

The Star
December 7, 1971
P. 11

Essop case in court tomorrow?

Pretoria Bureau

A TEMPORARY order given by Mr Justice Margo in the Pretoria Supreme Court on October 29, restraining the police from assaulting Mr Mohamed Essop (21), a detainee held under the Terrorism Act, reached its return date today.

According to the court roll, the matter is due to be heard by Mr Acting Justice Bliss today, but it is not expected to come before court before noon tomorrow.

Mr Justice Margo, after hearing conflicting allegations about Mr Essop's condition in hospital, issued a temporary order restraining the police from assaulting him, interrogating him in any manner other than prescribed by law, and employing undue pressure on him.

The order was due to be made final today unless the respondents, including the Commissioner of Police, could show why this should not be done.

In addition to the order, Mr Justice Margo recommended that Mr Essop be examined by a doctor of his parents' choice in view of public disorder in the wake of recent Security Police arrests.

were on the field.

The players found their jacket pockets had been rifled and about R50 taken.

The Star
December 8, 1971
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Essop: new court order

NINE DOCTORS and nurses who, according to Mr I. A. Maisels, QC, have allegedly been withholding information about the Security Police detainee, Mr Mohamed Essop (21), will be subpoenaed to give evidence in the Pretoria Supreme Court on February 22 next year.

Mr Justice Bekker and Mr Justice Margo today extended a temporary order preventing the Security Police from assaulting Mr Essop, interrogating him unlawfully and applying undue pressure on him.

The purpose of the postponement — granted in spite of police objections — was to allow the procuring of evidence from the nine people.

Mr C. F. Eloff, SC (for the police) had asked that the order granted by Mr Justice Margo on October 29 be set aside.

Condemning the withholding of evidence about such things as the condition of Mr Essop, Mr I. A. Maisels, QC, (for Mr Essop's father) said: "If this attitude is condoned then we had better close down court."

It appeared that "every possible obstacle" was being laid in his way to prevent him from placing evidence before the court, Mr Maisels said.

He was addressing Mr Justice Bekker and Mr Justice Margo on the return date of an order relating to the Security Police detainee, Mr Mohammed Essop (21).

On October 29, Mr Justice Margo granted a temporary order restraining the police from assaulting Mr Essop, interrogating him in any manner other than that prescribed by law or exerting undue pressure on him.

APPLICATION

The judge also recommended that a full investigation be held and that doctors of the parents' choice be allowed to see Mr Essop to allay the public concern.

He also ordered that the matron of the H. F. Verwoerd Hospital be present at today's hearing to reply to an allegation that she denied to Mr Essop's father that Mr Essop was a patient at her hospital.

The order was granted after an urgent application by Mr Ismail Essop, who told the court that he found his son in the H. F. Verwoerd Hospital, Pretoria, on October 27.

His son appeared to be very ill, was hardly breathing and

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AFFIDAVITS SAID:

By CLIVE EMDON

MR. MOHAMED ESSOP, a detainee held by the Security Police in terms of the Terrorism Act, was unconscious when admitted to a hospital in Johannesburg on October 26, according to affidavits before the Pretoria Supreme Court this week.

The affidavits also said Mr. Essop was in a "critical" condition when treated in secrecy in a Pretoria hospital later that same day.

The affidavits detail conversations between two attorneys and nurses of the two hospitals and the medical superintendent of the H. F. Verwoerd Hospital.

Evidence was given: ● that Mr. Essop was admitted unconscious to the Johannesburg General Hospital and was removed from there before visiting time the same day;

● that a nursing sister heard screams from a room in the H. F. Verwoerd Hospital where Mr. Essop was being treated the same night;

Essop's condition was 'critical'

● that she saw a White man in a suit rush into the room with two pins of blood early the next morning;

● that she was told by two other nursing sisters, they did not think Mr. Essop would "pull through" and that he was in a "critical" condition the previous night.

● that a nursing sister had said Mr. Essop's mouth appeared burnt when she had seen him. This she later denied.

The affidavits by Mr. M. S. H. Cachalia, the instructing attorney for Mr. Ismail Essop, father of Mr. Mohamed Essop, and Mr. I. M. Ayob, an articled clerk in his firm, were before Mr. Justice Bekker and Mr.

Justice Maritz in the Supreme Court on Wednesday.

