

THE STAR *Tuesday* Oct 31 1972  
**Essop was used**

**Terror**  
THE STAR *Tuesday* Oct 31 1972  
**trial**

**plea**

**stage**

**ends**

**Pretoria Bureau**

THE four Indians convicted on a charge under the Terrorism Act will be sentenced tomorrow.

Mr Justice Snyman today heard addresses in mitigation in the Supreme Court, Pretoria. Yesterday Mohamed Salm Essop, Yousuf Hassan Essack, Indhrasen Moodley and Amna Desai were found to have conspired with Mr Ahmed Timol (the detainee who jumped to his death while in detention last year) and/or the South African Communist Party (SACP), and/or the African National Congress (ANC), to promote the cause and policies of these organisations.

The three men and a woman had no previous convictions. If Mohamed Salm Essop had not met Mr Ahmed Timol in 1970, he would not be in his present position, convicted of taking part in terrorist activities, his counsel, Mr P. Hare, said today.

Mr Hare said Mr Timol was undoubtedly a leader and instigated the offences of which Essop was found guilty.

It was clear "that he (Mr Timol) shamelessly, and in true communist fashion," exploited those he met for the purposes of himself and his masters in London.

Mr Timol was, according to evidence, a likeable person, and the fact that he was a

From Page 1

schoolmaster "must have enhanced," his influence over people," said Mr Hare.

It was clear that when Essop met Mr Timol, he was against the system of apartheid, said Mr Hare. Many of the young Indian witnesses had said they were against apartheid.

Earlier, Mr Justice Snyman said the evidence by Mr Dinesh Naik, Mr T. Naik and Mr Cornelius Lephogole was satisfactory and discharged them from liability to prosecution. These witnesses had been warned as accomplices when the trial began.

Underlying this was the fact that the Indians were disenfranchised. Grievances were a mitigating factor in court, said Mr Hare.

In addition to this, the SACP and ANC exploited grievances for their own purposes and, in the case of Essop, Mr Timol succeeded in exploiting a grievance.

Mr Hare said the part of those in London must be taken into account. They enjoyed safety and comfort there, but "they should be in the dock today."

The acts Essop was found to have committed were a mitigating circumstance. It was one thing to post a subversive pamphlet, but another to throw a hand grenade.

Essop was young (now 23), had lead a decent life until he met Mr Timol and could not be said to have committed extreme terrorism.

Mr Hare argued that the minimum sentence (five years) should be imposed in Essop's case. He had been in custody for a year and five years would be enough to undo the indoctrination he had suffered at the hands of Mr Timol.

Earlier, Mr Justice Snyman said the evidence by Mr Dinesh Naik, Mr T. Naik and Mr Cornelius Lephogole was satisfactory and discharged them from liability to prosecution. These witnesses had been warned as accomplices when the trial began.

Mr I. Mohamed argued in mitigation for Moodley and Essack.

He first called Mrs Moodley who testified that they were married in April last year. A child was born in February

this year after her husband's arrest. She said she had to give up their flat and her studies.

Senior members of the department of pharmacology at the Durban-Westville University, where Moodley was a lecturer, had told her her husband would probably become head of the department, she said.

Mr Mohamed said Moodley came from a poor and badly educated family. Yet he conquered his modest background and achieved a high standing in his community.

Essack, who turned 22 today, committed the offences only two years after leaving school.

Mr Mohamed said Essack was at most "a juvenile still finding his feet in the world."

**LOYALTY**

The two men were young and inexperienced. They were used for a small period and for a comparatively minor purpose by ruthless communists. There was no evidence that either had ever attended a SACP meeting, supported communism, incited anyone or taken part in acts of violence. In fact, the accused were evidently opposed to communism and violence.

In Moodley's case, one should bear in mind the unreal atmosphere prevailing at uni-

versities, where talk about issues normally regarded as dangerous and foolish was the order of the day.

In the case of Essack, there was no evidence that he was even interested in politics as such. His offences stemmed from his misguided loyalty to an older person.

Essack was a perfectly ordinary adolescent. He "could have been the son of any one of us."

Mr Mohamed added that "if an adolescent stumbles and falls, we must be stern but helpful."

It was clear that communist propaganda was designed to exploit grievances of non-Whites.

**DESAI**

In the case of Essack and Moodley, their grievances and their youth were exploited. This led to the conviction of two otherwise law-abiding young men.

Mr Mohamed asked that the minimum five years be imposed on the men.

Amna Desai, Mr J. Coaker, SC, said, was a middle-aged woman, highly thought of in her community.

She conducted her business (in Rodepoort) herself and supported herself and her children. One child was at university and one at school.

To Page 3, Col 1