

Timol ruling opens door to more apartheid prosecutions

Judge Jody Kollapen, who along with Judges Seun Moshidi, and Ingrid Opperman turned down an application by apartheid-era police officer Joao 'Jan' Rodrigues for a permanent stay of his prosecution in the Ahmed Timol matter, said it was not a signal that 'we are required to be vengeful to those who are alleged to have committed serious crimes in the past'. The ruling, he said, was instead an affirmation that the principles of accountability and responsibility for the breaching of the rules of society stand at the doorway of our new constitutional order. **News24** reports the judge said the **case was a difficult one, not necessarily because of the legal issues raised, but because of the extent that it compelled the justice system to revisit SA's troubled past and examine what happened**. 'Importantly, this case reaffirms that justice and the truth were never meant to be compromised during all that our young society sought to do in dealing with its troubled, turbulent and shameful past. Rodrigues is accused of involvement in anti-apartheid activist Timol's murder in 1971 while he was in police custody at then John Vorster Square police headquarters, now Johannesburg Central Police station. Officers who interrogated him, including Rodrigues, claimed that he threw himself out of a window from the 10th floor of the building, and a 1972 inquest found that Timol had committed suicide. But after his family disputed this, the inquest was reopened and it was found that he was murdered. NPA spokesperson Phindi Mjonondwane said Rodrigues faced charges of premeditated murder and defeating the ends of justice. The defence had asked for an opportunity to study the judgment before deciding whether to appeal or not.

Rodrigues' argument was that he would not get a fair trial based on the fact that some of the witnesses have died and that because of his age, he has memory loss. But Kollapen said all those factors were issues that had to be looked at during the sentencing stage. He ruled that there was no trial prejudice to Rodrigues although there was a delay in the prosecution. However, he said the delay could not taint the fairness of the trial. He added that the NDPP and Minister of Justice needed to ensure that officials who were responsible for the delay in the case were accountable. Welcoming the 'historic' judgment, Ahmed Timol's brother, Mohammed, said **his family had been vindicated but said they did not want to see Rodrigues jailed**. Instead, they want him to disclose the truth and facts about what happened. 'My idea is that he still has an opportunity to make a full disclosure to the NPA of what his role was, and who the people were who were actually responsible for the murder of Ahmed. 'He still has the opportunity, which I think he should take because I don't think it's a nice thing to see an 80-year-old man going to jail for the rest of his life,' said Mohammed. Former Truth and Reconciliation commissioner Yasmin Sooka said the judgment was historic for the work of the commission. 'This judgment is a victory for justice and accountability for victims. I think the message to the perpetrators from our side, is that this judgment is a message to you. Come forward and make a full disclosure,' Sooka said. According to **TimesLIVE**, Sooka also noted that many of the alleged perpetrators of apartheid-era crimes are dying, which means speedy prosecuting of those crimes is vital for families to find justice.