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OUR REF.:
YOUR REF:

DATE: 28/4/92

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TO: The Secretariate CONESA Management Committee

No: 011-3972211

FROM: MR E. MOOSA

MESSAGE:

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SHOULD THIS FAX NOT BE CLEAR, KINDLY TELEPHONE US AT 6971500.

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OUR REF.: EM13933/sm

DATE: 23/4/1992

YOUR REF:

The Secretariat
 Codesa Management Committee
 P.O. Box 307
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Telefax No. 011-3972211

PER TELEFAX

Dear Sirs

M R ROHAN / THE MINISTER OF LAW AND ORDER: LEGAL COSTS

We act for Mr Mohamed Rafiq Rohan who has instructed us to communicate with you in connection with legal costs claimed by the Minister of Law and Order in respect of interdict proceedings brought by our client against the Minister in the Natal Supreme Court.

The circumstances relating to this matter are as follows:

1. Our client was arrested on 8 April 1989 in Durban and held in terms of Section 29 of the Internal Security Act.
2. Our client was charged on 28 April 1989 on 47 counts of security offences.
3. After our client was charged and brought to court, the Security Police continued interrogating client, despite the fact that our client made it clear to the Security Police that he is not prepared to answer any questions put by them. The Security Police continued putting pressure on client and he brought an urgent interdict against the Minister of Law and Order for an order restraining the Security Police from harassing client. The court granted an interim order which the State opposed. On the return day, the court dismissed the application with costs. The costs amounted to R7 647,03.
4. Our client was subsequently convicted on 2 counts of sabotage and possession of arms, ammunition and explosives. He was sentenced effectively to 15 years imprisonment.
5. Our client was held at Robben Island Prison and after serving 14 years imprisonment, he was released in terms of the Groote Schuur and Pretoria Minutes.

Our client who is a journalist by profession, was an ANC operative and motivated by the desire to bring about justice in this country. In view of the political transformation and national reconciliation which is presently taking place in this country, it will be a gesture of goodwill if the Government waives the cost against our client. This application is supported by the African National Congress.

We might mention that in other countries under similar circumstances, the State had waived costs particularly when it concerned matters of human rights abuses.

As this matter constitutes an obstacle to the political participation of extra-parliamentary forces, we must prevail upon the parties presently negotiating at Codesa to agree that costs in this matter and all other similar matters be waived by the State in the interest of the future of this country.

We enclose herewith a copy of a letter addressed to the Minister of Law and Order, and the reply of the Commissioner of Police in respect thereof.

Yours faithfully
E. MOOSA, WAGLAY & PETERSEN

per:

E. MOOSA

encl.

MOOSA, MOHAMED & WAGLAY

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OUR REF.: EM13933/srn
 YOUR REF:

DATE: 17/12/1991

The Minister of Law and Order
 Private Bag X463
 PRETORIA
 0001

Dear Sir

YOURSELF vs M R ROHAN: LEGAL COSTS

We have consulted by Mr M R Rohan in connection with legal costs owing to you and which the State Attorney of Natal is trying to recover from our client.

The legal costs arises from an application brought by our client in the Supreme Court of Natal for an order restraining the investigating officer from harassing client during the course of interrogation. Our client was initially arrested and held in terms of section 29 of the Internal Security Act. He was subsequently released and charged on a number of political offences. He was convicted on two counts of sabotage and possession of arms, ammunition and explosives. He was sentenced effectively to 50 years imprisonment. While our client was an awaiting trial prisoner, the investigating officer continued to interrogate our client and it was during such interrogation that our client launched an application to the Supreme Court, restraining our client from being interrogated. The court issued an interim order but on the return day, dismissed the application with costs.

Our client served 14 months imprisonment and then applied for his release in terms of the Grootte Schuur and Pretoria Minutes. He was subsequently released in terms of the Indemnity Act.

Our client has now received a letter from the State Attorney, claiming payment of the sum of R7 647,03 in respect of the costs of the application.

Our client is not in a position to pay the amount.

Our client is a journalist by profession and was an ANC operative and motivated by a desire to bring about justice in this country. We have been instructed by the ANC to communicate with you, with the request that you waive the costs against our client in view of the present political development taking place in this country. The February 1990 statement and subsequent events set in motion the process of national reconciliation. Such process included the release of political prisoners, the unbanning of political organisations and the convening of a conference of a democratic South Africa.

It is in the spirit of that particular process and the achieving of national reconciliation and nation-building that we are appealing to you to waive such costs.

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Our client did not derive any personal benefit from the sacrifices made by him and in the circumstances we shall be pleased if you will kindly give favourable consideration to our request.

We might mention that in other countries the State waived costs in respect of those of its citizens who challenged human rights abuses, and we are confident that you will do likewise.

Yours faithfully
MOOSA, MOHAMED & WAGLAY

per:



E. MOOSA