

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

Case number: 2361/ 71

In the matter of:

REOPENED INQUEST: LATE AHMED TIMOL

AFFIDAVIT OF DILSHAD JETHAM

I, the undersigned

DILSHAD JETHAM

do hereby make oath and state that:

- 1 I am an adult female cardiologist, now practising as a physician on a pro bono basis.
- 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 believe were intentionally and deliberately withheld from the first inquest into the death of Ahmed Timol ("**Ahmed**"). It is my belief that this conduct by the erstwhile South African Police ("**the SAP**") was aimed at concealing various

serious crimes and human rights violations committed against myself and Ahmed during the period of October 1971.

- 4 I wish for these facts to be presented to the new inquest court for purposes of establishing the truth as to what happened to the late Ahmed Timol.

THE EVENTS LEADING TO THIS INQUEST

Brief background and my political involvement

- 5 At the time of the events below I was 22 years old. I was a small person and I weighed approximately 90 pounds (40 kg). I was a second year medical student at the University of the Witwatersrand ("Wits").

- 6 Salim Essop ("**Essop**") and I attended Roodepoort Indian School. He was close friends with Rashida Mangera ("**Rashida**"). In grade [what] I was double promoted thus I left him a year behind me. I eventually lost contact with him in June/July 1971 and I have not seen him since.

Comment [A1]: when was Dr Jetham double promoted

Comment [HV2]: Rashida or Essop

- 7 Ahmed Timol ("**Ahmed**") was older than me. He was a family friend and later in grade 10 (ten) he became my history teacher.

- 8 After matric I moved from Johannesburg to Durban where I studied at the University of Natal during the period 1969 to 1970. I met Zak Yacoob at the University of Natal and we became friends.

OCTOBER 1971 DETENTION**Saturday, 23 October 1971**

- 9 On Saturday 23 October 1971 I arrived home from University to find two plain-clothed men speaking with my father. As I approached, the men introduced themselves as being from the Security Branch ("**the SB**") and informed me that they had some questions relating to my political activity as a communist.
- 10 I was taken to John Vorster Square Police Station ("**John Vorster Square**") in central Johannesburg and escorted to the 10th floor of the building.
- 11 I was taken to Colonel Greyling's ("**Greyling**") office. He asked me if I knew why I was there and he told me that my "*boyfriends*" were there too. He later clarified that Ahmed and Essop were arrested for being communists. He told me that Ahmed and Essop had named me as the third person who would join them in bombing the current government.
- 12 I was told to remove my watch. I later realised this was a way to disorientate a detainee.
- 13 There was a shift system and the officers who would question me would change every few hours. There were always two officers in the room.
- 14 I was taken to an office to the left of Greyling's office and given paper and a pen on which I was to write my life story, namely where I schooled and lived

Comment [HV3]: Does she recall which wing or side of the 10th floor?

Comment [HV4]: What floor was Greyling's office? Was it not on the 9th floor?

and who my friends were. I did so, however it seemed that it was not what the officers wanted to see as they forced me to rewrite my story numerous times.

15 The officers asked me where Ahmed fitted into my life, and I told them that he was merely my school teacher and that we had different groups of friends.

Comment [HV5]: Besides Greyling who was present?
Were all the officers male?

16 I could hear the Athaan (the Islamic call to prayer) emanating from a mosque nearby. Each call to prayer of the five prayers in the day helped me keep track of the days passing by.

17 It was October and it was Ramadan (holy month of fasting, introspection and prayer for Muslims). I heard the Athaan for the sunset prayer and I needed to break my fast. I was given a glass of water to do so.

18 Thereafter, I was made to stand in the corner while I was asked questions about Ahmed and his political activity. I did not know what the officers were talking about as I was not involved in this sphere of politics. I did not have the answers that they were looking for and they began smacking me hard across my face.

19 I was not allowed to go to the bathroom at my request and I had to humiliatingly relieve myself right there whilst fully clothed. The officers hurled insults at me for this. It soon became a tactic of theirs to fill me up with water as I inevitably would have to relieve myself again and again. I was refused the bathroom. This went on for a few hours while the questions continued.

- 20 Later officers brought me a mop and bucket and I was made to clean up my own urine. I was then instructed to stand in the bucket without shoes. I had to relieve myself in the bucket. This was truly humiliating and the officers knew it.
- 21 The officers would ask me about certain people, naming people whom I did not know. Each time that I could not answer one officer would hit me hard across my face on each cheek. This continued for the entire night.
- 22 There was a lot of noise and officers shouting around me during the day.

Sunday, 24 October 1971

- 23 My interrogation continued on Sunday 24 October 1971. I was told that it is because of my friends that I am here. Everything that they asked me, I could either not qualify or I knew it was wholly false.
- 24 The shifts changed around lunch time and I was allowed to step out of the bucket. It was at this point that a man who had a red face and freckles on his hands walked in. His name was Lieutenant Swanepoel ("**Swanepoel**"). He told me this would be my last chance to confess. However I still had nothing to say. I was allowed to step out of the bucket. Again, I was forced to stand in the corner while Swanepoel and another officer questioned me. New names were thrown at me however I still could not give the officers any information as I did not know about these people.

Comment [A6]: was there 2 officers including swanepoel or was he the 3rd?

25 The officers had a ploy where they would leave the room. One would pretend to go to the room where Ahmed was held and the other would pretend go to where Essop was held and return to tell me what each had to say about me. I would simply deny it because I was never involved in any of the politics.

Comment [HV7]: Would she be left entirely alone?

was she ever left in the company of personnel who were not security policeman?

26 That evening a device was attached to my finger to electrocute me. Thereafter the officers, as a devious joke, decided that I needed a massage and they attached the device to my back and proceeded to electrocute me with a higher wattage. Shortly after this I passed out.

27 I recognised Ahmed's screams emanating from the other room. I knew his voice as he had been my teacher for sometime. I assumed he was receiving the "massages" in a much worse form.

Comment [AB1]: one year? Set out exact period

Monday, 25 October 1971

28 I was allowed to rest on a chair. This would be the first time I have sat down since Saturday.

29 At this point the electric shocks and hitting had stopped. However the interrogations continued. The officers told me that I was helping Amina Desai distribute the bucket bombs that Ahmed had made.

Comment [HV9]: Were these letter bombs?

30 I am certain that I heard Ahmed screaming nearby.

31 I was asked whether I knew what was happening to the other people in the building to which I replied that it was the same thing I was experiencing. The officers asked what was I experiencing and I remained silent.

Comment [HV10]:

Comment [HV11]: By who?

Tuesday, 26 October 1971

32 Around 17h00 I was taken upstairs for a cold shower and I changed into warmer clothes that my family sent for me.

Comment [HV12]: But if she was on the 10th floor upstairs would have been the roof?

Was Greyling's office not on the 9th floor?

33 Thereafter I was returned to Greyling's office which was now cleaned up. The officers placed statements in front of me that was supposedly written by certain people and I was interrogated on the contents. I did not believe that the statements were written by the authors that the officers claimed.

34 That afternoon the screams on the floor had begun, as did the slaps across my face. I was interrogated on each statement that was placed before me. At some point I must have passed out due to exhaustion and the assaults. I was woken up only for the interrogation to continue well into the early hours of the next morning.

Comment [A13]: verify the make of the car

35 At the time, I owned a car which was the same make, model and colour that (someone) had owned too. The officers asked me about my car being at the scene of potential political meeting spots/ gatherings. I denied that that was me as I had been hospitalised during the time in question.

Comment [HV14]: Identify who this 'someone' is

36 The officers asked me questions relating to the private college for women as many of these women were brought in for questioning. This was in connection with Ahmed's alleged pamphlet reproduction done at the college.

37 At this point I changed tactics and I ranted about how incompetent I thought Ahmed was and that he could not have been the mastermind behind something like what they were accusing him of. I was angry with him for getting me caught up in all this.

38 Ahmed's screams grew louder and became more desperate. He was begging for them to stop, even crying at one point. He was shouting but I could not make out what he was saying.

39 It was around 04h00 Ahmed's screams stopped. There was dead silence. I knew the time because the morning call to prayer alarmed not long afterwards. It was as if someone had pressed mute.

40 Thereafter there were frantic movements on the 10th floor, officers scurrying around madly.

Wednesday, 27 October 1971

41 At around 06h00, I was moved into my cell. It was still in John Vorster Square building on the _____ floor. It was a fairly large cell with one bed in it and a toilet in the corner. It had a tiny window facing the sky and a triple security gate.

42 I would get food 3 (three) times a day and coffee. At first I would hide the food as I was worried that they might stop feeding me. Breakfast was weak coffee with bread and jam. Lunch was "*slap chips*" and dinner was the same.

43 The next morning I was taken up by the wardress for a cold shower.

44 A few days passed and I was left alone, besides being taken up for a shower and the meals coming each day there were no more interrogations.

