

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN

Case No:
Original Inquest No: 951/77

In the matter of:

THE REOPENED INQUEST INTO THE
DEATH OF DR HOOSEN HAFJEJEE

AFFIDAVIT OF MOHAMMAD TIMOL

I, the undersigned

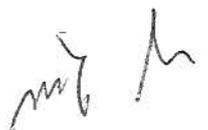
MOHAMMAD TIMOL

do hereby make oath and state that:

- 1 I am an adult male residing in Victory Park, Johannesburg. I was born in Breyten on 13 June 1948. I am the brother of the late Ahmed Timol.
- 2 Unless the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge and are, to the best of my belief, both true and correct.

Purpose of this affidavit

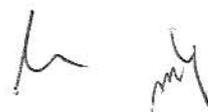
- 3 The purpose of this affidavit is to set out important events and facts that I experienced at the hands of members of the Security Branch in Durban.



- 4 I wish for these facts to be presented to a new inquest court for purposes of establishing the truth as to what happened to the late Dr Hoosen Mia Haffejee.

The events leading to my arrest

- 5 I was also involved in the struggle against apartheid. I was trained in London by the African National Congress ("**ANC**") and the SACP in the distribution of leaflets by way of leaflet bombs. Leaflet bombs were buckets that were prepared with gunpowder with the leaflets inside. The leaflets would be placed inside the buckets and when the gunpowder was ignited the leaflets would fly out.
- 6 Before I returned to South Africa on 30 September 1971, I met with Dr Yusuf Dadoo in London. He told me to inform my late brother Ahmed that they had not heard from him for some time. Dr Dadoo had also asked me to send him a coded message on a post card once I got to South Africa, to indicate whether Ahmed was safe or had been detained.
- 7 On the evening of my return to South Africa on 30 September 1971, Ahmed collected me at the airport. I conveyed the message that Dr Dadoo said he had not heard from him for some time. Although Ahmed did not respond to this, he accepted what I had said to him.
- 8 When I woke up on the first morning of my return, Ahmed had already gone to school and my mother asked me to go get a haircut. I went to the barber that morning. On my return from the barber, my mother informed me that the



Security Branch ("**SB**") officers had come to our home looking for me as they had also previously been looking for me whilst I was in England. When Ahmed returned home I told him that the security police had come looking for me and he said that I should go and see them.

9 I went to the SB offices in Roodepoort. When I arrived, I met the SB officers who had been to our home to enquire about me. The SB officers informed that they were in fact not looking for me at my house but were looking for Ahmed. I then left the SB's office to return home. I was known to the security police for my political activities since 1966.

10 When I returned home I told Ahmed that the security police were looking for him. He accepted what I told him but I could see that he looked worried.

11 The following day I asked Ahmed if he had gone to see the security police. He said he had and that they had wanted to speak to him in connection with his passport.

12 On the evening of 17 October 1971 Ahmed informed me that we were both under surveillance and suggested that I go to Durban.

My arrest in Durban

13 On 18 October 1971 I left Roodepoort for Durban as Ahmed suggested. This would be the last time that I saw Ahmed alive. He was in good health with no injuries.

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- 14 On 25 October 1971 at about 08h30 – while I was staying with students at a flat at Himalaya Heights in Warwick Street in Durban – I was woken up by about six security police officers who were standing by my bedside.
- 15 The police aggressively enquired if I was Mohammed Timol. When I confirmed my identity to them they told that they were there to arrest me, which they did. I cannot recall all of them but one of the officers was Lieutenant Naicger ("**Naicger**") of the SB. They informed me later that I was detained under section 6 of the Terrorism Act.
- 16 As far as I can recall, Ahmed was the only person in Johannesburg who knew where exactly I was in Durban. I suspect that the police questioned him about my whereabouts and he informed them that I was in Durban with "Jakes". Jakes Varachia was a student in the UK while I was there we had grown up together in Roodepoort.
- 17 I later learned that the police questioned and assaulted Jakes in an effort to establish my whereabouts. Jakes subsequently informed them exactly where I was in Durban. That is how they managed to locate me.

