

Why this legal giant interests himself in Timol and others



Mr I. A. Maisels . . . staunch defender of principles.

the good of his fellow-man and he does not shrink from defending a man for nothing," one prominent member of the legal fraternity said.

As an outspoken critic of discriminatory legislation, Mr Maisels, among other things, fought the Suppression of Communism Act.

In the Pretoria Supreme Court this year he criticised the security police for "deliberate concealment" of facts in the Essop case, and obtained an order restricting the police from assaulting the detainee, Mr Mohamed Essop.

Years ago, he slated the South African desire for conformity and uniformity as "tyranny over the mind of man."

As High Court judge in Salisbury he criticised "wholly illegal" police instructions to search all Indians, Coloureds and Africans in a certain region in the wake of the banning of the Zimbabwe African People's Union.

As long ago as 1951 he branded as "undemocratic"

what was then described as "the official ban on Jews from membership in the Government party in the largest province of the Union."

As chairman of the South African Zionist Federation and head of the Israel United Appeal, he led a group of South African Jews in discussions with Mrs Golda Meir during the controversy over Israel's R2 000 donation to the Organisation of African Unity last year.

As council member of Witwatersrand University he persuaded students during the recent demonstrations to rely on legal tactics rather than be martyrs and go to jail.

Mr Maisels matches hard work (round the clock if necessary) with rapid reading ability (a 300-page book a night) and with a retentive memory that allows him to flick open a 1 000-page record at any particular passage.

He is a "killer" in cross-examination — "one of the greatest, if not the greatest,

I've ever heard," in the words of a prominent legal figure.

Once, in a three-day session, he broke down a world authority on a particular subject so that there was not a stick or stone left of the man's evidence."

He is not given to flamboyancy or gimmickry. His unpretentious voice is directed at the judge—not the gallery.

A decade ago, a columnist of The Star wrote:

"A friend of mine who was at Marist Brothers College (with Mr Maisels) in the '20s told me one day that nobody at school expected Izzy to get very far."

The legal world almost lost Mr Maisels when he intended to go to medical school after matriculation. It was only a week before enrolment that he entered the law department of the University of the Witwatersrand instead.

At the Johannesburg Bar he rose rapidly as a competent junior. He gained

prominence in the poison murder trial of Daisy de Melker in 1932, as a junior to Mr Harry Morris, KC.

At the outbreak of World War 2 he was in high demand as an excellent all-rounder. He had to leave a lucrative practice to fight the man he later called the "greatest tyrant the Jews have known," as a sergeant in the South African Air Force. He went out of the war as a major with a military commendation in the King's Birthday Honours list.

In 1948 he became a King's Counsel. When he joined the Southern Rhodesian Bench in 1961, he was at his peak and his loss to South Africa was described as "almost irreplaceable."

He had chaired the Johannesburg Bar Council and the General Council of the Bar of South Africa. His services were in demand all over Southern Africa and his name had travelled overseas.

In South Africa he was linked with most well-known trials. His briefs included the "Bubbles" Schroeder murder case, the David Pratt inquiry into the attempt on Dr Verwoerd's life, and the Sharpeville and Coalbrook inquiries.

At the same time he was active in a number of charities and sometimes offered his services free of charge, as in the murder trial of a colleague.

One of his greatest triumphs was what one reporter called his "demolition" of the State's case in the so-called "treason trial." It was the forerunner of today's terrorism trials, involved scores of accused and lasted several years.

There was laughter in court during that trial when Mr Maisels announced that the odds of the accused being found guilty were 498 015 to 1, if only the first three paragraphs of the main charge were considered. He had asked an actuary to work out the odds of conviction on the basis of the use of "and/or" in the indictment.

His stay in Rhodesia was short-lived. He resigned from the High Court in 1963 after what was understood to be a "wrestling with his conscience" over the increasingly restrictive legislation he had to honour as a judge.

He joined the board of OK Bazaars, which he has

left since. Later he was appointed as director to several boards such as that of Barclays Bank, Guardian Assurance and Liberty Life.

Some time passed before Mr Maisels rejoined the Bar to step into a largely commercial practice. In 1970 he once again took on a challenging murder trial when he defended millionaire Ronald Cohen in the Cape. The 12-year sentence passed on Cohen is still a talking point in legal circles.

A man of Mr Maisels's stature can pick and choose his cases.

Why did this veteran of countless legal forays take a particular interest in the alleged assault on Mr Mohamed Essop and the death fall of Mr Ahmed Timol? — His history should answer that.

What Mr Maisels has described as the "unfortunate incidents at John Vorster Square last October" had its basis in legislation that bothers many of South Africa's foremost legal men, regardless of the merits of any particular case.

—Siegfried Hannig

THE benign features of the tall, imposing figure belie the man's fighting history. A life-long battle in the cause of justice lies behind Mr Israel Aaron Maisels (66).

But the kindly, bespectacled eyes still blaze in the heat of argument. For this distinguished lawyer has yet to step out of his toga, although he lacks no laurels to rest on.

The man who defended the Timol family's interests in the wake of Mr Ahmed Timol's death plunge is more than a successful ad-

vocate.

He is a Judge of Appeal for Lesotho, Swaziland and Botswana, a leading figure of South African Jewry and a director of several prominent companies. More important, perhaps, he is a great humanitarian and a staunch defender of principles held in high regard throughout the Western world.

A man of many talents, and one of the most respected and best paid members of his profession, he did not employ his genius for mere personal enrichment.

"His outstanding intellect has been used mainly for

MAKE VOICES HEARD, SA LAWYERS ARE URGED

Own Correspondent
DURBAN — More than 3 000 people of all races last night raised their voices in protest against the Terrorism Act and the recent actions of the Security Police.

The people protested at a meeting which saw the Durban City Hall packed to capacity.

There was deafening applause when Professor Barend van Niekerk, head of the law faculty of the University of Natal, called on South Africa's lawyers "from judges downward" to make their voices heard "about an institution which they must surely know to be an abdication of decency and justice."

He called on the judiciary

itself to "kill" one aspect of the usefulness of the Terrorism Act by denying practically all "creditworthiness" to evidence procured under its detention provisions.

"No doubt they will tell you it is not their function to criticise the law, but to apply it.

"But, we may ask these lawyers, when will a point ever be reached when their protest

became justified?"

The Archbishop of Durban, the Most Rev Denis Hurley, sketched the effects of solitary confinement on prisoners and said:

"The picture is a pretty complete and horrifying one — the racking of human personality through phases of anxiety, depression, hallucination and insanity, perhaps mercifully (and as a Christian I

realise what I am saying when I use the word 'mercifully'), perhaps mercifully interrupted by suicide? In such circumstances would we call it suicide — or murder?"

Natal University sociologist, Mrs Fatima Meer, told the crowd the South African Government had grown into "an uncanny, mysterious force, operating on its own terms through some logic which is not part of our understanding.

"What we are asking for is that we should be released from this uncanny force and become party of understandable, recognizable order—the law to be returned to the open, reasonable, observable procedure of the courts—the detainees to be rescued from the mysterious processes of the police."

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