45 After some days, the wardress began feeling empathetic towards me and she gave me extra toilet paper. Thereafter she brought me feminine supplies from the detainee next door to me. She told me that it was Khadija Chotia ("**Khadija**") who was there. I knew Khadija. The wardress later told me that Ameena Desai was in the cell on the other side of mine.

Comment [MM17]: DRAFTING NOTE

How did she know Khadija. Brief one liner.

46 One day two well-dressed men in suits came to visit my cell. At first they were very blunt and they told me I would never see the light of day. Upon their return they asked if I needed anything. I requested a Quraan and musallah (a praying mat), which I received.

47 A few days later I was given a tablet with my dinner. I now realise that this tablet was a Valium. It did not seem to have much of an effect on me until one day I had an exceptionally bad experience. I was hallucinating. Spiders and insects were all over my body and in my panic I tried to scratch them off me.

Comment [HV18]: Following the taking of another blue tablet?

Comment [HV19]: Presumably vallum does not induce hallucinations.

48 I must have passed out at some point. I later awoke and came to swimming in my own vomit and bleeding all over. Based on my medical knowledge, I presume that this must have been some type of LSD drug. The next thing I knew was that I was in Yusuf Dadoo hospital in Krugersdorp on a drip. I was then given white clothes to wear. I later realised that this was a way to monitor any traces of blood on the detainees. At the hospital I was still held incommunicado without access to visitors.

Comment [HV20]: Can she explain why she was bleeding

Comment [HV21]: Confirm this

49 Approximately 3 (three) weeks later, I was taken from the hospital back to the 10th floor to meet a man named Patou. He told me that Ahmed was "no longer with us" but then quickly retracted his statement clarifying that he meant that Ahmed had been transferred elsewhere.

Comment [HV22]: Was she interrogated by Patou?

50 The next morning I asked the wardress where Ahmed had been transferred to and she told me that "the Indian" was dead.

51 The next day, Patou questioned me about whether I would rather be back at Wits studying than be here and what is a well-dressed girl doing here. He then placed a statement in front of me that looked like my handwriting and my signature. I read it and it incriminated me and everyone else. In retrospect I believe this may have been procured from me while I was under LSD.

Comment [HV23]: Did she sign the statement or refuse to do so – or did she alter it?

Comment [HV24]: For interrogation?

52 Patou returned to visit me on a few occasions. On another occasion Patou asked me to become an informant. I refused.

RELEASE FROM DETENTION AND EXPERIENCES THEREAFTER

53 I was released close to the end of January 1972. My father insisted that I write down everything that I can remember.

54 Upon my return to Wits I was vilified. The dean of the Medical School gave me the ultimatum to either write the exams now or be kicked out of the university. I obliged and inevitably failed the exams. The following year I repeated second year.

Comment [HV25]: Name of the Dean?

55 My hair was falling out due to a fungus which was due to the cold showers and dirty bars of soap. I experienced horrific nightmares for months after the ordeal.

56 I was ostracised at medical school. No one would work on the cadavers with me during lectures.

57 There was further intimidation. I was picked up from University on numerous occasions by the Security Branch. The person would tell me what I ate for lunch or what I said in class. I soon realised that I was still being watched by the Security Branch. The various Special Branch policemen that monitored my every movement were always in an unmarked car and it was always different men who constantly watched me.

Comment [MM26]: DRAFTING NOTE:

What person? The SB person? Name/rank?

58 We were all charged with treason, but Patou told me that if I stood by the statement I would be given immunity. I agreed on face value.

Comment [HV27]: When? treason or other charges?

Comment [HV28]: Is this the 'LSD statement'?

59 At the trial I retracted the statement on the stand and I described the hallucination incident. There was a handwriting expert who concluded that the statement was not my writing.

Comment [HV29]: Outcome of trial? charges withdrawn or acquittal or conviction?

60 The Security Branch continued to intimidate for a further 5 – 6 years by

Comment [HV30]: Outline what they did

61 After my fifth year at medical school I obtained a passport and went off to London to study further. In London, I was approached by a man who spoke to me in Afrikaans enquiring how I got a passport and what I was doing in London. This gave me the impression that I was still being followed.

EFFECTS OF TORTURE ON MY LIFE

62 The effects of being tortured during my detention have left a negative impact on me. I still become extremely emotional when I relive my experiences of torture. Whilst I may not have physical scars from the torture I endured, I have serious psychological scars that can never be healed.

63 While I consider myself fortunate that – unlike some of my comrades and friends – I did not die in detention from the torture, it pains me when I think of the several people I know of who died in detention from being tortured.

64 I believe Ahmed was tortured to death by the SB. In my view the so-called fall from the 10th floor of the then John Vorster Square Police Station was means to cover up the fatal injuries he suffered during his torture. During that period, the SB was notorious for using this method to conceal the murders of detainees.

DILSHAD JETHAM

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at _____ on this the _____ day of June 2017, 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

FULL NAMES:

DESIGNATION:

ADDRESS:

AFFIDAVIT

I, the undersigned,


SALIM ESSOP

do hereby make oath and say that:

1. Save where it appears from the context, the facts contained in this affidavit are within my own personal knowledge. To the best of my knowledge and belief they are both true and correct.
2. This affidavit sets out important events and facts that, in my considered view, were intentionally and deliberately withheld from the first inquest into the death of Ahmed Timol ("Timol"). I am of the firm view that this conduct by the erstwhile South African Police ("SAP") was aimed at covering up various serious crimes committed against Timol and myself.
3. I wish these facts to be presented to a new inquest court for purposes of establishing the real truth as to what happened to the late Timol.

BACKGROUND

4. I am an adult male currently residing in Leeds, United Kingdom. I was born in Turffontein, Johannesburg on 21 May 1949. I grew up in Roodepoort. In 1967 I matriculated from the Roodepoort Indian School. Ahmed Timol taught as a high school teacher at this school from 1964 to 1967. I enrolled for a medical degree at the University of the Witwatersrand, starting in 1968. On 22 October 1971 my medical studies were interrupted following my arrest and detention. On 8 March 1972 I made an appearance in the magistrate's court in Marshalltown, Johannesburg. My political trial began in Pretoria on 13 June 1972. On 31 October 1972 I was convicted and given a 5 year term of imprisonment, which I served my sentence on Robben Island. After my release from prison on 1 November 1977, I was served with a 5 year


M.S.E.

banning order. After serving a little more than 3 years of my banning order, I escaped South Africa and settled in the United Kingdom. I have been based in the United Kingdom since late 1981. I have a PhD from Leeds University in Political Studies. I have held various academic positions at Leeds University, Northern College and Sheffield Hallam University. I got a Fulbright Scholarship in 1999 and spent a year as a scholar-in-residence at the City University of New York (CUNY) in the United States. I became a visiting professor at CUNY between 2000 and 2008. Since 2008 I have been retired and I occupy my time with writing, photography and videography.

5. My parents, Ismail and Hawa Essop, hailed from India in the 1930s and settled in South Africa, where they became fully-fledged South African citizens. They had five children, three daughters and two sons. I am the last and youngest of their children. The family moved to the neighbouring town of Roodepoort when I was about two years old. My father was a successful small businessman and we enjoyed a middle class lifestyle. I attended the Roodepoort Indian School, finishing with a first-class matriculation certificate with distinctions in 1967. Between 1968 and 1971 I attended the University of the Witwatersrand ("Wits"), studying for the MB BCH degree at the university's Medical School.
6. While at Wits I was a member of the National Union of South African Students (NUSAS), and I was active in protests. NUSAS was one of the few organisations openly campaigning against apartheid at that time. I was not only politically conscious but also a politically active student. My father bought the Star and I bought the Rand Daily Mail every week day and I would read both newspapers daily. When I had extra money I bought other newspapers, magazines and books. At Wits I became interested in the University Students Bursary Committee (USBC) which gave up to 10 bursaries to disadvantaged and academically deserving students of colour (African, Coloured and Indian) every year. At different times I was the committee's secretary, treasurer and president. It was an entirely legal organisation. Two of



M.S.E.

our trustees were the well-known academics, Professor John Blacking and Professor John Dugard. We fundraised mainly from the Indian business community. I tried to bring white members on board in order to expand our fundraising potential and passed a resolution to this effect. All my files relating to the USBC were seized by the police. At that time there were about 10 000 student at Wits. Indian students had to obtain permission from the Minister of Indian Affairs to attend so-called 'open' white universities. Wits only admitted about 100 students of colour each year at that time. I was a successful medical student. If I had not been arrested, tortured and imprisoned I believe I would have completed my studies and enjoyed a successful career in medicine.

7. After completing a BA Honours degree in Political Science at Leeds University in 1984, I was invited by the university to do postgraduate studies: I enrolled for the MPhil degree initially, which was converted into a PhD, which I completed. I worked as a part-time lecturer at the university before I found full-time employment, with security of tenure, at Northern College in South Yorkshire in 1990. Since my college had a partnership with Sheffield Hallam University, I also taught at this university. During 1999-2000, I was a Fulbright Scholar-in-Residence at CUNY. Between 2000 and 2008 I worked both at my college in South Yorkshire and at CUNY, teaching various courses in the social sciences and more especially in politics and sociology. After 2008 I did some part-time academic work before retiring. Since retiring I have actively pursued three special interests: photography, videography and writing. My wife, who was a school teacher, is also retired, and we live together in Leeds.

