TOTALITARIANISM
DETENTION 1977

OCT. — NOVEMBER

OCTOBER —
Biko death probe delay baffles AG

By HELEN ZILLE

THE Attorney-General of the Transvaal, Mr J E Nothling, has expressed amazement that the police have not yet started to investigate the circumstances surrounding the death of the black consciousness leader, Mr Steve Biko.

Whenever an unnatural death was reported it was the duty of the police to start an investigation as soon as possible, Mr Nothling said yesterday.

But a spokesman for the Commissioner of Police, General Geoff Prinsloo, confirmed yesterday that the police investigation would not start until doctors had revealed the final post-mortem report.

The report is expected to be ready in about a week.

It would be up to the Minister of Police, Mr Kruger, to decide whether the police should investigate the matter and also when the investigation would begin, the spokesman said.

But Mr Nothling said yesterday he was not prepared to make any comment on the Biko case.

"But Mr Nothling," said that, "in terms of the Inquest Act, the police were obliged to investigate any "unnatural" deaths reported to them."

"Everything that can throw light on the death should be investigated. It is the duty of the police to do so. And, of course, this should be done as soon as possible," Mr Nothling said.

Mr Nothling said he

...to say whether the circumstances of Mr Biko's death warranted a criminal prosecution or a normal inquest until he had received the completed post-mortem report and the findings of the police investigation.

Mr Ray Swart, national chairman of the Progressive Federal Party, who practises as an attorney, yesterday emphasised the need for a police investigation completely independent of the post-mortem findings.

"This is necessary so the investigations are free from any colouring by the post-mortem findings," Mr Swart said.

Supporting the statements of Mr Nothling, Mr Swart said, "Time is of the essence "in investigating whether or not any crime is involved in what is obviously an unnatural death. Particularly in the present circumstances I would have thought that a full-scale police investigation would be ordered immediately."

"Mr Kruger's credibility in this whole affair has been stretched to the limit and we are therefore entitled to be suspicious about any unusual delay in respect of anything over which Mr Kruger has authority," Mr Swart said.
DETAINEE SKWEYIYA ALIVE AND WELL

EAST LONDON — After tension in East London townships had mounted for two days because of widespread rumours that boxing idol Mzikisi “Wonderboy” Skweyiya had died in detention, the Special Branch yesterday allowed the Daily Dispatch to take a picture of him to prove he was alive and well.

A Daily Dispatch photographer, Preston Mareka, photographed Skweyiya, who is detained under Section 6 of the Terrorism Act. This is believed to be the first time a press photographer has been allowed to photograph a Section 6 detainee.

Mr Mareka was asked by Capt. A. Schoeman of the Special Branch to take the photograph. He had to go to West Bank prison, where Skweyiya was fetched from the West Bank prison.

He said Mr Skweyiya appeared well, though he seemed to have lost weight. He was not allowed to interview the boxer, but when Capt. Schoeman asked Mr Skweyiya whether he was well, the boxer replied he had pains in his chest.

Mr Mareka told how he was questioned by the Special Branch for 80 minutes before seeing Mr Skweyiya.

He had been passing the Cambridge Police Station when he saw a man who had swollen eyes. He asked the man what was wrong, but was chased away by a man washing cars outside the police station.

A few minutes later Mr Mareka was approached by Sgt. L. Xhanga, who said he was wanted by Col. A. P. van der Merwe of the Special Branch.

Inside the station Mr Mareka was greeted by Mr Jooste, whom he recognised as a member of the Special Branch and who reminded him of a previous occasion when he, Mr Mareka, took photographs at a bus boycott.

Mr Mareka was then taken to the second floor of the building where he was questioned by seven policemen, who asked him what he wanted with a camera in times of trouble.

He was asked why he kept on reporting about the death of Mr Steve Biko after he had died and was buried. He said he had not reported on Mr Biko.

“Ja, jy werk vir Donald Woods, hy is vol moeilikheid,” one of the policemen said to him.

He was also asked if he was watching the Skweyiya family, who had been called to see Mr Skweyiya and were waiting at the police station.

He was asked whether he was at the station as a representative of the Union of Black Journalists or the Daily Dispatch, and was also asked for his position in the UBJ.

Mr Mareka’s camera and press card were taken, but later returned to him. Police threatened to confiscate his press card permanently.

He was told to leave immediately and, while waiting for transport was picked up by Mr Jooste of the Special Branch, who took him back to take a photograph of the man with swollen eyes, who said: “I claim he was assaulted by students for refusing to make a black power salute. The man was no longer there, but Capt. Schoeman told him to wait to take a photograph of Mr Skweyiya.”

Mr
The picture Daily Dispatch photographer Preston Mareka took yesterday — in the middle, Terrorism Act detainee Mziwisi Shweyiya with two of his sisters, Miss Nomqondiso Shweyiya (left) and Miss Nomonde Shweyiya. The picture was taken at the Cambridge Police Station.
STEVE BIKO

The black consciousness leader, Dr. J. J. JOHANNESBURG — THE ATTORNEY-G "Mr. Biko delay?"

Why Biko delay?

Do not view this as an investigation or an investigation into the death of a political figure. This is part of the lawyer's discussion regarding the delay in the investigation of the death of Mr. Biko. The lawyer's statement suggests that the investigation has been delayed for various reasons, including the need for more evidence or the complexity of the case. The lawyer is questioning why the investigation has taken so long and is expressing concern about the delay.
Why this delay?

Despite our earlier misgivings, we have accepted that an inquest will be sufficient to establish the essential facts of what caused Mr. Steve Biko's death in detention.

Our primary concern now is that the inquest should be held soon.

At an early stage Mr. Jimmy Kruger promised South Africans there would be an inquest. And the Prime Minister himself pledged to the outside world, through an interview with the New York Times, that there would be one.

It would not do now for there to be any impression of delay in fulfilling those pledges.

Particularly not with an election pending.

This has become especially pertinent because of the seriousness of some of the reports that have appeared, which have thrown doubt on Mr. Kruger's initial statement to the nation that Mr. Biko died after a hunger strike.

There have, for example, been reports published here and abroad that the post-mortem showed Mr. Biko to have suffered severe brain damage and other physical injuries.

It has also been claimed there were no symptoms consistent with death due to a hunger strike.

The remarkable thing is that Mr. Kruger won't comment on any of this. He must know whether these reports are true or not, because he was presented with a preliminary post-mortem report on Monday of last week. That report must have shown whether or not there was any obvious sign of severe brain damage.

One would have thought that if there was not, the Minister would have been quick to deny such a damaging suggestion.

On the other hand, if there was he should say so — particularly since he undertook to keep the public informed as information became available.

The one thing we can't afford, on top of all the damage already done to our national image by the Biko affair, is for any further suspicions to start developing.

In this regard we are particularly perturbed by the disclosure that police investigations have not yet begun.

Why on earth not? As the Attorney-General has pointed out, they are supposed to begin as soon as possible in any case of unnatural death. And the police should be particularly scrupulous in a case in which they themselves are involved.

To wait until after the final post-mortem report is presented on October is apparently the intention, as is apparently the intention, can only expose the police to the suspicion that their witnesses will have the opportunity to know the medical evidence before being required to make their own statements.

To say nothing of the delay. No inquest date can be set until the police investigation is completed, and it hasn't started yet.
Biko’s pride in being Black

STEVE BIKO’s philosophy was “Black consciousness”. It is nothing new in the world, but it is new for South Africa. It has a history in America, it has a history in Africa to the north (Leopold Senghor’s negritude, for instance, which is and is not old hat).

One can mention names: W E B Du Bois, Marcus Garvey, others. Poetry and other genres of literature have played an important role.

