming all of a sudden.

Early hours of Wednesday morning? --- I beg your pardon?

Would it be early hours of Wednesday morning, you say? ---

I will look at the time in a moment.

Ja. --- I will look at the time within the hour in a moment.

Yes. --- When that screaming stopped, it was so sudden, I kind of thought to myself ah, poor devil. Anyway, suddenly there was a lot of, somebody came into our office and there was a lot of sort of hive of activity on that floor and there were people running up and down the corridor, the office door, the office in which I was, was left open for people were going in and out. The reason I know the time is I would guess about 30 to 40 minutes after this event occurred, the morning call to prayer went out. And I have described on numerous occasions now,
10 how I knew it was the morning call to prayer, the different phrase.

MR VARNEY: And please remind us? --- The morning call to prayer has the added phrase "prayer is better than sleep", so I knew it was a new day, I knew it was time to pray and I knew from the fasting time, because we stopped eating at exactly dawn and particularly at Ramadan, the Muslim call to prayer is called out exactly at dawn so that the faithful can stop eating and start their fast. That would have been either one minute to four or one minute past four and in 1971, at that time of the year, that is what the time would have been. I am pretty certain of that. The call to prayer came and went, all that activity came
20 and went and there was a lot of noise, a lot of everything and then the office door was locked again, it was daylight.

COURT: Just at that time, when you noticed this hive of activity around, did they leave you with someone? Were you with someone in that room? --- I was in that office always with somebody.

And that person was not moving, it is just the other officers

that were going in and out? --- Yes. There were changes, they were changes, it was not the same person there all the time, there were changes. But there was always somebody there. And my interrogation had stopped, M'Lord, I was no longer asked any questions after that.

MR VARNEY: So when that commotion was happening, they decided to cease interrogating you? --- Yes.

For how long did that interrogation cease? --- I am not sure, I am not sure of the time. Those offices are South facing, where we were. It was very cold that October, I might mention, unusually cold for
10 an October morning, because October is already mid spring, but it was cold that October. At some point in the course of the morning I was told I was now going to be resting. I was taken away from the 10th floor and taken to a cell.

So just to be clear, I want you to assist us, once the commotion outside had started the interrogation ceased. --- My interrogation ceased and there was no...

Did both interrogators remain with you in the room or was the one or the other coming and going? --- One or the other, one or the other and there was a change of shift.

20 And then there was no more interrogation until... --- None, whatsoever.

...you were taken to your cell. --- And then I was taken to a cell, which was not directly underneath in that building, because we walked across sort of a gangplank and it was downstairs. [indistinct]

COURT: Ja. Throughout this interrogation, right from the time of your

arrest, Saturday, in relation to the windows on the 10th floor, in what direction were you facing when they interrogated you? Towards the windows or to the side of the room or towards the door, in which direction? --- It varied.

It varied? --- It varied, it varied.

And did you notice if at any stage the windows of the office in which you were interrogated were open or were shut? --- That is the reason I mentioned that it was a particularly cold October.

Yes? --- I would say, as an example, just it illustrate the
10 point, June is winter in Johannesburg, it is generally very cold, but I would say, in my opinion, without giving actual temperatures, that this June was a fairly warm June, it was not a June I am used to all my life, it is usually much colder, so I would say it was a warm June. So October is usually a warmish month, going onto summer, that October was very cold and at no stage were the windows open.

In the room in which you were? --- In the room in which I was.

And on that very morning, where you noticed this going up and down by the officials, none of them ever went to look at the
20 windows in your office whether they are closed? --- None whatsoever, even if, M'Lord, [indistinct] because I would have remembered if any of those things happened, none of that happened.

Okay. --- There was no relationship to the windows whatsoever, except that in the office in which I was they did not have those, the blinds which I saw this Tuesday when we went for the

inspection *in loco*.

Yes. --- Okay, but at no point whatsoever were those windows ever opened.

Yes, Mr Varney?

MR VARNEY: M'Lord, we did start an hour early today, I see it is 10:30, I just wanted to check when you wanted to take the tea adjournment.

COURT: Do you need to break, 5 minute break? --- I am okay.

Or we continue? --- I am okay, it depends on M'Lord, Mr Varney.

10 We normally take the break at 11:15.

MR VARNEY: Okay.

COURT: 11:00, 11:15, so unless you feel that we need to take a 5 minute break, we can do that, I will not go back to chambers, I will just be around, but I think we should try and get as much as we can now and come 11:00 at least we must have covered some ground.

MR VARNEY: Yes, M'Lord.

COURT: I do not know, Mr Pretorius, what is your take on this?

MR PRETORIUS: I think if we can complete it, M'Lord, I do not specifically need a break.

20 COURT: Yes, all the better, because in any event I think you have covered quite a lot of ground.

MR VARNEY: Yes.

COURT: We should not be far from completing her evidence.

MR VARNEY: Yes, Your Lordship, if the witness is happy to continue, then we can.

COURT: Yes, as I enquired from her, whether she would like a break, but if she is willing to continue, then let us do that.

MR VARNEY: Okay.

COURT: You will indicate when you want us to take short break. ---
M'Lord, I am quite okay.

Yes, okay. --- I am quite okay.

Thank you.

MR VARNEY: As the court pleases, M'Lord.

COURT: Yes, proceed.

10 MR VARNEY: Before we continue with the unfolding events, I think it will be very helpful if you were to describe to the court the room in which your interrogation took place and let us just start with the size of the room if you can indicate approximately the size, was it small, medium sized or was it a big room? --- Can I just start right at the beginning?

Please do. --- Greyling's office was very big and as I mentioned on Tuesday it was different from all the other offices, you know the furniture and everything else there was like that of a very important person. Then, just for the record, I was never taken back to Greyling's office, after that everything happened in that one office on the
20 10th floor. The 10th floor office was about half the size of Greyling's office. Looking at the doors I am facing there, in front of me, I would say the three doors, including the one that is open, would be the square of that office, what would that be, about 3 metres, 4 metres?

