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Refusing Transitional Time: Re-opening the Unresolved Truth and Reconciliation Commission Cases and the Future of Memory in Postapartheid South Africa

Abstract: This chapter focuses on the South African Truth and Reconciliation Commission (TRC) and its aftermath, in particular, on the ongoing struggle to prosecute apartheid-era perpetrators who either did not testify before the Commission or who were not granted amnesty. Since 2003, when the final TRC report was released, none of the perpetrators responsible for gross violations of human rights committed during apartheid has been held to account. The unresolved cases of activists who were detained, tortured, and murdered by the Security Police have been systematically suppressed for political reasons. In 2017, as a result of campaigning by civil society organizations and family members of those who were killed, the inquest into the death of anti-apartheid activist, Ahmed Timol, was re-opened. The verdict in the 2017 inquest found that Timol, who allegedly committed suicide while held in police detention in 1971, was in fact tortured and murdered by the Security Police. The finding in this case not only opens the possibility for prosecutions in cases of gross violations of human rights, but provides a critical opportunity to recalibrate what I term 'postapartheid transitional time.' The re-opening of the unresolved TRC cases has the potential to radically shift how people think about what apartheid was, how it continues to affect the present, and how people experience and understand impunity and injustice.

Introduction

only the ignorant
think that the martyrs are dead
(Mphutlane wa Bofelo 2018)

The South African Truth and Reconciliation Commission process, which aimed to shed light on the violence committed during apartheid and to bring about a process

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of national reconciliation, has been widely regarded as a model to be adapted and used in other places where there have been violations of human rights committed on a large scale. The Truth and Reconciliation Commission (TRC) convened public hearings between 1996 and 1998 and investigated human rights abuses perpetrated between March 1, 1960 and December 31, 1993.[1] The Commission made it possible for many South Africans to speak about their experiences, to hear the testimonies of victims, and to learn the painful details about some of the traumatic events of the past.

One of the most controversial aspects of the Commission's work was a clause known as 'Amnesty for Truth.' Those perpetrators who came forward to testify before the Commission and who disclosed the full truth about their deeds, could be granted amnesty from prosecution. As a safeguard against future impunity, those who were denied amnesty, or who did not present themselves to testify before the Commission, would be liable for prosecution. However, since 2003, when the final TRC report was released, none of the perpetrators responsible for crimes committed during apartheid has been held to account. The unresolved cases of activists who were detained, tortured, and murdered by the Security Police have been systematically suppressed for political reasons. In 2015, the reasons for the state's failure to pursue the TRC cases were exposed, when Thembi Nkadimeng sought to compel the National Prosecuting Authority (NPA) to prosecute the Security Branch officers accused of torturing and murdering her sister, Nokuthula Simelane, an anti-apartheid activist who was abducted in 1983.[2] Although the family of Simelane had been told on numerous occasions that the case was being investigated, it emerged that 'political interference' ensured that the matter was blocked. The advocates responsible for the case were dismissed from their posts.[3]

On February 5, 2019, ten of the commissioners who served on the South African Truth and Reconciliation Commission wrote a letter to Cyril Ramaphosa, the President of South Africa, calling for a Commission of Inquiry to be established to

1 As Madeleine Fullard (2004) notes, the decision to use the date of the Sharpeville Massacre, which took place on March 21, 1960, rather than 1948 – the date of the founding of the apartheid state, to delineate the timeframe for the hearings signalled that the focus of the TRC was on physical rather than structural forms of violence. This meant that for the most part, the TRC did not engage with the policy of apartheid itself as a crime against humanity. On the establishment of the TRC, see Sachs 1999.

2 For further details about this case, see Sarkin 2015.

3 The affidavits submitted by Advocates Vusi Pikoli and Anton Ackerman as part of the Simelane case describe how they were prevented from pursuing these cases and were dismissed from their posts by former President Thabo Mbeki: http://www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/Vusi-Pikoli-Affidavit-Simelane.pdf and http://www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/Anton-Ackermann-Affidavit.pdf.

investigate why the more than 300 cases of gross violations of human rights committed under apartheid that were meant to be investigated after the TRC drew to a close, have not been pursued. "Post the TRC," they argue, "the story of post-apartheid justice in South Africa is a shameful story of terrible neglect. Both the SAPS [South Africa Police Service] and the NPA [National Prosecuting Authority] colluded with political forces to ensure the deliberate suppression of the bulk of apartheid era cases." (Sooka and Ntsebeza 2019) In their letter, the former TRC Commissioners argue that:

> The failure to investigate and prosecute those who were not amnestied represents a deep betrayal of all those who participated in good faith in the TRC process. It completely undermines the very basis of South Africa's historic transition. The failure stands as a betrayal of victims who have been waiting for the criminal justice process to take its course and has added considerably to their trauma. Indeed, the policy or approach to allow perpetrators to escape justice adds insult to the suffering endured by victims.
>
> Above all, the failure stands as a betrayal of all South Africans who embraced the spirit of truth and reconciliation in order to move beyond the bitterness of the past. The failure is wholly inconsistent with the spirit and purpose of South Africa's constitutional and statutory design in dealing with crimes of the past. (Sooka and Ntsebeza 2019)

The Commissioners' letter serves as a reminder that the findings of the TRC were intended as the beginning rather than as the end-point of engaging with the history of apartheid in pursuit of justice. At the time the TRC hearings drew to a close, no-one could have anticipated that it would take so long for the investigations into cases of torture, murder and enforced disappearances to begin, nor that justice itself would be perpetually deferred. The letter, sent 16 years after the final TRC report was completed, also raises the question of why a response to the failure of the state to prosecute these cases has been so slow to emerge.

In this chapter, I seek to trace the implications of this time delay for what I term, 'political time' and how this affects the meaning of justice in South Africa in the aftermath of apartheid. I focus in particular on the murder of anti-apartheid activist Ahmed Timol on October 27, 1971, the inquest into his death conducted in 1972, and the landmark judgment in the re-opened inquiry delivered on October 12, 2017. I argue that the re-opening of the inquest into the murder of Ahmed Timol interrupts 'transitional time' (the suspended time after the past and before the future), and returns us to political time (the time of action), making it possible to chart a different course in the present.

The 2017 verdict delivered by Judge Mothle overturned the findings of the 1972 inquest that found that no one was to blame for Timol's death and affirmed what the Timol family had maintained all along – that Ahmed Timol did not commit suicide but was murdered by members of the Security Branch of the South African

Police after being interrogated and tortured.[4] The Timol family waited for justice for precisely as many years (1971–2017) that the apartheid regime held power (1948–1994). It took 46 years for the truth regarding Timol's murder to be recognized in a court of law, and what is perhaps most difficult to comprehend is how it was possible that 23 of those years were passed *after* apartheid's legislative end.