My Interrogation and torture

- 18 When the SB officers took me to their offices on Fisher Street in Durban, they informed me that they had got Ahmed.

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- 19 They referred to him as "*the big fish*". They then interrogated me about my activities whilst I had been in England.
- 20 I recall that I was interrogated by about 6 (six) SB officers. One of them was a man by the name of Andy Taylor.
- 21 They started interrogating me from about 11h00 and this continued for about 12 (twelve) hours. At all times I was in the company of SB officers and they had never left me alone, even when the main interrogators would take short breaks
- 22 During the interrogation process, the police made me stand on a brick in the office and I was made to hold up two telephone directories for hours. I was repeatedly beaten up whenever I became unsteady on the bricks or lowered the directories to rest my arms. I received blows to my stomach and body.
- 23 The SB officers told me was that "*we have all of you people*". That night I was taken to Berea Police Station. I was left there by myself in a lockup cell.
- 24 The next morning I was taken back to the Fisher Street SB offices and the interrogation started again. I received the same treatment as the day before. In addition to standing on a brick, I was made to sit on an imaginary chair. If I relaxed I would be beaten up. During interrogation, I eventually gave in and told the SB officers what they wanted to know about my political activities in UK, and my contact with Dr Dadoo.



- 25 They wanted to know every single person I had met after my return to South Africa. Each person was subsequently questioned to confirm my statement. The SB officers questioned me on who my underground contact in South Africa was. I informed them that I did not have a contact at that stage. At some time in the future someone would have contact me.
- 26 As I could not provide them with information of the contact they were looking, they continued to interrogate and assault me. This interrogation carried on from Monday to Wednesday evening at about 18h00. At about 23h00 on the Monday and Tuesday I was returned to my cell at the Berea Police Station for the night. When the interrogation stopped on the Wednesday evening there was a sudden change in atmosphere. Everything suddenly went quiet. On Wednesday evening they took me back to my cell at the Berea Police Station.
- 27 On Thursday morning at about 08h30, three SB officers gave me a paper and pen and instructed me "*tell the truth*" otherwise I would "*rot in here*". Although I took the pen and paper, I did not provide them with the information they sought from me. In fact, I did not write anything on the paper they gave me.
- 28 On Thursday night, 28 October 1971, a Lieutenant Wessels ("**Wessels**"), another SB officer, came in and he told me that Ahmed had died. When I asked him how Ahmed died, Wessels informed that he was not aware what happened as they were still waiting for more information from Pretoria. I was then left in the cell for the night. I asked to attend the funeral but I was told that this would not be possible.



- 29 The SB officers then came to collect me on the morning of Friday 29 October 1971 to take me back to the SB offices. As we were driving to Fisher Street I saw a headline poster which read "*Death plunge, Vorster speaks*". At that moment the case of Babla Saloojee, who had been interrogated by SB officer Rooi Rus Swanepoel, and who had plunged to his death at Gray's building came to my mind. It crossed my mind that Ahmed had met a similar fate. In the lift one of the SB officers expressed his condolences to me for the death of my brother.
- 30 Later during the day the SB took me to the Berea police station where I spent the entire weekend. For a few days after the weekend, I was taken back and forth to the SB office at Fischer street, and at one point I was forced to sign a statement based on what I had told them during the interrogation. After this I was taken to Berea police station and I never saw those SB officers again.
- 31 On 30 November 1971, Niacger and Wessels woke me up and informed that they were taking me back home to Johannesburg. I was allowed to wash my face and gather my things. I was driven to Johannesburg whilst handcuffed to a handle in the police car for the duration of the trip. I was told I was being taken home and that my parents were expecting me. I recall that we left Durban at about 01h00.

Detention in Johannesburg

- 32 Upon my arrival in Johannesburg, in the early morning hours of 1 December 1971, myself and another detainee from Durban in another vehicle were taken



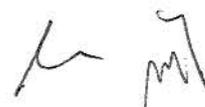
to the then John Vorster Square Police Station SB offices. I was taken to an SB office and was later taken to the cells where they locked me up. I continued to be detained under section 6 of the Terrorism Act, 1967.

