

STAR. Nov. 1st - 1971

54

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Where the power should be

THE IMPORTANT THING NOW is to get the ultimate responsibility for the treatment of detainees withdrawn from the police and restored to the courts and Parliament.

Mr Mike Mitchell MP asks a good question. Why are the police holding detainees under section 6 of the Terrorism Act (which places police actions beyond supervision) instead of under section 22 of the 1966 General Law Amendment Act which says the detention must be examined by a judge within 14 days?

There are two points here. One is that the police, in using more power than they need, expose themselves to the suspicion of also using more force than they ought to.

The other is that if the police used section 22 they would not have to bear the total blame if anything untoward happened to a detainee. Their responsibility would be shared, as it always ought to have been, by the courts.

Look at what is happening now. Mr Vorster says the police act within the provisions of the law (presumably he means the rules governing interrogation) because "they have strict instructions" to do so. He is assuming precisely what remains to be proved. He cannot possibly know, and his accountability lapses.

Parliament was wrong to give the police so much unsupervised power. It ought not to be surprised if they use what they were given. But it ought now to get that power back into its own hands. Security is too important to be left entirely to the security police.

Incompetence

AFTER SOME DAYS of evasive silence, the police have now given an account of how — and why — Ahmed Timol died. This was done yesterday through the medium of a Nationalist Party newspaper, Rapport.

One senior officer says that Timol first made a dash for the door of the 10th-floor room where, presumably, he was being interrogated, and then headed for a window instead — and jumped.

Another says that those who "know the communists" are aware that when they want to "go over to violence" they require of their men an oath to commit suicide rather than name their comrades.

This comes as close to calling Timol a communist as makes no difference — and presumably the public will be given some solid evidence of this allegation in due course.

But the point now is that if, by last Wednesday, the police believed, or had the slightest reason to suspect, that Timol was a communist or had even the most tenuous links with communists, then with the knowledge they claim of communist ways they should have assumed that he might have taken that "suicide oath."

They should then have taken every precaution against suicide. That — by their own account of the affair — they obviously did not points to alarming incompetence.

The evidence of witnesses

'No one can see Essop'

THE Commissioner of Police, General Gideon Joubert, confirmed today that no outsider would be permitted to see Mr Mohamed Essop, the Security Police detainee, in the Pretoria prison hospital.

Asked whether any independent doctors would be allowed to examine the detainee, as suggested by Mr Justice Margo in the Pretoria Supreme Court on Friday, General Joubert said: "For the present nobody will be permitted to see him."

He added that Mr Essop was free to lay charges against the Security Police, but had not done so.

"I have no evidence whatsoever that Mr Essop was treated unreasonably or was assaulted. But if he submits a charge of assault, this will be dealt with in the customary manner and presented to the Attorney General or his representative."

As far as he was concerned, there was "nothing the matter" with Mr Essop apart from what emerged from medical evidence which was placed before Mr Justice Margo on Friday.

INQUEST

About the investigation into the circumstances surrounding the death of Mr Ahmed Timol, General Joubert said: "The investigation is being expedited to allow an inquest at the earliest opportunity."

He confirmed that the head of the CID, Major General C. A. Buys, was in charge of the investigation, but would not say what facts had emerged so far.

Mr Essop's father, Mr Ismail Essop, today pleaded for the authorities to show mercy. Mr Essop's daughter, Fatima (28), was arrested the day after her brother. "I do not know where my children are or if Mohammed is getting proper treatment. I simply hope the authorities will show mercy," he said.

(See Page 3)