And dreams, dreams of freedom. Not everything commited to paper and not everything spoken is intended literally.

There is an emphasis on what is indigenous. As in the philosophy of N P van Wyk Louw.

Steve Biko might well have scoffed at Mr Andy Young’s comparison of our situation to his (Mr Young’s). And he certainly would have scoffed at Mr Young’s superior-sounding advice.

It is (or originally was) a central aspect of Black consciousness philosophy that freedom in this land must be wrought indigenously. In the heart of the matter, therefore, Black consciousness is as anti-communist as it is anti-capitalistic.

In the early seventies when Biko, Barney Pityana and others forged the philosophy of Black consciousness in South Africa, there was a cardinal phrase: The Black man, it said, must learn to be “rooted in his own being”.

The idea was that he should not be existing in the shadow of “Whiteness”. The idea was that he should “find himself”. That he should rid himself of psychological bondage to “White” people. That he should find his own level.

The idea was: pride.

At first the movement was a student movement (the new South African Students’ Organisation, Saso, was formed at the very end of the sixties). But soon it was no longer merely a business of students. Black pride had taken to the streets. It was a new dimension of things.

In its very heart, Black consciousness is not ideological. And it certainly was not shaped to be “anti-White”. If many of those who have come after Biko and Pityana adopt stances of hatred towards “Whites” simply because of their colour of the skin, then one should recall what Nietzsche had to say about followers: that followers are often merely the noughts behind the one...

In its very heart Black consciousness is a creative philosophy. I have witnessed for myself its creation of persons out of many people who, before, suffered from inferiority before “Whiteness”. At the University of the Western Cape, for example, when I was there...

And in its very heart Black consciousness is opposed to destructive violence.

As late as last year, during the trial of the youthful Black consciousness leaders Strini Moodley, Saths Cooper and others, Steve Biko was called for the defence and emphasised the creative intent of Black consciousness, just as I did at the same Supreme Court trial in Pretoria (I, too, was a witness for the defence).

I never knew Steve Biko intimately. I knew him philosophically. But the impression of culture and sophistication, of sharp wit and humour, and of pride which he made on me the first time we met, the summer of 1970, remains with me.

Steve Biko: violent or non-violent? I insist that, at the heart of things, the question is a red herring across the trail. As far as truth is concerned, a non-starter.
Film on Biko for Britain

EAST LONDON — A secret film about the dead black leader Steve Biko has reportedly been made by a British television team.

According to the London office of the Sunday Times, the film "The life and death of Steve Biko" will be shown at peak viewing time on Granada's "World in Action".

The film includes interviews with Biko's widow and members of the "Black People's Convention", of which Biko was founder-president.

It will also include scenes at Biko's funeral in King William's Town.

The Sunday Times reported the editor of "World in Action", Mr. R. Fitzwalter, as saying: "The television team, by the nature of the assignment, had to work "underground" while filming in South Africa.

"We feel we have produced a remarkable film. It is hardly likely that South African authorities will approve of it as it explores the whole question of the many deaths of detainees there."

The newspaper says the South African Secretary for Information, Dr. Rhoodie, described the "secret film" claims as "just a stunt".

He said there were many freelance cameramen who could have made the film and they would not have been stopped from doing so.

DDR
Labour praises Biko

BRIGHTON: — The national executive committee of the Labour Party recorded its "deep indignation and outrage" at the death of Mr Steve Biko in a statement issued here last night.

The statement, headed Crisis in Southern Africa, described Mr Biko as "an outstanding leader and courageous fighter against racism," and condemned the South African authorities for the circumstances that led to his death.

Declaring that "racialism in Southern Africa resorts increasing-ly to brutality and repression in order to survive," the statement demanded that those responsible for Mr Biko's death be brought to justice.

It continued: "This worsening situation demands intensified efforts by the international community to promote acceptable settlements to the problems of the area.

"The Labour Government should exert maximum pressure on the South African Government both directly and through the EEC and the UN, to grant basic human and democratic rights."

Meanwhile, the University of Port Elizabeth student newspaper, Upon, has published an editorial in its latest edition expressing sympathy with the family of Mr Biko.

The full comment on Mr Biko's death read: "Through the death of Steve Biko, founder member of Saso, and honorary president of the Black Peoples' Convention, all students in South Africa have lost a leader. Upon extends its sympathy to his next of kin."

— DDC.

Biko film on TV, page 8.
The CYL, shown to determine their fate, as S. A.'s border of all Africans from colonialism and the South African appointment of A. S. Steytler, was suspect.  White evolved during those years to be in direct opposition were oppressed by the CYL did not rejoice being drawn together in a mass movement.

The ANC's interest was in the Congress of its support by the ANC, the Congress of Democracy in South Africa which live in it, Black Afrikaners were multi-racial democrats. Such deal in the concept of the interracial contact African leadership constituted, to the Africanists, a betrayal of African nationalism. After the failure of the Western areas and the Bantu Education Campaigns, the ANC lost a great deal of prestige. Africanists seceded in 1958 and formed the Pan-African Congress under Sobukwe in 1959.

The Pan-Africanist Congress (PAC) was an extension of the CYL outside the ANC. The PAC, like the CYL in the 1940's, maintained that it was returning to the ANC's original nationalism. It censured the ANC for its failure to uphold the ideals of the liberation struggle.

Walshe, pp. 335-336
Wilson & Thompson, p. 459
Wilson & Thompson, p. 464
British TV told of ‘Biko’s vow’

The Star Bureau

LONDON — Steve Biko vowed before his arrest and subsequent death in prison that he would never harm himself if he were detained.

This was said on British commercial television last night by the former editor of \textit{The Star}, Mr Donald Woods.

He was being interviewed on the life and death of Mr Biko in a 30-minute programme entitled \textquote{\textit{World in Action}}.

Mr Woods said Biko had told him that if anything happened to him in detention and it was alleged that he had killed himself, Mr Woods would know it was not true.

US Senator Dick Clark, interviewed in Washington, said it was not clear what effect Biko’s death would have on American policy toward South Africa.

APPELLING

“I think we come closer and closer after events of this kind of deciding that we are not going to wash our hands of Mr Vorster and, if his Government wants to operate in this way, they are going to have to be in a very isolated world,” he said.

Mr Andrew Young, US Ambassador to the United Nations, compared Biko’s death to those of President Kennedy and Dr Martin Luther King in the effect it would have on his countrymen.

Friends and family interviewed for the programme described Mr Biko as a warm and appealing person.

Sir Robert Burton, a former head of Eton, who met Biko on a visit to South Africa in 1970, described him as one of the “most fascinating and interesting people I have met.”

Biko had told him that there had to be white participation in a black South Africa.

“One of the most encouraging remarks I’d heard.”

FUNERAL

Mr Woods said: “I think that the Nationalist Party Government will become dead after nearly 30 years of exploiting racial prejudices by a white minority it is now caught up in the web of their own bigotry and fear.”

The names of 45 people who have died in detention since 1963 were screened alongside the official causes of death, including suicide by hanging, falling down stairways, falling out of windows and death by starvation.

The programme ended with a film of Mr Biko’s flower-laden coffin being carried to a grave.

The commentator said the ceremony turned into one of the country’s biggest political rallies.

“But at the end of a day of anger, celebration and tears, one question remained — would this peaceful ceremony mark the end of attempts to reach a non-violent solution to South Africa’s racial problems?”
Biko — and the murder of two policemen

From Mr Harold J Ashwell (Rome Farm, Sir Larry Pass Road, Somerset West): I HAD hoped it would not have been necessary again to refer to the Biko affair, to which the public has already been subjected ad nauseam. However, even to draw a comparison this must now be done.

