

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: I01-2017

DATE: 2017-07-24 (Missing Portion)

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

VOLUME 5A

PAGES A (375) – S (375)



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PROCEEDINGS ON 2017-07-24 (continued from CD from 00:48:22)

--- That happened frequently and was an endless problem or set of problems as many have come to light where people could see through that frosted glass, for example and then you were aware that people were being moved around. Sometimes even offices on the 9th floor were used for interrogation purposes.

MR VARNEY: Were there any steps taken to prevent these detainees perhaps from seeing what was going on? --- They were blindfolded, almost universally. If they had, for example eventually
10 there was an inspector of detainees as everybody knows who was appointed and they were prepared and allowed to rest or whatever, and they were taken to a room which was of course had a tomato in it, which was a bug, in case any messages passed, and they would be taken there totally disoriented but the blindfold should be removed, sort of just around the corner and they would have an opportunity to see a mother or a wife or whatever.

And when they were moved you say, they had blindfold... did they have anything else on their heads, a hood, anything of that nature? --- No, hoods were, I think the American's call it water
20 boarding, was putting a wet bag over somebody's face.

Yes, but I am talking about something to obscure vision. ---
Yes, absolutely.

So when they were being moved in the corridors... --- They were blindfolded.

They were blindfolded, either with a blindfold or? --- Or with

a bag, a loose cotton bag.

Can you explain to the court whether electric shocks were used and if so, do you have any experience of yourself applying electric shock treatment? --- M'Lord, I sadly do and this was in Ovambuland, but my first experience of an electric shock was that these were used very widely in the police, not only by the security police and that was as a young constable at [indistinct] police station, where the detectives had these little shock machines which everybody had from the old telephone system, the old *slinger* system. So you
10 had this little machine which you could wind it up and the intensity of the voltage coming through these two wires would increase proportionate to the amount of how much you spun this thing up.

In later years these machine became known as radio Moscow and a lot of jokes in the security branch went down accordingly where a detainee would be told we are going to let you listen to the radio, radio Moscow, have you ever heard of it? So they were very widely used. I cannot think that I used it myself, but I knew how it worked.

Were you aware of the electric shock practice occurring in
20 John Vorster square? --- Correct, I was.

And what was it, a common occurrence for detainees who were not cooperating with the security [intervene] --- A very common occurrence, M'Lord. I think there was very few people that could withstand being shocked like that. I can just mention to the court as well, and I am not proud to mention this, in Namibia I saw

refinements of this where the two electrodes were wrapped in cotton wool and they were dipped into water and pushed into somebody's ears or to their genitals which increases that flow of electricity considerably.

The most terrible one I have not mentioned up there, I know it is outside the reams of South Africa was a detainee actually bite half of their tongue away which left most of us absolutely, I must say, horrified despite the fact that we were in the war zone, there is no niceties and that was from being shocked through the ears.

10 Mr Erasmus you are here for a [indistinct] you do not have to... --- Thanks.

So on the question of electric torture, would you say that the practice at John Vorster square was pretty much standard practice for interrogation purposes? --- I think for a seasoned interrogator it was pretty much standard.

20 You made reference to the, I think you referred to the investigation section of the security branch that was based on the 10th floor. I am just looking at my notes and you mention that, I think the word you used were notorious, what ... if I am correct with that description, why did you use such a word to describe the investigation section of the security branch? --- M'Lord, the security branch was headed by a man by the name of, a colonel by the name of Arthur Benoni Kronright. He was English speaking and he was also known in security branch terms as a little Hitler. This man was absolutely mentally unstable and he terrified us as much as what he terrified, I

think the detainees, especially if were not on his staff or if you fell into bad books with Kronright, like I did.

I was also his little star pupil at one time, because of his very dishevelled personal life, he was married several times, drank excessively and did outrageous things and it was a source of amazement and amusement in some areas and certainly shock in other areas that this man was allowed such an important position. I think the reason that he was allowed to carry on for all these years as head of the investigation branch was that he was very successful.

10 Kronright would rather have been on that 10th floor any day that in, the court can name it, Hawaii, Mauritius, whatever.

He was totally fanatical about his job and hence the name little Hitler. So he had quite a reputation in the police force generally as well as a guy that you did not even think about crossing swords with.

