

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, PRETORIA

In the matter of:

Case Number: 01/17

RE-OPENED INQUEST: MR AHMED TIMOL

AFFIDAVIT OF ADV. RAYMOND CHRISTOPHER MACADAM

1.

I am a Senior Deputy Director of Public Prosecutions in the office of the National Director of Public Prosecutions.

2.

Since 2003 I have been a member of the PCLU.

3.

My attention has been drawn to paragraphs 27 to 30 of an affidavit made by Mr Imtiaz Cajee, which was placed before this Honorable Court on 14 August 2017. In my view this creates the impression that I had investigated a complaint made to the then National Director that the police officers involved with the death of Mr Timol be charged with murder and had advised Mr Cajee that my investigation had produced "negative results". This is not a true reflection of my involvement in the matter.

4.

I was not aware of a complaint made to the National Director but was approached directly by Mr Cajee who informed me that the daughter of Sgt. Rodrigues had approached a journalist Ivor Powell and informed him that her father had told her how the deceased was murdered. I immediately reported the allegations to the DSO ("The Scorpions") A Chief Investigating Officer was sent to interview Mr Powell and establish whether Sgt. Rodrigues could be charged with murder. I was informed that after



investigation no basis for the allegations could be established. Mr Powell was emphatic that no such approach had been made to him.

5.

On 25 February 2004 I wrote to Mr Cajee informing him that this investigation had produced negative results. I did however invite him to supply me with additional information so that the case could be reconsidered. I did not however hear anything further from him. I attach a copy of my letter addressed to him as RCM1.

6.

Shortly thereafter, I was assigned a very lengthy prosecution relating to an international nuclear weapons syndicate and was no longer involved in TRC cases.

7.

I have had sight of the letter dated 29 November 2006 entitled "Report of the progress made by the Task Team on TRC Cases" which was attached as Annexure "A" to Mr Cajee's affidavit. I was not the author of the report. As the report clearly indicates it related to the work of a task team. I was not a member of this task team. As the report also reflects it was the decision of this team to close the matter relating to the deceased.

8.

At a later stage I was again instructed to deal with TRC cases. The investigation of these matters was now the responsibility of the DPCI. In late 2015 I looked into this matter and was of the view that it should be investigated. I therefore requested the DPCI to open an investigation into the matter.

9.

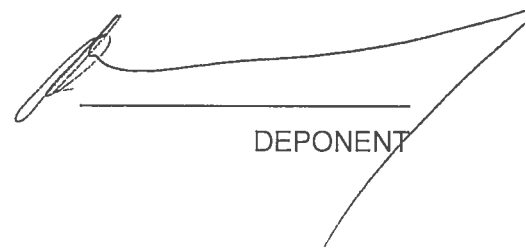
I downloaded the copy of the inquest record which was held by Wits and requested the police to establish the whereabouts of the implicated parties, witnesses and medical experts. I also contacted Mr Piers Pigou who had dealt with the matter at the TRC. I also requested a researcher to obtain the detention files of persons who were detained at the same time as the deceased. Copies of my communications are attached hereto as RCM2 and RCM3.

10.

I was however assigned a very urgent matter relating to international terrorism and plans to carry out terrorist attacks in South Africa. I briefed Adv. Pretorius SC on what work had been commenced on

Handwritten signature and initials in black ink, located at the bottom right of the page.

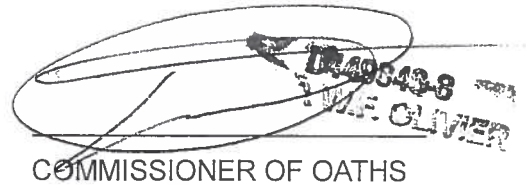
the matter of the deceased. He informed me that he would monitor the police investigation and later advised me that he had decided that it would be appropriate to hold a formal inquest.



DEPONENT

Thus signed and sworn to at Pretoria on this 15th day of August 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.


D406438
WYNARD OLIVIER
COMMISSIONER OF OATHS

FULL NAME: Wynard Olivier

BUSINESS ADDRESS:
No 1 Commissioner St
845

CAPACITY: D/W/O

AREA: Pretoria

RCM "4"

Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igonyo Jikelele Labetshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

25 February 2004

Victoria & Griffiths
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Weavind Park, Silverton

A/INV/5/03/TRC

Imtiaz Cajee
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GARSFONTEIN EAST
0060

P/Bag X752
Pretoria
0001

Tel: (012) 845-6000
www.npa.gov.za

Dear Sir

INVESTIGATION INTO TIMOL CASE

I acknowledge receipt of your fax of 18 February 2004 and have to inform you that the case is registered under the above reference number. Last year investigations were conducted into the allegations that former security branch officer Rodrigues head confessed to his daughter who in turn informed IVOR POWELL.

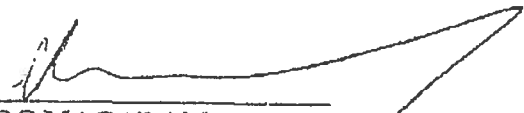
The investigations produced negative results. I confirm that you furnish me with the following documents:

- i) Extract Bizos' book
- ii) Article Powell
- iii) TRC transcripts
- iv) INPUT Detainee
- v) Photographs

The testimony of a detainee who was held out of the window was not included.