Those of your readers who still cherish a sense of proportion and a desire to see fair play are shocked at the apparent lack of interest and compassion shown at the horrible deaths of Sergeant Mainini and Constable Mrisi at the hands of a savage group of mourners returning from the ritual burial of Mr Biko, of whom probably very few had ever heard prior to his death.

No voice raised

To what depths of depravity and double standards have certain sections of the English-language press sunk that no voice is raised editorially in revulsion and condemnation of the deaths of two duty, but uniformed, members of the police force when for weeks the public has been subjected to a sanctimonious lament at the death, during detention, without the facts being known, of one whose claim to posthumous fame came as a surprise to the great mass of otherwise well-informed readers?

I feel so strongly that all decent citizens wish to make some apology and express their sympathy with the families of the murdered men, that I suggest the opening of a fund to collect a substantial sum to help alleviate the lot of those who have now lost their breadwinners.

As a token of my own family's genuine concern I offer to contribute R25 to start this fund.

(As readers of the Cape Times are aware from our front-page report on September 28 ("Police killed by mob were waiting for a bus"), Constable L L Mrisi, who was 46, is survived by a wife and seven children and his companion, Sergeant M D Mtshinzi, 29, leaves a wife.

All decent citizens naturally deplore their brutal murder and many wish to show their sympathy for the dependants of these men in a practical manner. (The address of the secretary of the South African Police Widows' and Orphans' Fund is PO Box 380, Cape Town 8000). Mr Ashwell's assumption of a lack of interest and compassion is unfounded.

The Biko controversy is a matter of immense importance in South Africa's international and external relations and has naturally attracted considerable editorial comment in all sections of the press. The fact that many white South Africans had never heard of Biko till his death, is hardly relevant. — Editor, Cape Times)

Also left cold?

From Mr E T Alexander (5 Muncwane Way, Mitchell's Plain): I CANNOT resist the need to comment on Mr Mike Hunt's letter (Cape Times, September 27).

His attack on the condolences of students, and on a respected editor, who would make mincemeat of him (Mr Hunt) in a verbal battle at any time and his scorn for a deceased but remarkable black leader, only illustrate that Mr Hunt is absolutely unmoved by the tragic realities of our society. Are we to assume that the death of Mr Steve Biko also "left them (Mr Hunt) cold"?

Section 21 of the Constitution was meant to protect the constitution this year.

From the Bible

Only they would have us remember the poor, which very thing I was eager to do.

(Acts II: 49)

INTRODUCTION
Inquiry into Biko death?

LONDON — The Prime Minister, Mr Vorster, has ordered a judicial inquiry into the detention and death of Mr Steve Biko.

This was suggested yesterday by the Director of Information at the South African Embassy, Mr Chris van der Walt.

But in South Africa last night news of the judicial inquiry could not be confirmed.

The Prime Minister, Mr Vorster, was not available for comment, and the Minister of Foreign Affairs, Mr R. P. Botha, said it was necessary to have full details of the context in which the statement was made.

"My mission know what to say and they know what the position is. I cannot comment on this," he said. Mr Botha added that Mr Van der Walt was an official of another department.

A major row has erupted between Mr Van der Walt and Granada Television over the TV film, The Life and Death of Steve Biko.

Mr Van der Walt said: "I must express my sincere regret over the tone, content presentation. It is a gross distortion of the facts." of the case in that they have omitted to make it clear that Mr Vorster has ordered a judicial inquiry into Mr Biko's death.

"By failing to take note of this important factor, the TV film infers the South African Government is not concerned or affected by these regrettable incidents."

Mr Van der Walt's attack came in the form of a letter to Mr Brian Lapping, executive producer of the film.

Mr Van der Walt was prompted to write the letter after the film was screened here on Monday night.

The letter also objected to the "gross distortion" and "cynical exploitation" in the film.

Mr Van der Walt confirmed the pathologist's findings would be published in due course.

He then goes on to say: "It is regrettable that you found it necessary to make use of a cheap publicity trick by announcing that parts of this film had to be 'smuggled out' of South Africa. There is no legal restraint whatsoever on taking filmed material out of South Africa."

Yesterday Mr Lapping said he had not yet received the letter from Mr Van der Walt. When he had heard the contents of the letter he replied: "Mr Van der Walt is right that pathologists were present at the post-mortem. But he knows, better than I do, that pathologists present at an autopsy on a detainee do not give their evidence publicly until the inquest."
Detainee’s death is disquieting, court told

By JOHAN BUYS

There were several disquieting factors in the death of Mr Naboath Ntsuntha, who died in detention in January this year, a Johannesburg advocate, Mr E M Wentzel, told the Evander Magistrate’s Court yesterday.

Mr Ntsuntha, 42, a Soweto neuropath, was found hanging in the police cells at Leandra in the Eastern Transvaal on January 9, 26 days after his arrest by the Security Police.

“Everything we know of this man is disquieting,” he said. “We were questioned on January 6 and were not willing to cooperate. He only answered the questions, but expanded them.” Mr Wentzel, who represented the Ntsuntha family at the inquest told Mr J C Maritz, the magistrate.

“On the last day before the detainee was found hanging in the cells, he was in a good frame of mind. Against this background, there is no explanation for him to hang himself,” he said.

Mr Wentzel said it was disquieting that a healthy man went into detention and died by taking his own life after cooperating with the police.

He asked the court to return a verdict that Mr Ntsuntha died by hanging in inexplicable circumstances.

The court, however, delivered a finding of death by hanging, probably suicide, and said no living person could be held responsible.

Mr Wentzel urged Mr Maritz to instruct attendants at the Springs mortuary, where Mr Ntsuntha’s body was taken, not to start post-mortem proceedings on the bodies of those who died in police detention if a district surgeon or medical officer was not present.

“In the interest of justice, it is of utmost importance that when a person dies while in police detention no cut or incision be made at the mortuary unless a medical officer is present,” he said.

He said no one was allowed to see a person arrested in terms of Section 6 of the Terrorism Act and such a person was “entirely and solely” in the custody of the police who were responsible for the physical and mental well-being of the prisoner.

It was therefore important that when a person died in detention the circumstances and cause of death should be established.

According to evidence, Mr Ntsuntha was found hanging in the Leandra police cells where he had been kept in custody after being questioned at Springs for three successive days by the Security Police.

His body was removed to the Springs mortuary for a post-mortem, but was later transferred to Johannesburg for examination by the chief State pathologist, Prof J J F Taljaard.

At a previous hearing the professor told the magistrate that the head had already been opened and there was an incision to cut behind the ear.

There was also an incision, roughly stitched up, just below the neck, as well as three small cuts inside the left ear and small cut on the right ear.

The marks on the ears could have been caused by electrical contact, burn or “impression contact”.

“None of these marks were not, however, relevant to the man’s death. We are not entirely sure what caused these marks. I did not see enough evidence in these wounds to be able to say they were caused electrically,” Prof Taljaard told the magistrate.

Lieutenant Piet Kruger of the Springs Security Police, who questioned Mr Ntsuntha after his detention, said the detainee had not been unwilling to talk.

He did not know about the cuts on the ears. Lieut. Kruger said.

In delivering the court’s finding, Mr Maritz said the court could not be certain from the evidence as to how the marks on the ears were caused. There was no evidence that there was any act to inspire the deceased to commit suicide.
Grahamstown pupils, teachers detained

GRAHAMSTOWN — Two teachers at the Nathaniel Nyalusa High School here are reported to have been detained by the Security Police yesterday.

This brings the total number of people known to have been detained during the past few days to 10.

The teachers, Miss Beulah Fole and Miss Nomaskaya Tweniwe, were reported to have been detained together with two pupils, Gilbert Thomson and Roger Faltain.

