

TRC Final Report

VOLUME 3
CHAPTER 6
SUBSECTION 8

PAGE NUMBER (ORIGINAL) 542
PARAGRAPH NUMBERS 58 to 63

[PREVIOUS SUBSECTION](#)

[NEXT SUBSECTION](#)

58 Mr Ahmed Timol [JB00173/03WR] died in police custody on 27 October 1971 after allegedly committing suicide by jumping from the tenth floor of security police headquarters at John Vorster Square in Johannesburg. Timol had been in detention for five days. He was the twenty-second person to die in police custody since the introduction of detention without trial.

59 Ahmed Timol's mother, Ms Hawa Timol, described to the Commission how she heard about her son's death:

On Wednesday 27th [in the] evening my husband and son had gone to the mosque for evening prayers. During this time three policemen who identified them as SB [Security Branch] came and entered our house. One of them pushed me into a seat and then proceeded to tell me that my son Ahmed had tried to escape by jumping out of the tenth floor of John Vorster Square and that I was to tell my husband that his body was lying in the Hillbrow government mortuary. I could not believe what was being said and in my confusion, I tried to argue that this was not true ... I even remember taking them to the flat windows and saying look how could my son have jumped out of the difficult windows at John Vorster Square ... I was crying and screaming and our neighbour came to enquire what was happening. The policeman without further explanation left.

60 After Ahmed Timol's arrest, his family was severely harassed by members of the Security Branch who repeatedly came to their home to interrogate his parents and search the house.

61 Police officers named at Timol's inquest include Colonel Greyling, Captain Bean, Sergeant Rodrigues, Warrant Officer Cloete, Sergeant FJ Ferreira, Sergeant MC Pelsler and Sergeant DL Carter. At the end of an eight-month inquest, the magistrate, Mr J.J. de Villiers, found that he had died "from serious brain injuries and loss of blood when he jumped from a window from the tenth floor of John Vorster Square. The cause of death is suicide and nobody is to blame."

THE COMMISSION FINDS THAT THE SAP AND IN PARTICULAR COLONEL GREYLING, CAPTAIN BEAN, SERGEANT RODRIGUES, WARRANT OFFICER CLOETE, SERGEANTS FJ FERREIRA, MC PELSNER AND DL CARTER WERE DIRECTLY RESPONSIBLE FOR THE DEATH OF MR AHMED TIMOL.

THE COMMISSION FINDS FURTHER THAT THE INQUEST MAGISTRATE'S FAILURE TO HOLD THE POLICE RESPONSIBLE FOR AHMED TIMOL'S DEATH CONTRIBUTED TO A CULTURE OF IMPUNITY THAT LED TO FURTHER GROSS HUMAN RIGHTS VIOLATIONS.

62 The three people with whom Timol was arrested under the Terrorism Act, Mr Kantilal Naik [JB00641/03WR], Ms Amina Desai [JB01114/03WR] and Mr Salim Essop [JB0173/03WR], reported that they were severely tortured. Essop was so severely assaulted that he was hospitalised. Naik, who was arrested the day after Timol, on 23 October 1971, was allegedly suspended from a beam by his arms, causing temporary paralysis. He told the Commission:

Myself and Timol were both teachers at the Roodepoort Indian High School. On the morning of the 23rd, it was a Saturday morning, security policemen came to my home and said that I should take them to school as they wanted to seize the typewriter ... I was then taken to John Vorster Square. I made a statement ... and some of the security policemen said I was talking rubbish ... They started to question me. They were not satisfied with my answers ... and two burly policemen were assaulting me. I think it was like a seesaw. The one punched me and I fell on to the other guy, and the other guy then of course punched me and you know, it was a seesaw thing.

63 Ms Amina Desai, who had loaned her car to Ahmed Timol, was also arrested and interrogated continuously at John Vorster Square for four days. On the fourth day, she heard a commotion and furniture being overturned in a room next door. After this Ms Desai was taken back to the cells and was left there for five months. She was subsequently sentenced to five years' imprisonment. On her release, she was placed under a five-year banning order.

THE COMMISSION FINDS THAT THE INTRODUCTION OF SECTION 6 OF THE TERRORISM ACT IN 1967, WHICH ALLOWED FOR INDEFINITE DETENTION WITHOUT TRIAL, LED TO A NUMBER OF DEATHS IN DETENTION. THE CIRCUMSTANCES OF DETENTION WERE SUCH THAT A NUMBER OF PEOPLE DIED AS A DIRECT RESULT OF TORTURE OR FOUND THEMSELVES IN CIRCUMSTANCES WHICH INDUCED THEM TO TAKE THEIR OWN LIVES.

THE COMMISSION CONSEQUENTLY FINDS THE MINISTER OF POLICE, THE COMMISSIONER OF POLICE AND THE OFFICERS IN CHARGE AT THE SECURITY BRANCH RESPONSIBLE FOR THE DEATHS IN DETENTION OF DETAINEES AND THUS THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FURTHER FINDS THE MINISTER OF JUSTICE AND THE DEPARTMENT OF JUSTICE DIRECTLY RESPONSIBLE FOR THE FAILURE OF MAGISTRATES TO TAKE ACCOUNT OF EVIDENCE PRESENTED TO THEM OF THE TORTURE AND ASSAULT OF DETAINEES BY THE POLICE. THE RELIANCE BY MAGISTRATES ON THE EVIDENCE OF THE POLICE WAS DIRECTLY RESPONSIBLE FOR CREATING A CULTURE OF IMPUNITY IN THE RANKS OF THE POLICE. THIS LED TO FURTHER DEATHS IN DETENTION AND GROSS HUMAN RIGHTS VIOLATIONS.

[PREVIOUS SUBSECTION](#)

[NEXT SUBSECTION](#)

>