Post-traumatic transitional time

The re-opening of the inquest into the Timol case, and the return of the events surrounding his murder in the present, fractures the hegemony of postapartheid transitional time. The teleological ideal implicit in the notion of transition is undone, as the re-opening of the case demands that we recognize the relation between the time of Timol's murder in the 1970s, the time of the TRC in the 1990s, and the current time. In this way, the case exposes what I am terming the 'dysynchrony' of South African society post-apartheid, literally a place where time does not operate in a synchronous way and metaphorically, adapting the medical term, a place where the activation of different parts of the heart are improperly synchronized and where auditory stimuli are not processed synchronously. A country that, were it a human body, could be diagnosed with both a neurological and cardiological condition that impairs its ability to listen and to feel, one ear stone-deaf and the other filled with the ceaseless voices of the dead.

In December 2014, newspaper reports revealed that an auction house in South Africa was offering the autopsy records of murdered anti-apartheid activists, Steve Biko and Ahmed Timol, up for sale (Whittles 2014). The opening bidding price was to be R70000-R100000 for the Biko records and R20000 for the Timol records. In the 1980s, the forensic pathologist who had been hired by the Timol and Biko families, Dr Jonathan Gluckman, handed the autopsy records to his private secretary, Maureen Steele, for safekeeping. Steele died in 2011, and the documents were being sold on behalf of her children, Clive and Susan Steele, who apparently had not thought of what the sale of these records would mean to the Biko and Timol families, nor about who really owned them and whether they had the right to sell them. In fact, after the Timol and Biko families won their case to interdict the sale of the documents, the Steele's went so far as to insist that Biko's

4 The judgment delivered by Judge Mothle can be accessed in full here: https://www.ahmedtimol.co.za/wp-content/uploads/2019/01/Judgment-THE-RE-OPENED-INQUEST-INTO-THE-DEATH-OF-AHMED-ESSOP-TIMOL.pdf.

son, Nkosinathi Biko, apologize to them for insinuating that the autopsy records had been stolen (Pillay 2014).

The failure on the part of the Steele's to understand not only the symbolic weight of the autopsy records but also their significance in a juridical sense reveals something of the dyssynchrony that characterizes the transitional postapartheid state. In the minds of the white children of an elderly woman who died a natural death, the autopsy records of people who had been killed more than thirty years before, belonged to a time long past. In a mercenary sense, they were clearly aware of the value of the documents, and sought to profit from their sale. For them apartheid clearly is no more, a closed chapter that is safely behind them, and it is for this reason that the auction house could describe Biko's autopsy record as "a unique document of the Struggle era of great historical importance" ("High Court Halts Auction" 2014). For the families of the murdered activists, the value of the autopsy records far exceeds their historical significance, for although Biko and Timol were murdered more than forty years ago, no one has been held to account for their deaths, and the cases remain unresolved. In the press release issued by the Steve Biko Foundation on behalf of the Biko and Timol families after they learned that the Steele's refused to return the autopsy records to the family members, Timol's nephew, Imtiaz Cajee, states:

> We believe that this is a matter that is not only of relevance to our respective families, but one which has a bearing on all South Africans. The Timol Family is united with the Biko Family and the Steve Biko Foundation to ensure that Clive and Susan Steele hand these documents over to us. In life, both Ahmed Timol and Steve Biko suffered indignities that were gross violations of their rights. Together, we will ensure that these indignities do not continue in death. (Cajee 2014).

For the Timol and Biko families the murders that took place in the 1970s are not situated in the distant past but continue to determine the shape of the present.

On October 27, 1971 the parents of anti-apartheid activist Ahmed Timol were informed that their son had committed suicide by throwing himself out of the window of room 1026 of what was then known as John Vorster Square, the police headquarters in central Johannesburg. Timol was a member of the South African Communist Party and a well-loved teacher who worked at Roodepoort Indian High School, not far from Johannesburg. Timol's family were convinced that he was murdered by the Security Police and this view was widely accepted by everyone who opposed the apartheid state at the time. Writing under his pen-name 'Frank Talk,' the Black Consciousness Movement activist and political thinker, Steve Biko, expressed his disdain for the patently fabricated claims made by the Security Police about the events that led to Timol's death while in police custody: "The late Ahmed Timol was "prevented from 'dashing' through the door but it

was found impossible to stop him from 'jumping', through the 10th floor window of Vorster Square to his death." (Biko [Frank Talk] 1972).[5] Biko's article appeared in the widely-circulated newsletter of the South African Students Organization in early 1972, just a short while before the African National Congress (ANC) submitted a memorandum to the decolonization committee of the United Nations calling for South Africa's expulsion from the organization and for the denunciation of apartheid as a crime against humanity. The memorandum asserts what was common knowledge at the time – Timol's death was not the result of suicide but of murder: "The murder of Ahmed Timol at the hands of the Security Police on the now notorious 10th Floor of John Vorster Square Police Headquarters is still fresh in our minds" (African National Congress, 3). A short time later, at the inquest held in 1972, Magistrate JJL De Villiers ruled that no one was responsible for Timol's death.

In spite of the certainty of Timol's family that he was tortured and killed in detention, and although this view was shared by many South Africans, not one of the Security Police officers involved in his arrest and interrogation came forward to offer information about the case after the end of apartheid when the Truth and Reconciliation Commission proceedings began. Nor did anyone ask for amnesty for their part in Timol's murder, who, in 1971, was the twenty-second person to die in detention at the hands of the Security Police since the introduction of detention without trial, and the seventh person to have allegedly committed suicide while in police custody.[6]

The Timol family's lengthy quest for justice is the subject of Enver Samuel's documentary film, *Someone to Blame: The Ahmed Timol Inquest – A 46 Year Wait for the Truth* (2018), which begins with a black and white image of a row of closed doors along an empty corridor. The camera moves into one of the rooms and focuses on the metal instruments used to perform autopsies, and the figure of a person wearing a facemask and lab coat is shown leaving the room, closing the door. The effect is that the viewer is left behind inside the mortuary, one that represents the room where the autopsy on Ahmed Timol's tortured body was per-

5 Steve Biko was arrested and detained in August 1977 and tortured and murdered by the Security Police on 12 September 1977. The police claimed that Biko died as a result of head injuries sustained during what they described as a 'scuffle', and no one was held accountable for his murder.