The head of the Security Police in the Eastern Cape, Col P. J. Goosen, said yesterday he was unable to confirm detention of the four.

Roger Faltain was said to have been detained on Wednesday night and Gilbert Thomson yesterday.

Col Goosen confirmed that two Idutywa pupils, Muphulana Canana and Dennis Mhahlo, both on a visit to Grahamstown during the September holidays, were being held under Section 22 of the General Law Amendment Bill. They were detained on Wednesday night.

He also confirmed the detention on Monday of seven members of the recently-formed Port Elizabeth Students' Representative Council.

The pupils, Duma Lamani, of Cowan High School; Nacondo Tanda, of Vewell High School; Winaliso Mabu, of Albany Secondary School; Sonwabo Peter, of Cape High School; Mnde Mashola of Louis Secondary School, Gilbert Matika of Cowan High School and Sipho Pityana of Newell High School, are being held under Section 22.

Col Goosen said Mr Moki Cekisani, 34, the Port Elizabeth detainee held during September and admitted to Zimbabwe Hospital suffering from tuberculosis, was released from detention on Tuesday and discharged from hospital yesterday.

A spokesman for the hospital said yesterday Mr Cekisani had agreed to undergo further treatment soon in Cape Town.

Col Goosen confirmed the arrest of Macdonald Speelman, 18, of Fingo Village, Grahamstown, during a protest march in the village on Wednesday morning.

He said he was one of the eight pupils arrested by police.

A former head of the Rhodes University Black Workers' Union Mr Alister Maxwane, was also detained on Wednesday.

Mr Maxwane has been detained on a number of occasions during the year. He was detained after a strike by workers at the university last year.
More than 600 now in detention

Staff Reporter

AT LEAST 665 people are being held in security detention, according to a report released yesterday by the South African Institute of Race Relations.

This added the institute, is the highest number since a detention without trial was introduced in 1961.

In Grahamstown yesterday two black women teachers and two pupils at the Nathaniel Nyaluza High School, were reported to have been detained by Security Police.

The Union of Black Journalists holds its annual conference in Durban tomorrow, without its president, two photographers and five reporters — all of whom are in detention.
Pretoria — The Department of Information yesterday made it clear that an inquest, and not a judicial inquiry, had been ordered into the death of Mr Steve Biko.

The Department issued a statement following a protest by the Director of Information at the South African Embassy in London, Mr Chris van der Walt, about a British television film on Mr Biko.

In a letter to Mr Brian Lapping, producer of the film, Mr Van der Walt accused Mr Lapping of failing to make it clear that the Prime Minister, Mr Vorster, had ordered a "judicial inquiry" into the detention and death of Mr Biko.

Mr Van der Walt had used the term "judicial inquiry" in a non-technical sense, while he also had an "inquest" in mind in a technical sense, the Department said.

"The term 'judicial inquiry' is unfortunately used loosely in a non-technical sense. There can be various forms of judicial inquiry, of which an 'inquest' is one," the statement said.

"Where there is reason to believe that a person died from unnatural causes, an inquest is held in open court by a magistrate who is a judicial officer.

"This is a form of judicial inquiry in the sense that evidence is led and the next of kin of the deceased can be represented by a legal representative who has the right to question witnesses and address the court."

The magistrate was called upon to determine the cause of death and whether any person or persons were responsible for the death. Should the Attorney-General decide to institute a prosecution, an inquest fell away. — Sapa.
Biko death: reporters uncover new details

Facts clash with Kruger statements

JOHANNESBURG — An extensive investigation by Daily Dispatch correspondents into the death of Mr. Steve Biko in detention — an investigation which included interviews with doctors who examined him before he died — has revealed several facts which contradict assertions made in public by Police Minister J. T. Kruger.

The investigation, conducted in Pretoria, Port Elizabeth and Cape Town, supported earlier reports that Mr. Biko had severe brain damage and bruising, and established his body showed no signs of a hunger strike or dehydration and that he was not underweight at the time of his death.

In fact, Mr. Biko was actually overweight when he died on September 12, and he was delivered for burial at his well-built body weighed over 85 kg.

Sources close to Mr. Biko during the last days of his life revealed that he had drunk water during a medical examination on September 9 — three days after the date on which, according to Mr. Kruger's statement, he had refused water and food.

Doctors who examined Mr. Biko in Port Elizabeth while he was detained were the District Surgeon, Dr. Ivor Lang, the Chief District Surgeon, Dr. Benjamin Tucker, and a specialist physiologist, Dr. Colin Hersch. Mr. Biko's condition was also discussed with a neurosurgeon.

Dr. Keeley, who said he would be surprised if Mr. Biko had brain damage. An X-ray of the skull had been recommended, but not carried out.

During the initial examinations by Dr. Lang and Dr. Tucker, Mr. Biko was conscious and was closely questioned about his symptoms and personal history.

Mr. Biko's transfer to Pretoria was arranged and discussed by the Security Police, the Chief District Surgeon and the District Surgeon without consulting the specialists or the neuropsychiatrist.

Neither Dr. Tucker, Dr. Lang, nor the Security Police would say how Mr. Biko was transported to Pretoria — whether by aircraft, ambulance, or police van.

Dr. Tucker and Dr. Lang refused to give reasons for Mr. Biko's transfer to Pretoria. They also refused to say whether the District Surgeon in Pretoria, Dr. A. van Zyl, had been briefed on Mr. Biko's condition.

Dr. Tucker and Dr. Lang refused to comment on the possibility of an assault in prison, but Dr. Hersch said: "I cannot tell you anything about whether he was manhandled or not. What I would like most of all is to find out the truth of this matter — what happened and why he died. If there were any problems over here, I would like to know he received the best attention."

Questioned further, Dr. Hersch said: "If there wasn't a judicial inquiry or an inquest, there would be every reason to say everything because the public must know. But because an inquest is coming up, I see no point in giving details before."

Dr. Hersch said he knew nothing of Mr. Biko's move to Pretoria.

"There is the biggest blank in my knowledge from the time I saw him to the report in the papers of his death. I didn't know how he was transported, why he was transported or what happened in Pretoria."

"I think someone said he was in a coma, but this is only something I have heard. This is hearsay."

Dr. Hersch said: "DBE..."
Johannesburg — According to a report by the South African Institute of Race Relations, at least 682 people are being detained — the highest number since detention without trial was introduced in 1961.

Among them are more than 100 who have been held for a year or more.

The report says the detainees include 141 pupils, 30 university students, 21 former Robben Island prisoners or African National Congress and Pan Africanist Congress members.

There are also 37 state witnesses still in detention, 24 members of Saso Black Peoples Convention and Black Community Programme. At least 359 were miscellaneous or not identified.

The report quotes the Minister of Police, Mr Kruger, as having told the National Party congress that 2,430 people had been detained since June 1976. He had said that 817 of them had been convicted, 118 were still awaiting trial, 135 had been held in preventative detention and 372 were still undergoing investigation.

The report asks if the continued detention of pupils and the subsequent failure to bring them to trial is directed against their campaign for improved education rather than individual offences of security of other legislation.

An example of the use of detention as a political measure was the detention of people who had assembled for a BPC meeting on August 30. "This pattern reflects an intolerance of organisations that work outside Government-created structures."

In a statement yesterday, the director of the institute, Mr Fred van Wyk, called for a public judicial commission of inquiry into deaths in detention without trial. He said death in detention had created an atmosphere of fear and suspicion in South Africa. — DDC.
Specialists assist Biko death probe

Two specialist researchers have been called in by the Chief State Pathologist, Professor Johann Loubscher, to help the investigation into the cause of death of Mr. Steve Biko who died in detention on September 12.