EARLY ASSOCIATION WITH AHMED TIMOL

8. Ahmed Timol and his family lived in same Indian enclave in Roodepoort as my family, a small segregated area colloquially known by the Afrikaans name 'Lappies'. Timol had attended the Johannesburg Training Institute for Indian Teachers in Fordsburg. After finishing his



M.S.E.

teacher's diploma in 1963, he worked as a high school teacher at the Roodepoort Indian School. When I was doing my Junior Certificate (Standard 8) in 1965, he was my class teacher. He left South Africa after that year, settling and working in London for a few years. During his stay in London he associated with South African political exiles. Since he was committed to the anti-apartheid struggle, he accepted the offer of the African National Congress (ANC) and the South African Communist Party (SACP) to return to South Africa to help to resuscitate their underground structures, and in particular to arrange the distribution of their political literature. It should be noted that by the late 1960s resistance to apartheid had been largely crushed. Aside from Radio Freedom broadcasts nothing much was happening. Within South Africa the ANC and SACP was largely defunct.

9. Timol lived with his father, 1 sister and 4 brothers in a 2 bedroomed flat on the second floor of a building on Mare Street in the Lappies neighbourhood. His father was a travelling salesman. I normally travelled by train to university initially, before my father bought me a second hand car. When returning home I would walk down Mare Street from the station and would often bump into Timol on Mare Street and we struck up a friendship. I would eventually get to participate in underground political activities with him.
10. Timol was not comfortable in the segregated conservative context of South Africa. Since my friendships crossed racial and ethnic boundaries we became close and socialised virtually every weekend. He hankered after his London lifestyle. Slowly, Timol started to tell me about his political work. Like Timol, I felt strongly motivated to fight apartheid, even if this meant engaging in illegal political activities. His task was to organise an underground infrastructure by setting up small groups, known as 'propaganda units'. His main responsibility was to acquire, print and distribute literature for both the ANC and SACP. In 1971 the SACP, which was celebrating its 50th anniversary, wanted to mark this milestone with a newsletter. Timol had the draft for this


M.S.E.

newsletter and printed numerous copies using a cyclostyle (copier). I helped him to distribute the copies through the post. At that time even possession of the newsletter was a criminal offence. If one were caught distributing such material one could be convicted of a serious offence under the Terrorism Act.

11. In relation to my underground political activity, I worked for nearly twenty months with Timol, disseminating ANC political leaflets through the post, acquiring printing, photographic and other equipment, and planning to set up a viable political underground structure inside the country. He liaised secretly with South African political exiles, in particular with a person with the *nom de plume* 'Stephanie', who was his key contact in London. He did let me know that he was communicating with South African exiles but I had no direct role in this. He was, in fact, solely responsible for the correspondence that he exchanged with 'Stephanie'.

12. Timol had different mailing addresses at which he would receive correspondence and packages from London, often in tea, biscuit or chocolate packages. His London contacts printed leaflets on very thin paper so they could mail a thousand at a time. Some of these leaflets were found in the car in which we were arrested. The SACP claimed that Timol was trained to make letter bombs. However, after he returned he tried to learn how to make a letter bomb and sought the chemicals, so he clearly was not properly trained. The police did find a bucket in which Timol had experimented in a failed attempt to make a letter bomb. Timol's ultimate aim was to establish an underground 'cell' structure, although this was interrupted with our arrests. He wanted to establish a production line for political propaganda involving the best technology available at the time. We did investigate some of the state-of-the-art copying or printing equipment, and we procured (with monies Timol and I had) photographic equipment. However, much of the political work that we intended to do with the equipment did not get off the ground prior to our arrest.

M. J. E.

13. Timol was fully committed and devoted to the political cause and I admired him for his total devotion. I was a little more casual and was suspicious of the role of the Soviet Union and disapproved of the repression under Stalinism. I was more interested in philosophy in general and I was open to new ideas and read what I could, including the *New Left Review*. Whereas Timol, who had studied in the Soviet Union, was more idealistic about Soviet-style communism. We did hold some political classes. At the time Timol was trying to expand his knowledge by studying politics and sociology part-time at UNISA. Like him, my primary aim was to facilitate change to the race-based society and oppose the oppressive system of apartheid. I was mainly involved in wholly legal activities but I was willing to engage in some non-violent illegal activities, such as distributing illegal materials, mostly through the post.

14. Timol would send names of potential recruits, including my name, to his London contact. However, I had no contact with anyone abroad and was never recruited and never attended any ANC or SACP meetings in South Africa. We worked closely together for approximately 20 months, from February 1970 until our arrest in October 1972.

EVENTS LEADING UP TO OUR ARRESTS

15. Timol kept his materials and correspondence at various places, at his home, at work, with me and at Mrs Amina Desai's ("Desai") home. Desai's children were well educated, had left home and were all living abroad. She was unusual in the Lappies neighbourhood in that she was well read in English and European literature, and Timol and I benefited from the books that she and her children owned. Timol was like a son to her and he often stayed at the house. He occasionally used her house for social events. He mentioned to me about 2 or 3 weeks before our arrest that she had discovered a box of materials under a bed in one of the rooms while cleaning and had expressed her


M.S.E.

unhappiness and annoyance with such materials being in her house. Timol put the materials into the boot of Desai's car, a two-door yellow Anglia, probably with the intention of finding a more permanent secure location. These materials included political pamphlets and a substantial part of Timol's correspondence.

16. I did not know that Timol had placed these materials in the car, but he did let me know that he had previously hid them under the bed of a room in Desai's house and that she had discovered them while cleaning the room. He never showed me the materials but informed me that he would find an alternate hiding place. I can only speculate that on the night of our arrest Timol had momentarily overlooked the fact that the materials were in the boot of the Anglia or he was taking a chance that we would not be stopped and searched.

THE ARRESTS

17. Friday nights for Timol and I were normally devoted to socializing. We would normally visit friends and socialize over drinks and food. The night of Friday, 22 October 1971 was no different. We left the Desai house in the Anglia between 6 and 7 pm. We were only arrested around 11 pm. Our movements that evening were erratic. We had no specific plans. We went to visit one of my student friends, Rashida Mangera, who was ill but it was her birthday. We also visited another friend, Irene Summers, whose sister, Jane Kruger, had been my girlfriend for a while. We were hoping that Irene Summers and her husband would join us for a stopover at the Bosmont Hotel. However, her husband was out and she did not feel like going out that night.

18. We had no reason to believe that we were under surveillance or being followed that night. We had already visited 2 friends and we had also been to a hotel. It was only a social evening and Friday night was a popular night for young people to go out. We were Indians driving through what was regarded at that time as a coloured area. There was

M.S.E.

nothing suspicious about us. We travelled from Bosmont to Coronationville passing what was called Western Area Township at that time. We intended going through Mayfair to Fordsburg which was our destination where we were going to have a late night snack or dinner. I was driving the car.

19. On a street close to the Coronationville Hospital and very near the road going into Western Area Township we came across a roadblock set up by 2 ordinary uniformed police officers around 11pm. The policemen asked us to slow down. They waved torches and gave hand signals to slow down and stop, which I did. When I saw the policemen I was not necessarily concerned; I assumed that nothing untoward was going to happen and felt that they would probably look at us and wave us on. I did not gain the impression that this roadblock was set up for us.

20. The policemen shone their torches in the car and looked at us and looked around the car. One of the policemen then asked me to get out of the car and open the boot. I did so calmly. The policeman shone his torch into the boot, looked and scratched around, and lifted a few things, pulling out something like a parcel or a bag. He then said: "Aaah pamflette". And he said "political pamphlets" again in Afrikaans. He then called over his colleague, told me to stand to one side and asked Timol to get out of the car. He was a young Afrikaner policeman. I learned later that his name was Sergeant Leonard Kleyn. His colleague was a coloured policeman and I learned later that his name was Constable Adam Thinnies. Timol and I were then handcuffed together and instructed to get into the back seat of the car. They then drove us to Newlands Police Station. Timol and I were trying to talk quietly in the back and they would instruct us to stop: "Moenie praat nie" and "Bly stil". So we were not able to talk freely but we did manage to whisper the odd thing. At this stage we were both very anxious as we realised we were going to be interrogated. We did not know what to expect or what procedure was going to be.


M.S.E.

21. At the time of our arrests we were both in good health and good spirits. After being taken into the custody of the Security Branch our personal conditions changed drastically. In a matter of a few days Timol would be dead, and following continuous and unrelenting torture, I would be unconscious in hospital, close to death.