6 In 1961, the General Laws Amendment Act made it possible for the police to detain people for up to 12 days without trial. In 1963, a law was passed that made provision for 90-days detention and this was doubled in 1965 when the Criminal Procedure Amendment Act, commonly known as the '180-day law,' was passed. In 1967, the Terrorism Act was enacted and allowed for indefinite detention without trial.

formed. The voiceover, which is spoken in English, inflected with the Afrikaans accent of the judge who presided over the 1972 inquest, narrates the findings of the case:

> The identity of the deceased is Ahmed Essop Timol, an Asian male, 29 years old, a born South African, teacher by profession. Date of death, 27 October 1971. Cause or probable cause of death: the deceased died because of serious brain damage and loss of blood when he jumped out of the window of room 1026 of John Vorster Square and fell to the ground on the Southern side of the building. He committed suicide. No living person is responsible for his death. Murder, in view of the testimony given, and even considering it, is ludicrous. – Findings of Magistrate J.J.L. De Villiers, at the 1972 inquest into the death of Ahmed Timol, Johannesburg Magistrate's Court. (*Someone to Blame*)

Watching this chilling opening sequence, one can imagine Imtiaz Cajee, keeping vigil over the body of his uncle, unable to exit this horrifying place, trapped in time. For the Timol family, liberation did not come in 1994, nor did it come at the TRC hearings, where Hawa Timol testified about her son's murder. At that time, Cajee vowed to seek justice for his family and in spite of the challenges he has faced, has not given up. Cajee has refused to allow the event of his uncle's murder to be assimilated into the chronology of postapartheid transitional time within which the past progressively recedes from the present. He has effected this not only by assembling all the materials that constitute the memory of Ahmed Timol – photographs, testimonies, news reports, legal documents – but through his own embodied memory and his physical presence in legal proceedings as representative of the Timol family.

Through his extensive research, Cajee has collected a large number of documents and newspaper articles relating to his uncle's murder, all of which he has made available online, and has also published two books about the long struggle his family has faced.[7] As Noha Aboueldahab notes, "this landmark case illustrates the significant impact of both documentation and advocacy in challenging so-called established truths, even more than four decades later" (2018, 9).

Someone to Blame traces the events that led up to the re-opening of the inquest, and through interviews and footage of the 2017 court proceedings, conveys the magnitude of this event for the Timol family. Cajee is shown on his way to the re-opened inquest, and driving between Pretoria and Johannesburg, he describes how he was trying to visualize the day in April 1972 when his maternal grandparents went to the first inquest, just four months after the murder of their son. As he relives their journey to the court to attend the inquest in 2017, Cajee quite literally re-members the pain of his grandparents. Like many trauma survivors for

7 See Cajee 2005 and Cajee 2020. See also http://www.ahmedtimol.co.za.

whom the present is overdetermined by the past and who seek a way to heal from what they have endured, Cajee sought to go back in time and to change the past. In psychoanalytic terms, this process of renarrativization takes place within the psyche and enacts a form of symbolic repair. In Cajee's case, the immense effort he has expended in resisting the paralysis of transitional time has resulted in a historic return.

Writing of the way in which the memory of the Nakba is mobilized in Israel/Palestine, Nadim Rouhana and Areej Sabbagh-Khoury develop the concept of the 'return of history,' which, they argue, "is not merely a process in which people simply "re/discover" historical "truths," facts, or evidence and reconstruct them within the present context, as they do with collective memory. It is also a process in which historical memories – those that were silenced but never forgotten – are transformed into political assets" (2019, 3).[8] The significance of the court's findings in 2017 for the Timol family cannot be overstated – Cajee has devoted his life to the pursuit of justice and in many ways, it is a deeply personal quest. At the same time, the finding in the Timol matter and the possibility that those responsible for human rights violations under apartheid will be tried in criminal courts is of enormous significance for the country as a whole. Through his refusal to allow the murder of his uncle to be consigned to the past, Cajee has tied a knot in time and has 're-turned history,' recalibrating political time. In this sense, the Ahmed Timol case is a great victory for all those who suffered under apartheid and who had given up hope of ever attaining justice.

As I argue below, the re-opening of the Timol case restores the names and experiences of people who were detained and tortured to public memory. At the same time, the case serves as an important reminder of the lengthy time-span of impunity in South Africa and raises questions not only about the past but about the present. The re-opening of the case returns us not only to the 1970s but to the beginning of the negotiated transition and to the time of the TRC. Through the re-opening of the case, the names and faces of people who committed atrocities under apartheid have also re-emerged, and with them a reminder of how so many people responsible for terrible deeds were reabsorbed into society, as if they had never done anything wrong at all. This re-opens the contentious matter of amnesty and all those who seemingly disappeared at the end of apartheid, all those who refused to tell the truth at the TRC or who refused to come forward and be held accountable for their crimes. Judge Mothle ordered that Joao 'Jan' Rodrigues be charged with Timol's murder and with defeating and/ or obstructing the administration of justice. In response, Rodrigues sought a permanent stay of

8 For my own articulation of the concept of re-turning history, see Thomas 2018.

prosecution that, if it were granted, would apply not only to him, but to all former Security Branch and former state agents who would effectively be exempted from being held to account for their actions in the future. Following the perverse logic that can characterize legal procedures, Rodrigues' defense argued that a trial against him would be unfair due to the time that has lapsed since Timol's murder. In an article about Rodrigues' attempt to evade being tried in court, Cajee is cited as saying, "[. . .] when Rodrigues faces the court on Thursday for a permanent stay of prosecution, he will be carrying on his shoulders the hopes and fears of hundreds or thousands of surviving policemen, soldiers and politicians who have until now not been held accountable for apartheid crimes" (Venter 2019). At a political moment in which the hope of justice seemed less possible than ever, the recognition of apartheid not only as a series of violations of human rights but as a crime against humanity has returned to public debate.[9]

This is one of the important outcomes of the re-opening of the Timol case – it deepens public knowledge and understanding of the many cases of people who were tortured and murdered under apartheid, and it serves as a reminder that those responsible for committing atrocities have almost without exception evaded responsibility and have never been held accountable for their crimes.[10] More than this, in most cases, those who perpetrated these acts have never been publicly identified, nor have they been subject to the scrutiny and censure one would expect in the aftermath of historical injustice. In a similar way to those who committed crimes as part of the National Socialist regime in Germany, almost all of the apartheid-era perpetrators have been absorbed into civilian life and have not been punished. The re-opening of the TRC cases and the possibility that perpetrators will be tried for committing crimes against humanity has the potential to radically shift how people think about what apartheid was, how it continues to affect the present, and how people experience and understand impunity and injustice.