"These two specialist researchers are at present conducting laboratory work in order to be able to contribute greater certainty in establishing the cause of death," Professor Loubscher said today.

INTERIM REPORT:

"At this stage I am awaiting the reports of these experts. This may take some time." Professor Loubscher would not disclose the names of the two experts he had consulted.

The post-mortem report on the death of Mr. Biko cannot be completed until the reports of the experts have been received.

Pathologists refused to say whether the tests were major or minor.

An interim autopsy report was made by Professor Loubscher after the initial examination of Mr. Biko's body on September 13. This was made available for any possible police investigation.

The Attorney-General of the Transvaal, Mr. J.E. Nothling, said today that when Professor Loubscher's report was completed it would be included, together with the results of any other investigations into Mr. Biko's death, in the police dossier.

This dossier would then be submitted to the senior public prosecutor and then to the Attorney-General to decide whether there should be an inquest.
Laboratory tests on Biko still awaited

The Argus Correspondent

PRETORIA. — The results of certain laboratory tests are still being awaited before completing the post-mortem examination on the black consciousness leader, Mr Steve Biko, who died in detention on September 12.

The Chief State Pathologist, Professor Johan D. Louw, said today that he could not say when the examination would be completed. Earlier reports quoted him as saying that he expected to finish it by October 10 were incorrect. It was impossible at this stage to say whether the report would be completed by the end of next week.

An interim autopsy report was made by Professor Louw following the initial examination of Mr Biko's body on September 12. This had been made available for possible police investigation.

POLICE DOSSIER

The Attorney General of the Transvaal, Mr J. J. Botha, said today that when Professor Louw's report was submitted, it would contain the results of all other investigations into Mr Biko's death, in the police department.

This dossier would then be submitted to the senior public prosecutor and in turn, to him (the Attorney General) to decide whether there should be an inquest.

Last week the Commissioner of the South African Police, General Geert Fourie, said that there would be no police investigation into Mr Biko's death until the post-mortem had been completed.

The Department of Information made it clear earlier that an inquest, and not a judicial inquiry, had been ordered into the death of Mr Biko, Sapa reports.

2) Huizinga, J. Homo Ludens. 1938.
3) Huizinga, J. Homo Assumptus. 1939.
5) Croce, B. Style. 1925.
Govt says an inquest on Biko has been ordered

Diplomatic Reporter

THE Prime Minister's office and the Department of Information said yesterday that an inquest, and not a judicial inquiry, had been ordered into the death of the black activist, Mr Steve Biko.

However, the Attorney-General of the Transvaal, Mr J E Notting, told the Cape Times that it was possible the inquest might not take place at all.

Mr Notting said he had not yet seen any documents relating to the case but pointed out that if the investigations currently under way led to a criminal prosecution then an inquest would not automatically be held, as was normally the case in instances of unnatural death.

A spokesman for the Prime Minister's office, said that an inquest was definitely contemplated and not a judicial inquiry as was said by Mr Chris van der Walt, the director of information at the South African Embassy in London.

The Department of Information also acted to clear up the confusion following a protest by Mr Van der Walt about a British TV film on Mr Biko.

Mr Van der Walt accused the producer of the film of distorting the facts and failing to make it clear that the Prime Minister, Mr Vorster, had ordered a judicial inquiry into the death of Mr Biko.

A spokesman for the department said yesterday that Mr Van der Walt had used the term "judicial inquiry" in a non-technical sense, while he also had an "inquest" in mind in a technical sense.

Legal representative

In a further statement issued later yesterday, the department explained that where there was reason to believe that a person died from unnatural causes, an "inquest" was held in open court by a magistrate who is a judicial officer.

"This is a form of judicial inquiry in the sense that evidence is led. the next-of-kin of the deceased can be represented by a legal representative who has the right to question witnesses, and also has the right to address the court."

The magistrate was called upon to determine the cause of death and whether any person or persons were responsible for the death. Should the Attorney-General decide to institute a prosecution the inquest fell away.

The statement said that the New York Times had correctly quoted Mr Vorster as saying an inquest had been ordered.
Biko was overweight when he died — sources

JOHANNESBURG. — An investigation which included interviews with doctors who examined Mr Steve Biko in detention has revealed that the black consciousness leader showed no signs of a hunger strike or dehydration.

In fact, Mr Biko was overweight when he died in detention on September 12, and on delivery for burial his body weighed between 85 and 90 kg.

Sources close to Mr Biko during the last days of his life also revealed that he drank water during a medical examination on September 8, three days after, according to the Minister of Justice, Mr Jimmy Kruger, the commencement of a hunger strike.

The investigation — in Pretoria, East London, Port Elizabeth and Cape Town — also supported earlier reports that Mr Biko was found to have excessive brain damage and severe bruising.

The doctors who examined Mr Biko in Port Elizabeth and in Cape Town, Drs Benjamin Tucker, the chief district surgeon, and Drs Knop and Dessler, had no doubt about his condition.

The investigation also revealed that Mr Biko's condition was discussed with neurosurgeon, Dr J. D. Keesley, in Cape Town.

The facts that emerged from interviews with these doctors and others who had treated Mr Biko formed the basis of the inquest ordered by the district surgeon in Pretoria.

Continued on page 2

Inquest ordered — P12

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1) The Civi

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Freedom for Biko mourners

NINETY-four mourners who were arrested while preparing to leave Soweto to attend Mr. Steve Biko's funeral in King-William's Town two weeks ago were all freed by a magistrate yesterday.

They were arrested while waiting to board buses at Du Bois YWCA.

Seven girls and seven boys under 18 appeared with 80 adults before Mr. M. P. Primaloo at the Protea Magistrate's Court. Charges against them of public violence and disturbing the peace were withdrawn.
When the news hurts
World outcry over Biko death

Joel Mervis

US slams SA

By Melvine Yap
the way the “Mail” covered the news.

This resentment is no doubt genuine and sincere, but that does not make it rational or logical or even justifiable.

Why do people get so hot under the collar about the Rand Daily Mail’s reporting? The “Mail” has not undergone any radical change, so one must assume that people have changed.

The assumption would appear to be correct if for no other reason than that it is quite impossible for values and standards not to change (for better, or for worse, is your guess) after 30 years of Nationalist rule.

When one adds to that the fact that people believe they are being driven steadily into a beleaguered lager, it is not always easy for them to retain the cool, calm judgment they once enjoyed, or to attach the same importance to the traditional standards they were once willing to accept.

This, I believe, really gets to the heart of the matter. In our current climate of political tension, traditional values and standards of tolerance are bound to decline.

We can accept, therefore, that resentment against the “Mail” is not provoked because the “Mail” has suddenly embarked on some new, outlandish course of conduct. Pressures and fears created by current tensions (brought about, in my view largely by Nationalist misrule) are pushing people into a position where they genuinely resent the ordinary, normal operations of a free and independent newspaper.

It was relatively easy a decade ago for people to be tolerant of a newspaper which did not do as a newspaper even though they heartily disliked it.

Today the political atmosphere has become so polluted that many people — ordinary, decent, respectable citizens — find it difficult not to be intolerant of the actions and attitudes of non-conformists.

In simple terms it is the political situation — the arid legacy of 30 years of Nationalist rule — that causes people to resent what they would formerly have accepted as nothing other than a straightforward newspaper job.

Their attitude is perfectly clear. They regard the prominent display of news about a dead detainee as unpleasant, embarrassing and harmful (which it is).

They believe that such news coupled, say, with a report of tasteless remarks by a Cabinet Minister, will give South Africa a very bad name abroad (which it does).

Therefore, they argue, they have made out a perfect case for suppressing all that unpleasant news. If publication is going to harm our image, then the answer is obvious: Don’t publish.

