

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION

In the matter of:

Case Number: I01/17

RE-OPENED INQUEST: MR AHMED TIMOL

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**AFFIDAVIT OF FAROUK DINDAR**

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**I, the undersigned**

**FAROUK DINDAR**

**do hereby make oath and state that:**

1. I am an adult male neurologist, practicing as such at the Scarborough Hospital, Birchmount Campus, Toronto. I am based in Toronto, Canada.
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.

**BRIEF BACKGROUND**

3. Ahmed was my first cousin. We were both born in Breyten. His family left Breyten when Ahmed was young. We would periodically meet at family events. He was an excellent



cricket player and was frustrated that he could not pursue his interest because of apartheid. His initial political writings were related to apartheid in sports.

4. Growing up in South Africa, I was told that "politics was dangerous". Our family discussed at length the Group Areas Act and the effect of being uprooted from our homes. At age 6, I remember fearing I would be sent back to India when the Nationalist party came into power in 1948. One of the slogans of a Nationalist party politician in Afrikaans, which interpreted read: "*We will put the Kaffir in his place and chase the Coolie out of the country*".
5. I completed my standards 9 and 10 in Kimberly. Thereafter I was accepted at Wits Medical School in 1961. I had to get permission from the Department of Indian Affairs to attend a "white" university. As my family was not involved in anti-apartheid politics the permission was granted with a simple application.

#### **MEETING AHMED KATHRADA AND NELSON MANDELA**

6. During my medical training, I boarded at 11B Nugget Street, Doornfontein, with Bibi and Ameen Wadee. Ameen's father was a friend of Chief Albert Luthuli who would visit him regularly. The two houses were side by side. There were only 3 "Indian" houses in this industrial area. Once a month I would be told at short notice by Bibi that there would be a meeting at the 11b B Nugget Street house. The underground leadership would have their meeting between 8 and 10 pm. I would open the door for a few visitors and then leave the house for about two hours. I only knew Ahmed Kathrada (affectionately known as "Kathy") from amongst the people who came for the meeting. Most of these individuals were later arrested at Rivonia tried, found guilty and sent to Robben Island.
7. In 1962, Nelson Mandela, spent a week at this safe house. He would share my bedroom with me. I once told him that I felt guilty leading a normal life whilst he had to hide. He advised me to concentrate on my medical studies and become a doctor to serve the people. He also advised me to speak up against injustice wherever I saw it.



## MY RELATIONSHIP WITH AHMED

8. Periodically, I met Ahmed. He seized the opportunity to educate me on the injustices of the Apartheid system. I was receptive. This would be to "conscientise" me. I remember him despondently telling me the "*Bantustans were a reservoir of cheap labour*". Our physiology professor arranged for us to go down the shaft at one of the gold mines. This gave me an appreciation of the type of work miners did. My parents were struggling financially to pay for my education. I got an Ernest Oppenheimer Scholarship which covered 50% of my cost of studies. My empathy for the African people increased with each meeting with Ahmed. I kept most of my political feelings to myself except when talking to my relatives during my visits to the country.

## POST MEDICAL SCHOOL AND FURTHER TRAINING

9. I graduated in December 1966 and got married to my girlfriend, Jameela. Ahmed was my best man at our wedding. Thereafter Jameela and I drove to Kitwe, Zambia, where I did my internship. I did not want to work in South Africa where "Indian" and "Colored" doctors were paid 60% of "White" counterpart salaries. Black doctors were paid even less that is 50% of white counterpart salaries.
10. In Kitwe, an anesthetist, Johnny Thuynsma, befriended us and invited us for dinner to his house periodically. While studying in England he developed a friendship with some of senior ANC members in exile including Oliver Tambo. I met a few senior ANC comrades over dinner including Alfred Nzo.
11. After completing my internship I decided to continue my postgraduate training in the United Kingdom. Johnny recommended I stay with his friend, James Madhlope Phillips, and his wife Maud. They had a house with rooms where I could rent for a few weeks. James was a political activist and a musician who escaped from South Africa in 1954. Their home became an ANC meeting place long before an ANC office was set up in London.



