

(From Page 1)  
father received information from a newspaper reporter that his son was in a critical condition in a Pretoria hospital.

"The applicant then tells what is an extraordinary story," said Mr Maisels.

Accompanied by his daughter and a reporter, Mr Essop's father went to the Kassim Adam ward of the H. F. Verwoerd Hospital, Pretoria.

There a sister denied that Mr Essop was a patient in the ward. The reporter suggested that Mr Essop was there under another name. The sister checked and denied this, too.

Mr Essop's father asked if he could go into the ward and see if his son was there. He was told this was not allowed.

They asked people coming out of the ward if anyone inside was under police guard, and three or four people said this was so.

At visiting time, said Mr Maisels, Mr Essop's father went into the ward.

Peering into one of the rooms, he saw his son lying naked on a bed. He had bruises and blood clots on his chest and a bandage below his navel.

Mr Essop's father immediately contacted attorneys to help his son.

Mr Maisels said that according to an affidavit, handed in by the respondent — the Commissioner of Police — by Dr H. Koch, the Senior State Pathologist in Pretoria, the doctor said he had examined Mr Essop at John Vorster Square.

He decided to call in a neurologist, Dr Law, who diagnosed a condition of hysteria.

There was no evidence, however, of clotting of blood on the patient's chest. There were scratches on his chest and ribs which could have been caused by a person in a condition of hysteria scratching himself.

Mr Essop was then transferred to H. F. Verwoerd where he was examined by a Dr Combrink and by a neurologist, Dr Guldenpfennig. They confirmed Dr Law's diagnosis, but added they would not rule out simulation of the condition.

Mr Maisels continued that Mr Essop was transferred yesterday from the H. F. Verwoerd Hospital to the prison hospital for further treatment.

He submitted it was a strange statement to make by the doctor that he found no "serious head injuries." This indicated that there were, in fact, head injuries but that the doctor did not consider them serious.

In an affidavit submitted by the respondent by Dr Guldenpfennig, he said he examined Mr Essop on Tuesday this week at 6.45 pm.

He found no evidence of organic abnormalities but he did find a condition of hysteria. The patient, however, was breathing peacefully. There were no blood clots on his chest and no bandage around his waist.

But X-rays were taken of Mr Essop's chest. Why were these X-rays taken and who ordered them to be taken if there were no injuries on his chest, Mr Maisels asked.

He said he would ask for the X-rays to be produced. X-rays were also taken of Mr Essop's head and he would ask for these to be produced as well.

"If the patient is in a condition of hysteria, why is he in jail? If he cannot be questioned, why is he in jail?"

Mr Maisels submitted he was not saying the affidavits produced by the respondents were incorrect, but he had been unable to test them.

He said he would like to know if the respondents would object to the patient being examined by the family's own doctors on conditions which the family would like to impose.

Before Mr Eloff, for the respondents, addressed the court, Mr Justice Margo, suggested it could allay the fears of the public if private doctors were allowed to visit Mr Essop.

Mr Justice Margo said if the diagnosis of two highly-placed physicians was correct

terday. They had worked through the night to prepare the affidavits. At this stage they had not had time to consider the matter.

## One side

The judge said he had only heard one side of the matter and could make no order on the evidence.

But on the surface, the evidence was that Mr Essop was suffering from bruising and was seriously ill in hospital and his parents had been unable to get any information or help.

The allegations of the family could, however, be completely refuted by the respondents.

The respondents would show their goodwill in giving private doctors limited access to Mr Essop, the judge said.

Mr Eloff said he would have to receive instructions about this from the respondents. Mr Justice Margo said he would be available throughout the day, and the court then adjourned indefinitely.

An affidavit from Hajira Essop, Mohammed's elder sister, is included in the papers.

## On bed

She describes how her father told her that he had climbed on the bed blocking a room at the H.F. Verwoerd Hospital. He had peered through the fanlight and had seen Mr Mohammed Essop.

Also included is an affidavit from Mr Mike Norton, a reporter on Post newspaper.

He said on Wednesday October 27, a woman telephoned him. She said that she had information about the 21 Indians arrested by the Security Police. She said Mr Essop had been beaten up and that he screamed in agony every 15 minutes.

Mr Norton said he passed this on to the Essop family and accompanied Mr Ismail Essop and Miss Hajira Essop to Pretoria. He also peered through the hospital fanlight and saw his son lying scarcely breathing on the bed.

After the adjournment Mr Eloff, for the Commissioner of Police and for Colonel Greyling, said the fears that Mr Essop had been tortured were groundless. Affidavits to this effect had been supplied by doctors of high repute.

The judge asked Mr Maisels what he wanted him to do.

## Bona fides

Mr Maisels said he did not question the bona fides of the medical affidavits. He referred to the police attitude that Mr Essop had not been tortured and would not be tortured.

