

Protest as father goes to court for a son



Among those who protested on Friday were Wits medical students. They lined Hospital Street outside the old Medical School.

YOU'VE WON! THE 2 WOULDNT BELIEVE



Comfort from a friend . . . yesterday's picture of Mohamed's mother, Mrs. Hawa Essop, in prayer and mourning.

THE last person to hear the court's verdict about the future safety of hospitalised detainee Mohamed Essop was the 21-year-old student's father, Mr. Ismail Essop.



Mr. Essop . . . stunned at court.

Mr. Essop, who made his dramatic application in Pretoria's Palace of Justice, was too upset to return to the courtroom after the lunch break. Shortly before lunch he had listened attentively as Mr. F. Eloff argued the case of the respondent, the Commissioner of Police and the head of the Johannesburg Security Police, Colonel Greyling.

Afterwards he said that at this stage he became convinced that his application was going to fail. At the end of the hearing friends rushed from the court to shake his hand.

He appeared to be dazed and at first refused to believe that his application — for a court order restraining the police from assaulting his son — had been successful.

At the start of the hearing Advocate Issy Maiseis, for Mr. Essop, asked Mr. Eloff for permission to send an independent medical practitioner to check the police claim that he was merely suffering from hysteria.

Mr. Justice Margo, supporting the request, said that he felt that it would be in the public interest for a doctor representing Mr. Essop to see his son. Mr. Eloff said that he would have to take instructions from his clients and the hearing was adjourned.

During the adjournment two doctors — one of them the cousin of Ahmed Timol, the high school teacher who allegedly committed suicide in the Wednesday while in the custody of the security police — arrived from Johannesburg to offer their services.

When the hearing resumed Mr. Eloff told the court that he had been instructed to refuse the request.

Mr. Maiseis then asked for a postponement until December 7 and as a measure of temporary relief, sure of interim interdict, for an interim interdict restraining the assaulting police from assaulting Mahomed Essop.

Mr. Eloff argued that in terms of the Terrorism Act the court did not have the jurisdiction to grant such an interdict. He also said that the interdict would be misinterpreted and used to damage South Africans' image overseas.

Mr. Maiseis pointed out that on their own admission the police had called in two neurosurgeons to examine Mohamed Essop. A person suffering from hysteria would need to be treated by a psychiatrist. Neurosurgeons would be called in only in cases of brain damage.

Before giving judgment Mr. Justice Margo asked Mr. Eloff if he would give a definite assurance in terms of the petition — making the court order unnecessary.

Mr. Eloff refused.

Said Mr. Justice Margo: "There is sufficient material before me to preserve the rights of the detainee by granting an interim interdict."

He also said that he proposed to order a full investigation.

"There should be a full investigation," he said, "because the police have a right to be vindicated and the parents of the detainee have the right to have their fears concerning their son dispelled."

He ordered that the matter be referred to the magistrate at the Cassim. Adam Ward at the H. F. Verwoerd Hospital should be summoned to appear before the court on the return date — December 7.

According to affidavits before the court the magistrate had denied that Mahomed Essop was in fact ward when he was in fact here.

He granted an application by Mr. Maiseis that a copy of the court order be served on Mahomed Essop in Hospital. The respondent and Col. Greyling were ordered to pay costs.

In terms of the interdict the police are restrained from assaulting Mohamed Essop, interrogating him in any other form than prescribed or permitted by law and from employing any undue or unlawful pressure on him.

PHIRI



Mofolo Hall Mon, 1st, Tues, 2nd, Wed, 3rd November

Uncle Tom's Hall Thurs, 4th, Fri, 5th November

Naledi Hall Thurs, 11th, Fri, 12th, Sat, 13th November

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