The judges extended a temporary order preventing the Security Police from assaulting Mr. Essop, interrogating him unlawfully and applying undue pressure on him.

CRITICAL

The police opposed the order, which was made to allow evidence to be obtained from miss doctors and nurses who treated Mr. Essop in the two hospitals.

All will be subpoenaed to give evidence in the Supreme Court on February 22.

In an affidavit before the court, Mr. Cachalia said he and his partner, Mr. M. A. Loonat,

went to the "Hindu ward" of the Non-White section of the Johannesburg General Hospital on the afternoon of November 25.

There a staff nurse, Miss Rita confirmed Mr. Mohamed Essop was unconscious when admitted to the ward at 11 am on October 26. She also told Mr. Cachalia and Mr. Loonat that Mr. Essop was removed from the ward the same day, before visiting time.

INFORMED

"We informed her that we had been informed she had been requested on October 26, 1971, to prepare a bed for an unconscious patient in the ward. She confirmed that Sister Kolsapen, together with other nurses whom she did not identify, assisted in undressing the patient and putting pyjamas on him in Room No. 1 of the Hindu ward," the affidavit read.

"Sister Rita confirmed that she was most definite about the fact that the patient was unconscious."

When she was asked what injuries, if any, she had observed on the patient, she became anxious about the purpose of the questioning.

When told by Mr. Cachalia that he was enquiring for the purposes of obtaining a statement from her for the sake of legal proceedings instituted by Mr. Essop's father, she said she would have to obtain the permission of the matron first before she could give any information.

ADMISSION

Mr. Cachalia said he obtained Mr. Essop's admission number, the same afternoon.

After making two arrangements to see the superintendent of the hospital, Mr. Cachalia and Mr. Loonat were told on November 26, by a Dr. Podias, who said she was the senior superintendent of the hospital, that they could not take a statement from Staff Nurse Rita "without a letter from the Security Police".

"She (Nurse Rita) is a provincial employee — you are definitely not entitled to obtain an affidavit from her without a letter from the Security Police," Mr. Cachalia said he was told.

The next day a Sister Kolsapen said at the hospital that she was not prepared to answer questions about Mr. Essop "and said she did not want to get involved with the Security Police".

SCREAMS

Mr. I. M. Ayob, an articled clerk for the firm Cachalia and Loonat, said in an affidavit before the court that he spoke to a Sister Yvonne Ernest of the H. F. Verwoerd Hospital, who nursed a private patient in the Cassim Adam ward during the period October 26 to 28.

"From time to time she heard screams from the room. On one occasion during the night of Tuesday the 26th of October 1971, she had to summon Sister Amanda Khumalo from the Coloured ward to give Essop water, as he was asking for it.

"On the morning of the 27th of October at about 5.30 or 6 am she had seen a White man in a suit rushing towards Es-

sup's room in the ward with two bottles of blood. She did not see him emerge or the bottles being removed from the room," Mr. Ayob said in his affidavit.

"Sister Athalia Napo had told her on the evening of the 26th of October that a 'political detainee' had been admitted to the ward and that no one was to enter the room except herself and the night nurse Sister Amanda.

INSTRUCTIONS

"When questioned why no one was to enter the room Sister Napo said these were the instructions of the police."

Mr. Ayob said Sister Ernest told him: "Sister Napo and Sister Amanda had said that they did not think that he will pull through," and Essop's condition was "critical" on Tuesday.

"She had heard that a clerk who came to obtain details about the reasons for Mr. Essop's admission was told not to give these, but to mark his file 'investigation'."

Mr. Ayob said Sister Ernest was told by Sister Valerie Mohamed that the Medical Superintendent, Dr. Kenny, had promised Sister Napo a promotion if she did not disclose Essop's presence in the hospital.

OCCASION

"On a subsequent occasion, two days later on Thursday, when Essop was being taken away Valerie Mohamed had said that Sister Napo had said 'there goes my promotion', and Essop's presence in the hospital was common knowledge.

"Sister Napo had spoken about scratch marks on Essop's chest. She had told Sister Valerie Mohamed, in the presence of a police officer, that Essop's mouth appeared burnt.

"Sister Valerie Mohamed had told her (Sister Ernest) that Essop had a 'blue eye'."

"She had at no time been allowed to see the patient Essop and she had not, in fact, seen him at all."

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