## INTERACTION WITH AHMED ABROAD

12. There was a period of six weeks when I had to wait for job opportunities to open up. It was during this time that James Philips gave me Marxist literature to read. I consumed books by Lenin and other Marxists and believed that Marxism was the answer to poverty.
13. Ahmed arrived in London via Mecca and was staying at Mr Goolam Pahad's flat. Goolam's sons Essop and Aziz were also living with their parents. Periodically I would visit Ahmed at the flat. As I was studying to specialize in Internal Medicine I had limited time to read political material. Ahmed selectively chose material for me to read. I remember him giving me an article by Ruth First on her visit to the platinum mines in Rustenburg.
14. As a first cousin he confided in me and told me about the major decisions in his life. These included:
- 14.1. Joining the Communist Party of South Africa at the invitation of Dr Dadoo, which he felt was an honour.
  - 14.2. His determination to return to South Africa.
  - 14.3. Going to the Soviet Union for training. He told others that he had been teaching in Sweden.
15. I went to Canada for one year to obtain more specialized training. After his return from the Soviet Union I received a letter from him in which he stated that he was returning to South Africa. He was heartbroken to leave Ruth but she had given him her blessings to return.
16. I returned to London to do the British MRCP examination in internal medicine. After passing the examination, I had planned to go to Zambia where a new Medical School had just opened. To my dismay I was told by the Zambian Embassy that I could not work in Zambia as I had a South African passport. With some reluctance I decided to return to South Africa.



## MEETING AHMED IN SOUTH AFRICA

17. When I returned to South Africa I met Ahmed socially. I had a hunch that he was deeply involved in the struggle. I did not discuss underground work with him. I felt that the less I knew the better. We did discuss international political events and analyzed it from a Marxist perspective.
18. I made it absolutely certain that I was never seen with Ahmed alone. I would always take our 3 year old daughter Nazneen when I visited him at his mothers' flat. The reason I took Nazneen in my lap was to make it look like a pure social family visit. I also visited Ahmed at Amina Desai's house on a few occasions.
19. Soon after I arrived in South Africa, a senior police officer in Breyten, Sergeant Van Niekerk, warned my father in Breyten that my mail was being scrutinized by the Security Branch.

## EVENTS LEADING UP TO AHMED'S ARREST

20. About a month before Ahmed's arrest he told me that the South African Police in Roodepoort had asked him to report to the police station with his passport. They looked at his passport but said nothing. I saw this as a sinister warning but Ahmed did not get that impression. I hoped that Ahmed probably had a backup plan to leave the country. As Ahmed made no effort to leave I concluded that his commitment to the struggle was so deep that he was willing to face prison.
21. My in-laws lived close to the Timol flat. After supper at my in laws place on 21<sup>st</sup> October 1971 I visited him at the flat. His mother was always there. Nazneen was seated on my lap. We discussed some revolutionary setbacks in East Africa. Ahmed was cheerful. I do not remember what clothes he was wearing. Physically he was in his normal state of health and showed no signs of pain. He had no marks or injuries that I could see. I could not have stayed too long at the flat as I would have to take Nazneen back to sleep.



22. The next day we heard that Ahmed was arrested and a few days later that he was dead. About 50 people, mostly "Indians", with any connection were taken in for questioning. Some were asked about my relationship with Ahmed. One family member who was arrested was asked about me and the Security Branch police were told that I was an academic doctor and would not get involved in politics.

### **THE RETURN OF AHMED'S BODY TO HIS FAMILY**

23. After Ahmed's death, the body was returned to his mothers' flat. It was brought from the Government mortuary back to the flat where he was given Ghusl and his body covered in white cloth. Ghusl is an Islamic ritual of washing the body. It is a Muslim tradition that woman sit around the deceased, on the floor, and pray. Later the men take the body to the cemetery for burial.

24. I went to Ahmed's family's flat and walked amongst the women who were seated on the floor and asked to see the body of Ahmed. A family member removed the cloth that covered him, and my eyes fell upon the wounds on his body. I was appalled at the number of wounds and marks on him, which I suspected could not all be attributed to the fall.