Mr Erasmus have you heard the term 'resident sweeper' and if so, what does it mean? --- The police force had several sweepers and this was where you got a member of the force got into trouble. In my case the sweepers that I refer to as I testified earlier on, would
20 have been Gloy and they were sweeping up the bits there and finding a way out. John Vorster square being John Vorster square had a brigadier who's name escapes me. He was the resident sweeper and anybody like happened to me, I was accused by referent Bishop Peter Story of defacing the worlds of Central Methodist Church and hit the nail on the head because I was part of it.

I had to stand on an identification parade which was then rigged by the sweeper and this guy was a specialist at it. He had photographs of all the like resident trouble makers in John Vorster square and around and of course everybody in the security branch so when this incident happened, I was summoned to sit in front of him and he looked at my facial features and that... I had a beard at that time and he said to me 'I want to take your beard off, keep a flu man chew type thing, and for pete's sake cut your hair' and what were you wearing at the time, I had to obviously wear something different.

10 Then he would stack the parade with other people that had similar appearances and at times the Accused was never on the parade. I can tell the court that as a matter of fact, I mean these things were setups.

So this resident sweeper practice, it was essentially about, if I hear you correctly, concealing evidence, keeping certain evidence away from courts, but also fabrication or ensuring false evidence goes to court to ensure that the police cannot be [indistinct] in a particular crime? --- That is totally correct and I have remembered his name, it was brigadier Quartus Grobler.

20 Do you recall for how long this practice had been going, had it already started by the time you came to the security branch? --- M'Lord, this was right through my career. It was in practice when I was in the security branch, started in the security branch. I can just mention, I think this would have immerged quite strongly at the TRC, from the Vlakplaas side of things when those revelations were made,

the sweeper would have been general Engelbrecht, Krappies Engelbrecht, *ja* I did not know that much personally.

So are you saying that whenever the police were accused, be it of torture, be it of murder, or some other misdemeanour the resident sweeper will be brought in to ensure that the police would not have to ... will be able to escape justice and the reputation of the police will be kept intact? --- That is correct, that is 100% correct. I think what can bear testimony to the effectiveness of this is maybe somebody provides statistics on how many policemen were every
10 charged. It is very few, certainly in my time in the security branch very few... I do not know of any that I can think of off hand, barring myself of course where even that was a setup.

Well, perhaps that is some research that we will have to do before this inquest ends.

COURT: Just on that, before you proceed, Mr Varney, this unit that operated as a sweeper, was it also located on the 10th floor or was it elsewhere in the building? --- M'Lord, no he was, Quartus Grobler, the sweeper was, I think deputy district criminal investigation officer. That he was ... it was almost like he was an extension of the security
20 police, he was invited to all our functions, he was a person that we looked after. He was regularly given... done favours and somebody that we had to protect, that was the relationship with Grobler. In fact I worked with his son for a period of about a year and that is basically what his job was, was problem solving.

So he was stationed where? In the detective branch? ---

Detective branch, he was not on any of the security branch floors. I think they were on the 4th floor, 5th floor, 4th floor at John Vorster square at that time.

And you say when you joined the police this practice had been existing? --- That is correct.

Okay, you may proceed, Mr Varney.

MR VARNEY: As the court pleases. Mr Erasmus, just one question of Stratcom, you mentioned in your evidence in chief that it became formalised I think you said in 1983 with various structures. I would
10 like to know what was going on before 1983, were there still practices of deception, faking pamphlets and the like going on before Stratcom was formalised in 1983? --- That is correct. I think if I can just back on what I said previously and just be given indulgence to just expand there a little bit. The sweeping system would have been in effect, it would have been in effect for a long time prior to that. From when I joined the security branch, well I did not expect anything less but I mean I knew from the start with his nocturnal activities we were not going to get caught or get into trouble.

He were being protected, or he would be protected if things
20 went wrong. I mean the man that gave us those instructions is very senior policemen and I can actually recount to the court times where a policeman refused, one of them was a sergeant King, he refused to partake or break the law and he was promptly removed from the security branch and transferred somewhere else. So it was actually a very institutionalised part of the system that we worked in. I missed

part of your question.

No thanks, that is particularly useful to hear. I want to return, just briefly to the kinds of operations that Stratcom carried out. The misinformation, the deceptions the putting together of fake pamphlets and the like. The evidence you gave is that Stratcom was formalised into the organisational structure, I think from 1983, so my question were these kind of activities happening prior to 83 as well? -

-- Most definitely. I actually got hold from good officers in Mail & Guardian the minutes of the meeting in 1983 with all the cabinet
10 members sitting there and what was put on the table by each one. And the police were running thing a thing called 'support the police action group', let me just think, the South African Defence Force who were the most heavily defunded, had a group going that the previous year arranged for people to go into Bishop Tutu's office and throw pieces, 30 pieces of silver in his face as the mark of a traitor.