It follows that when people read reports of these unpleasant events in the “Mail”, they hold the “Mail” responsible for giving South Africa a bad name.

With the greatest respect to these critics, they are allowing their political bias to cloud their judgment. They have only to give the matter a moment’s thought to realise that all the unpleasant embarrassing news is created and sparked off by none other than the Government itself.

The Government, not the “Mail”, introduced detention without trial. The Government, not the “Mail”, holds hundreds of people incomunicado for months on end. The Government, not the “Mail”, was in control of Steve Biko when he died in custody. A Cabinet Minister, not the “Mail”, announced that Biko’s death left him cold.

The alarming aspect of present day attitudes is that even if these factors I have mentioned are well known, they are brushed aside and ignored. The “Mail”, for carrying out its elementary duty as a newspaper, is given the blame.

It follows that people are becoming less and less interested in the old-fashioned claptrap about a newspaper’s duty to publish and the public’s right to know. The acceptable proposition now is that all “harmful” news should be “played down” or, better still, suppressed.

It is particularly interesting that the Biko story should be the one to provoke such strong reaction. I say that because it is a long time since we have had a situation which produced such compelling reasons for the fullest publication.

What was involved here was a system in which detaine’s, vanish for months on end, without the benefit of trial, alone with their captors. Momentarily, the veil was lifted from this hidden world of fear and darkness. Seldom was the duty to publish so mandatory and the public’s right to know so imperative.

The Rand Daily Mail met the challenge with dignity and distinction.

Fortunately, there are still many people around who are not Government partisans. I hope that they will remain keenly aware of the new pressures and prejudices that are developing, and will have a full understanding of the motives of the Rand Daily Mail and its deeds of public service in the face of these hostile pressures.

The “Mail’s” coverage of the Biko affair, in my view, was conducted at the highest level of professional expertise and integrity. The “Mail” did the one thing a newspaper worth its salt is supposed to do. It gave the news. Long may it continue to do so.

It is very distressing for all of us to know that our Government has a very poor image with the outside world. It should therefore be some consolation for all of us to know that the outside world holds the Rand Daily Mail as one of the great newspapers of the world.
Experts called in over Biko death

Pretoria Bureau

THE CHIEF State Pathologist, Professor J D Loubser, said in Pretoria yesterday he had found it necessary to call in two experts to assist investigating the death of the black-consciousness leader, Mr Steve Biko.

Mr Biko died in detention on September 12.

"These specialist research workers are presently carrying out tests in sophisticated and well-equipped laboratories with a view to ascertaining the cause of Mr Biko's death with greater certainty," Prof Loubser said.

Prof Loubser said he was awaiting the reports of the experts. This might be "some while."

He declined to say how long their work would take or to reveal the names and medical fields of the specialists.
EAST LONDON. — The vice-chairman of the local branch of the Black People's Corporation, Mr Mandela Ganyana, was detained by the police early on Thursday morning.

Four black security police officers took away a portrait of Steve Biko and a photograph of Mandela's death, which appeared in the Daily Dispatch after news of Mr Biko's detention was published.

Mr Ganyana, a friend for a sweet factory in East London.
Biko headline may have given wrong impression

STAFF REPORTER

YESTERDAY'S main headline in the Rand Daily Mail: "No sign of hunger strike". "Biko doctors" may have conveyed the erroneous impression that this was a direct quote by the doctors who had examined Mr Steve Biko before his death.

The correct position was as expressed in the opening paragraph of the report which stated that "Mail" investigation has revealed that the doctors who examined Mr. Biko had revealed that Mr. Biko showed no signs of a hunger strike or dehydration.

In other words, it was the full investigation, based in part on the interviews, which revealed this — and not solely what the doctors said.
Biko doctors interviewed

BY HELEN ZILLE

JOHANNESBURG — During the last five days of Mr Steve Biko's life, he was examined by four doctors and moved over 1,000 km from Port Elizabeth to Pretoria in an attempt to find out what was causing the steady deterioration in his condition.

The first examination, at the request of the Security Police, was carried out by Dr Ivor Lang, District Surgeon of Port Elizabeth, in prison on September 7.

The next day Mr Biko was examined by the Chief District Surgeon, Dr Benjamin Tucker, who called in a specialist physician, Dr Colin Hersch. Dr Hersch then discussed Mr Biko's condition with a neurosurgeon, Dr R. J. Keeley.

After being transported to Pretoria during the night of September 9, Mr Biko was examined by the District Surgeon, Dr A. van Zyl, and died a few hours later.

The doctors who examined Mr Biko in Port Elizabeth were interviewed, and in the course of the interviews, and other investigations, it became clear that none of the medical examinations dealt with illness due to an alleged hunger strike. The purpose of the examinations was to determine the cause of other disturbing symptoms.

The doctors have submitted detailed reports of their findings to Prof J. Loubsier, the 'doctor in charge of the post-mortem on Mr Biko'.

When approached for interviews, the doctors ranged from polite co-operation to complete refusals.

Dr Ivor Lang, the Port Elizabeth District Surgeon, was the first doctor to see Mr Biko in detention on September 7. As District Surgeon, it is his duty to examine detainees in Port Elizabeth who fall ill.

Dr Lang confirmed that Mr Biko was conscious during the initial examinations on September 7 and 8 and that he had spoken at length to his patient. "Any doctor who is concerned about his patient will find it as much as he can from his patient," Dr Lang said.

Dr Lang was particularly keen to know how much the Security Police and other sources had revealed. "Have you spoken to Col Goosen?" he asked. "What did he tell you? Have you had access to the report I handed in?"

At a second interview on his eight-morgen farm outside Port Elizabeth Dr Lang was abrupt. He refused to accept a list of questions prepared for him. "The dustbin if you like," he said. "Yesterday I told you my only loyalty was to my department. I should have gone further and said my only loyalty was to my patient as well. You don't seem to understand that I work for the State and can say nothing more without permission."

Dr Benjamin Tucker, Chief District Surgeon of Port Elizabeth, was traced to a hotel in Cape Town where he is holidaying. Dr Tucker was the second doctor to examine Mr Biko and the man who called in the specialist physician, Dr Colin Hersch. It was also Dr Tucker who recommended Mr Biko be transferred to Pretoria.

At two meetings with Dr Tucker this week, he was abrupt. "I am a Government servant," he said. "I will not talk to you without direct permission from the Secretary for Health."

Dr Tucker, who in 1968 was among the first South African doctors to receive a diploma in forensic medicine offered by the College of Pathologists and Gynaecologists, is a well-known authority on "drunken driving" in Port Elizabeth. Neighbours said he was a "good personal friend" of Col Goosen, the local Security Police chief.

Col Goosen always kept an eye on Dr Tucker's house when Dr Tucker was away on holiday, the neighbour said.

Dr Colin Hersch, a specialist physician and the third doctor to examine Mr Biko in detention, was called in by Dr Tucker for an opinion on the growing list of disturbing symptoms shown by the allying Mr Biko.

Dr Hersch, a burly man with grey hair and bushy whiskers, studied at the University of the Witwatersrand, spent seven years training at the University of Pretoria and moved to Port Elizabeth 15 years ago. He has been in private practice for seven years.

From time to time the district surgeons consult Dr Hersch on detainee cases. He is ill. "I get called in from time to time for a second opinion or further investigation," he said.

Asked whether he had ever come across a detainee who had been assaulted in custod, Dr Hersch said: "You are asking for dynamite. I would not be able to tell you that." Dr Hersch said that as far as he could remember, no detainee had complained of assault. He refused to comment on whether Mr Biko showed signs of an assault.

