

# Officer of court kept from Essop

By DENIS BECKETT

**AN ASSISTANT Deputy Sheriff of the Transvaal was refused access to the hospitalised detainee, Mr. Mohamed Essop.**

Six days later in an unusual move, the Registrar of the Supreme Court personally served a copy of a Supreme Court order on Mr. Essop.

On October 29, Mr. Justice Margo granted an interdict in the Pretoria Supreme Court restraining the police from assaulting Mr. Essop. He ordered that a copy of the interdict was to be served on Mr. Essop.

The court file reveals that the assistant deputy sheriff charged with executing this service, Mr. H. N. P. van Zyl, was barred from seeing Mr. Essop.

The return of service filed by Mr. Van Zyl in accordance with legal requirements reads:

"On this 2nd day of November, 1971 at 9.30 am I duly served a copy of the annexed order of court upon Captain Schnepel personally, the officer in charge of the section of the prison in which the detainee is held, and then requested permission to serve a further copy upon the detainee, Mohamed Salim Essop.

## 'INSTRUCTIONS'

"Capt. Schnepel refused to allow me to see the detainee personally, stating that his instructions were to the effect that no one was to be allowed to see the detainee.

"I thereupon served the order of court upon the said detainee by delivering a copy thereof to Capt. Schnepel who accepted service thereof for and on behalf of the said detainee."

A further return of service, dated November 8, states that a copy of the court order was served personally on Mr. Essop on that day by the Registrar of the Supreme Court, Mr. J. J. Myburgh.

Mr. Myburgh last night refused to comment on the matter. He would not confirm or deny reports that an assistant deputy sheriff had made a second attempt to serve the order personally on Mr. Essop between November 2 and November 8, but had been turned away by police or prison authorities.

The Deputy Sheriff, Mr. Pat Dyer, refused to comment. He referred the Rand Daily Mail to Mr. Myburgh. Asked whether this was not a case within his own responsibility he answered: "That may be so, but in this case I refer you to Mr. Myburgh anyway."

The attorney acting for Mr. Essop's father, Mr. M. S. Cachalia, had "absolutely no comment". The Deputy State Attorney, Mr. R. McGregor, said that enquiries should be made to the police. The Chief Deputy Commissioner, General Crouse, disclaimed any knowledge of the matter.

## 'DUTIES'

"But the police cannot stop a deputy sheriff executing his duties," he said.

The head of the Security Police, Major General P. J. Venter, was not available. His office said that no other member of the Security Police could give any information.

A Johannesburg lawyer said yesterday that obstructing an officer of court in the performance of his duties amounted to contempt of court, according to decisions of the Supreme Court. It was also a criminal offence punishable by a R200 fine under the Supreme Court Act.

There was no question that the Terrorism Act overrode this, he said. Section 6 of this Act, which prohibits access to detainees, specifically exempts "an officer in the service of the State acting in the performance of his official duties."