When you say the three doors, you mean the three panels on the door? --- The three panels, the three panels, ja.

COURT: I think we had sight of the 1026 office when we went there, to say I will be saying more or less the same size?

MR VARNEY: Approximately, Your Worship, and we will present to you the actual square metreage.

COURT: Yes, ja, if you give it in evidence there is no need for us to estimate.

MR VARNEY: Yes.

COURT: We can get the exact millimetre.

MR VARNEY: Doctor, if you can just indicate to us, you have mentioned
10 that there were no blinds. --- No.

But if you can tell us the layout in terms of furniture of that office. --- M'Lord, the desk I saw on Tuesday was not the desk that was there. There was much more of a smaller desk there, that was solid wood, it was not the one that was there, it was more like a student desk kind of a thing, where one person would sit alone. There was one chair there and then the chair that I was occasionally allowed to sit on was a swivel chair. The cabinet I saw on Tuesday was not there, in fact there was really nothing else, and then there was one pillar in that office that I saw on Tuesday which was not there. I think those pillars, like the
20 pillars that are outside, as you are facing the lift, they are all new features in that building.

Just to be clear, the office you were looking at was in fact not the office you were interrogated in, I think we should be absolutely clear on this point that the offices to the right of 1026 were locked up and so regrettably the witness was unable to see the actual office in which she

was interrogated.

COURT: Yes.

MR VARNEY: Right, if we can return to Wednesday morning. --- Now I am in my cell.

Pick up the story from the return to your cell? --- Not my return.

Sorry, when you were taken to the cell... --- My arrival.

...for the first time, I beg your pardon. --- It was the first time.

It was the first time a female officer, that I was in contact with a female
10 officer. This particular officer would, may I mention her race?

Yes. --- It was a black lady, she took me to my cell, it had three doors, the one was like a bank vault, the one was, what am I trying to say, metal rods, a door with metal rods and the inner door was an ordinary door and between those three doors there was a space where they used to throw the food in, throw, I mean throw, throw the food through. The cell itself was much larger than the office that I had been interrogated in, I would say the cell was almost the width of this and the length of this and up to this, all this could have been the cell, it was fairly large. There was one iron bed on it, with a foam mattress and
20 one blanket and in the corner was a toilet. Against the wall was a built in like a bench.

But you were not interrogated... --- No, no.

...or assaulted in the cell? --- No, no, I was just left in that cell for the day. For the day. That evening food was brought to me, nothing was done, I was very, very thankful for this, because it was my

first time alone, it was the first time where I could actually lie down, even on an iron bed under a doggy blanket, but I could lie down and nothing happened for that day. All along I was trying to recollect my thoughts, trying to think about what is happening, what has been going on. I was filled with, I think the word is foreboding, something has happened, something has happened, either something really bad is going to happen to me, because they said they had made a breakthrough, they said Timol has confessed, I do not know what Timol has said about me, I am in for it now. But at the same time there were those events that I

10 had ear-witnessed earlier in the day, in the early hours of that morning, prior to 4 o'clock, so I was really completely mixed up. On the one hand please respect for the first time I am alone, I can rest. Then again what is going to happen to me. Then again what happened up there, why have I been brought down here. I cannot recall much more of that day, except that I saw nobody, I heard nobody, I was alone in my cell. This time now I could hear two calls to prayer, the other mosque is on the other side of the building, is the Kerk Street mosque, so wherever there are mosques, there are these calls to prayer on the loudhailer, which you can hear quite far away. Anyway, the very next morning, well that

20 night food was brought to me, I think it was as sausage or something, which at that stage I would not eat, because it was not Halaal, M'Lord, at that stage I was not as shall we say clued up about the intricacies of my religion, like under those circumstances the Quran actually says I can eat anything for survival, that my duty is to preserve my body, until such time that I can again eat clean and Halaal food, but at that stage I

did not know that, so the only thing I ate was the bread and had the tea that came along with the meal. In the early hours of next morning ...[intervene]

So this is now the Thursday morning? --- Ja, it would have been Thursday, I did not see the wardress that took me to the cell, I did not see her ever again. The next morning an elderly wardress arrived and from her accent I gathered she was North English, because I know that accent, a little like Scottish. Anyway, I was taken to this sort of a bathroom where there were a whole lot of showers with no cubicles, just
10 showers, it was ice cold water, with a bar of soap, the kind that people used to use to scrub their floors with and I was ordered to take a shower and then returned to my room, oh, my cell, my room, ja. Later on in the morning breakfast arrived, which of course I did not eat, because I had now decided okay, I am out of you know, what was going on, on the 10th floor, so it was now time for me to continue my Ramadan fasting and we will see how it goes. If I get taken back there, well God is a mystery, I will no longer be fasting, because I had not been fasting since my arrival at John Voster Square, but that day I decided I am going to resume my fasting, so I did not eat the breakfast. Several days went by
20 like this, where I did not see anybody, it was just the meals being thrown under the door, the calls to prayer until eventually, one day, I asked the wardress did I really, really have to take those cold showers, because really, M'Lord, they were so cold and I was so exhausted, I was so worn out, I was such a small person at the time, I really found it hard to take. Eventually she asked me what did you really do to find yourself in this

place.