"Everyone wants justice to be brought about," he said. "I cannot tell you anything about whether he was manhandled or not ... obviously if someone had been maltreated one would want to do something about it. I am sure the truth of this must come out, whatever it is."

It was clear that the alleged hunger strike played no part in Dr Hersch's examination of Mr Biko. Asked specifically whether there were signs of dehydration caused by a hunger strike, Dr Hersch said: "There were no signs of dehydration at all."

Dr Hersch's investigation revolved round other disturbing symptoms which led to a lumbar puncture test on Mr Biko. The results of the lumbar puncture — a test during which fluid is drawn from the spine to determine possible brain damage — were discussed with a neurosurgeon, Dr R. J. Keeley.

"From that time the whole thing is the biggest report in the paper of Mr Biko's death," Dr Hersch said. "I didn't know he was transported to Pretoria, why he was transported or what happened there," Dr Hersch said.

"I think someone said he was in coma but this is all hearsay."

"What I did was to find out the truth of this matter, what happened and why he died. There was no problem here, I would like to know he received the best attention."

Dr R. J. Keeley, the neurosurgeon whose opinion was sought for the results of the lumbar puncture and "a whole list of symptoms" was abrupt and direct in expressing his opinion.

"Why are you defying this guy?" he asked. "Don't you think you should investigate the policeman that got shot dead by these bastards and their mates?"

Dr Keeley, a well-built outdoor type with close-cropped light hair and a deep tan, said it was the first time he had been consulted about a detainee. He was phoned for an opinion this list only three days ago.

"Because the doctors were worried about the patient's condition."

Dr Keeley said he was unaware of reports stating that Mr Biko had suffered extensive brain damage in detention. "From what I heard over the telephone there was nothing to worry about, nothing fancy at all. If there was brain damage, it would surprise me," he said that apart from what he learnt during one telephone call he knew nothing about Mr Biko.

"I am not prepared to say anymore because I would like to know why the hell you are making such a fuss about Mr Biko and not about the policeman who got shot.
Press reacts to ‘Mail’ Biko case

By HELEN ZILLE

The Editor of the Rand Daily Mail, Mr Allister Sparks, sharply criticised aspects of the Press Council’s findings against the “Mail” for an urgent hearing called by the Minister of Justice, Mr Jimmy Kruger, on Friday.

Mr Kruger requested an urgent hearing “in the national interest” after the “Mail” published a front-page report on Friday on an investigation into the death in detention of Mr Steve Biko.

Mr Kruger did not challenge the facts revealed by the “Mail” relating to Mr Biko’s death. He claimed the headline did not reflect the content of the report and that the report did not contradict points he had made in a statement - as the “Mail” said was the case.

The Press Council upheld Mr Kruger’s complaints.

Commenting on the Council’s findings, The Star said the hearing was likely to cause great suspicion and concern to newspapermen everywhere. “The charges did not warrant an urgent hearing,” the Council decided, however, that “while the question of urgency was not relevant, this was difficult to follow - as were some portions of the judgment,” The Star said.

Criticising Mr Kruger’s failure to appear at the hearing, The Star said: “People may well ask why the Minister failed to appear and why the Council found the newspaper guilty without requiring the accuser fully to elucidate his complaint or to show that the facts published were ‘incorrect’.”

The Afrikaans Sunday newspaper, Rapport, pointed out that the fact of Mr Biko’s death revealed in the “Mail’s” report had not been denied and emphasised the urgent need of an official retaliation of the truth of the Biko affair.

The Sunday Express said the hearing could do more harm than good to the cause of a free responsible Press.

Criticising Mr Kruger for his failure to appear, the Express said Mr Kruger did not dispute the prime fact of the report - “that Steve Biko’s body showed no signs of a hunger strike or dehydration.”

The Minister’s failure to appear means the newspaper was prevented from challenging its challenger. This is manifestly unfair and should be prevented from happening again.

“Mr Kruger’s evident determination to obtain instant vindication for himself would create an impression in South Africa and abroad that the Government is more interested in finding a newspaper ‘whipping boy’ than the Express said.

“The Sunday Times said: “An overwhelmingly unsatisfactory aspect of the Press Council hearing is that the Mail insisted on the accuracy of the main findings of the investigation; and the right of a newspaper to publish (them) were not canvassed.

“The whole matter has highlighted another very worrying fact: scarcely a week passes without a fresh uproar about the mysterious death in detention of Mr Biko. Nor will it end as long as the uncertainty about how he died is allowed to persist.”

The Sunday Times said the Press Council’s findings had aroused fears in South Africa that the Government would revive its abandoned Press legislation. The “Mail’s” East London correspondent reported that an “editorial” in the Daily Dispatch today says Mr Kruger has had the preliminary postmortem report, more than a fortnight but “hasn’t said a word about it.”

For, he says, “there is enough, even excessively, in the early days of this tragedy, Mr Kruger has given ad silentium subject. It might even be said he is maintaining an uncharacteristic silence in this regard.

Why, Mr Kruger? Are you worried? You should be...

Call for judicial probe

Staff Reporter

The South African Institute of Race Relations yesterday renewed its call for a public judicial commission of inquiry into all aspects of the death in detention. Mr Fred van Wyk, the institute’s director, said:

Mr Van Wyk outlined a number of detainee deaths where circumstances remained unexplained and “require urgent public investigation and clarification.”

Mr Joseph Maluti: How did he sustain all the injuries found on his body?

Mr George Biko: How did he sustain the body injuries which apparently had been inflicted hours before he fell to his death?

Mr Luke Mambane: How did the police admit the injuries found on his body, head and chest?

Mr Dumasons Mthath: Why had there been no inquest into his death?

Mr Elizabeth Lous: Why was his family not allowed to have a private doctor attend him when he was reported to have suffered a stroke?

Mr Hoosen Haffejee: How did Mr Haffejee sustain the numerous injuries on his body?

Mr Bernard Nkandla: Why did his family not have a private pathologist at the post-mortem into his death?

Mr Elmon Malele: How did he sustain injuries found on his body and head?

The unanswered questions and the numerous allegations of maltreatment of detainees have created an atmosphere of fear and suspicion in South Africa,” Mr Van Wyk said.

“Only a full judicial commission of inquiry will help dispel these fears,” he said.
An extraordinary ruling

CORONIAL OPINION

DAILY Dispatch: Monday, October 14, 1977
South Africa today is ruled by fear, and as always, fear breeds hatred and hatred in turn breeds more fear.

Increasingly, voices of warning are being drowned out by voices of incitement. Voices of dissonance are seen as voices of treachery and treason.

Increasingly modernization has become as extreme and the peace-makers are being portrayed as the advocates of violence.

We may be sickened and alarmed by this but we should not be surprised. It has all happened before and no doubt it will happen again until preparations are made to acquire post-revolutionary wisdom.

South Africa today is heading for civil war and we who warn of this are dismissed as madmen so because we assert a warning motivated by love. If we are wrong about it, the citizens are seen as a kind of advocacy of the very thing we warn against.

In fact, South Africa is faced not only with the prospects of civil war and also the prospect of an escalation of the war on the border and the killing of persons and the closing possibilities of international support by the world community.

The way in which the Nationalists respond to these military threats is inconsistent with their own logic and they refused to fight for South Africa when this country was at war. They should find that only volunteers should fight.

What are they doing now? Why do they have conscription? It is the logical extension of what should be the border. These last in favour of open borders and they are rushing to arms first, simply so they can portray how well they understand the other members of the Nationalists have.

It is as if the test on sending young men to war for policies which don't last.

There are many young whites in Salisbury and Bulawayo who have arms or legs because they fought loyally for Mr Smith's policy of never yielding to one-man-one-vote negotiation with terrorists, yet Mr Smith is now ready to accept one-man-one-vote and to negotiate with terrorists, and in fact to incorporate units of them into his army.