9 See Yates 2018, York 2019, Smith 2020.

10 In 1996 former colonel in the South African Police Force and commander of the death squad based at Vlakplaas, Eugene de Kock, was denied amnesty and sentenced to 212 years in prison. He was released on parole in 2015. Adriaan Vlok, the former minister of law and order received a ten-year suspended sentence for ordering the Security Police to murder Reverend Frank Chikane in 2007. These are the only two convictions of apartheid-era perpetrators that have taken place.

Remembering the monster

> My cousin-brother Matthews Marwale Mabelane died at the hands of the police at the John Vorster Square Police Headquarters in February 1977. It was claimed that he jumped from the notorious tenth floor of the building and died instantly. Seeing that the stories of the 10th floor jumps were never and will not be true, we want to know why the killers are not coming out and apologise for their deeds. Such tricks by the perpetrators of those atrocities are really infuriating because these killers will only start talking about these things immediately they are exposed – otherwise they will keep quiet. Do they really think that their victims will just forget about the hardships they caused them? Or do they think that the people are still afraid of them hence talking about their deeds would cause them some more troubles like in the past? The family and relatives are very upset about the silence of the killers of Matthews. Time is running out now. Let them come out and tell the story. We also want to see them, how they look like, whether they are real human beings and have families, children, relatives and friends. (Entry by Mr K.C. Mabelane in the TRC Register of Reconciliation, September 10, 1998)

"Time is running out now," Mr K. C. Mabelane wrote in an entry, four years after the legislative end of apartheid, in the Register of Reconciliation, an initiative that that invited people who did not testify at the TRC to share their stories as well as to apologize for the wrongs of apartheid. The register indicates that the timespan for collective reckoning and atonement was brief – it begins in December 1997 and the final entry is dated December 2000.[11] Matthews Marwale Mabelane was 22 years old when he was detained by the Security Police. He was held in detention for 25 days and the police claimed that he climbed onto a window ledge and fell to his death from the tenth floor of John Vorster Square on February 15, 1977. The case remains unresolved, and is one of the cases that may be re-opened in the wake of the findings of the 2017 Timol inquest.

The testimony of anti-apartheid activists who were detained by the Security Police at the same time as Timol, and whose descriptions of the torture they suffered provided evidence of the routine practices used in interrogations at that time, were pivotal in the re-opening of the Timol case. The experiences of Salim Essop and of Dilshad Jhetam were used to cast light on what Timol himself must have endured, and their testimonies, which were not heard at the TRC, were told for the first time in court as a result of the re-opening of the Timol case.

It was as a result of the new evidence presented through the testimony of Essop, who had been arrested with Ahmed Timol in 1971, that the case was re-opened by the National Prosecuting Authority. The torture Essop was subjected to

11 The collection of statements forms part of the website of the Truth and Reconciliation Commission and can be accessed here: http://www.justice.gov.za/trc/ror/page16.htm.

was so severe that after being assaulted for four days he was close to death and he was incarcerated for months in a prison hospital. Deeply traumatized by his experiences at the hands of the Security Branch, Essop did not appear before the TRC. Convinced by Imtiaz Cajee of the importance of his testimony, his account proved critical in the re-opening of the Timol case: "My story had to be told so that in a way my story would mirror what he had experienced", Essop explains. Essop described in court how the Security Police perceived torture to be like a sport, and explained that they kicked him and shocked him on his thigh until his hair began to fall out, "tufts of my hair were coming out, I could see my hair on the ground . . .". In his testimony, Essop described having seen Ahmed Timol, who could not stand on his own, being dragged along a passageway by members of the Security Branch (Tolsi 2017).

The testimony of people who were detained and tortured leads not only to the names of perpetrators and provides evidence of the human rights abuses for which individual members of the Security Police are responsible, but also to the names and stories of other political activists.[12] The claims made by Security Police officers regarding detainees who allegedly jumped to their deaths through the windows of the tenth floor of John Vorster Square have been proved untrue by the testimonies of people who survived being tortured. Anti-apartheid activist Abdulhay Jassat relates how, after he was tortured by Security Policemen, they asked him if he wanted to escape and then seized him and took him to a window:

> They lifted me by my shoulders and pushed me head first out of the window. All you see is concrete. There is no one around at that time as it was about 2am. They then put two chairs next to me, a police officer on each one, and they pushed me out and held me by my ankles. Every now and again, they would ask if I was going to speak, but you can't speak, you're dangling there and all you see is concrete. Then the one guy would let go of your ankle, and you think that you're gone. And while he makes a grab for your ankle again, the other one let's go. This went on for quite a while. Now if they miscalculate, you're gone, you fall three floors down. That is what they did to Babla Saloojee at Grey's Building . . . as they did with (Ahmed) Timol, who they threw from the tenth floor of John Vorster Square." (qtd. in Vadi 2018, 12)

Jassat's account reveals how his own experience was affected by his knowledge of how Saloojee and Timol were murdered and his own experience serves as evidence of what they endured. The testimonies of detainees like Essop, Jhetam and Jassat provide evidence of how the memory of what they suffered is retained in their bodies. Their detailed accounts expose the sharp contrast between those

12 For further information about people detained and tortured at John Vorster Square see https://artsandculture.google.com/exhibit/detention-without-trial-in-john-vorstersquare/gQ-1o9MM.

who were tortured and who, try as they might, can never forget, and those who tortured them, who claim not to remember anything at all.

The re-opening of the Timol case provided an opportunity for those Security Branch officers implicated in the murder of Ahmed Timol to disclose the truth about what had happened more than 40 years before. The failure on the part of apartheid-era perpetrators to come forward and testify at the TRC significantly undermined the work of the Commission:

> It is the view of the Truth and Reconciliation Commission (the Commission) that the spirit of generosity and reconciliation enshrined in the founding Act was not matched by those at whom it was mainly directed. Despite amnesty provisions extending to criminal and civil charges, the white community often seemed either indifferent or plainly hostile to the work of the Commission, and certain media appear to have actively sought to sustain this indifference and hostility. With rare individual exceptions, the response of the former state, its leaders, institutions and the predominant organs of civil society of that era, was to hedge and obfuscate. Few grasped the olive branch of full disclosure. (TRC Report 1999)

In 2017, several of the men who interrogated Timol had already died and only three remaining Security Branch members could be traced, Joao 'Jan' Rodrigues, Neville Els and Seth Sons. The hope that they would tell the truth in order, as Howard Varney put it to Neville Els in his questions to him at the re-opened inquest, to "help the Timol family to find closure" was clearly misplaced. "I cannot remember that, I cannot recall" was the refrain that ran through the responses of both Els and Sons, a criminal amnesia that alone should indict them (Masilela 2017).