COURT: Who was this now? --- The wardress, whose name I do not know, but I explained to her that there are all these things, you know, they are accusing this man of, you know, being a communist and I am not sure if he told them I was oh, I told her a whole big story and she became quite emphatic towards me and she allowed me not to have those cold showers, when I really could not handle those cold showers. A few days later I asked her who the other occupants of the floor were, because I figured, you know, from the rattle of the little metal container
10 of things being thrown under our door, the food containers, that there were more people on those floor, in other cells. And lo and behold, I was actually told who my neighbours were. As I would be facing the door of my cell, on my left was Mrs Desai and on my right was Kajita Totia, then know to me as Dija, which was short for Kajita Totia. I did not know Dija at all, I had heard of her, she had been at the a typing college called the Cartier Commissioner's College, where I am told that Ahmed Timol had been envelopes typed or you know pamphlets typed or something to that effect, so I knew of Dija, but I had never met Dija. Anyway, the lady was very kind to me, not Dija, the wardress. She
20 brought me extra toilet paper when I needed it, she brought me toiletries which she said were given to her by Dija, because she had told Dija who I was. But this kind of thing went on. Somewhere along the line I was then taken back, I am not sure about the time duration, I was then taken back, but not to the ...[intervene]

Dr Jetham, before you were taken back or taken out of the

cells, did you receive, did certain men come to... --- Yes.

...your cell? --- Yes. Yes. Two men came into my cell, well dressed, they were not, I gathered, part of this interrogation team, they had suits, ties, they introduced themselves as magistrates and they asked me if I was okay, I wanted to laugh, was I really going to tell them no, I was not okay? So that they can take me back to where I had come from, that is the office on the 10th floor? Anyway, I told them I was fine, they asked me if I needed anything, they asked me if I was well treated, I asked for a copy of the Quran and a prayer mat known as a musallah.

10 I had specifically asked for a Quran with English translation. The next day ...[intervene]

To be clear, Doctor, the reason why you decided not to complain, if I heard you correctly, was because you feared that you might be taken back for ...[intervene] --- Yes, because I did not believe that these were actually magistrates concerned about my welfare, I thought this was just another way of getting me to say things that were not true or, you know, take me back there and torture me on the pretext that I had complained.

I see. Please continue? --- They told me that I was in very
20 big trouble, did I know that, that was before they asked me if there was anything I needed.

COURT: They told you that you are in very big trouble? --- That I was in very big trouble and that perhaps I was looking at a very long prison sentence, it was after that they asked me if I needed anything and this really sounded to me at that time laughable it is not funny, but you know

the last wish before you are going to the gallows or something like that, that if I needed something and it was at that point that I asked for the Quran and the prayer mat.

Had they, apart from telling you that they were magistrates, did they tell you that they were magistrates or you just thought they were magistrates? These people, did they introduce themselves? --- Yes, they introduced themselves as magistrates.

As magistrates. --- If I recall, they told me their names as well, but I have no idea at this stage what their names were.

10 Okay. --- I have no idea. But they also spoke with an Afrikaans accent, which made me more suspicious of, you know, sending me back to there.

And they told you that you are in trouble? --- That they were? That you are in trouble and you are... --- Ja.

...going to have a long sentence or something? --- Mmm, mmm. Mmm. What I must mention somewhere here is that along with my [indistinct] each evening, when the wardress came to check, you know before they did the final locking for the night, they came to check, you know, if you are still there, well I do not know what they came to
20 check, anyway, I was given what I knew to be a Valium, because I knew at that stage what a Valium was, every night, that was in my [indistinct, sometimes I chose not to take the Valium.

But the wardress? --- By the wardress. Okay, and then something else happened, may I continue?

MR VARNEY: Please do.

COURT: Yes. --- Okay. One day I woke up, finding myself on the floor, hysterical, for want of a better term, swimming in vomitus, full of blood. This was after the visit of the magistrates. How did I come to be in that state? That was my own vomitus, that was my own blood and the blood had come from self-infliction, I had scratched myself so badly, why was I scratching myself? This is a very difficult thing for me to say. This I will absolutely swear to that I know, that I knew then what had happened to me, I had been on a very, very bad LSD trip, really bad trip and there were all these scorpions all over me, they were snakes
10 around my neck, this was on the trip, not in reality. There were all kinds of things happening to me and that a bad trip on LSD, I know that as medical doctor. I know that because long after I became a doctor I used to run a drug rehabilitation program at Coronation hospital, where I was a consultant physician. I had a really bad trip on LSD and all that self-inflicted harm, the blood, was whilst I was trying to wrest off these snakes off my neck, which of course were not there in reality, they were there in my mind. I was hallucinating. The scorpions were not there, none of the other horrible things were there and none of these things were actually asphyxiating me, it was all in my imagination and I was
20 trying to escape it. I cannot remember what happened after that, but I woke up in what I later discovered as the Paardekraal hospital, on a drip. This was shortly before Christmas, I know, because there were Christmas decorations all over. I was in a solitary little ward. There were guards outside my ward, there were Afrikaans speaking nurses there and they told me that it was Paardekraal hospital. I have no way

of ascertaining or anything that it was Paardekraal, although I knew Paardekraal hospital, because Krugersdorp, where this hospital is situated, it is now called Yusuf Dado hospital. It is not very far from Roodepoort, where I grew up, so I knew the area very well, but that was what I was told, that it was the Paardekraal hospital. I was on a drip because I was probably dehydrated from all the vomiting and all that trauma that I had suffered.

MR VARNEY: Do you recall how long you were in hospital for? --- No, no, not at all, I was returned to the cell. I was left alone for, I cannot
10 remember anymore, a day, two days. It was at this point that I asked this very kind wardress what had happened to Essop, he was around, what had happened Timol, he was no longer with us, M'Lord, I was told. I asked so was he transferred, where has he been taken to? No, the Indian is dead, those were her words.

COURT: Who said this to you? --- The Indian is dead.

Who was saying this to you? I said who was saying this to you? --- The wardress, because I asked her where the other people were. I asked her besides Mrs Desai and Dija, who else, were there other women on that floor? No, it is just the three of you, because the
20 three of you are going on trial and the others have all gone home, that much I know, but it was the first time I had discovered Ahmed Timol was dead. And that Salem Essop was somewhere in that building and the others were unknown. May I continue?