I would be grateful if you would furnish me with a copy of it as well as any other relevant material, which you may have. The case will again be considered the light thereof.

Kind regards



 RC MACADAM
 DEPUTY HEAD: PCLU



Chris Macadam

From: Chris Macadam
Sent: 14 January 2016 09:09 AM
To: Piers Pigou
Cc: Madeleine M. Fullard
Subject: RE: Timol

Hi good to hear from you again. I am looking into the Timol and Lono Solo matters. Once I have worked through the material I would like to touch base with you to check if there is anything I may have missed. Regards chris

From: Piers Pigou [<mailto:pierspigou@gmail.com>]
Sent: 13 January 2016 04:57 PM
To: Madeleine Fullard
Cc: Chris Macadam
Subject: Re: Timol

Thanks for heads up.
Greetings to you both. Hope 2016 a good one ...

On 13 Jan 2016 16:35, "Madeleine Fullard" <mfullard2@gmail.com> wrote:

Hi Piers

Chris Macadam is working on the Timol matter and would like to communicate with you about it.

I am putting the two of you in touch in this email. Chris 's cell is 082 4986033.

All the best,
Madeleine

Chris Macadam

From: Chris Macadam
Sent: 31 March 2016 01:33 PM
To: Madeleine Fullard (mfullard2@gmail.com); Madeleine M. Fullard
Subject: FW: Message from "RNP0026738FFFB4"
Attachments: 20160114082544213.pdf

-----Original Message-----

From: Chris Macadam
Sent: 14 January 2016 09:27 AM
To: Madeleine M. Fullard
Subject: FW: Message from "RNP0026738FFFB4"

Hi ,can you draw the files marked with a tick plus that of Nassim Pahad[if available] the files of Jacobsen, Mohamed essop are the most important. Thanks chris

✓ NASSIM PAKAD

Notcutt, Martin	3085
Markowitz, Michael	3084
Essop, Hajira	3083
Meruyn, Charles @Max Katz	3082
Moletsane, Motlaletoa Patrick	3081
Pincus, Sharon	3080
Crawford, Coleen	3079
Cousins, Ben	3078
Marquard, Colin	3077
Marquard, Eva Jessie Nee Berman	3076
Saolo, Masakeni Winston	3075
Disemelo, Magatso Harris	3074
Motsoeneng, Thabo Elijah	3073
Zwane, Kervin	3072
Naik, Dinesh Chotubhai	3071
Hill, Ian Alexander Fischer	3070
Meyiwa, Makholeka Matthews	3069
Selokelo, Alfred	3068
Rantlhaku, Eric @ .Tini	3067
Tilotsane, Seadon @ Oupa	3066
Monamudi, Buki Frans	3065
Cohen, Martin Ivor	3064
Smith, David Peter Stephen	3063
Wagner, Juergen Arthur	3062
Jacobsen, Quentin Charles Bulow	3061
Nathaniel, @ Machuriri, Immanuel Gotlieb	3060
De Beer, David Edmund	3059
Veli, Gerson Hitjevi	3058
Mokgoro, George Gauta	3057
Timol, Mohamed	3056
Varachia, Yacoob	3055
Isha, Bulbulia	3054
Essop, Mohamed Amin	3053
Moodley, Indhrasen	3052
Wadee, Fatima	3051
Davis, David Kennelly	3050
Lekhogole, Cornelius Tobega	3049
Matthews, Moegamat Noor	3048

Areff, Shireen	3047
Chothia, Gadija	3046
Dinath, Mohamed Hoosen	3045
Jhetam, Dilshad @ Dilshadbegun	3044
Jooma, Hassem Ahmed @ Boetie	3043
Patel, Yunus	3042
Momoniati, Mohamed Ismail	3041
Carda, Yusuf @ Chubb	3040
Desai, Amina	3039
Naik, Kantilal Changlala @ Kanti	3038
Essop, Fatima @ Mayet	3037
Essop, Mohamed Salim @ Seedat	3036
Timol, Amod @ Yusuf @ Stephen	3035
Pretorius, Paul	3034
Mkaba, Douglas	3033
Biko, Steven Bantu	3032
Pityana, Nyemeko Barney	3031
Ntwasa, Sabelo Stanley @ Sabela Nywada	3030
Moloto, Bakone Justice	3029
Morton, Donald James Adair	3028
Moore, Basil Scott	3027
Beleni, Moshekile	3026
Njana, Theophulus Vukile	3025
Matsimela, Morris	3024
Tshazibane, Ernest	3023
Mphahlele, Letobe Ezekiel	3022
July, Pakana	3021
Parry, Peter Hugh	3020
Conradie, G. (Dr)	3019
Cetyiwe, Obadiah Xhamela	3018
Turner, Richard Albert David	3017
Streek, Ian Barry Clayton	3016
Dunn, Timothy Terence	3015
Curtis, Neville Wilson	3014
Tshabalala, Elijah Siphon	3013
Wentzel, E. M.	3012
Nettleton, Clive James Lee	3011
Moeng, Matthew Gobusamang Pani	3010