In 2017, the Security Branch officers chose to remain in 1972 and stuck to the fabricated version of events that was put before the apartheid-era inquest. Two versions of the same image that form part of the archive of materials Imtiaz Cajee has collected in support of the case against the Security Branch officers responsible for the death of Timol provide a concise visual record of the lie they constructed about how Timol was killed – at one and the same time pathetic and horrifying (Figures 1 and 2).

The photograph of the man standing at the window from which the Security Police alleged Ahmed Timol fell to his death was published in the newspaper *Die Transvaler* and included alongside an article entitled "Laste Ure van Timol Beskryf" Description of Timol's Final Hours (*Die Transvaler*, 1972b). The article cites Captain Johannes Hendrik Gloy, who is at pains to assert that Timol was well-treated by the Security police: "He made some requests that we met, for instance to brush his teeth and to go and wash." The reporter goes on to write that, "Die middag van sy dood het hy nog n koppie koffie saam met sy ondervragers geniet" [On the afternoon of his death he enjoyed another cup of coffee with his interrogators] (*Die Transvaler*, 1972b).



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Boy guru

Not coping

Top secret

Air crash

NZ meeting

Grant tour

Tanker tow

Bursaries, homes for Palabora Africans

This is where it happened

Suzman calls for barracks probe

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HOUSE OF ASSEMBLY.

MRS. HELEN SUZMAN, the lone Progressive Party MP, yesterday called for a full-scale inquiry to probe claims of "savage treatment" of conscientious objectors in the Voortrekkerhoogte detention barracks.

Mrs. Suzman said the objectors who had been sentenced were, according to information she had received, not receiving treatment within the prescribed regulations.

Moonmen splash into Pacific tonight

24 MORE DRUG SENTENCES ARE REDUCED

Permit charge: R1 000

HOMETIME BELL WILL NEVER RING AGAIN

BIG WALK
only 2 days to go!

The right time

Figure 1: The caption included with the image reads: "This Is Where It Happened. The office No. 1026 on the 10th floor of John Vorster Square and the window from which Mr. Ahmed Timol fell. Minutes before the incident, according to the evidence, he was sitting at the table in chair B with Captain J.Z van Niekerk in chair C and Captain J.H Gloy in chair A. When Mr Timol rose from his chair, Sergeant Rodrigues was sitting in chair A. Extensive examination of Security Police witnesses marked yesterday's hearing of the Timol inquest." (*Rand Daily Mail,* 1972). Image courtesy of the Ahmed Timol Family Trust.

The three cups of coffee Rodrigues ostensibly brought in on a tray and served to Timol and his interrogators in Room 1026 are visible on the table and desk. The man looking out of the window is Rodrigues himself, pictured from behind, looking at the open window, as if in disbelief at the dramatic scene he has just witnessed. This photograph was used to assert the veracity of the account given by the Security Branch, an image that so deliberately seeks to conceal evidence of torture that it inadvertently depicts what Arendt terms 'the banality of evil' (Arendt, [1963], 2006).

In the reopened inquest the lies told by the Security Police were finally accepted as untrue, and although this served to confirm what was already widely

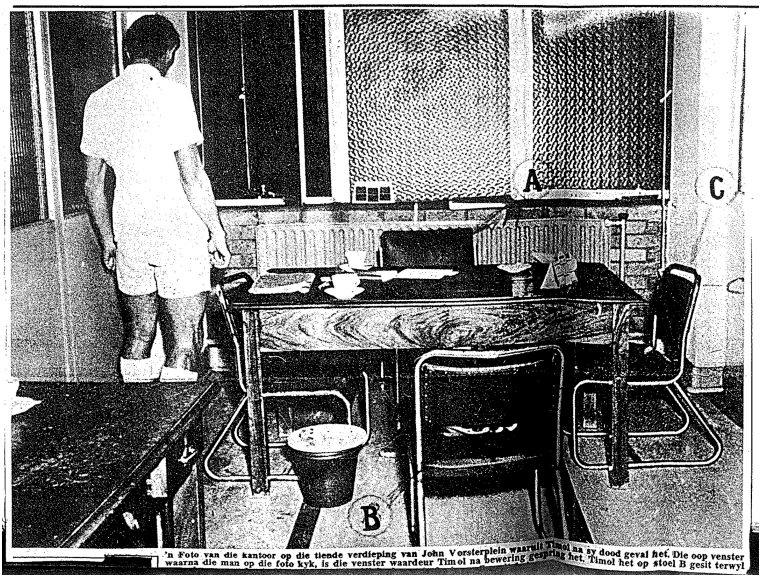


Figure 2: A second version of the same image appeared in *Die Transvaler*, Thursday, April 27, 1972. The caption, written in Afrikaans, translates as follows: "A photograph of the office on the 10th floor of John Vorster Square from where Timol fell to his death. The open window at which the man in the photo is looking, is the window through which Timol allegedly jumped. Timol sat on chair B while . . ." (*Die Transvaler*, 1972a). Image courtesy of the Ahmed Timol Family Trust.

known, the validation by the court and the possibility that those implicated in the murder would be tried, constitutes one of the most significant moments in South African history. The withholding of the truth in the many other cases of violations of human rights committed under apartheid continues to have considerable force, a force that goes beyond the need for closure in each individual case. The Timol case makes it possible to recognize the connection between the lies told by the Security Branch officers in service to the apartheid state and the grand lie of apartheid itself, the claim to white supremacy and the legitimation of a system that was itself a crime against humanity. That those who know most about the torture and murder that took place under apartheid continue to lie about these events exposes the radical dyssynchrony of the postapartheid state. Postapartheid transitional time insists that we are all occupy the time of transition that has a blurry beginning and no precise end, a time before the time of true liberation in which everyone would not only be free, but in which there would be houses, security and comfort for all. Between the two points of transition and liberation is the continuous present, a time in which time is on endless repeat and the possibility of addressing the

challenges bequeathed to us by the past have come to seem insurmountable, their enormity serving as a useful excuse for inaction in the present. In order for there to be justice, the erasures effected by transitional time have to cease. In the South African context, it is impunity that keeps the hands of transitional time ticking, and at the same time, locked in place.