In the light of this there could be no objection to an order prohibiting the police from assaulting, pressuring or torturing Mr Essop.

Mr Maisels also called for an order compelling the police to make available all the X-rays mentioned in the affidavits.

He also asked for leave to

100. Mr Essop's father asked if he could go into the ward and see if his son was there. He was told this was not allowed. They asked people coming out of the ward if anyone inside was under police guard, and three or four people said this was so. At visiting time, said Mr Maisels, Mr Essop's father went into the ward.

hysteria. There was no evidence, however, of clotting of blood on the patient's chest. There were scratches on his chest and ribs which could have been caused by a person in a condition of hysteria scratching himself. Mr Essop was then transferred to H. F. Verwoerd where he was examined by a Dr Combrink and by a neurologist, Dr Guldenpfennig. They confirmed Dr Law's diagnosis, but added they would not rule out simulation of the condition.

Mr Maisels continued that Mr Essop was transferred yesterday from the H. F. Verwoerd Hospital to the prison hospital for further treatment.

He submitted it was a strange statement to make by the doctor that he found no "serious head injuries." This indicated that there were, in fact, head injuries but that the doctor did not consider them serious.

In an affidavit submitted by the respondent by Dr Guldenpfennig, he said he examined Mr Essop on Tuesday this week at 6.45 pm.

He found no evidence of organic abnormalities but he did find a condition of hysteria. The patient, however, was breathing peacefully. There were no blood clots on his chest and no bandage around his waist.

But X-rays were taken of Mr Essop's chest. Why were these X-rays taken and who ordered them to be taken if there were no injuries on his chest, Mr Maisels asked.

He said he would ask for the X-rays to be produced. X-rays were also taken of Mr Essop's head and he would ask for these to be produced as well.

"If the patient is in a condition of hysteria, why is he in jail? If he cannot be questioned, why is he in jail?"

Mr Maisels submitted he was not saying the affidavits produced by the respondents were incorrect, but he had been unable to test them.

He said he would like to know if the respondents would object to the patient being examined by the family's own doctors on conditions which the family would like to impose.

Before Mr Eloff, for the respondents, addressed the court, Mr Justice Margo, suggested it could allay the fears of the public if private doctors were allowed to visit Mr Essop.

Mr Justice Margo said if the diagnosis of two highly-placed physicians was correct that there was no evidence of abnormalities in Mr Essop as alleged, such as bruises and blood clots on the patient's chest, the authorities could allay the fears of the family and the general public by allowing doctors of the family's choice to see the patient.

Mr Eloff told the court the respondents were served with the application after 8 pm yes-

The allegations of the family could, however, be completely refuted by the respondents.

The respondents would show their goodwill in giving private doctors limited access to Mr Essop, the judge said.

Mr Eloff said he would have to receive instructions about this from the respondents. Mr Justice Margo said he would be available throughout the day, and the court then adjourned indefinitely.

An affidavit from Hajira Essop, Mohammed's elder sister, is included in the papers.

## On bed

She describes how her father told her that he had climbed on the bed blocking a room at the H.F. Verwoerd Hospital. He had peered through the fanlight and had seen Mr Mohammed Essop.

Also included is an affidavit from Mr Mike Norton, a reporter on Post newspaper.

He said on Wednesday October 27, a woman telephoned him. She said that she had information about the 21 Indians arrested by the Security Police. She said Mr Essop had been beaten up and that he screamed in agony every 15 minutes.

Mr Norton said he passed this on to the Essop family and accompanied Mr Ismail Essop and Miss Hajira Essop to Pretoria. He also peered through the hospital fanlight and saw his son lying on the bed, breathing on the floor.

After the adjournment of Eloff, for the Commissioner of Police and for Colonel Greyling, said the fears that Mr Essop had been tortured were groundless. Affidavits to this effect had been supplied by doctors of high repute.

The judge asked Mr Maisels what he wanted him to do.

## Bona fides

Mr Maisels said he did not question the bona fides of the medical affidavits. He referred to the police attitude that Mr Essop had not been tortured and would not be tortured.

In the light of this there could be no objection to an order prohibiting the police from assaulting, pressuring or torturing Mr Essop.

Mr Maisels also called for an order compelling the police to make available all the X-rays mentioned in the affidavits.

He also asked for leave to subpoena the matron of the Cassim Adam ward of the H. F. Verwoerd Hospital, Pretoria.

He asked that the judge set a return date and suggested December 7. By that time, said Mr Maisels, Mr Essop might be out of detention and able to give evidence.

(Proceeding)  
Mr I. A. Maisels, QC, assisted by Mr George Bizos appeared for Mr Essop. They are instructed by Mr M. S. H. Cachalia. Mr E. Eloff, SC, assisted by Mr T. T. Spoelstra, appeared for the respondents.