DETENTION AND TORTURE AT NEWLANDS POLICE STATION

22. At Newlands police station we were told to sit on a bench in front of the reception. Constable Thinnies was there guarding us while Sergeant Kleyn had gone to the back of reception and was making phone calls, looking at us and talking. He was obviously phoning the Security Police. We were constantly being told to "bly stil" and so it was difficult to communicate with one another. We were still handcuffed together.

23. Despite this we did communicate a little. Timol indicated to me that we were in serious trouble because the police had found political pamphlets and correspondence. He looked deeply worried. I was also concerned but at that stage I had not realized the full enormity of the dangers we were facing. I somehow felt that things would turn out okay for both of us. Timol however had sunk into a state of despair and appeared to be stunned that we had been caught. Only later during my criminal trial did I discover the true extent of the documentation found. Aside from banned leaflets, there was correspondence in which Timol had undertaken to do certain things, reports he had prepared, as well as instructions he had received from abroad.

24. We did not wait very long, perhaps about an hour. Some security policemen arrived, our handcuffs were unlocked and we were separated. Timol was taken away by two officers. Aside from a subsequent sighting this was the last time I saw Timol. I was taken to the back of Newlands police station where there was, as far as I can remember, a small 2 storey building with a metal staircase. I was escorted by two security policemen. They were wearing plain clothes. I

M.S.E.

subsequently learned that these 2 officers were a Major J.H. Fourie and a Colonel J. van Niekerk and could identify them from the photographs that appeared in newspapers.

25. I was taken to an office on the first floor and I was immediately asked where we were going, who we were going to see and what we were going to do with the materials discovered in the boot. Before I could even answer I was given a hard punch in my stomach. I had never been punched so hard in my life before and this was an extremely hard punch. The security officer who struck me was a big man and strong. I am not big and was only very slightly built. I was shaken by the punch. The security officers then removed my glasses and delivered several strong and hard slaps to my face. This made me see stars. I was really shaken. The security officers then stopped and started asking questions. Some questions were in English, some in Afrikaans. They claimed to be busy with no time to waste and needed to obtain information. They threatened that unless I did not wish to live I had better talk to them. They said this was their "business" and that they were going to "fix" me.

26. I was continually assaulted, punched and slapped. This included one hard punch after another to my abdomen, kicking me on my thighs and more heavy-handed slaps to my face and head. They bombarded me with endless questions. This rough treatment really shocked me and was physically and emotionally draining, as it continued for about an hour or so. They took me back the police station's reception area, and handed me over to a senior security police officer, Colonel Piet Greyling. Colonel Greyling congratulated the two uniformed police officers for arresting Timol and I, saying that they had netted "*n groot vis*" (a big fish). He told Sergeant Kleyn to handcuff me and escort me to his car outside the police station. Sergeant Kleyn did this, handcuffing me, holding me tightly and sitting down with me in the backseat.




M.S.E.

27. Colonel Greyling drove the car, which was an unmarked car, to John Vorster Square in downtown Johannesburg. Sergeant Kleyn and I remained sitting in the backseat while he drove. By this stage I was extremely scared. Since Colonel Greyling was quite high ranking I realised that Timol and my arrest was being taken us very seriously. It is likely that the security police regarded Timol as a particularly big catch. Indeed, Colonel Greyling had already described him as a "big fish".

28. Given the relative lull in political activity by the ANC and the SACP since 1964, the security police's perception of our underground activities was likely to have been blown out of proportion. I suspect they believed that had mopped all significant underground structures. The discovery of the Timol documents probably shocked them. My view is that this perception drove them into an overkill mode resulting in them employing the severest methods of torture to extract information. As I will describe in more detail, as a result of the brutal physical and psychological torture applied to me at John Vorster Square I totally collapsed and almost died. I did not see what the security police did to Timol, but since he must have been regarded as a bigger catch, it is almost certain that whatever they did to me they did to him and, in all probability, with much greater ferocity.

DETENTION AND TORTURE AT JOHN VORSTER SQUARE


29. On arrival at John Vorster Square we used the lift in the basement car park to ascend to the 9th floor, and walked into Colonel Greyling's large and spacious office. Colonel Greyling made phone calls before taking down my personal details. He told Sergeant Kleyn in Afrikaans that Timol and I were 'dangerous', claiming that we were responsible for the death of Afrikaner soldiers defending the country. He then went out of the office, leaving me with Sergeant Kleyn. In the next twenty minutes or so, Sergeant Kleyn assaulted me furiously, punching me in my face,


M.S.E.

abdomen and genitals, kicking me on my thighs, hips and abdomen, stamping on my feet, slapping me in my face and head, and throwing me down. He lifted me by my hair (which I grew long as was the fashion then), pulling out tufts of hair and throwing me down again. I could hardly move or stand up. I bled from my nose, and felt dazed and bewildered, remaining conscious nonetheless. When Colonel Greyling returned to the office, I was lying on the ground. He told Sergeant Kleyn to pick me up and, speaking in Afrikaans, told him that he understood why ^{he} was so infuriated, but that it was enough for now. He discharged Sergeant Kleyn, who duly left.

30. Colonel Greyling made more phone calls from his office. He forced me to hand over my house keys and produce maps of my room at my parents' house and my locker at the University of the Witwatersrand. Major Fourie arrived at the office, menacingly pressing with his shoes on my toes before leaving. Another security police officer arrived, leaving a brown box with Colonel Greyling before going away. Colonel Greyling asked me about the box, and I said I had one like it in my room at my parents' house. (It contained the list of addresses and blank envelopes that Timol had given me for safekeeping.) It was obvious to me by now that the security police had searched my room at my parents' house. The security police officer who had brought the brown box left the office. I could see the sky from the windows of the office's windows, noticing the night light outside was changing slowly.

31. Colonel Greyling left his office on the morning of Saturday 23 October 1971. He left me with a security police officer, whose name I did not come to know and who appeared to be of a high rank. Shouting that he wanted me to "tell *them* everything", this officer grabbed my hair, shook my head vigorously from side to side and dragged me around the office, pulling out tufts of my hair in the process. He kicked me in the abdomen, and slapped me on the sides of my head, especially in the temple regions. When he delivered a forceful slap near my right eye I became temporarily blind in this eye and could not move my right


M.S.E.

eyeball. The blindness in my right eye persisted for some time. When I was lying prostrate on the floor, he lifted me by my ankles, holding me upside down and swiftly thrusting me up-and-down and sideways and causing my head to hit the floor a few times. My whole body ached with pain, and my head was especially sore. The officer tortured me for at least four to five hours.

Torture in the vault on the tenth floor

32. After inflicting this initial phase of what I refer to 'torture intensive' or 'torture proper', this officer, together with another, who appeared to be of a lower rank, escorted me out of the office and then up to the tenth floor of the building. We used the stairwell. As we were ascended it, they told me that I could "fall dead from ten floors". They led me to a large office on the 10th floor where there was, on the one end, a wooden door, which, when opened, revealed a steel door, something akin to the safety door of a bank vault. In fact, it was a vault. It was here that I went through hours and hours, indeed days of non-stop hell. This period is what I describe as the middle and final phases of my 'torture proper'.

33. At some stage the two officers led me out of the vault and the office to the bathroom near the stairwell. Here they asked me to wash my face and clothes in the basin: my shirt was torn and close to tatters, with the buttons on it having come off, and it was, like my trousers, messed up with my own blood. As I did what they asked me to do, I looked into the mirror above the basin: I was a shocking sight. After I had finished washing up, one of the officers took me to look out the window of the bathroom. He asked me if I had heard of an Indian man, Babla Saloogee, (who had, I knew, died in detention in 1964 after he was flung from a window on the seventh floor of Gray's Building, Johannesburg, which was the old headquarters of the security police). This officer also told me that I would fall to my death from ten floors. I

M. S. E.



14/1/21

prayed silently that I would not be subjected to such a fate. I was taken back to the vault by the two officers.

34. Many security police officers were involved in inflicting on me pain

during the middle and final phases of torture in the vault. I came to know the names of only a few of these officers. All of the officers were, I believe, expert or trained practitioners of interrogation, assault and torture. They applied on me numerous and varied torture methods, including the following:

Handwritten scribbles and markings, possibly a signature or initials, overlapping the text.

- a) placing a bag over my head and suffocating me;
- b) applying electric shocks in stepped-up voltage rates to my trunk and lower limbs thereby inflicting excruciating pain;
- c) delivering repeatedly the so-called 'mule kick' to my lower limbs and thus stiffening them to almost unbendable rods;
- d) holding me by my ankles and dangling my body from the stairwell on the tenth floor while threatening to drop me to my death;
- e) forcing me into an unconscious state and thereafter throwing water or even urinating on me to revive me; and
- f) subjecting me to continuous sleep deprivation to exhaust and disorient me.

Handwritten note: to page 13

35. A security police officer put over my head a plastic bag, doing this several times; each time he waited for me to hyperventilate and to gasp for breath before removing it. Every time the bag was placed over my head I dreaded what might happen to me. I could not see, I had difficulty in breathing, and I was disoriented. I was naturally afraid. Moreover, I felt there was worse awaiting my fate. After a while the officer stopped this torture and prepared to leave. As he left he talked about "the mule kick". He handed me over to a young security police officer, saying that I would have "mule kickers" dealing with me soon or later. I had no idea of what "a mule kick" or "a mule kicker" was.

