ESSOP: SUBPOENA ORDER BY COURT

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had blood clots and bruises on his chest.

Police denied they had tortured Mr Mohamed Essop. According to affidavits of doctors who were summoned by the police, Mr Essop was in a stuperous state and showing signs of hysteria. The doctors said there were no obvious signs of injury.

INVESTIGATED

Mr Maisels said Mr Justice Margo ordered the matter to be fully investigated by the return date. He added he would draw the judges' attention to certain aspects of the case before handing in notice of motion.

Summarising events which took place since the temporary order was given, Mr Maisels said in terms of paragraph five of the order a copy of the interdict was to be served on Mr Mohamed Essop.

"Then there began what seems to be a process of frustrating energy and effort on our part."

He said the detainee was entitled to be served with the order in terms of section six of the Terrorism Act.

On two occasions, service of the order on Essop was not made by the Deputy Sheriff.

The third time service was effected by the Sheriff "because he courtesously attended to the matter himself."

Mr Maisels said this could be explained by a misunderstanding on the part of a prison official, but no explanation had been given.

He said an affidavit by a Dr Wolf, a psychiatrist, stated he had consulted a Dr Law who had medically examined the detainee.

Dr Law said he furnished an affidavit, but no such affidavit had been filed, Mr Maisels said.

This was a very serious matter in the context of the present application. Mr Maisels said Mr C. F. Eloff (for the respondent) could say the application was based on hearsay— "but this is the only proposition," he said.

cedure available to us in our

Mr Maisels handed in a copy of a letter sent to the State Attorney on December 2.

According to the letter, repeated attempts were made without success to interview possible witnesses. These people claimed they were warned by members of the Security Police not to make any statements to Mr Essop's legal representatives.

When Mr Maisels submitted he had received no reply to the letter, counsel for the Commissioner of Police, pointed out that a reply had, in fact, been given.

"This could be as a result of a postal delay," Mr Maisels said.

He was subsequently handed a copy of the replying letter, which he read to the court.

In the letter the State Attorney said he did not think it necessary for the Security Police to give the applicants written permission to interview possible witnesses.

This, Mr Maisels said, was another attempt to frustrate the detainee's parents, and indeed the cout.

"It is the plain duty of the court to investigate the matter fully and obtain all the relevant evidence," said Mr Maisels.

"What is going on? Have we not the right to know?"

Mr Maisels said he was aware of certain provisions of the Terrorism Act. But it had never been suggested in the act that a patient's condition be kept secret.

"If this attitude is condoned, then we had better close down court," Mr Maisels said.

He asked that the matter he postponed to enable Mr Mohamed Essop to give evidence and to be examined by doctors of his parent's choice or to allow him to subpoene people who had a refused to give information so that they could be called to give evidence in court.

Mr Eloff claimed there was "an attempt to create an atmosphere."

Asked why the Deputy Sheriff had been prevented from serving the court order on Mr Essop, Mr Eloff said: "This aspect has not been investigated. It is not relevant."

(Proceeding)

Mr I. A. Maisels, QC, and Mr G. Bizos (instructed by Cachalia and Loonat) appeared for Mr Essop. Mr C. F. Eloff, SC, and Mr T. Spoelstra (instructed by the State Attorney) appeared for the Commissioner of Police and Lieutenant Colonel P. J. Greyling, head of the Security Police on the Witwatersrand.

35 are still in detention

It is believed that 35 people are still in detention under section six of the Terrorism Act. This figure includes only those arrested since the wave of Security Police raids started in October.

Miss Fatima Wadi, a Durban university student, was released today after being held for 45 days.

Four other people were released in recent weeks. They were, Mr Patrick Moletsane, Dr Mohomed Momoniat, Mr Haroon Mathews and Mr H. Dinath.

Five Indian university students in Natal were detained, questioned and released on the same day by Security Police this week.

They were Mr B. Soni, Mr N. Soni, Mr Ebrahim Pachee, Mr Joe Essack and Mr Reuben Chetty.

Police 8/11 are Red target: Muller

Pretoria Bureau

THE courts and the Press—English and Afrikaans—are being exploited to slander the police, the Minister of Police, Mr S. L. Muller, charged in Pretoria today.

Speaking at a passing-out parade at the South African Police College, he said "far-fetched and totally false allegations" about police brutality were being made by witnesses in court.

"These allegations are repeated so often, in court and in public, that people eventually come to believe them," Mr Muller said.

Referring to the Methodist minister, the Reverend Donald Morton, who fled from South Africa last month, Mr Muller said Mr Morton had alleged that Ahmed Timol—who fell from the 10th floor of John Vorster Square while under detention—had had his nails torn out, his toes cut off and an eye plucked out.

NO COMMENT

But, because the inquest on Mr Timol had not been completed, he would not comment at this stage.

About the Press, Mr Muller said: Even newspapers supporting the Goverment published reports that have created unjustified doubts in the minds of the public about the police.

"The result was that, during recent events, the South African nation reacted to a great extent exactly as the communists had planned."

He said one-sided criticism of the police, based on unfounded information, led the public "to side with and sympathise with the wrongdoer and lawbreaker, and make out the police to be the villian of the piece'."

Mr Muller said public reaction to the recent series of detentions and the death of Ahmed Timol had shown to what extent the country's enemies had succeeded in their aim of conditioning some people.

He said communism was trying to undermine authority subtly and systematically, and the police force was its primary target.

The passing-out parade of 1 272 students and 116 newly appointed commissioned officers was held at the Loftus Versfeld stadium.