

Judge asks for probe on detainee

Pretoria Bureau

A FULL INVESTIGATION into the case of Mr Mohamed Essop, the detained student, should be held, Mr Justice Margo said in the Supreme Court in Pretoria yesterday.

Mr Justice Margo said the respondents should be entitled to vindicate themselves and the fears of the public should be set at rest.

The judge was presiding at the hearing of an urgent application in which Mr Ismail Essop, the student's father, sought relief for his son from the Commissioner of Police, the first respondent, and Colonel Greyling of the Security Police, the second respondent. Mr Mohamed Essop was arrested by the Security Police last Friday.

The judge granted a temporary interdict restraining the police from assaulting, interrogating in any manner other than that prescribed by the law, or from exerting any undue pressure on Mr Essop.

He further ordered that the interdict serve as a rule nisi returnable on December 7. On that day the matron in charge of the Cassim Adam ward at Pretoria's H. F. Verwoerd Hospital must be at the hearing.

The matron, according to papers before the court denied to Mr Ismail Essop that his son was in the ward while, in fact, he was there.

Both parties are also entitled to call further witnesses on December 7, provided they file adequate intention of doing so. The judge stressed that his judgment represented no finding of facts for or against the applicant, but was merely a procedural step which would preserve the rights of the individual pending an investigation.

Before he reached this conclusion, the judge said from the conflicting affidavits before the court he could not determine what the origins of the matter were or the substance of the fears expressed by the applicant.

He pointed out that there was prima facie evidence of injuries to the student which had been strongly refuted.

What had impressed him, however, was the evidence of the actions of the matron of the Cassim Adam ward. It was an elementary matter of decency for her to tell Mr Essop, senior, that his son was in the ward, to explain she was unable to give him any further information, and then to refer him to the proper authorities. Instead she had denied the student was in the ward.

"That by itself is sufficient to indicate that all is not well," the judge said.

Released doctor resting

DR MOHAMED MOMONAT (44), a prominent member of the Indian community of Johannesburg and Lenasia, is resting today after almost six days of detention.

His detention last Saturday came as a surprise not only to Dr Momoniat, but also to the hundreds of patients he served in his practices in the city and Lenasia. A large percentage of them are white.

"The Security Police, when they released me, told me that there were lots of representations by many people," he said.

"I was overwhelmed by the public response and prayer. Every night there used to be a gathering at my home."

REUNION

A father of four, he was overjoyed to return to his family.

"To me the family reunion is the most important thing at the moment," he said.

He intended to speak about his experience—"but I want to make a responsible, considered statement. For this I need time."

Dr Momoniat is well known in the Indian community as the vice chairman of the Johannesburg Indian Welfare Association, a registered welfare organisation.

He said his practice was multiracial as "my philosophy is to serve the whole community."