Apartheid: Crime against humanity

The landmark verdict in the Timol case can be understood as an act that restores something of the deep loss of faith in the law South Africans suffered under apartheid. At the same time, this case raises the question not only of why it has taken so long for justice to be served, but of what justice in the aftermath of apartheid means. This is to ask not only about the timeframe within which justice should or can be done but about what form justice should take. In indicting Rodrigues for the murder of Timol, the court recognizes individual wrongdoing, but fails to indict the system of which the Security Police formed part. Recognising apartheid as a crime against humanity would mean indicting those who enforced the system itself and not only those directly implicated in individual violations of human rights. As Suren Pillay argues:

> If we wish to think beyond the individualizing move that the TRC makes, we would need to reconsider this violence in relation to apartheid. We will need to think about how this violence relates to the law itself since apartheid was a legal regime. And we would need to think about how this violence – orphaned by both law and the official political narrative – relates to the constitution of political community in a society with a colonial genealogy. (2011, 44)

One of the features of the apartheid state, was the significant place accorded to the judicial system and the 'rule of law'. In a similar way to the passing of the Nuremberg Laws in Nazi Germany, apartheid was brought into being through a slew of legislation. The apartheid system operated through the fetishization of the law and a simultaneous disregard for justice (under apartheid the courts were used to enforce the oppressive rule of the state while at the same time insisting that there was no pretence involved, and that events like the Treason Trial, The Rivonia Trial and inquests into the deaths of people who died in detention were all conducted within the bounds of the law). At the same time, and as the TRC report reveals, "Evidence placed before the Commission indicates, however, that from the late 1970s, senior politicians – as well as police, national intelligence and defense force leaders – developed a strategy to deal with opposition to the government. This en-

tailed, among other actions, the unlawful killing, within and beyond South Africa, of people whom they perceived as posing a significant challenge to the state's authority" (TRC Report 1998, 213). The report goes on to state that "Killing is the most extreme human rights violation. Any legally constituted state that executes people outside of its own existing legal framework enters the realm of criminality and must, from that point on, be regarded as unlawful" (1998, 213). Framed in this way, it is extra-judicial killings that constitute the illegality of apartheid and that serve to render the state 'unlawful.' However, what the Timol case shows is how the apparatus of the law was manipulated to ensure that in spite of the widespread recognition that the apartheid state was a criminal state, there was effectively no outside of apartheid's 'existing legal framework' and no matter what atrocities were committed, these could be integrated into the system.

"Can we apply the same principle that is applied to a governmental apparatus in which crime and violence are exceptions and borderline cases to a political order in which crime is legal and the rule?", Hannah Arendt writes in relation to Germany under National Socialism (Arendt, [1963], 2003, 382). Under apartheid torture and impunity did not merely infest the criminal justice system, they were integral to the workings of the system of apartheid as a whole. Understanding apartheid as a crime against humanity is to recognize the injustice and systemic violence of apartheid itself, rather than reducing fifty-years of state-sanctioned racist hatred to a series of corrupt and criminal acts perpetrated within a system that was otherwise just. In their submission to the court in opposition to Rodrigues' bid for a stay of prosecution, advocates Salim Nakhjavani and Bonita Meyersfeld of the Southern Africa Litigation Center (SALC) argue that:

> Timol was killed as a result of a system that committed acts of racial discrimination, mass violence and that murdered in the name of protecting minority interests. This makes the murder of Ahmed Timol one of the most serious crimes that can be prosecuted in domestic and international law. Therefore, the submission by SALC seeks a legal characterisation that includes the particular social and political context which requires an indictment for crimes against humanity. (Kisla 2019)

SALC's submission demonstrated that apartheid was recognized as a crime against humanity by the United Nations in 1971. Meyersfeld notes: "There has never been any prosecution of apartheid crimes and if we cannot prosecute this, it does indeed make an ass of the law" (Kisla 2019). The inclusion of amnesty as part of the methodology of the TRC, which was intended to encourage those who were responsible for human rights abuses under apartheid to come forward to testify at the commission and to further the ends of national reconciliation, provided a way for the new order to operate on a continuum with the old.

Apartheid and traumatic repetition

> *A historical materialist cannot do without the notion of a present which is not a transition, but in which time stands still and has come to a stop.* (Benjamin 2003 [1940], 396)

One way to understand the far-reaching consequences and significance of Judge Mothle's verdict in the Timol case is to read his findings in the light of recent events in the country, and in particular in relation to impunity in relation to state-sponsored violence. On August 16, 2012, almost twenty years after apartheid officially came to an end, a massacre took place at Lonmin Platinum Mine in Rustenberg, an area approximately 40 kilometers outside of Johannesburg. Hundreds of miners were injured and 34 miners were shot dead by the police. The outcome of the Commission of Inquiry into the events that took place at Marikana, which exculpated the state, the police and the Lonmin Mining Company, evokes the title of advocate George Bizos' book, *No One to Blame*, and reveals that the impunity that characterized the apartheid state has not been expunged.

In their letter to the President regarding the suppression of the TRC cases the former commissioners take note of the disturbing fact that the investigating officers appointed to investigate cases of human rights violations that took place under apartheid were themselves former members of the Security Branch:

> Emboldened by the outcome of the reopened Timol Inquest, human rights activists placed 20 more cases (including the Cradock 4 and Pebco 3 murders) before the NPA and the Hawks in January 2018. Although the Hawks appointed investigating officers it was subsequently discovered that the officers leading the investigations were former Security Branch (SB) or associated with the SB. The most senior investigator had been implicated in the torture of a political detainee in the 1980s. This detainee, together with his wife, were subsequently shot dead by the SB, after he sued the SAP for damages. Although the two officers have since been removed from these investigations following complaints, it is hardly surprising that no progress has been made in any of these 20 cases. As recent as 2018 it is still business as usual with the TRC cases ultimately controlled by forces from the past. (Sooka and Ntsebeza 2019)

The 'forces from the past' that continue to control the present can be understood as both structural and psychic. The terrible events that took place at Marikana expose the economic and political continuities between the past and the present. That the Commission of Inquiry into the massacre that took place in 2012 found 'no one to blame' makes clear that a deeply engrained societal acceptance of impunity for the gravest violations of human rights has not been overcome.[13]

13 "The Marikana Commission of Inquiry: Report on Matters of Public, National and International Concern Arising out of the Tragic Incidents at the Lonmin Mine in Marikana, in the North

The psychic state that has defined the national consciousness in the aftermath of apartheid has been a form of paralytic amnesia punctuated by bursts of rage and violence and underwritten by despair. Like melancholy somnambulists picking through the ruins of what has preceded us in a feverish sleep, we seem unable either to rest or to wake up and act in the present. An acute sense of living in a time *after time*, ostensibly moving towards a future that is always beyond reach but in actuality compulsively circling around the past that cannot be left behind, but that, as Moishe Postone writes, "has always been in tow", has come to define the transitional state (1980, 100). "It sounds paradoxical," Sami Khatib argues, "from a historical perspective, the past is still ahead of us. The task is not to rewrite the past from the perspective of the present but to destabilize the seemingly solid ground of the present through the past" (2017, 12).