M. S. E.
Handwritten signature

36. The young security police officer asked me to raise my hands high; I did this while he watched. He asked me to stand on one leg and keep raising my hands high, thus exhausting me to no end. A good few hours must have elapsed, and having been exhausted already from the torture inflicted on me, I felt completely weighted down, reaching a near collapsing point.

37. Two other security police officers entered the vault, telling the young security police officer that he could go. The two officers were middle-aged, and one of them I immediately recognized as the person who had assaulted me at Newlands Police Station, Major Fourie. The two asked me to squat while keeping my hands raised high - first a full squat and then a half squat. I preferred doing a full squat, as it was easier, but they insisted I should do a half squat only. I was asked to do a countless number of squats which went on for a long time. I was physically exhausted but kept myself mentally active by reflecting on what was happening to my body in terms of the neuromuscular physiology that I had studied. Apart from feeling a great deal of pain and being totally physically exhausted, I felt that my lower half of the body was giving up. In fact, my knee joints, as well as my hip joints, were 'finished', and I could see that my knee joints swelling up.

38. Another security police officer wearing a raincoat entered to join the two security police officers who were with me in the vault, one of them being Major Fourie. One of the officers now asked me to sit on "the chair" near the wall but there was no chair. I knew he wanted me to simulate sitting on a chair, which I did, doing so in a sort of half-squat position. There were now three security police officers in the vault. Two of them stood alongside me, the one on one side and the other on the other side. They delivered extremely forceful punches and kicks to my thighs while I "sat", the one doing so on my one thigh and the other on my other thigh. This went on for a very long time, probably two hours or more, causing me collapse to the floor several times. When I collapsed, the two lifted me back to the "sitting" position and continued delivering

M.S.E.

the punches and the kicks. When I fell flat on the floor, they lifted me by my hair and continued the punching and the kicking. It was pointless for me to scream. Sometimes when I was lying on the floor the two kicked me on different parts of my trunk, causing me to scream a little. By this stage I did not have the energy to scream loud at all. All I could do was to accept the seemingly endless punches and kicks delivered on my thighs and to look at the faces of my torturers. I now understood what was meant by "mule kickers" or "mule kicks". So excruciating was the pain that the "mule kickers" inflicted on me, and knowing well I could not escape my torturers, I simply felt I did not want to live.

39. At one stage one of the security police officers addressed me in Gujarati as "chokra" ("little boy"), asking me about the "stencils" he claimed that I had kept for Timol. I told him that I knew nothing about the stencils. He was not satisfied with my answer. Major Fourie and he then asked me to stand away from the wall. They looked at me intently, declaring that I had to "tell *them* everything" otherwise I would be tortured again.

Final phase of 'torture proper'

40. I was still going through what I describe as the middle phase of 'torture proper'; the torture I suffered in what I describe as the final phase of 'torture proper' is very difficult for me to handle emotionally but I will try my best here to narrate what I went through. It was during this intensified phase of torture that I managed to get a glimpse of Timol.

41. One of the security police officers left, leaving me in the charge of the two security police officers, one of whom was, as I have already mentioned, Major Fourie. The two asked me to stand on a sheet of paper, about A4 in size, placed somewhere in the centre of the one-half of the vault. Again, they looked at me intently, declaring I had to "tell *them* everything" otherwise I would be tortured again. They asked me to remove my shoes, and told me not to move. I obliged



M.S.E.

accordingly. They told me they would not like to see me being tortured further or, worse, to see me die. They made their offer loudly: "SPEAK." I told them that I had already narrated "everything" but they did not believe me.

42. The two security police officers asked me to make a statement. I told them to write out anything and I would sign. But they wanted me to write, reminding me that if I did not I would suffer more. They warned me that I could experience not just torture but also death. I was profoundly frightened. At this stage I could not bear the thought of being tortured further. I agreed to make a statement. I desperately wanted to go to the toilet, so I asked them if I could, and they took me to the bathroom, holding me tightly all along. They brought me back into the vault. They gave me paper and a pen, taking me into the adjoining large office, where there tables and chairs, to write the statement. However, they quickly decided that it would be "safer" if they moved a small table and a chair from the office into the vault and asked me to write there. Before we moved back to the vault I managed to grab a little sugar cube from a bowl, as I was extremely hungry.

43. I sat on the chair and began to write. As I finished two or more pages, two security police officers read what I had written. They warned me that I knew what to expect if I wrote "shit". I continued writing, noticing a plain-clothes man, who had previously come into the vault to ask if had been "beaten", entering the vault. This man read what I had written, asking me if I thought that the security police were "really stupid". I replied in the negative. The man left. I continued writing. The two security policemen read my statement, retorting that I should "pray" as I was not prepared to help them. They continued telling me about torture and death. Major Fourie then left, leaving me in the charge of the other security police officer.

44. My statement consisted of probably just as many items of information that were true as the number of items the various security policemen wanted to hear or had actually raised in the interrogation but were



M.S.E.

therefore not necessarily true. I wrote slowly, taking probably one-and-a-half to two hours, feeling in the process relieved, at least temporarily, from being tortured. My statement ran to seven or more pages.

45. Another security police officer, probably in his late thirties, took over. He wore a red top, which fitted him so tightly that his paunch stood out. He asked me many questions, trying to assure me that nothing further would happen to me provided I "spoke". He asked me about obesity and its treatment. I told him about muscular exercise and about having a reduced calorie intake. He sarcastically stated that I was more than willing to speak about irrelevant matters but I was not willing to speak about what the security police really wanted to know. He took me to the corner of the vault, where stood a safe. He opened the safe door, asking me to stare inside. As I did this for some time, he told me he would squeeze me into it and leave me there to die by suffocation. He said that he was the only person who knew the safe's combination key, so once I was forced inside it no one could open it. I noticed that his breath smelled of brandy, although he was not noticeably drunk.

46. While this was going on, a plain-clothes man briefly entered the vault bringing with him a tin plate containing 'mealie rice' and badly cooked meat and a tin beaker containing water. The food was cold. The security police officer asked me to eat the food and drink the water, and I did this, eating only some of the food, even though I was extremely hungry.

47. There was a time when I was left in the vault with no one except an older middle-aged man dressed in plain civilian clothes. He behaved in a 'friendly' or non-intimidating manner, speaking softly. He told me that he wanted to help me, mentioning that I could return to my parents' home provided I agreed to "cooperate". All he wanted me to do, he said, was to tell "the truth" - to, as he explained, give him a truthful account of everything that I knew about Timol, about everything we had done together or individually, about everyone we had associated or worked with, and so on. He brought out the statement that I had

M.S.E.

written. He asked me to take a seat next to the table, saying, "Now write the truth. You'll feel better after you've done this." I said that I had written down everything that I wanted the security police to know. After some time, maybe two or three hours later, he left the vault, appearing unaffected by my response. I knew that he had applied the 'soft touch' to interrogation, but this helped me to get "a rest".

48. A big, strongly built but obese security police officer now entered the vault. He told me that he had a wife and children, and that he was "good" to those who co-operated with him. He wanted me to talk more about Timol's or my political activities. No matter what I said, he found my answers unsatisfactory. As he became more and more furious I trembled with fear. He started torturing me in a stepwise fashion: first softly and mildly slapping, punching and kicking me almost all over my body, then doing this forcefully and violently, and then doing this ferociously as if to really kill me. He told me to stand on one spot and not move while he stood in front of me. He then delivered in rapid succession very heavy, full-force kicks on my thighs. My lower legs became so rigid, immovable and 'concrete-like' that if I fell down on the floor it was impossible for me to rise on my own. When the officer lifted me up from the floor, he did so with my lower limbs remaining, as it were, concrete-like rods. Once when he kicked me so hard on my genitals that I fell down and lost consciousness. When I awoke, I noticed I was wet with water, as someone had thrown water on me. The officer lifted me by my hair, pushed me up against the wall and thrust me a few times so hard against it that I felt my back was going to break any moment. As he continued torturing me, I felt more and more disoriented. Even when I told him, "No, don't hit me, please. I'll say anything you ask me to," he did not seem to care. I was in a daze but still able to grasp what I was going through. I was in enormous pain, with my body aching all over.

49. The officer inflicted on me what I describe as the final stage of 'torture proper'. His time with me lasted for long, at least a good few hours,


M.S.E.

probably four or five hours. All the officers who had tortured me before were, I believe, cruel and sadistic, willing to harm me physically and emotionally without worrying about the potential fatal consequences for me. They did not seem to have the slightest concern that they would ever have to face the consequences of their actions. Indeed, they behaved as if they were well "above the law" and had been given *carte blanche* orders to torture. This officer was unusually nasty and brutal, torturing me, just as the other officers had also done, but only in a far more callous way. He did not, I believe, care a damn if he was ever brought to book.