They had a name, there were all these little splinter groups, so everybody at that meeting had to put their things on the table and decide who is, they used the term line function. The line function of the South African police would have been x, y and z, boss, the Bureau
20 of State Security at their functions and so on, but the operations were in effect, to answer your question, long before 1983.

[indistinct] 1970's? --- Most definitely. The posters that I put up started almost ... *ja* in the 70's, 1977.

So in fact, so this kind of work, and I think in particular in relation to your work around discrediting Winnie Mandela and also

getting certain heads of state, I think you mentioned John Major to reduce the donation to the ANC or Mandela, as well as getting footing onto Japanese TV, you received, you said you received no less than 7 commendations? --- That is correct, M'Lord.

And these commendations, what did they say? --- It was a letter, if they had given me some money I might have been more impressed, if they had even promoted me I might have been impressed, I just got these letters and I was sort of fated at places. I would go to head office and I was treated as somebody way above my
10 actual rank and the most notable thing mentioning money was that a man who eventually became the head of C1 and C2, who today I think runs a string of hardware stores here in Pretoria, brigadier Oosthuizen, Alfred Oosthuizen, also known as the guru, he went to the commissioner to try and sort out this thing about my career and I got merit promotions for the commendations.

But so did everybody else get merit commendations, so it was just a matter of keeping us happy, but I do not want to bore the court with more of that.

So the commendation letters would not necessarily point out
20 the great projects you had pulled off... --- In some cases they did.

Is that so. --- Sorry to interrupt you.

Do you per change ... still in possession of one or more of these letters of commendation? --- I do not have it with me but I can quote to you word for word. It says: '*Meneer, adjudant offisier Erasmus het met groot ywer 'n suksesvolle aksie geloots in groot*

Brittanje en ...’ and something about ‘*dra hoofkantoor se goeie wense oor.*’ Or something. These type of things went on your record in your *streep* something file, I do not know about that side of things, where you had done good and your *streep* [indistinct] was where you smashed up government property or got drunk or whatever.

If you are able to locate one or more of those letters of commendation, we would like to inspect them, Mr Erasmus. ---
M'Lord, I think Dr Pretorius might have a copy, I am not quite certain.

MR PRETORIUS: I will get copies, I have got copies I will get the
10 copies of those letters, M'Lord. --- I do have copies with me but not
here, I have got them at the place where I am staying.

MR VARNEY: But even with that, they did not mention a particular
success of yours? Were you left a note out that you were then given
these letters of commendation for doing a specific good work that may
very well have been unlawful? --- That is correct. It was also, I must
just explain this, there is also a need to know principle. So you would
not have, for example, general Johan Coetzee sending a letter of
commendation where he gave details of the operation, because a lot
of people would see that, so we tried to, like any other intelligence
20 gathering body in any country in the world, there was the need to
know principle. You were only told what you needed to know and in
that way you maintained security, well that is the theory behind it
anyway.

But for example, a letter of commendation that just... was
general in nature, he would know for what it was because it would

come shortly after one of your successes. --- Correct, like the one that I mentioned about Great Brittain was on [indistinct], it was about the John Major story.

Mr Erasmus, why was it necessary, why do you think you were given instructions to find evidence or some kind of support for Aggott's, if I may put it in inverted commas 'suicide'? --- The state needed to, for lack of a better legal term, win the inquest in that Stephen Peter Whitehead and the security branch could walk out of there and say the man was never tortured, this was not a Biko
10 situation, where the state took such a hiding as it were, there was 5 Corvettes, I think that was already manned by South African sailor, they actually frog marched them off and the French kept their ships. That was... the Biko situation was a devastating set of events for the country and the powers that be, right to the top were under no illusion that the death of Aggott was going to be a similar thing.

It was also seen in a more similar thing, seen in a worse right because their thinking was, this was, I think it was the first white detainee that died in detention that I know of. I could be correct... incorrect on that, M'Lord so there was and for that reason we were
20 given *lase fair*, plan this thing, we had a state psychologist that phoned Whitehead every day that gave him instructions and he sort of guided us through the process. When we went to Kingswood college in Grahamstown to go and so-called... the cover story incidentally was that I was representing a journalist who did not want to be named who was going to write a book on Aggott's life.