In his remarks to the court, Howard Varney, counsel for the Timol family at the re-opened 2017 inquest into Timol's death, notes the immense struggle Cajee undertook when he sought to reopen the case and asks: "Why did the Timol family have to move heaven and earth to get this inquest off the ground?" (Smith 2017). The answer to this question lies in the enormity of what has been overturned along with the findings of the 1972 inquest. Imtiaz Cajee has, through a colossal effort and with the support of others, like advocate George Bizos, who was present at both the first and second inquest into the death of Timol, refused the relentless, amnesiac rushing of transitional time and called instead for a slow reversal, a painful return to the time when Timol was tortured and his body was thrown from the tenth floor of the police headquarters. Cajee's determination wrenched Joao 'Jan' Rodrigues from anaesthetized retirement in peaceful obscurity and thrust him back into the time of the murder. Judge Mothle's finding, that Timol did not commit suicide but that he was murdered, and that those responsible for his death should be put on trial in a criminal court, brings an event that took place 47 years ago into the present. While this bears a close resemblance to the re-emergence of traumatic memories that plague those who were tortured, it is also different in an important way – Mothle's judgment means that the victims of human rights violations, such as Salim Essop, are not forced to relive the events of the past only to have their torturers lies affirmed, but what they have suffered is recognized by law. On the day that the verdict was delivered and the truth about Timol's murder was recognized, a silence fell in the courtroom, Imtiaz Cajee began to cry, and a voice called out "Long Live Ahmed Timol! Long Live!"

West Province," 2015, can be accessed online at http://www.justice.gov.za/comm-mrk/docs/20150710-gg38978_gen699_3_MarikanaReport.pdf.

The verdict in the Timol case resets the clock that has told the time for us in the years since the end of the Truth Commission hearings, a clock that represents the inertia of the transition, ostensibly moving forwards, in reality trapped like the hands of a stopped clock that only ever jitters a second forward and a second back. This is the significance of Imtiaz Cajee's long quest in pursuit of justice for his uncle, his family and for the country as a whole – he has forced us awake. The reopened case and its findings do not undo the past, but they make possible a new and different course, one that sets out from the premise that justice in the aftermath of apartheid need not always be infinitely deferred. The logics of the promise of the gradual realization of rights guaranteed by the Constitution and the endless deferral and suspension that characterizes the postapartheid condition (waiting for houses, waiting for safety, waiting for equal education, waiting for employment, waiting for a living wage, waiting for justice to be done) has been overturned, the clock switched back. As a result, the path of history opens up to present an as yet uncharted future, one in which it feels slightly less foolish to harbor hope.

Postscript

During the time it took to reopen the Timol inquest, all the Security Police officers directly involved in the matter died. Rodrigues, the final witness, died in September 2021. He never disclosed the truth about how Timol was murdered and never stood trial.

Works cited

Aboueldahab, Noha. "Writing Atrocities: Syrian Civil Society and Transitional Justice." *Brookings Doha Center Analysis Paper* 21 (2018). https://www.brookings.edu/research/writing-atrocities-syrian-civil-society-and-transitional-justice/ (Accessed April 6, 2023).

Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil*. London: Penguin, 2006.

Benjamin, Walter. *Selected Writings Volume Four: 1938–1940*. Ed. Howard Eiland and Michael W. Jennings. Cambridge, MA: Harvard University Press, 2003.

Biko, Steve [Frank Talk]. "I Write What I Like." *SASO Newsletter* (January/February 1972). DISA Archive. https://disa.ukzn.ac.za/sites/default/files/pdf_files/sajan72.pdf (Accessed April 3, 2023).

Biko, Steve. *I Write What I Like: Steve Biko. A Selection of His Writings*. Ed. Aelred Stubbs. Portsmouth: Heinemann, 1987.

Bizos, George. *No One to Blame? In Pursuit of Justice in South Africa*. Cape Town: David Philip Publishers, 1999.

Cajee, Imtiaz. *Timol: A Quest for Justice*. Johannesburg: STE Publishers, 2005.

Cajee, Imtiaz. *The Murder of Ahmed Timol*. Johannesburg: Jacana, 2020.

Fullard, Madeleine. “Dis-Placing Race: The South African Reconciliation Commission (TRC) and Interpretations of Violence.” Johannesburg: Centre for the Study of Violence and Reconciliation, 2004. https://www.csvr.org.za/docs/racism/displacingrace.pdf (Accessed April 3, 2023).

Hirsch, Marianne. *The Generation of Postmemory: Writing and Visual Culture after the Holocaust*. New York: Columbia University Press, 2012.

“High Court Halts Auction of Steve Biko’s Autopsy Report.” *Mail and Guardian* (December 2, 2014) www.mg.co.za/article/2014-12-02-biko-family-files-interdict-to-stop-auction-of-slain-activists-autopsy/ (Accessed April 3, 2023).

Khatib, Sami. “No Future: The Space of Capital and the Time of Dying.” *Former West: Art and the Contemporary after 1989*. Cambridge, MA: MIT Press, 2017. 639–652.

Khoza, Amanda. “Timol’s Cousin Fought Tears during Funeral, Fearing Arrest.” *News24* (August 2, 2017). www.news24.com/SouthAfrica/News/timols-cousin-fought-tears-during-funeral-fearing-arrest-20170802 (Accessed May 5, 2019).

Kisla, Atilla. “Prosecuting Apartheid Atrocities: Why an Indictment for a Single Murder in the Ahmed Timol Case Is Not Enough.” *Daily Maverick* (April 9, 2019). www.dailymaverick.co.za/article/2019-04-09-prosecuting-apartheid-atrocities-why-an-indictment-for-a-single-murder-in-the-ahmed-timol-case-is-not-enough/ (Accessed April 21, 2019).

“Laaste Ure Van Timol Besryf.” *Die Transvaler* (April 27, 1972b). https://www.ahmedtimol.co.za/downloads/archive/articles/1972NewspaperArticles/19720427DieTransvalerDonderdag.pdf (Accessed April 3, 2023).

Masilela, Brenda. “I Didn’t See Any Torture at JV Square.” *The Star* (August 1, 2017). https://www.iol.co.za/the-star/i-didnt-see-any-torture-at-jv-square-10575657 (Accessed November 29, 2021).