MR VARNEY: You may continue. --- After that I was taken to an office, which was not the 9th floor or the 10th floor. An officer wearing a white

safari suit with short pants, he always wore the same, well not the same, the same type of safari pants, the short pants and the jacket, he was Patow and I got to know him quite well, subsequently. That office was either on the 7th or the 8th floor, I cannot really recollect, all I can say is from that office I could see the Start drive-in sign, which was otherwise in those days locally known as the Star bioscope, I could see that out of the window. Patow sat with his back towards the window, it was a very large office compared to my interrogation office. It was also a nice office but nothing like Greyling's office and I was on the other
10 side of the desk, always, so I always looked out onto the mine dumps and the [indistinct] I was told that Ahmed Timol was dead. I cannot now recall whether it was in response to my questioning as to where is Ahmed and what is he saying about me or was this spontaneous, I honestly cannot remember, but what I do remember is that I was told that Ahmed Timol had jumped out of the window on the 10th floor. That is what I was told.

COURT: This officer, what is that, Patow? --- Patow.

Patow. --- Patow, as I recall it was spelled p-a-t-o-w and not p-i-t-o-u as it is here, I made a mistake.

20 And is that how he introduced himself to be or was it just a nickname or something? --- No, that was his real name.

His real name. --- I cannot remember whether he was Sergeant Patow or colonel, I do not think it was a colonel, because the colonels generally wore suits.

Yes. --- And were dressed in suits and ties and things like

that.

Okay. --- As why my interrogators and Patow as mentioned were in safari suits.

Yes. --- My interrogator wore long pants safari suits. Patow was always in a short pants safari suit.

How many times did you see him, how many times did you visit him? --- How many times did I go into that office?

Ja. --- Numerous times, I cannot recall, because the sequence of events, as I can remember, I was told that Ahmed Timol
10 had jumped out of the window on the 10th floor. Okay. And then I was given this whole sort of how sad it all was, because just when they had got a confession from him, just when things were going their way, the man had decided to put an end to it all, because the communists are like that, they are told to kill themselves, rather than give up the organisation. I was asked if I knew of another communist who had committed suicide, I said no. I was then asked if I knew about Pabla Seluchi, I knew about Pabla Seluchi, but the reason why I had said no, is that to my knowledge Pabla was not a communist. I mean he was [indistinct] publicly to be a communist.

20 MR VARNEY: And this is all in response to questions put to you by Patow. --- By Patow.

And by Patow alone? --- Patow alone, now I was always alone with Patow, I mean other people came in and out of the office, but it was not like the interrogations anymore, it was more a relaxed, "relaxed", M'Lord, because compared to what, you know, the horror I

had undergone on the 10th floor. So relative to that, you know, there were no threats of torture, now Timol was dead and you know how sad it was and so on. Anyway, the [indistinct] was phoned, I sat there and I kind of looked at him and then I acknowledged that I knew Pabla Seluchi and then I corrected them, well I corrected Mr Patow, shall we call him, because I cannot remember his designation, and I told him but it was not from here, it was from the Grey's, the Grey's was the other building before John Voster Square and I think just about [indistinct] the then Transvaal about Pabla Seluchi's fall out of the Grey's, anyway this
10 little discussion went on about Pabla Seluchi and this is how the communists go. The thought crossed my mind so if Salem is somewhere in this building, how come Salem did not go the same route, but I was in no position to be saying those things anymore.

At that point, did Patow ask you to look out of the window or was it... --- Yes.

...some other time? --- Yes. They took me to the window, I noticed that the windows were closed, that there was not a windowsill such as, you know if I wanted to jump over this, I would attempt to hold on here and try get my feet on here or something, okay? Also I thought
20 to myself I know Ahmed Timol well, I have known him for some years, Ahmed is not a big man, I would guess, in retrospect, after all these years, he might have been, in the old measurements, about 5'6", I thought to myself if Ahmed Timol fell out of the 10th floor window, now these are all just thoughts going through my mind, while Patow was pretending to be so sorry about the turn of events and things like that

and, you know, we were kind of sitting there very quietly, and I am thinking to myself so perhaps I was right, that the man in that office next door to me, those weeks ago, when I was tortured, was in fact Ahmed and when that screaming had stopped all of a sudden, that Ahmed had been incapacitated in such a way that he could no longer scream. I cannot be certain that that was the moment that he had died, but he was no longer capable of screaming. So furthermore the thought went through my mind at that time that I, being a woman, and being a little woman, was put through that, what were the men put through. If that
10 was the case, how could Ahmed Timol have had the energy to jump out of that 10th floor window, but of course I was in no position to say anything.

Doctor, am I correct in saying that you made your affidavit before your visit on Tuesday to ...[intervene] --- Yes, long before.

[indistinct] --- My first affidavit was made in I think April. April, I think it was made in April and then it was corrected, you know, the spelling and a few facts were corrected here and there, about two, the week before, the week before we went up.

Before your visit to the erstwhile John Voster Square. ---
20 Mmm.

And would I be correct in saying that at the building and since then you have experienced recovery of some memory or a rush of memory of what took place which is not necessarily reflected in your affidavit? --- That is true, that is true, I realised that when I read the statement, after I went home, M'Lord, I was very, very traumatised on

Tuesday, in fact all that started the moment I found that bathroom, toilet, because then I knew, the orientation and all the flashbacks and everything came to me. In fact, that Tuesday I did not sleep. I did not sleep. I was in my bed, comfortable, but I did not sleep, but after that I realised that Patow had in fact showed me out of his own window and he had informed me that Timol had jumped out of the 10th floor window and somehow I had got this, my wires a little crossed, that I had been taken to the 10th floor. In fact, after that morning of these events that I described, that Wednesday morning when I was taken to my cell for the
10 first time, I have never returned to the 10th floor of John Voster Square, it was the first time, M'Lord, on the Tuesday afternoon.