### **RETURN OF AHMED'S CLOTHES BY THE SECURITY BRANCH**

25. About two weeks after the death of Ahmed, I visited Ahmed's mother. She gave me a bag with Ahmed's clothes which had been returned by the police to a family member. She had a call from the police asking her to send a person to pick up his clothes. I do not know who went to the police but it could have been our cousin, the late Iqbal Dindar, who communicated fluently in Afrikaans.

26. The bag contained his shoes, his jeans and a white sweater. The white sweater had multiple black marks from old blood.



27. About 10 years ago I visited my late cousin Iqbal Dindar during a holiday in South Africa. We were discussing Ahmed's wounds and the white sweater. Iqbal told me that it was his sweater. He had taken some food for Ahmed to John Vorster square soon after his arrest. When he gave the food parcel to the police official, he requested a favour in Afrikaans of the police official. He asked the police official if he could give his sweater to Ahmed as it was cold. The police official agreed and Iqbal pulled off the white sweater he was wearing and gave it to the police official.
28. The blue jeans that were returned to the family by the police were worn out on one side from the waist to the knee. His shoes were clean and shiny.
29. I took the sweater with me as evidence to be used in the future. I kept it with me in a secure place for the rest of my stay in South Africa for 3 years. When I returned to Canada in 1973, I took the sweater with me. About a year later I gave it to an ANC member to take it to the London ANC office. I do not know what happened to the sweater.

## THE INQUEST

30. I attended the inquest into Ahmed's death, and in my opinion, it was a farce. I was very interested to know what the police pathologist would say about the microscopic examination of the wounds on his body.
- 30.1. To my knowledge when a wound heals, initially there are polymorph nuclear white cells which are actively involved in the healing process. Once that is completed, macrophages are seen in the wound to do the final "cleaning up". In a fresh wound you would not see macrophages.
- 30.2. If you see macrophages the wound has to be a few days old. Microscopic examination of Ahmed's wounds showed a few macrophages. The question the police pathologist was asked "*how many days does it take for macrophages to appear first after the injury.*" He selectively quoted one paper from an Australian pathologist in which the macrophages were first seen on day 10. He ignored all



other studies where macrophages have been seen in wounds much earlier. On the basis of the few macrophages seen in Ahmed's wounds he concluded that they were 10 days old.

- 30.3. The state prosecutor speculated that Ahmed was an alcoholic and he was probably involved in a brawl in a bar where he sustained those wounds before his arrest. This was an absolute lie. Ahmed was in good health and not suffering from any injuries when I last saw him on the day of his arrest on 21<sup>st</sup> October.

## POST THE DEATH OF AHMED

31. After 3 years I decided to relocate with my family to Canada. My application for the renewal of my passport was declined so I asked for an exit permit. My passport was renewed, but only for six months. We took this opportunity to return to Canada. While in Toronto joined the ANC and did some limited work with the ANC office.
32. Ahmed's death had a tremendous psychological impact on me. The fear of being arrested after his death was most intense. About 15 years ago I received an email from Ahmed's nephew, Imtiaz Cajee, which I opened at 3 am. He wanted me to write about Ahmed. I became so overwhelmed that I burst out crying. These were the tears that I had held back since Ahmed's death and his funeral. I am very grateful to Imtiaz for keeping Ahmed's memory alive with his book "*Quest for Justice*" and his role in creating the documentary "*Indians Can't Fly*". It has helped to bring some closure in my life.
33. Ahmed's death inspired many people to take a stand against Apartheid. To me, Ahmed was a saint.
34. That is all that I wish to state.

I know and understand the contents of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath as binding on my conscience.



*[Handwritten signature]*

DEPONENT

Thus signed and sworn to at TORONTO, ONTARIO on this 19 day of JULY 2017

The Deponent having knowledge that he knows and understands the contents of this affidavits, that it is both true and correct to the best of his knowledge and belief, that he has no objection to taking the prescribed oath and that the prescribed oath would be binding on his conscience.

*[Handwritten signature]*

COMMISSIONER OF OATHS

L. PAUL SHENTON  
BARRISTER & SOLICITOR