“Memorandum Submitted by the African National Congress of South Africa to the U.N Decolonisation Committee.” *South African History Online* (October 20, 1979 [April 17–21</day>, 1972]). https://www.sahistory.org.za/archive/memorandum-submitted-african-national-congress-south-africa-un-decolonisation-committee (Accessed April 3, 2023).

Pather, Ra’eesa. “NPA Admits to Political Interference in Prosecutorial Decisions.” *Mail and Guardian* (February 6, 2019). https://mg.co.za/article/2019-02-06-npa-admits-to-political-interference-in-prosecutorial-decisions (Accessed May 5, 2019).

Pillay, Kamcilla. “‘Biko’s Son Must Apologise to Us’.” *Independent Online* (December 5, 2014). https://www.iol.co.za/news/south-africa/gauteng/bikos-son-must-apologise-to-us-1791642 (Accessed November 21, 2022).

Pillay, Suren. “The Partisan’s Violence, Law and Apartheid: The Assassination of Matthew Goniwe and the Cradock Four.” PhD dissertation. New York: Columbia University, 2011.

Postone, Moishe. “Anti-Semitism and National Socialism: Notes on the German Reaction to ‘Holocaust’.” *New German Critique* 19 (1980): 97–115.

Rouhana, Nadim, and Areej Sabbagh-Khoury. “Memory and the Return of History in a Settler-Colonial Context: The Case of the Palestinians in Israel.” *Interventions* 21.4 (2019): 527–550.

Sachs, Albie. 1999. “Truth and Reconciliation.” *SMU Law Review* 52: 1563–1578. https://scholar.smu.edu/smulr/vol52/iss4/6 (Accessed April 3, 2023).

Sarkin, Jeremy. “Dealing with Enforced Disappearances in South Africa (with a Focus on the Nokuthula Simelane Case) and around the World: The Need to Ensure Progress on the Rights to Truth, Justice and Reparations in Practice.” *Speculum Juris* 29.1 (2015): 22–48.

Smith, Tymon. “The Ghost of Room 1026: Inquest to Shine Light into Death of Timol.” *Sunday Times* (July 2, 2017). https://www.timeslive.co.za/sunday-times/opinion-and-analysis/2017-07-01-the-ghost-of-room-1026-inquest-to-shine-light-into-death-of-timol/ (Accessed November 29, 2021).

Smith, Tymon. "Timol Murder a Watershed Case." *New Frame* (April 3, 2019). www.newframe.com/timol-murder-watershed-case (Accessed April 21, 2019).

Smith, Tymon. "The Unfinished Business of the TRC." *New Frame* (November 16, 2020). (Accessed June 9, 2021).

Someone to Blame: The Ahmed Timol Inquest – A 46 Year Wait for the Truth. Dir. Enver Samuel, 2018. https://www.youtube.com/watch?v=nKtPpKiAB3w (Accessed April 3, 2023).

Sooka, Yasmin, and Dumisa Ntsebeza. "Call for Apology to Victims & for Appointment of a Commission of Inquiry to Investigate the Suppression of the TRC Cases." *The Institute for Justice and Reconciliation*. www.ijr.org.za/2019/02/08/ijr-endorses-letter-by-former-trc-commissioners/ (Accessed April 21, 2019).

Steve Biko Foundation. "Update: The Steve Biko and Ahmed Timol Autopsy Reports." Press Release. *Steve Biko Foundation* (December 8, 2014). www.sbf.org.za/home/wp-content/uploads/2014/12/PRESS-RELEASE-Update-on-the-Steve-Biko-Autopsy-Report-on-Auction-Legal-Action.pdf (Accessed May 4, 2019).

"This Is Where It Happened." *Rand Daily Mail* (April 27, 1972). https://www.ahmedtimol.co.za/downloads/archive/articles/1972NewspaperArticles/19720427RandDailyMail.pdf (Accessed April 3, 2023).

Thomas, Kylie. "Returning History: Figuring Worlds: Helen Levitt, Jansje Wissema, the Burning Museum Collective and Photographs of Children in the Streets of New York and Cape Town." *Critical Arts* 32.1 (2018): 122–136.

"Timol: Getuienis Oor Geheime Name en Taal." *Die Transvaler* (April 27, 1972a). https://www.ahmedtimol.co.za/downloads/archive/articles/1972NewspaperArticles/19720427%20Die%20Transvaler%20Donderdag.pdf (Accessed April 3, 2023).

Tolsi, Niren. "Timol Inquest: Reliving the Horror." *Mail and Guardian* (June 30, 2017). https://mg.co.za/article/2017-06-30-00-timol-inquest-reliving-the-horror/ (Accessed November 29, 2021).

"Truth and Reconciliation Commission Final Report." Truth and Reconciliation Commission, Volume 5, 1999. www.justice.gov.za/trc/report/finalreport/Volume5.pdf (Accessed April 3, 2023).

Vadi, Zaakirah. "Essop and Abdulhay Jassat: Brothers in Struggle." *Ahmed Kathrada Foundation* (May 8, 2018). www.kathradafoundation.org/download/essop-abdulhay-jassat-booklet/ (Accessed April 3, 2023).

Venter, Zelda. "#AhmedTimol: Joao Rodrigues Wants Permanent Stay of Prosecution." *Independent Online* (March 27, 2019). www.iol.co.za/news/south-africa/gauteng/ahmedtimol-joao-rodrigues-wants-permanent-stay-of-prosecution-20115410 (Accessed May 5, 2019).

wa Bofelo, Mphutlane. "How Many Bullets Will It Take to Kill Us All." *The Journalist* (November 27, 2018). www.thejournalist.org.za/art/how-many-bullets-will-it-take-to-kill-us-all (Accessed April 3, 2023).

Whittles, Govan. "Biko Family to Fight for Ownership of Autopsy Report". *EWN* (December 3, 2014). https://ewn.co.za/2014/12/03/Biko-family-disgusted-at-attempted-autopsy-sale (Accessed November 21, 2022).

Yates, Adam. "Justice Delayed: The TRC Recommendations 20 Years Later." *Daily Maverick* (September 5, 2018). www.dailymaverick.co.za/article/2018-09-05-justice-delayed-the-trc-recommendations-20-years-later/ (Accessed April 28, 2019).

York, Geoffrey. "Apartheid's Victims Bring the Crimes of South Africa's Past into Court At Last." *The Globe and Mail* (April, 6 2019). www.theglobeandmail.com/world/article-apartheids-victims-bring-the-crimes-of-south-africas-past-into-court/ (Accessed April 21, 2019).