And, Doctor, if we can begin to wrap up your period of detention, were you asked to sign a statement? --- I was not asked to sign a statement, I was coming to that. That this whole thing with Patow, you know it was more like *ons gaan nou gesels*, which M'Lord, translated means we are not going to have a chat, which more or less implies, when you speak it like that in Afrikaans like, you know, we are chatting over a cup of coffee, you know, he made it sound that way, so in the scheme of things, when we talk about good cop, bad cop, Patow
20 was actually the good cop. I do not mean he was a good cop, I mean you know people, when they play you one against the other.

COURT: This approach in other words was different from the interrogators? --- Yes.

Okay. --- He was the opposite of them. So somewhere along the line a statement was produced and I was asked to read it and asked

do I stand by this statement, is this how things happened and I was asked questions about things that were written in that statement, I was aghast, because I recognised the writing that looked like my handwriting. I recognised the signature that looked like my signature at that time, but the names mentioned in that statement were those of people or at least some of the names mentioned in the statement were names I had never ever heard of, to this day I do not know who those people are, I have never met them and at that stage I had not met them. I have no idea who these people are. In a flash I realised what had
10 happened. I pretended feeling sick, I went back to my cell and I tried to recollect and it was then that the whole jigsaw started fitting in my mind. That LSD trip, that statement was probably written when I was in that state, before I had actually reached the stage of hallucination with all the snakes and scorpions and all these things, because that is how the LSD trip actually proceeds, after you completely pass out.

MR VARNEY: But of course in that state you cannot say for certain that that statement was written and signed... --- By me.

...by you. --- No, the writing looked like my own, but how could I have concocted names of people that I have never met? If I may
20 personalise it, how could I be talking about members of your family, M'Lord, when I have not met your family? I do not know your family, I do not know their names, but in the statement I am putting down their names, it is just preposterous, it cannot be. Yet. At that time I was then told that I was going to be charged with treason, I was warned that the others were being charged under section 6 of the Terrorism Act, I do not

know if they actually were, but this is what I was told. That I was going to be charged with treason and that the sentence for treason was death by hanging, which of course I knew. And the reason that I would be charged with treason is Ahmed named me as one of the people that was going to overthrow the then government. A few weeks after that I was released.

Just let us pause for a moment. Your Lordship, it is approaching 11:15.

COURT: Yes.

10 MR VARNEY: I only require a few more minutes with this witness. With our leave I would like to complete this witness before the adjournment.

COURT: How many more minutes? Are you going to be a while.

MR VARNEY: I will take approximately 6 or 7 minutes.

COURT: Is that okay with you?

MR PRETORIUS: That is fine with me, thank you, M'Lord.

COURT: Yes, because I have got to allow the staff to go and do whatever.

MR VARNEY: Yes.

COURT: If you just wrap up then.

20 MR VARNEY: M'Lord, perhaps we should check with the witness, what time she has to leave in order to get to the mosque.

COURT: Yes, what time would you like to leave, ma'am? --- M'Lord, I have since checked with the Imam that under the circumstances of the reason why I am here today, I need not be at mosque today.

Oh. --- Which I was not aware of when I made these

arrangements.

These arrangements, okay, then I think we can take a break and come back.

MR VARNEY: As the court pleases.

COURT: Yes. We will adjourn until 11:30.

COURT ORDERLY: All rise.

COURT ADJOURNS

COURT RESUMES

COURT ORDERLY: All rise.

COURT: You are still under oath, Doctor. --- [indistinct], M'Lord.

10 Thank you. You may proceed, Mr Varney.

MR VARNEY: As the court pleases. Doctor, you were about to start talking about your release. I just have one or two questions to put to you and then we will return to the release. Doctor, in terms of the total number of interrogators who questioned you from beginning to end, would you be able to put an approximate number as to how many interrogated you? --- Saturday, Sunday, Monday, Tuesday, and on Wednesday, in the course of about 4 days I would say between 16 and 20, it would have to be an even number, because they were always twos, now that is the interrogators on the 19th floor, but I was never
20 interrogated by Patow, so Patow does not count. I was never actually interrogated by Greyling, so Greyling does not count and those are the only two names I can recall, but just by the change of shifts, I would imagine there would be between 16 and 20.

But just to be clear, Doctor, of the 16 to 20, would some of them be repeats? --- Yes.

In other words the same people? --- Yes, some of them were repeats.

So without counting the number of repeats, without trying to come up with the exact number of shifts, would you have an idea at least of the number of interrogators as in specifically [indistinct]...[intervene] --- At least 10.

At least 10. --- At least 10.

Next for purposes of clarification, you mentioned that you were visited by men who described themselves as magistrate. ---

10 Indeed, it happened.

Were there any other occasions where magistrates or individuals purporting to be magistrates, came to you to enquire about your condition or any requests that you may have? --- Not that I recall. I requested text books and things like that, which of course were not given to me, now that was at the point where I still thought, you know, I was going to be walking out of there, before I was informed that Timol was dead and so on.

So you can confirm that there were magistrates who from time to time would come to you... --- Yes.

20 ...in your cell. --- In the cell.

And you were then able to make certain requests? --- Yes.

And this was done on a periodic basis? --- On a periodic basis, but those requests were not necessarily granted, as an example, I repeatedly had asked for a Quran with English translation, those exist, Arabic with English side by side, which was never granted to me.

And you have explained why you decided not to lay a complaint about your abuse... --- Yes.

...in relation to the first two men who came, who said they were magistrates. Did you make complaints about your abuse on the other occasions? --- No, never.

And can you explain to the court why you did not? --- I did not trust anybody there anymore. Well, retract the word anymore, I did not trust anybody at all and I always had this belief within myself that this was some sort of a ploy to trap me, that these were just guys playing the good cop to me, that all they wanted was for me to say something bad about the other guys or to try and get something out of me, which I was not willing to give, some information or something like that and I kept asking myself so you say you are a magistrate, how do I know that you are a magistrate, how do I know you are just not one of those guys from the 10th floor, now dressed in a suit?