The stairwell incident

50. After that session of torture I was lying on the floor of the vault in great pain, frightened, exhausted, and dazed. I lost consciousness again. When I regained consciousness, I could move my lower limbs but only barely. I cannot recollect just how many days had already passed. Perhaps three days, but I could not be sure. I was now placed in the charge of two security police officers, one of whom was again Major Fourie. They threatened me with more torture, shouting out aloud, "We don't have time to waste." They lifted me up, and seated me on a chair. I noticed that I had blood on my body and my clothes. My lower limbs were still stiff but I could now move them, at least a little. I desperately wanted to urinate, my bladder being full, so I pleaded that they took me to the bathroom. They did so, helping me to walk slowly. After I relieved myself they asked me to wash the blood off my body (my face especially) and my clothes. We then went out of the bathroom to the passageway on the tenth floor of the building, and instead of taking me back to the vault they took me to the stairwell on the same floor. What they did to me there is still something that I find very difficult to speak about.

51. The two officers asked me to look down the stairwell, reminding me there were ten floors down to the ground. As I looked down, I felt


M.S.E.


awfully frightened, almost wanting to confess to anything that they might say I had done. Without warning, they lifted me by my lower limbs, which were still stiff, and they then held me by my ankles upside down as if to drop me in the space in the middle of the stairwell - all ten floors down! By now I was so traumatized, suffering so much pain, I did not care what they did. Even if they were to drop me down and kill me, so let it be, I said to myself. If this were to happen, my suffering would come to an end. I said all the prayers that I remembered, accepting that the end had finally arrived for me and there was nothing I could do about it. The officers kept my body dangling away from the railing of the stairwell while holding me by my ankles. I felt dizzy, disoriented and despondent. However, almost suddenly, the two lifted me back to the floor, lifted me up, and slowly walked me back to the vault.

Final Timol sighting

52. In the vault the two officers talked to themselves as if to plan their next move. Major Fourie stayed on with me as the other officer left the vault, leaving the door ajar. This is when I last caught a fleeting sight of Timol. He had a black hood placed over his head and was being dragged along by two security police officers. I knew immediately that this was Timol as I was familiar with his physique and height. He was not able to walk normally and was being held up by security officers on either side of him who were holding onto the sides of his trunk. I got the impression that the security police had 'worked on' him in the same manner as they had on me, perhaps with even greater savagery.

53. I presume that they had taken Timol to the toilet and were walking him from the toilet, probably the same toilet that I was also taken to a few times to urinate and to wash the blood off my body, and this may have been a reason they had taken Timol to the toilet.

54. Although I could not be 100% certain, I believe the day that I saw Timol was Monday, 25 October 1971. Even today, when I reflect on my last


M.S.E.


sighting of him I feel a sense of overwhelming sadness knowing that the security police probably singled him out for the most vicious and sadistic treatment.

Electric torture

55. Two or three new security police officers entered the vault, carrying a box and a few other things. I sensed something clinical was going to happen to me. Indeed, I was quickly dragged to the chair and tied to it, and then electric shocks were applied to my body, more precisely to my trunk and lower limbs. I cannot remember just how these were applied, but I suspect the security police officers used a wand or prod to apply the electric shocks, adjusting the severity of these shocks so that the pain that I suffered increased while the voltage was increased incrementally. For me, the pain was so excruciating that I screamed without restraint. The electric shocks caused my body and mind to feel dissociated. I seemed to be floating in space, and to have little or no control of my movements. I noticed the security policemen looking at me while applying the electric shocks. The electric torture treatment was interspersed with hard slaps. At the moments when they were not applying the electric shocks, they told me I would be "talking" or "singing like a canary". After they stopped applying the electric shocks they untied me from the chair and forced me to stand up, which, I could not do and fell to the floor, losing consciousness. When I awoke, I noticed the security police officers urinating on me, and laughing as they did this. I prayed silently, asking that the torture, including the electric shocks, would come to an end.

State of total collapse


56. In the different phases of the 'torture proper' that I experienced, I was never allowed to sleep. The torture had lasted for a good few days, perhaps three or four, with me being kept awake except in the moments that I had lost consciousness. I desperately need to sleep. I


M.S.E.

was subjected to sleep deprivation by the security police throughout my detention at John Vorster Square. No doubt, it affected my bodily or physiological functions adversely, causing me to feel disoriented, unresponsive and to hallucinate.

57. The security police applied their torture on me in a systematic, methodical and almost scientific way, in an effort to inflict enormous physical and mental pain and so extract maximum information from me. So severe was the torture that I collapsed, and even lost consciousness a few times. When I was subjected to 'torture proper' I screamed and screamed until I could no longer scream. I suffered such an unbearable amount of pain that I felt if I were killed, or that even if I were able to take my own life, it would be better. However, there was no opportunity for me to commit suicide since I was never alone. So harmful was the torture that I collapsed totally. Indeed, I fell unconscious more than once. Lying flat on my back on the vault floor, I felt my life draining out of me.

58. I had already collapsed and become unconscious a few times. When I was still conscious, a doctor, called by Colonel Greyling, entered the vault to examine me. This happened on the morning of Tuesday, October 26, 1971. I came to learn later that the doctor was District Surgeon Dr Kemp. In his affidavit, which was presented at the court case my father brought against the police on Thursday, October 28, 1971, Dr Kemp not only lied under oath, but he also broke his Hippocratic Oath by suggesting that the marks on my body were self-inflicted while I was in a condition of hysteria. He also noted that I was "lying comatose in a passageway at John Vorster Square". In saying that he had examined me "in a passageway", he lied since in fact he had actually examined me in the vault. I have little doubt that Dr Kemp was assisting the police to cover up the location and existence of one of their torture chambers. Unsurprisingly, Colonel Greyling also lied under oath when he noted that he and other security police officers were in "the passageway" when Dr Kemp examined me.


M.S.E.

59. I was only 21 and was not prepared for such cruel torture in any way whatsoever. I knew too that people did die in detention and this could easily happen to me. I lost count of time. There were always electric lights on so it was difficult to get a sense of time unless I glimpsed some natural light. At times the pain was so incredibly severe that if they killed me it would be a relief from the pain. I was thinking of the people who were close to me, my family, parents and dear ones. I prayed and made peace with myself. I reflected deeply on my life. The torture continued until I collapsed completely and they were not able to revive me.

TRANSFER TO HOSPITAL

60. I have a hazy memory of the story of what happened to me after Dr Kemp left the vault. Subsequent reading of newspaper articles and other accounts, as well as talking to my father who I visited in Johannesburg in 1995, has allowed me to piece together the story. According to my father, I was transported initially in an unconscious state to the General Hospital in Johannesburg and thereafter to the H.F. Verwoerd Hospital in Pretoria.

61. I do not know why I was transferred from the General Hospital in Johannesburg to the H F Verwoerd Hospital in Pretoria. I can only speculate that the police felt it would be easier to conceal me from detection in Pretoria and that there was less chance of me being spotted or recognized.

62. According to my father I was kept under police guard in a ward at hospital in Pretoria. I had serious injuries, and was in great pain and screaming from time to time. From the court records that my father provided me, I was able to establish that I had collapsed on the morning of Tuesday, 26 October 1971. At the time I knew nothing about all of this. I was not even aware whether Timol was alive or


M.S.E.

dead. I was detained under security legislation and I was held incommunicado and indefinitely. In H.F. Verwoerd Hospital I was too ill, being either unconscious or semi-conscious, to remember much of what was happening. It was only later, when I was in Pretoria Central Prison, that I slowly came round to becoming fully conscious. In all of the time that I was detained, altogether a little over six months, I did not know Timol was dead. Only when I made an appearance in the Magistrate's Court in Johannesburg on Wednesday, 8 March 1972, together with Mrs Desai and two others, did I learn from the lawyers, whom my father had appointed for me, that Timol was dead.

63. I learned subsequently, that on Wednesday, 27 October 1971 my father and my sister, Hagaria, together with journalist Mike Norton, rushed, after receiving a tip-off from an anonymous caller, to the H.F. Verwoerd Hospital. A matron denied my father access to the ward but he managed to see me through a fanlight, observing that I was "terribly ill", lying naked with bruises and blood clots on my chest and a bandage below my navel. On Thursday, 28 October 1971, acting on the advice of the lawyers, he brought an urgent application to court for an order restraining the police from interrogating, pressuring or torturing me. The application was brought against the Commissioner of Police, General Joubert, as first respondent, and Colonel Greyling, as second respondent as well as anyone under their control. Justice Margo heard the application in the Supreme Court in Pretoria. Advocate Issy Maisels Q.C., assisted by advocate George Bizos, acted for my father.