So my brief was as Mr Paul Edwards then, because of my [indistinct], gather information, as much information as possible. With Whitehead hovering in the background, type of stuff.

You got the distinct impression that you were instructed to build a case, build a version of suicide. --- That is correct. In fact, before I was caught in the house I got a bundle of letters which Whitehead, but maybe not the state psychiatrist who I think was a dr Plomp, he was the guy that phoned us every day, twice a day. We had to update him, I think he was at UNISA. He was a professor of
10 psychology or psychiatry. I do not think that I met him, but I know Whitehead took his calls the whole day and then we go through whatever we picked up at Kingswood college that was devastating, because if there was anybody that was not a suicide case it was Neil Aggott.

He had a fantastic childhood career, I mean we were absolutely blown away. The headmaster remembered him obviously very clearly, took us on a guided tour through the school and there was Neil in every positive light that one could think, not what you would expect from the severely depressed, traumatised child,
20 although, with respect to the family, I do not think that he had an easy live, being in boarding school for most of his life, but he certainly shone as a youngster.

Right, well we cannot go into so much detail on the case of Neil Aggott.... [intervene]

COURT: But sir, if I may ask this question, while you were on a

mission to do the sweeping, if I may call it that way, do I understand you to say that state pathology at that time were involved in this? --- That is correct, M'Lord. They were not part of the security branch...

Yes? --- Over the years that I was in the security branch, eventually we had people that were almost part of us, ranging from senior state prosecutors, academics across the board, most of the Stratcom courses that I went on they had UNISA, a lot of people from UNISA and TUKKIES would come and lecture us and they were also party to a lot of the projects, were set up not by security policemen but
10 was set up by people that, one of them and this might be a bit of a shock, was at WITS university that were specialists in the field of international politics, psychology and psychiatry and that, so we had a lot of outside guidance on this, most definitely, M'Lord.

Would that have included the magistrates? --- I beg your pardon?

Would that have included magistrates? During trials, during inquest, would magistrates be schooled as to how to deal with these? --- M'Lord, the meeting that I had with the commissioner of police, that magistrate was told what sentence and I remember Coetzee
20 saying to the Cape attorney general, he said '*Die man...*' they spoke in Afrikaans but I will translate in English, he said the man is standing in front of me and we have given ... we will give him the money. I think I went from there and I was given the R200, but when I arrived at the trial, I knew exactly, minute for minute what was going to happen, what was going to happen.

Although for an eye blind they did appoint an advocate for me, which was actually very embarrassing, I do not know who was more embarrassed him, Whitehead or I because there is nothing to really defend. We knew what was going to be the outcome, so to get back to what M'Lord is asking, yes the magistrate most certainly knew because he fined me and it went very quickly. I think we were only in the court for half an hour. This guy just said, okay illegal search, bla-di-blah, R200 or I think 6 months and I started to take money out there on the spot and they said, no you got to pay it outside and that was
10 the end of the matter.

So he delivered the sentence exactly as he were told before you went there? --- That is correct, M'Lord.

Okay, you may proceed.

MR VARNEY: Mr Erasmus, do you have any other experiences in which magistrates agreed to issue certain finding or do anything else for the police, [indistinct]? --- I must say, M'Lord I cannot think of anything that just comes to mind. I am certain if one takes into account, if I look at Johannesburg security branch I might shock the court now by saying something that the most powerful jurist that we
20 had deal with, was of course Mr Clause Van Lierus Um De Wildcow, was the guest of honour every security branch, bribe, party, drink up, food competition or whatever, he was absolutely a guy that we treasured along with the sweeper.

He was a guest at everything, so on a very small scale, if I was ever arrested for example for speeding, I would go to the senior

public prosecutor at Johannesburg court and I mean I would walk in there *nolle prosequi* and if it was worse than that it would be that Mr Van Lieres would sort it out.

COURT: Was he the Van Lieres that became the attorney general at some point? --- That is correct.

Oh, I see, okay.

MR VARNEY: On that score, Mr Erasmus, were you... are you aware of any inquest in which prosecutors have agreed to play a certain role on behalf of the security branch? --- Meaning sir, as not prosecute as much as they should be prosecuting? I cannot say that, that I have
10 personal knowledge. I suppose one could always speculate but I cannot, I cannot say that with definite...