COURT: That is what you ask yourself? --- I asked myself.

You never asked them that question. --- No, no, no.

At any point? --- No, I would not dare and then, at first when they asked me do I realise I am in very serious trouble and that I may be facing a very long jail term, I thought to myself so now, this contradiction, you are here to see to my welfare, but at the same time you are giving me a warning about what my fate may be, I just did not trust anybody. Even the wardress who was kind, it was kind of her to bring the toiletries, to tell me who was next door, in fact on one occasion, I am not sure how, but in case the fact of the matter is that

Mrs Desai did indeed have the Quran with the English translation alongside the Arabic and it may be have been in response to what am I eating, what am I doing kind of thing to the wardress, that she had sent me her copy of the Quran, with underlined in red, where the portions where the Quran says that when you find yourself in dire circumstances you can eat even pork, which the court may or may not know is totally forbidden to Muslims, but you have to eat it in order to preserve your body. She had underlined relevant passages and there were some other passages about truthfulness and so one and so forth, that she had
10 underlined in red pen, and that Quran was brought to me by the wardress, yet I did not trust the wardress.

MR VARNEY: Thank you, Doctor. Before I interrupted you, you were about to describe your release, which according to your statement was at the end of January in 1972, could you describe the process of your release, please? --- On several occasions I was told I was going to be released. Prior to my release, after being shown that statement, which I insist was not a statement that I would have made, whilst I was sane, *compos mentis* and sober, it is not a statement I would have made, because I do not know the events of the people in that statement. I had
20 been told that my mother had been passed on from a heart attack. Later on I had asked Mrs Desai via the wardress, did she hear anything about my mother having passed and she had not. Roodepoort was a very small community, people would have heard. Anyway, when they told me that I was going to be released, I asked them, will you first take me to my mom's grave, this was followed by laughter from Patow,

because my mom was not dead, she was very much alive and well and waiting for me. So several times there were sort of false, shall we say almost dangling a carrot in front of somebody, that you are going to be released, but it did not materialise. One day I was just told pack your things, that was a bit of a joke, because all I had in my cell were my Quran, the prayer mat and what I was wearing. Just for the record, after given place in the cell, was put into the cell, I was given clear clothes fairly regularly and after my hospitalisation there were always white clothes. When I got home and I asked my family about those white
10 clothes, they told me that a batch of clothes had been returned to them, which appeared to have been washed, but they found traces of blood on those clothes and they had no idea, you know, how the blood had got to be there. They suspected something horrifying had been happening to me in prison, so they insisted on sending me white clothes to wear, so that they would pick up the blood very quickly. Anyway, so it was the clothes I was wearing, my prayer mat ...[intervene]

Just on that point, my apologies for interrupting your train of thought, you had testified that there was an incident that you had scratched yourself... --- Yes.

20 ...under the influence of drugs and that... --- Yes.

...blood had been... --- Yes, yes.

...emitted and do you believe that was the blood that was left on your clothes? --- It was not, that outfit had been washed, but not thoroughly, because there was so much blood, there where I had scratched myself. Anyone who has witnessed, even on a television

screen, a bad LSD trip would know something about it, when it is bad it is bad.

And in lieu of you, does that explain the blood on the clothing that was washed? --- I think so, I think so.

Thank you. Please continue. --- So after that there were only white clothes and I later learned that my parents had approached Helen Suzman at the time to try and find out what was in fact going on with me, that is just [indistinct]. Anyway, after about three or four, after being told I am being taken home and then after, you know, this laughter
10 when I said before being taken home I want to be taken to my mom's grave first, because it will be me that she was pining for and indirectly I had killed her, because I was the cause of her heart attack. My mom did not have any heart problems when all these things happened and afterwards it turned out to be one big lie, my mom did not have a heart attack, she was alive, she was well. Anyway, I was taken to Patow's office, I was asked to sign a discharge, I was taken into a car and I was taken to sort of a I would call it a take away where they served hamburgers and hot dogs and things, to that Star bioscope that I was looking at all those weeks and I thought it was quite obscene, because
20 Patow offered me a burger or something, I may be mistaken, it might not have, anyway, the point is it was meat. Now I would not eat the meat, because according to me or my belief I was imminently being discharged, I was not hungry and I was going to be going to Halaal food, so that food was no longer allowed to me. Anyway we sat in the car, he bought himself something, I declined the cold drinks that he had

offered me and we chatted and I was asked to become an informer and the ploy that was used to me was something that they picked at, during university. I feel a little embarrassed to say what I am about to say...

If it is too embarrassing. --- No, it is just I was voted one of the 10 best dressed women on the campus. It is embarrassing for me now. Now the importance of that is, in particular he offered me a sort of shall we say a free ticket to go and shop at the best shops in Johannesburg and pick up the best clothes, so it was quite clear that they had been doing a lot of homework on me, that part I find
10 embarrassing, you know to sort of say it now.

