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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case number: I01/ 2017

In the matter of:

REOPENED INQUEST: LATE AHMED TIMOL

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K O R T O P S O M M I N G .ERWYS. - NR.:

PIETERMARITZBURG ROM. 21/7/71

AANKLAGTE:

AANRANDING (9 AANKLAGTES)

- BESKULDIGES:
1. Nr. 24397 S/Serst. J.P.F. van Wyk Veiligheidstak, Kaapstad.
 2. Nr. 24401 S/Serst. A.J. van Wyk, Veiligheidstak, Kaapstad.
 3. Nr. 22376 Luit C.J. Dreyer, Veiligheidstak, Bizana.
 4. Nr. 27394 Luit. J.Z. van Niekerk, Veiligheidstak, Hoofkantoor, Pretoria.
 5. Nr. 26493 Kapt. H.T. Baker, Veiligheidstak, Hoofkantoor, Pretoria.
 6. Nr. 24563 Lt.Kol. T.J. Swanepoel, Veiligheidstak, Hoofkantoor, Pretoria.
 7. Nr. 31323 Kapt. J.H. Gloy, Veiligheidstak, Hoofkantoor, Pretoria.
 8. Nr. 27180 Majoor W.F. Schoon, Veiligheidstak, Pietermaritzburg.
 9. Nr. 48772 Serst. D.J.G. Coetzee, Veiligheidstak, Vryheid.
 10. Nr. 33057 Luitenant C.G.J. Els, Veiligheidstak, Newcastle.
 11. Nr. 138534 I/S/Serst. V.D. Naidoo, Veiligheidstak, Ladysmith.
 12. Nr. 30280 Serst. G.H. Nieuwoudt, Veiligheidstak, Ladysmith.
 13. Privaatpersoon: Benjamin Madikwa
Bantoeman, 36 jaar, 886 Umlazi, Durban.

OP OF VAN DIENS:

OP DIENS.

BEWERINGS:

Dit word deur die klaers beweer dat daar tydens die ondersoek teen hulle, - op klagtes onder die Terroriste Wet - verskeie aanrandings op hulle gepleeg was deur die beskuldiges wie lede van die Veiligheidstak is.

17/11/1971
30/9/1971
L.V.

PRECIS OF CASE

See A1 Count 1

ALBERT KWEZI WILL STATE: That he was arrested on 10.2.71. He was detained at Caledon Square. He was later transferred to Burger Street Gaol, Pietermaritzburg. He was a member of A.P.D. : U.S.A. He was taken seperately to a sound-proof office where he was questioned. He sat on a chair and was pushed off and fell on the floor. He was told to sit on an immaginary chair for quite a time, until he fell down. When he recovered he had to repeat sitting in that way. He was also slapped in the face. Hot water was poured onto his hands and shirt. Later he was dragged to the lift on his way to the cells. I was examined by a doctor that evening. He found nothing wrong with him. He knows the Police men who assaulted him. He does not know all their names but he knows Sergeant Andries van Wyk and his brother, Sergeant van Wyk was the person who pushed him off the chair and dragged him along the floor. He also kicked him at one stage. Sergeant van Wyks brother is the one who told him to sit on an immaginary chair.

(12)
(1)

See A2 Count 2

R.C. WILCOX WILL STATE: That he was arrested on 10.3.71. He was taken to Caledon Square for questioning by Security Policemen.

He was made to sit on an immaginary chair until he fell down. This was repeated several times.

He was made to stand with his toes on bricks and held two bricks above his head whilst running on the spot.

He was sworn at throughout the questioning.

That at 5pm. on the same day a young Security Policeman buttoned up his shirt and twisted his collar, causing him to choke.

He eventually made admissions, because he feared being assaulted again.

He complained to a Magistrate about the conditions of detention.

He did not complain about being assaulted.

See A3 Count 2

DR. T. VOGHT - DISTRICT SURGEON WILL STATE THAT: he examined R.C. Wilcox, finding: "No obvious recent injuries on any part of body." Wilcox alleged he sustained physical injuries.

(2) (13)

See A4 Count 3

VENKATRATHMAN WILL STATE: That he was arrested by Security Police on 17.2.71.

He was questioned and made to stand against a wall with his hands above his head. When his hands sagged, they were pushed up again.

He was later made to hold books above his head. He was kicked on the legs and punched. His arms were twisted by Lt. van Wyk.

3 He eventually made a statement and was told it was not good enough.

He was again questioned and made to stand against the wall holding books above his head.

He was hit with the handle of a feather duster on the head and shoulders.

He broke down and made a statement.

He was brought to Pietermaritzburg on 7.6.71. He was questioned by the Security Police there.

He was punched and grabbed by his testicles by an unknown White Security Officer.

He was detained at Burger St. Gaol.

See A5 Count 4

PIRDISO ZIMAMBANI WILL STATE: That he is at present awaiting trial prisoner and that he was arrested at Lusikisiki on 16.12.70 by the Security Police.

4 That he was questioned and then hit with sticks on his buttocks by unknown whites. That one Dreyer was present but he did not assault him.

That he was tied to a tree, blindfolded. That some object was placed on his ears, penis and legs and was then electrically shocked and that it was painful. That they kept on questioning him and he later made a statement to a white person.