64. In his founding affidavit my father described how he, in the company of journalist Mr Norton and of my sister discovered me in a room of a ward at the H.F. Verwoerd Hospital. "At 3 p.m.," he stated, "I walked into the corridor of the Cassim Adam Ward and saw a bed in the corridor blocking the entrance to room 8. I climbed on the bed and looked through the fan light above the door. I saw my son lying naked on the far bed in the room. He looked terribly ill, he was hardly


M.S.E.

breathing and there were bruises and blood clots on his chest and he had a bandage on his stomach just below the navel. I climbed down and told Mr. Norton and my daughter what I had seen." (CASE No. M. 1801/71.) My father noted that I appeared "terribly ill" and that I was "hardly breathing".

65. In his supplementary affidavit my father noted: *"I have been informed by persons employed in the H.F. Verwoerd Hospital, their names being unknown to me that (a) my son has a serious head injury, (b) my son has a serious injury to his chest, and (c) from time to time he was unconscious whilst in bed and from time to time he was in great pain and screamed because of it. I verily believe that this information is correct, because it is consistent with what I was able to observe through the fanlight as stated by me in my earlier affidavit."* Dr Guldenpfennig said that he had examined me at the H.F. Verwoerd Hospital and had not observed any blood clots on my chest and a bandage around my waist, adding that there was the possibility of the simulation of a condition of hysteria. I have little doubt that this doctor was collaborating with the Security Branch in order to minimize the extent of my injuries.

66. Justice Margo noted in his judgment on the interim order that I was suffering from bruising and was seriously ill in hospital; and that my parents had been unable to get any information or help. The Star newspaper (October 29, 1971) reported that the judge had suggested that it would allay the fears of the family and the general public if private doctors were allowed to visit me. Judge Margo issued an interim order restraining the security police from interrogating me unlawfully or applying any unlawful pressure on me.

67. Subsequently, on 25 February 1972, Justice Marais and Justice Theron sat at a hearing in the Supreme Court in Pretoria on whether to confirm or to set aside the order. The security police wanted to have it set aside; my father, represented by advocates Issy A. Maisels Q.C.


M.S.E.

and George Bizos, sought confirmation. At the hearing it was revealed that nurses at the hospital testified that I was admitted "on a stretcher", that I was "ill" and that there was a request for a bed to be prepared for a "very sick man". The judges noted the evidence of the nurses that I was "so ill as to require nasal feeding". The two judges concluded: "...on the balance of probability the detainee suffered from the illness termed hysteria, and that this was induced by an assault upon him while in the custody of the first respondent." The two judges confirmed the temporary order, accepting I had probably lapsed into a condition of hysteria because of "assault". In denying my father full legal costs they said my father's description of the injuries that he saw on me was "exaggerated", adding: "His conduct in the matter has not been blameless, making all due allowance for his anxiety in regard to his son." When I learned about this I felt this was an extraordinarily heartless and callous approach of the judges, given that my father's assessment proved to be essentially correct.

68. No attempt was made at the 28 October and the 25 February hearings to bring me before Supreme Court. At both hearings it was accepted I could not be questioned because I was being lawfully detained incommunicado in terms of security legislation.

RECOVERY AND PHARMACOLOGICAL TORTURE IN PRETORIA CENTRAL PRISON

69. At some point I was taken to Pretoria Central Prison where I was kept under 24 hour guard in the hospital section of the black prison. I was detained in an office that had been converted to a bedroom. I was detained there for about 6 months and during this period I had absolutely no knowledge of anything. I had no knowledge of Timol's death. I did not know where he was and I did not see anybody I recognised. I was kept very secluded and was not allowed to see other prisoners. I was also initially still in a very bad state. I stayed in bed for about a month. I could not walk and had to be taught to walk again. A



M.S.E.

black prisoner was instructed to feed me and help me get around. He eventually taught me to walk again by taking me to the exercise yard of the prison and walking me. When he did he was closely watched by a warder.

70. While I was on the way to recovery I was not allowed access to newspapers, radio or any news of the outside world. The warders had obviously been told to keep me in isolation. The ordinary prisoners were not allowed near me except the prisoner that fed me and walked me.

71. Early in December 1971, Captain Schnepel, who was in charge of me at this prison, brought three or four men, one of whom wore a long white jacket like the one normally worn by a medical doctor, to interrogate me. The man in a long white jacket used a large syringe to inject what I suspected to be the so-called 'truth' or 'talking' drug into my left arm. Very quickly, I was high and hallucinating with my mind wandering everywhere and nowhere. The purpose of this pharmacological torture was presumably to relax my cognitive defences to the point that I might unknowingly reveal information that the interrogators thought I was concealing. The use of pharmacological torture by the security police abrogated and, indeed, made nonsense of Justice Margo's interim order restraining them from interrogating me unlawfully or applying unlawful pressure on me. Worse still, the dose of the 'truth' or 'talking' drug administered me was large and could potentially have killed me.

72. At this time I was no longer receiving any medication, not even headache tablets. There was therefore no reason for me to be injected with anything. With the benefit of hindsight I suspect they were employing pharmacological torture to get me to speak in order to get around the court interdict. Since no physical violence was applied to me, this form of torture left no physical marks or scars.


M.S.E.


HUNGER STRIKE

73. Probably after eight or nine weeks of being in the office-cum-bedroom, Captain Schnepel moved me to an isolation cell on the first floor of a building in the prison. One day, probably a weekday in late February 1972, the warder escorted me to an office in the prison's administrative section. Here I met two detectives from the Criminal Investigation Department who said that the Commissioner of Police had asked them to investigate whether the security police had assaulted or tortured me. I told them that I needed to see my father and his lawyers before I made a statement. This naturally did not take place.

74. I felt despondent and depressed as the days passed in the isolation cell. I had no idea of what might still happen to me. The bravest thing I could do was to go on a hunger strike to protest against my continued detention. I reduced my intake of the prison food in a stepwise fashion. After or six weeks I pushed on with my hunger strike by not consuming any water. My body became totally emaciated. Captain Schnepel, accompanied by the prison doctor, visited me. The prison doctor examined me and gave me an ultimatum to stop my fast, failing which they would forcibly feed me through my nostrils. The next day Captain Schnepel took me back to the office-cum-bedroom adjoining the hospital. I ended the fast, eating the nutritionally rich food now given me, which included eggs, milk and bread.

SUBSEQUENT DEVELOPMENTS

75. On Tuesday, 7 March 1972 I was taken by uniformed police officers to John Vorster Square and locked up in a cell in the lower level of this building. On Wednesday, 8 March 1972 I was handcuffed and taken to join a queue of people, in which stood a handcuffed Mrs Amina Desai. She looked extremely pale and very sad. She had no cosmetics on and she had aged tremendously. As we were going to go into court she



M. S. E.

spoke to me about Timol, but in a manner as if he was still alive. It seemed that she too was ignorant of his death. I remember she whispered to me that the police thought Timol was a very big man and that they had discovered something huge and that Timol was the man behind it. She told me that the security police had asked her numerous questions about Timol.

76. At the nearby Magistrate's Court in Marshalltown we met our close relatives and the lawyers whom they had appointed for us. I met my father, who looked worn out, worried and dejected and who, nonetheless, made encouraging remarks, saying, for example, he would stand by me no matter what happened. I also met the two attorneys whom he had engaged to help me, Mr Said Cachalia and Mr Ismail Ayob. They ask me whether I knew that Timol had died, I said no, and I was shocked. This news devastated me, I felt empty and I also felt that I would now take the full rap. I would have liked to have seen Timol that day and spoken to him and shared my experiences with him. I would have liked to have discussed with him how we were to defend ourselves. In particular, he would have provided guidance on how we could have used the trial to promote our political cause. I knew that Timol would definitely have used the trial as a strong political platform.

77. Mrs Desai and I appeared in the magistrate's court together with two other persons, Indhrasen Moodley and Yussuf Essack. Moodley, Essack and I were taken to John Vorster Square to sleep the night there and Mrs Desai was given bail. The next day Moodley, Essack and I were taken to the prison known as 'The Fort' in Braamfontein, which is now the site of the Constitutional Court. Here I was able to consult with attorneys Mr Cachalia and Mr Ayob and advocate George Bizos.

78. A few weeks later Moodley, Essack and I were taken to Pretoria Central Prison. Here we consulted with our respective lawyers.



M.S.E.

Attorneys Mr Said Cachalia and Mr Ismail Ayob and advocates Jules Browde and Philip Hare represented me, while attorney Bagwandeen and advocate Ismail Mahomed represented Moodley and Essack. Mrs Desai, who was given bail, was represented by advocates John Coker and Ernest Wentzel.

79. My political trial, which the newspapers and other publications of the day reported as the Essop Trial, took place in the Old Synagogue on Paul Kruger Street in Pretoria. At different stages of my political trial, and especially at the early stages of it, the lawyers and I talked about the merits of bringing to the attention of judge and the prosecutor my experiences of interrogation and torture under detention. Advocates Browde, Hare and Mahomed felt I should wait until I was sentenced (as my conviction seemed inevitable) and then institute proceedings. However, this did not happen.