Yes. --- But that is what had happened, so you know, in my life it was a big deal at that time and there was all this, you know, the white and the non-white political at Wits and all that kind of thing, but let us leave that aside. The point is he offered me particularly an open ticket to go and buy clothes. Anyway, I said I would think about it and the only reason I said I was going to think about it was my egress to be really and truly free in my own home. So anyway, I was taken from there, minus Patow, by the two officers, because we were initially four in the car, Patow was in the car, I was in the car and the two other guys
20 were in the car. I was taken to my home. My dad was not at home, he was running his business and in fact my mom was the only person at home when I arrived home and I could not believe what I saw, because I was told she was dead. She could not believe what she saw, because she thought she was never going to see me again. So that was how I was set free, however, there was a shall we say a spike in the whole

deal, because I returned to university, which opened early in February, I was compelled to write the exams, for which I was not prepared, and of course after all these events, whatever I had learned in second year, I was in no state. The dean threatened me, you know, with kicking me out of university if I did not do the exams, so I sat the exams and I failed, which was not such a bad thing for me, because I was guaranteed by the then vice chancellor, Pizoli, that that was not going to happen, that I was going to remain in the university. The only thing I was warned of 50% is the pass mark for everybody, for you Dilshad, 60% is the pass
10 mark, because if you get 52, they can easily change it to 48, which means you failed, however if you have got 60, it cannot be changed to 50. Pizoli did not tell me directly, but I figured out, there was some sort of collusion going on here, you know, between the powers that be, the Special Branch and the university people. Anyway, when I got back to university I had to repeat the year and part of the second year studies is where there is a human cadaver and there used to be four at Wits university, there were more at other universities, four students around a cadaver to dissect one cadaver, two on this side and two on the other side. Nobody wanted to be on the same cadaver that I was allocated to
20 dissect. Suddenly I had no friends, I was a boisterous person, in the common room I had a lot of friends, suddenly I had no friends, nobody wanted to share coffee time with me, nobody wanted to throw darts with me, nobody wanted to play table tennis with me, in short I was isolated. After that, every now and then, I would be picked up, say on a Friday afternoon, from medical school at taken to John Voster Square, held

there for a few hours and the silliest things like what I had for lunch on Monday, Tuesday, would be told to me. The significance of that was all the time your friends are our friends and if your friends were not our friends you would not have been where you were. So it was a constant threat that I was being watched. These kind of threats went on for many, many years, all kind of things happened, until I found myself in London. I was in London for very personal reasons, one of the reason was I was on my way to India on an elective period of three years, where I was going to study how they treated TB in India, because at that
10 time India had the highest rate of TB in the world, it is Tuberculosis. I also had very intensely person reasons for being in London, which does not concern this inquest. Anyway I was outside a place called the Golden Egg, which is a meal place like the Wimpy or Nando's or things like that. I was waiting for the individual, well close friend that I was supposed to have met in London. Whilst waiting for him, a man speaking Afrikaans came up to me and greeted me and asked me in Afrikaans what was I doing there and who was I meeting. I was just reminded, no matter where I went around the world, there is no place to hide and the person walked away.

20 Doctor, during the course of 1972 an inquest was held into the death of Ahmed Timol. Were you asked to testify at that inquest or make an affidavit? --- No, I was not.

 Could you tell us about any particular impact that you endured as a result of your detention and the abuses that you sustained? ---
With your permission, may I just go back a little?

Yes, of course. --- I was threatened with a charge of treason, I was threatened that I was going to be hanged, because it was a foregone conclusion that I was going to be found guilty of treason. I was reminded that the others were being charged under section 6, as I mentioned earlier on in this evidence. I knew by now that Ahmed Timol were dead. The three other people, if I remember correctly, the one was Salem Essop, the other was Amina Desai, the third person charged I do not know, I do not know the third person and at the time I did not know the third person, but I am supposed to have implicated that third person
10 in that statement that I was confronted with. In the interim my dad had got experts from America to prove that that handwriting was not my normal handwriting and it was agreed between my family and I that no matter what the circumstances were, I come from a line of people who live the way we live and no matter what happened, I was going to retract that statement, because it was not true. And if I was going to hang from a rope till I was dead, so be it. It was agreed between me and my parents that if that was the way my death was meant to be, so be it. So I left home on the day of the trial or on the day on which I was to have given evidence at the Old Synagogue, I think it was called the Palace of
20 Justice at the time, I bade goodbye to everybody, thinking I was never going to see my family again. My family had an advocate holding a watch and brief. All this had cost them a fortune in terms of money, getting you know the expert to deny that that was my writing and my statement and then having this, in court I retracted the statement verbally. All I can remember of that day, I cannot even remember

looking at Amina or at Salem, the other one I do not know, all I remember is the moment there was recess the advocate whose name I cannot recall grabbed me by the arm and we went out the side door. There was a side door of the synagogue at that time. So that is what happened, so that statement was retracted and it is obvious I was never charged with the treason and I am here to give the testimony today. As a result of all these goings on ...[intervene]

Just one question, at the trial of Essop and Amina Desai, did your father have your statement studied by an expert? --- Yes, indeed.

10 And that expert gave evidence? --- No, not in the court itself.

They submitted an affidavit? --- Yes.

And what did that expert conclude? -- That that was not my normal natural handwriting and that signature was not mine.

Thank you. What transpired after the trial? --- I was taken away by our attorney, shall we say, through Swaziland by various devious routes, I was taken to Durban by agreement and I then stayed with an aunt at a very obscure place called Shongweni Hills. It is in part of the Thousand Hills in Natal, it is about 30 to 40 kilometres away from Durban, it is between Durban and Pietermaritzburg. My mom's eldest
20 sister, they had a little shop there, they called it a general dealer in those days, it was remote, there was no lights, there was no running water, there were no telephones and my parents thought I would be safe there for a while. So I stayed there for a while and then came out again after the trial was over and continued my studies, but I continued to be hounded by plain clothes men. My personality, there are some things

that have become really edged in my personality. To this day I can never take a cold shower, I can never swim in cold water, I only swim in warm water, I only take warm showers. I can never eat in a metal plate, even if it is made of real silver or gold plated, because of the plates that used to be thrown. I still become jittery when I hear clang-clang of metal doors and under circumstances I still find it very difficult to trust people.

And, Doctor, notwithstanding everything you went through, you became one of the first female cardiologists in South Africa. ---
10 Indeed I did and saying those things about myself I find a little embarrassing, like telling you, you know, that I was one of the best dressed women at Wits, ja, but yes, I was. I was the first whistling physician in the Transvaal and I was the first female cardiologist in the country.