That he was tied to a tree for four days and only released when he had his meals or questioned. That after Xmas 1970 he was again questioned and shocked. That he does not know who applied the shocks as he was blindfolded.

That he was transferred to Pietermaritzburg where he complained and was examined by a doctor. That he can only say that Capt. Van Niekerk assaulted him with a stick and does not know who applied the electric shocks.

That he is not lodging a complaint but merely relates what happened. That he was well treated in the Police cells.

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-3-

See A6 Count 4

MR. F.E. VOOCHT WILL STATE: That he examined Pindiso Mogami (A.5) on 18.6.71 at Pietermaritzburg.

That no obvious recent injuries were detected. That he had old scars on his neck and back. That he also had an old lacerate or septic wound ex boil on his buttock.

See A7 Count 5

MOGAMI JOSIAH MOENG WILL STATE: That he is at present an awaiting trial prisoner and that he was arrested by the Security Police in Johannesburg on 20.1.71.

5
17/1
That he was taken to Meadowlands Police Station and was questioned by Capt's Van Niekerk and Gloy and that Capt. Van Niekerk slapped him in his face. That he was taken to Pretoria for questioning and was again slapped in the face by Capt. Van Niekerk. That Capt. Van Niekerk placed office pins and pebbles in his shoes. That he later made a statement to the Security Police.

That he accompanied Capt's Van Niekerk and Gloy to Mafeking and later accompanied them and one Matsheka and his son to a camp in Pondoland. That at this camp he was handcuffed and made to stand the whole night upright. During the night he was assaulted by two bantu security men until they were stopped by Capt. Van Niekerk.

That on the Tuesday he was again handcuffed and made to stand the whole day and night. That on Wednesday he made a statement to avoid further torture. That his feet were swollen but he was not allowed to take his shoes off.

That whilst at the Camp, Capt. Van Niekerk said that he would say that he was assaulted by Capt. Van Niekerk.

That he was transferred to Pretoria. That in Pretoria he was again slapped in the face by Capt. Van Niekerk. That he cannot show any marks now. That he did not complain to the prison authorities.

See A8 Count 6

6
17/2
KADER HASSIM WILL STATE: That at present he is an awaiting trial prisoner and that on 17.2.71 he was arrested by Maj. Schoon and detained at Greytown. That he was questioned during the whole night and not allowed to sit.

That he asked Lt. Els for water but this was refused. That he was continually questioned during the night. That he was questioned by various members of the Security Police, and that they all refused his request to sit and that this amounts to 3rd degree. That he was only allowed to sit after he agreed to make a statement. That he was not physically assaulted.

the end of April or May, 1971 he was questioned in Durban by Sgt. Van Wyk and his brother and that he seized his hand. That he was threatened with that Sgt. Van Wyk produced a revolver, placed it in his hand, looked at me and then at the revolver and replaced it in his briefcase.

That later he was questioned by Col. Swanepoel and other members and that Col. Swanepoel pulled his hair. That he was later confronted by a bantu male Madikwa, who was handcuffed and who hit him with the handcuffs on his neck and shoulder.

That he does not bear any marks as a result of the physical assault on him.

See A9 Count 7

DAM GEDEON MAHANJANA SAL VERKLAAR: Dat hy n verhoorafwagende prisoner is. Dat hy op 15.12.70 gearresteer was.

Hy op dieselfde dag na die Polisie-stasie te Bizana geneem was met n patrolliewa, en dat hy in die patrolliewas moes sit.

Hy later dieselfde dag na Mkambanti genseem was en in n huisie tussen die bosse geneem was. Hy ondervra was by die huis deur die Blanke Speurder en Bantoe Speurder wat hom gearresteer het.

Dat die ondervraging was in verband met vergaderings wat gehou was. Dat hy aan die Speurders gesê het hoeveel persone die vergaderings bygewoon het, en wat by die vergaderings bespreek was.

Dat die twee speurders aan hom gesê het dat hy lieg. Die blanke speurder hom met n sambok geslaan het.

7

Dat twee speurders hom met handboeië aan n boomtak vasgebond het, hom geblinddoek het. Hom geskop het met elektrisiteit en lippe in sy skoene gegooi het. Dat albei speurders hom half opgehang het vanaf 12 middag tot 5 namiddag.

Hy deur albei speurders vir drie dae dieselfde behandeling ontvang het.

Dat die speurder wat hom met die sambok geslaan het Bekker is, en die speurder wat hom geskop het met elektrisiteit Dreyer is.

See A10 Count 7.

T. VOOCHT: DISTRICT SURGEON WILL STATE: That he examined Gideon Mahanjana on 18.6.71.

Finding: Wounds on buttocks. Scars on body old - consistend healed lacerated or incised wounds appear at the very least 6 months - may be years old. Also old healed scars on head. No scars on wrists.

That towards the end of April or May, 1971 he was questioned at Pietermaritzburg by Sgt. Van Wyk and his brother and that the brother squeezed his hand. That he was threatened with assault and that Sgt. Van Wyk produced a revolver, placed it on a table, looked at me and then at the revolver and replaced it again in his briefcase.

That later he was questioned by Col. Swanepoel and other members and that Col. Swanepoel pulled his hair. That he was later confronted by a bantu male Madikwa, who was handcuffed and who hit him with the handcuffs on his neck and shoulder.

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