80. My political trial dragged on for months and the court was in recess a few times. Justice Snyman was the judge, and advocate Nothling, who served as the Deputy Attorney General, was the prosecutor. On Tuesday, 31 October 1972 I, I was convicted together with Moodley, Essack and Desai, we were all sentenced to five years imprisonment. Our respective lawyers made an application for leave to appeal to Justice Snyman, but he refused it. A petition to the Chief Justice was then made. The appeal before the Appellate Division was successful in respect of Moodley and Essack but my appeal and that of Desai was dismissed. Desai was sent to the women's prison in Klerksdorp and I was transported from Leeuwkop Prison in Pretoria to Cape Town, where I was taken on a ferry to Robben Island to serve my five year sentence.

81. On Robben Island I was kept in the maximum security section of the prison where I met Nelson Mandela, Walter Sisulu, Govan Mbeki Ahmed Kathrada, Mac Maharaj and others who were serving long and even life sentences. When asked, I told them about Timol and my

M.S.E.


political activities, our arrest, detention and interrogation, my torture, Timol's death and my political trial. They were particularly aghast about the torture that I experienced while being detained in Johannesburg and Pretoria.

82. After serving my sentence on Robben Island I was brought back to Leeukop Prison. On the day of my discharge, Tuesday, 1 November 1977, two security police officers served me with a five year banning order, reading out its various provisions, and dropped me off at my parents' house in Roodepoort.

83. My father, like the rest of my family, wanted me to move on in life; I also wanted to do just that. Once or twice my father and I did talk about the life-threatening assault and torture that I had gone through, contemplating whether or not we should bring a criminal charge against the security police. As time went on we hardly talked about this matter, and I carried on coping with the challenges of life.

84. I befriended a clinical psychologist practising and living in Melville, Johannesburg - Mrs Ruth Eastwood (who is the late Advocate Bram Fischer's eldest daughter). I had many, many hours of therapy sessions with her. I narrated to her the interrogation and torture that I had gone through. She listened patiently and provided the counselling that I needed to rebuild and restart my life.

85. After serving more than three years of my banning order, I escaped South Africa to go into exile and lived and worked in several countries before settling in the United Kingdom. After apartheid ended in April 1994, I have visited South Africa a few times. Every time I have been in the country and passed by John Vorster Square and Pretoria Central Prison, I have felt deep inside myself a dark and terrible unease.


M.S.E.

MY VIEW ON WHAT HAPPENED TO TIMOL

86. The inquest into Timol's death was heard at the Magistrates Court in Johannesburg, starting late in April 1972. On Thursday, 22 June 1972, Magistrate de Villiers found that no one was to blame for Timol's death, thus ruling that Timol had committed suicide and had not been maltreated during his detention. The Magistrate found that: "The opportunity was there (for Timol to commit suicide) and he used it." In my view these findings bear no relation to reality. I suspect that the vast majority South Africans dismissed the finding as yet another example of apartheid justice. In my view, the Magistrate either played along with the elaborate cover-up of the police or he was duped by the cover-up. There is no doubt in my mind that he deliberately or negligently overlooked material facts.

87. I knew that the security police interrogated Timol at John Vorster Square, most likely on the 10th floor. When police officers interrogated me in the vault adjoining an office on the 10th floor, every now and then they would leave and return. Sometimes they would return and put to me a story of something or another that only Timol and I knew. They told me, for example, that Timol and I had gone to the main post office on Jeppe Street in Johannesburg to post envelopes containing leaflets and that we had held meetings at Mrs Desai's house. Only Timol could have told them this. So I knew the security police officers had 'extracted' the information from him while interrogating him. There was clearly a link between his interrogation and mine. I assumed that it was standard practice of the Security Branch to shuttle between interrogations of detainees who had operated together. It is also most likely that some or all of the police officers involved in my interrogation and torture were also involved in the interrogation and abuse of Timol.

88. As I have mentioned the security police in my view must have tortured Timol in the same way as they tortured me, or more severely, given

M.S.E.

that he was their real target. What happened to me serves as a window into what happened to Timol. I suspect that the police very likely pushed Timol's torture to the outer boundaries. They were likely moments, just as in my interrogation, when they became very frustrated when Timol was probably not forthcoming with all the information. Timol was forced to write a statement that was presented at his inquest. It was also presented at my trial. Timol did say certain things about his links to organisations abroad. He did mention in his statement about some of the things that he had done in South Africa. However, I believe they wanted much more. They would have known that Timol knew more than what he was telling them. Moreover, as with me, they presumably wanted to be absolutely certain that they had extracted everything out of him. Their only way of making sure was to torture with greater intensity.

89. I gained the impression that the expectations of the police were very high. They had built up in their minds that Timol was a huge catch and that they had stumbled onto a substantial underground operation. As I have set out in this affidavit, the reality was that the underground structure was in fact quite modest. In my case, while under torture, the police expected me to know much more than I actually knew. They pushed me to the absolute extreme limit to make sure that they got everything. While they may not have had an actual intention to kill they were happy to torture you until you were close to death. They appeared to know how far to go and how to revive you. They had obviously been trained in torture and knew what the limits were.

90. I suspect that the torture applied to Timol was so severe that the police miscalculated on what the limit was in his case. I suspect that he collapsed a number of times after which they revived him. But after days of the most brutal torture he probably collapsed and they were unable to revive him. Following his death they are likely to have concocted the claimed suicide to cover up their crimes. Timol's body

M.S.E.


had marks consistent with torture. His body was bruised with lesions and other injuries recorded by a private pathologist hired by the Timol family.

91. In the Timol inquest it was alleged by the security police that Timol had sustained his injuries because he had probably been involved in a brawl prior to his arrest. This was another patently false claim made by the police. I was with Timol prior to his arrest and neither he nor I were involved in a brawl. I can also say that he was not the brawling type. Indeed I had never heard of him being involved in a brawl. There can be no doubt that the security police invented the story of the brawl to deflect attention away from the true cause of Timol's injuries.

92. The suggestion made by the security police, apparently accepted by the Inquest Court, that Timol and I were well treated, indeed treated like their children, would be laughable if it were not so tragic. It would be stretching belief to breaking point to think that they would torture me to near death, but treat the "big fish" Timol as if he was one of their own children. As mentioned at the beginning of this affidavit, the Security Branch used the full arsenal of security legislation to ensure that the Inquest Court would never hear from me and what I experienced at the hands of the security police. In so doing they defeated the ends of justice and acted as accessories after the fact to various crimes.

93. During all the time they interrogated and tortured me at Newlands Police Station and John Vorster Square, they never left me alone. There was no way that I could exit the vault or do things without being observed. There was always one or more security officers with me, sometimes up to 5 persons. There was never an administrative person with me. This is why I find the story put up by the police that in Timol's final moments he was left with an administrative staffer to be completely unbelievable. In my view this can only be a fabrication to mask what really happened to him.

M.S.E.

94. Indeed, I was never given even the slightest opportunity to take my life, even though this thought had occurred to me. In the inquest into Timol's death the magistrate claimed that Timol had the opportunity to commit suicide and he used it. If the security police regarded Timol, as they bragged amongst themselves, "a big catch", they would have taken every last precaution, as they did with me, to prevent him from escaping or taking his own life.

CONCLUSION

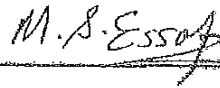
95. Timol's death in detention was a reality, yet nobody has ever been held to account. This is a shameful blight on South Africa. At a hearing of the Truth and Reconciliation Commission. Timol's mother, Hawa Timol, described her frustration: "...I still need to know who killed my son and how is it possible that he would jump from the tenth floor to commit suicide." She went to her grave without answers. We owe it to Timol's memory and to the surviving members of his family to search for the truth. The uncovering of the truth of Timol's death, as well as the deaths of other detainees, remains 'unfinished business'. My hope is that this sworn statement will help to establish the real truth behind Timol's death.

96. In conclusion, I want to say that in writing this affidavit I had to relive the most harrowing and traumatic experiences of my life. The story of what actually happened to me during my interrogation and torture in Johannesburg and Pretoria some 45 years ago throws light, I believe, on what happened to Timol at the hands of the security police. On the balance of probabilities, it leads me to challenge the Magistrate's speculative finding at the Timol inquest that "*the opportunity was there (for Timol to commit suicide) and he used it.*" I believe that I have provided more than sufficient grounds for the reopening of the inquest into the death of Timol.

M. J. E.

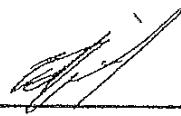


97. I believe that my suffering, and Timol's ultimate sacrifice, has contributed to the building of a new free South Africa. Our efforts helped to create our non-racial constitutional democracy. Timol's short life has been vindicated by what has been achieved. I am immensely proud of our efforts to stand up to the vicious apartheid regime. While I know that Timol would not be happy with everything happening in South Africa today, I know that he too would have been proud.



SALIM ESSOP

I certify that the deponent has declared that he knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at Johannesburg on this 14th day of October 2016 and the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.



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