Returning to John Vorster square and in particular the section dealing with the security branch, am I correct in saying that the entire 9th and 10th floors was strictly confined for security branch activities and nobody else were permitted to be there? --- That is totally correct, together with as the branch got bigger and bigger and bigger, they took over the 1st and the 2nd floor. So it would have been 10th floor, still investigation branch, 9th floor field workers. The ground
20 floor was the, shall we say the postal department where they had the old chaps steaming the letters open and that would have been 1st floor, or ground floor sorry, and the 1st floor was then also taken over by the investigation branch, units of the investigation branch, we were just running out of space.

All of that was a no-go area with huge steel doors. Some of

them remote controlled and/or gates which was bunches of keys like almost too heavy to pick up.

So security was pretty tight in those 24/7 around the clock guiding of those floors and even after hours it would have been securely.... [intervene] --- That is correct, even the lifts, the air vents in the lifts were sealed, which nearly cost me and 10 people our lives, when we got stuck in the lifts, which was regular but they spared no expense in securing that area. The simple reason that is on the 9th and the 10th floor there was an area of the passage that had these
10 electric doors, probably the most sensitive stuff in the South African Police was the WH or telephone interceptions, those lines were run into those hundreds of tape recorders that were housed in that section.

So, aside from protection the personnel and the documents and perhaps the various devices that you had there, you presumably wanted to ensure that detainees who were held on those floors, there was no possibility of them escaping, and they would be very closely guarded? --- M'Lord, after the second death or it would have been the third death, which I was there the day that it happened, was
20 Mathews Mabulane, fell from the 10th floor but on the opposite side of the building. He was in the main part, being held in the main part or interrogated. I know he was in an office with two black policemen, [indistinct] remember. They then decided to put burglar bars on the inside of all floor where the security branch were.

Prior to that there was just these big windows which every

second or third one opened, which is almost like a door and while one would assume nobody would climb up the outside, it was certainly done and there was no beating around the bush was to stop people from trying to escape falling out of the windows and also provide additional security although it was not necessary.

So security was quite tight, but certainly in October 1971 Mr Timol himself was able to exit the building, notwithstanding the available security. The individual, he was allegedly in the room with him in 1026 was a Mr Rodrigues. His evidence before the first inquest
10 is that he attempted to prevent the escape or exit but was unable to do so. Nonetheless just a few days before the inquest magistrate, Mr De Villiers handed down his finding, Mr Rodrigues was issued with a letter of commendation for his exemplary service.

Are you surprised to hear that he was given such a letter? --
- I am quite surprised, and I must say I am quite fascinated. How would I comment on this? In my time every effort was made to... obviously because of Timol's death and Biko there was rules I think that Kronright even drew up. I think those rules were always there, you were never left alone with a detainee for starters. And it would go
20 further than even two people with a detainee and that was already in effect when I arrived at the security branch. I can maybe just give an example, a very bad example to the court, but he is an attorney today, he could verify what I am saying.

One of the more embarrassing interrogations that I saw was walking into an office the one day and there was this Indian gentleman

standing there with a beard and he never had a stitch of clothing on and people were coming and going but there was about 5 people in the office. He was being interrogated and I am talking about, I think he is a practicing attorney today, Mr Hanny Valley. I saw him in fact at the TRC.

Was it ever practice, in your experience to leave an important security detainee alone in the company of an administrative clerk, a pay clerk or somebody providing coffee? --- No, M'Lord the regulations regarding those buildings and the maintenance of security, nobody including other members of any other units in the police ever
10 came in there unless there was a valid reason, they were invited or they had some function to perform. It was not a case if you just walked in or out of there. Those offices were set up, as I understood it, from when that building was built, because the security branch used to be housed in a commercial building that was rented by the government known as The Greys.

When I went there, that building was obviously purpose built, these doors which must have cost an earth... you are talking about a steel door that big with huge motors to allow access. There is
20 no ways that anybody could walk in or out of there, if it was not a member of the security branch and even then, as members of the security branch and it was somebody that was regarded as a senior member, I had no access and I can mention this that for example where the old chaps sat and open the envelopes.

I think I was in that office twice during my whole career and

that was because I was a stamp collector and you can draw your own conclusions on that, but I should not have been there. Even for us it had signs 'Restricted area, no admittance, authorised personnel only'.

M'Lord, it is lunch time, I still have a few more questions, I suggest we take the lunch adjournment.

COURT: Yes, we will continue at 2 o'clock, 14:00. We will take an adjournment, thank you.

COURT ADJOURNS