



MR JUSTICE MARGO

FULL PROBE IS ORDERED BY JUDGE

Pretoria Bureau

MR JUSTICE MARGO today ordered a full investigation into the case of the detained student Mr Mohamed Essop. He also temporarily interdicted the police from assaulting Mr Essop.

The application before Mr Justice Margo is for a temporary order preventing the police from interfering with him. Mr Essop, a 21-year-old Witwatersrand student, is under detention in the Pretoria Central Prison Hospital after his arrest at the weekend in terms of the Terrorism Act.

Vorster says no to inquiry

THE Prime Minister, Mr Vorster, said in Pretoria today the procedure prescribed by law had always been and was still followed whenever a person died, whether in police custody or otherwise, and therefore he saw no reason for the appointment of a special judicial commission to inquire into any case.

He said the security police were at the moment engaged in a comprehensive and serious investigation in connection with terrorism and sabotage.

In what was obviously a reference to the case of the Indian schoolteacher, Mr Ahmed Timol, who died on Wednesday in a fall from a 10th-floor office at John Vorster Square in Johannesburg, the Prime Minister said that as soon as the inquiry prescribed by law had been completed, the record would be submitted to the attorney general for further action.

The Prime Minister said: "The security police are at present engaged in a comprehensive and serious investigation in connection with terrorism and sabotage.

"In the process persons have been detained for questioning in terms of lawful powers which Parliament has conferred on the police for this purpose. It can be expected that in the course of the investigation more persons will be detained.

"It is the lawful task to the police to combat terrorism and sabotage, and they will fulfil this task irrespective of any agitation on the part of certain newspapers and individuals to incite feeling against the police and to cast suspicion on their activities.

"The pattern is well known, and the investigations have been the same throughout the years, every time the police take action in this regard," Mr Vorster said.

Mr Justice Margo said that from the conflicting affidavits he could not determine what the origin of the application was, or what substance the fears expressed in the application had. A neuro-surgeon had been called to attend Mr Essop, but it had been strongly refuted that the patient was suffering from any head or chest injury.

The judge said, however, that he was impressed by the evidence of the action of the matron of the Cassim Adam ward. "It would have been an elementary matter of decency for her to have told Mr Essop's father that his son was in the ward and refer him to the authorities for further information. Instead of this she had denied Mr Essop was in the ward.

Sufficient

"This by itself is sufficient to indicate that all is not well."

Mr Justice Margo ordered that the police be temporarily interdicted from assaulting, interrogating in any manner other than prescribed by law, or from employing any undue pressure on Mr Essop.

The judge said that this represented no finding of facts for or against the applicant, but was merely a procedural step which preserved the rights of the individual pending an investigation.

"It seems to me that there should be a full investigation. The respondents should be entitled to vindicate themselves."

He ordered that his interim interdict would serve as a rule nisi returnable on December 7, when the inquiry will begin. He ordered that on that day the sister in charge of the Cassim Adam ward of the H. F. Verwoerd Hospital, Pretoria, be at court.

Both parties would be entitled to call on extra evidence for December 7 provided they filed affidavits containing the evidence three days before the date of hearing.

After hearing argument, Mr Justice Margo suggested that private doctors of the parents' choice should be allowed to examine Mr Essop in view of the public disquiet in the wake of a wave of security police arrests at the weekend. Affidavits produced by the police had so far not dis-

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"It is the lawful task to the police to combat terrorism and sabotage, and they will fulfil this task irrespective of any agitation on the part of certain newspapers and individuals to incite feelings against the police and to cast suspicion on their activities.

"The pattern is well known, and the invectives have been the same throughout the years, every time the police take action in this regard," Mr Vorster said.

"The police have strict instructions to act within the provisions of the law and, in spite of great provocation, considering the seriousness of the matter, they in fact do so.

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After hearing argument, Mr Justice Margo suggested that private doctors of the parents' choice should be allowed to examine Mr Essop in view of the public disquiet in the wake of a wave of security police arrests at the weekend.

Affidavits produced by the police had so far not disproved the allegations that had been made.

The application is being brought by Mr Essop's father, (See Page 25 column 1)