Your Lordship, that concludes, is there anything else you wish to add, Doctor? --- I would like to add, M'Lord, if you would indulge me?

COURT: Yes? --- Is just to state why it is that I have kept total silence for 45 years, I have never discussed any of these events with anybody.
20 The first time I saw Salem after the court appearance at the old synagogue, was on Tuesday afternoon, I think in your presence, when I first met him. It was the first time I sat eyes on him. When I was first contacted by the Human Rights Commission to give evidence at this inquest, I agree, because after 45 years I decided I have to say what I have to say. I feel very, very strongly, M'Lord, that there should never

be extrajudicial killings in any country whatsoever. All in the name of trying to keep certain people in power, that where there is the law, people suspected or accused of doing things that are contrary to the law should be brought to court and allowed a trial and then let the law takes it course, that is my firm belief. I also hope and pray that after all that we have been through, after all the hurt, that collectively, as so-called non-white people that we have suffered, like I could not initially go to Wits until I went to the tribal college and, you know, did very well, skipped first year at Wits and got into second year, perhaps I was just a bit of an
10 exception, but for the rest of us, we could not live where we wanted to, we could not do the things that we wanted to, but now that we have freedom, the price that we have paid, I am lucky I have survived, I am here to tell my story. Salem is here, he survived, Ahmed is not here, he has paid with his life. I honestly hope and pray that this country of ours never reverts to such barbarous means or methods to suppress opposition in any form whatsoever, now or in the future, when my grandchildren who are here in court right now, are grown men. I hope, children, that you never ever have to face what your grandmother went through. That is all I have to say, M'Lord.

20 COURT: Thank you very much.

MR VARNEY: Thank you, Doctor.

COURT: Yes?

MR VARNEY: That concludes the evidence in chief.

COURT: Thank you. Mr Pretorius?

CROSS-EXAMINATION BY MR PRETORIUS: I do not know if I can do

anything better than what was said now. Dr Jetham, I just read in your statement, paragraph 53, I was released close to the end of January 1972, my father insisted that I write down everything I can remember. Did you do that, Dr Jetham? --- Yes, I did.

Do you still have the notes? --- Some of it I have, the rest of it was left in Shongweni for safekeeping, because of the remoteness of that place and because it was really, really out in the bundus and we honestly believed nobody would ever get to anything over there.

While you are talking of Shongweni, I did not fully
10 understand, you were to give evidence at the trial in Pretoria and then you recanted that statement, did they do a section 119 enquiry when you slipped out of the court, why did you go surreptitiously to Swaziland, can you just explain what happened there? --- Well, I went through Swaziland, through the Piet Retief border, which I think is called, I cannot remember the border, that was the way to enter Natal, okay? Because I felt if we are followed, there was always this fear that if I did not run away I was going to be picked up, I did not know what my next step was going to be. I did not know if my parents were going to be able to get me out of the country somehow, somewhere, it was all a way
20 just to buy me some time, that was the reason for going there.

Thank you, M'Lord, that clears it up.

COURT: Is that all?

MR PRETORIUS: Thank you, M'Lord.

NO FURTHER QUESTIONS

COURT: Mr Pretorius, before you sit down, I quickly checked on the list

that was provided by Captain Nel of the police that were involved, I cannot find the name of Patow. Could there have been such a official?

MR PRETORIUS: Yes, M'Lord, what was handed in yesterday, when I went through it yesterday, I got the full names of this person, because there is another Patow that I know from Crime Intelligence, but in yesterday, A3 and A17, they referred to *Speur sersant* Hendrik Cornelis Patow of John Voster plein, that investigation into Professor Naik's happening.

COURT: Okay.

10 MR PRETORIUS: There is a statement apparently also of this *sersant* Patow, in the Neil Agit inquest I know I have I have been informed by my investigator that he has investigated him and unfortunately I have been informed that this Patow is dead, he is deceased, M'Lord.

COURT: Oh, yes. Okay, but there was such a person?

MR PRETORIUS: There was such a person, and as I say, when I went through I got the full names of this person, Patow, yesterday, that was handed up to you in Professor Naik's , that that evidence about his hanging and the investigation.

COURT: Yes.

20 MR PRETORIUS: So there is the full particulars of this Patow.

COURT: Yes, I have not gone through them in detail, I will do so. So that is all.

MR PRETORIUS: Thank you.

COURT: Yes. Madam, we have come to the end of your evidence. I must thank you very much for your evidence and I have listened

carefully to what you said, especially at the end, in regard to where we are going as a country with this past behind us. When I opened these proceedings I pointed out that this evidence that is now unfolding is going to be a journey that is going to cause us as South Africans to confront the past and this with the intention obviously to make good the future. I have listened to what you have said and then I will take note of it. Thank you very much and you are excused. --- Thank you, gents.

We have come to the end of the first week of the hearing here and we are going to adjourn, because it is recess, some of my
10 colleagues are already gone, it is recess today, the high courts were on recess, they will resume I think in the first week of August, but we are going to continue on the 24th of July. It will be recess still, but we will continue with the hearings on the 24th of July and that will be in Pretoria. On the 24th of July in Pretoria. We expect additional witnesses to come and hopefully those that I have also issued subpoena, in particular the police that were involved in the interrogation, we are hoping to hear their evidence during that period and anything that you would like to raise, Mr Varney? Before we take the adjournment.

MR VARNEY: Nothing further in open court, Your Lordship.

20 COURT: Yes, and Mr Pretorius?

MR PRETORIUS: No, thank you, M'Lord, we have covered everything.

COURT: Ma'am?

MR LITHOLE: Nothing, M'Lord, thank you.

COURT: Nothing at this stage, okay. Thank you very much, we will adjourn until the 24th of July, 10 o'clock in Pretoria. We adjourn.

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POSTPONEMENT

COURT ORDERLY: All rise.

MATTER POSTPONED TO 24 JULY 2017

COURT ADJOURNS