- 33 I was kept in solitary confinement in my cell. I was taken outside for exercise for 30 minutes each day. I requested reading material. After one month I was given the Quran (an English translation) to read and subsequently I was given the Bible and the Bhagvat gita.
- 34 On 14 March 1971 I was taken to the office of Colonel Greyling ("**Greyling**"), the head of the SB of John Vorster Square, who informed me that I was being released and I could go home. However, he told me that I had to go see the CID investigating officer, Major Fick, who was tasked with the case relating to Ahmed's death. Greyling further asked me if I had any complaints; when I informed him that I had been assaulted and beaten by police officers whilst in custody, he uttered expletives indicating I should get out of his office.
- 35 I was then taken to Major Fick, who asked whether Ahmed had any mental issues and if he would commit suicide. I told him that Ahmed was healthy and had no mental issues at all. Major Fick and another CID officer then took me home to Roodepoort.
- 36 I was released after 141 days of detention, and for most of these days I had been held in solitary confinement with no contact with anyone other than the warders.



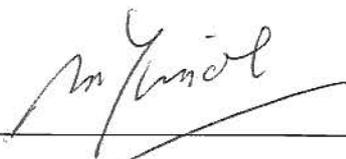
My life after my detention

- 37 Around 1972/ 1973 I became politically active once again with other activists in the Johannesburg region. We formed an organisation called the Ahmed Timol Memorial Committee to commemorate the second anniversary of Ahmed's death in detention, as well as to commemorate the deaths of 21 others who died in detention before Ahmed. We had a successful commemoration at the Wits Great hall in October 1973. With fellow activists we formed an organisation called the Human Rights Committee, to highlight the deaths in detention, to call for the release of political prisoners and detainees and call for democracy, freedom and Human rights in South Africa.
- 38 As a result of my activities I was detained again at the end of August 1976 at the height of the students uprising in South Africa. I was detained under section 10 of the Internal Security Act, which means preventive detention, which prevented me from participating in any political activity. I was detained at the Modderbee police station in the East Rand with about 100 other political detainees.
- 39 I was released from detention on 27 December 1976 and I was handed a house arrest order which restricted my movements and I was not allowed to participate in any political activities for a period of 5 years, nor allowed to receive any visitors at home, or not allowed to be in the company of more than 1 person at a time. My house arrest restriction orders meant I could only leave home during working days from 6am and return home by 7pm and I was restricted to the magisterial region of Krugersdorp, but I was allowed to go to



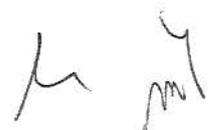
my place of employment in Johannesburg on Monday to Friday. I was only allowed out on a Saturday from 08h00 to noon and thereafter restricted to my home for the rest of the weekend.

- 40 On 1 January 1978 I left South Africa without a passport and made my way to Swaziland assisted by an ANC underground operative. I left with the main purpose of joining the ANC and to participate in the struggle against Apartheid. From that period on until the unbanning of the ANC I was a full time functionary of the ANC based in Mozambique and Zambia. I underwent military training under the auspices of the ANC.
- 41 In April 1990, after the unbanning of the ANC, I was part of the support staff accompanying the ANC delegation that went to Cape Town for the Groote Schuur talks with the Apartheid Government.
- 42 I returned home from exile in December 1991. Thereafter I worked at the ANC headquarters in Johannesburg and in 1995 worked for the new democratic South African government until my retirement.

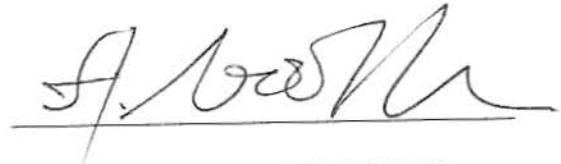


MOHAMMAD TIMOL

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at Johannesburg on this the 13th day of August 2021, the regulations contained in Government Notice



No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

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