Young men must be thinking now the way they made their sacrifice.

There would be fewer wars if we were to do our own fighting.

And there is a special future for those who can be avoided by genuine negotiation. Peace can always be achieved if there is recognition of genuine grievances and a readiness to come to reasonable terms in remedying obvious injustices.

But as always in times of emotional military mobilization those who try to put these matters into calm perspective are met with a hysterical onus of disloyalty (sometimes by those who were disinclined enough to fight Ossewa Brandwag battles against our own soldiers during World War II) and come under menace from the more disordered elements.

The danger lies in actually speaking up about the things people don't want to think about. The people hate such thoughts because they fear they all the implications might flow from them. They would rather push those who subject under into the depths of subconscious and pretend that today's pleasant sunshine reflects the wished reality.

Most of us have been doing this for years. I certainly have. My friends know me as the perpetual optimist, and as far as South Africa in the long term problem is concerned, I remain an optimist.

But it is South Africa in the short term that gives cause for the most serious fear because things have never been worse in this country, from every important point of view, than right now.

Apartheid is on direct collision course with black anger as never before under the Africander Nationalists who rule us are seriously underestimating our depth and scope of the crisis.

They underestimate it because they are ill-informed about the realities of their own country, and have so cocooned themselves and cut themselves off from it, in almost total separation that they are today living in a world of unrealistic whiteness socially, economically and politically.

It is a world of paradox. The white population lives in divine, ceremonial and linguistic exclusivity. They present awards to each other. Schoolgirls pin flowers on them. Housing in group songs are sung and parades are occasions for mutual renaissance — and dangerous complacency.

Their real contact with the rest of us in this country — the 90 per cent of South Africans — is minimal. As for their contact with blacks particularly — a contact which seems so obviously vital — this is practically nonexistent.

South information as they get about blacks is usually grossly inaccurate and inadequate. It comes not from blacks, but from whites who are simply not equipped to supply it to the Security Police, or Special branch.

Judging by certain experiences and several friends of mine have had in contact with Security Police, South Africa has a most serious and unassimilable minority. So many members of the police seem to be so over-equipped to evaluate real subversion it is as if they had spent birking up the wrong tree.

I have other complaints against them. I believe their ideological purity is pounded by an inordinate exercise of power over or under, the power of life and death.

As a liberal democrat, I believe that only a judge should be empowered to take the life of a citizen — and only after the most level of allowing party politicians or political police to take an edict on the execution of prosecutors and jailers, that society has embarked on the road of Stalin in Moscow, of Hitler's, Reich, of Ame's Uganda and other savage societies where normal laws are replaced by dictatorial edicts.

And I believe that when this happens, concern either will stand up and speak up — and if necessary suffer and die for doing so.

If we do not, then we betray all who have died for us.

If we claim to be Christian and Western and um by God we dare not back away from evil but must advance on it and fight it to the mortal death.

By every standard of human values and standards there is no other choice. All else is a surrender to all that exists.

Had I said this a month ago, it could have represented realistic rhetoric. Up to a month ago, I regarded myself as a supporter of Mr Smith. But now reality is much more lower and of a commitment reality is. It is grief, pain, fear and struggle — and in some circumstances beyond one's choosing.

In my case a close friend was arrested, was held in detention and made it impossible for me to refuse phone contact.

Commitment to what? Beyond all else, commitment to doing everything humanly possible to record what happened to him and to help in some way to bring those responsible for his death to account — to do as much as is possible to explain the enormity of this outrage and to show so that out of the massive national tragedy that it is comes some significant advance along the road he followed in search of justice and recognition for all South Africans.

If his death can bring an end to the accoutrement, and ultimately an end to the detention with trial itself; if his death can mean new curbs on the excess of power exercised with abnormal authority, and at least some significant return to the law, then it will have been pointless extinction of life of one of the greatest men this country has given.

As one who valued his friendship as a major influence in my life, and as one who had many long and frank conversations with him about his attitudes and beliefs, I feel I should tell those of you now didn't know him what manner of man Steve Biko was.

For a start, he was the most extraordinary man I ever had the privilege to know. He had a deceptively depth amounting to a natural reserve with a keen sense of humour, and a human understanding even of his persecutors.

It constantly amazes me that he never spoke of his detention experiences with remorse, nor with persecutors with hatred. Although supreme at times, I think he would never bow the knee to any bully in any circumstance. He simply want a better.

I tell you this with the utmost certainty — and I dare say that Steve Biko's vitality in this country is a despicable lie. He foresaw it more than we all! He could see it looming ahead. Don't we all? I think we could have saved him if we had advocated it or desired it! It is not only a despicable lie but cowardly one in which the accusation never came during his lifetime but comes on us when we are dead and cannot answer back.

The main issue is that a key political figure in this country was detained in good health and within three weeks became the first South African to die mysteriously in police custody, and that it is not possible for us to question this mysterious death until those responsible have given adequate reply.

Now the truth in this matter will come out sooner or later. And we will see...
show whose implications were manifold. The post-mortem findings will supply the answers, and by the time they are answered, answers will not substan-
tiate Mr Kruger’s hunger-
drive imputation nor The Citizen’s nephritic story nor any other theories likely to absolve the Security Police of responsi-
bility for the murder.

For South Africa, as for the Security Police, this was death and a no-
amount of hysterical accusation of treason, of sedition, of incite-
ment or any other phoney real-
ing is going to pre-
vent this. Those who equal treason with not doing what they are being done to South Africa should have thought about the law, up the lawbooks and gave political police the power of the law, even though over-
covert, uncitizens.

Nor will threats stop Steve’s friends from demonstrating peacefully, and on the subject of threats and pamphlets I want to tell you something.

Percy Qoboza, editor of the World newspaper, and Steve’s book, has been subjected to pamphlet campaigns in the townships. The pamphlets are obvious attempts to stir up black hatred against him and against those based on the most absurd lies.

Now the question must be asked: Do the authors of these pamphlets intend us to believe that they are the work of some township dweller who might believe their concepts? Or is there a black mote sinister motive even than this? Is someone white intending physical harm to us in the hope of using these pamphlets to suggest it was someone black who did it?

We all know the stereotype racist who believes that the liberal will be the first the blacks turn on, and if the reader or writer of this article saw this at least make as much a story-cover story for his own act.

What I’m saying is that I am aware of the physical danger involved in calling for justice in the matter of Steve Biko’s death and I am aware also that beyond certain sensible precautions nothing further can be done to maximize such danger, but I was led to take this opportu-
nity of saying this to you:

If anything happens to people like myself to silence our voice in this matter I ask the hundreds of thousands of South Africans, including all of you, who present who feel as we do, to ensure that such a silence would not succeed in diminishing the chorus of demands for justice but would rather add to it in volume and in-
tensity.

It is unpleasantly ugly to consider threat but circumstances have made this necessary at this time and there can be no remotest possibility of turning back. But for the climate of hysteria and hatred that has created these dangers I blame this Government and in particular Prime Minister Vorster and Police Minister Kruger as well as their lackey new-
spapers. They are the ones who have not only created the conditions causing violent unrest but also have on several occasions by their words lent ent-
couragement to excesses by white extremists who mysteriously have access to tear-gas canisters and unlisted telephone numbers.

More than this, they have presided over a system of detention under whose dispensation helpless people can be seized, tortured and assaulted without ever having had access to lawyers or friends or fami-
ly — access not even denied to a criminal. Yet the Government can see no reason for a judicial inquiry into deaths in detention.

Here are several reasons: There are no such investigations of torture in detention. The only public were public testimony at the Magetta (now public) inquiry that a girl named Tenjiwe Mnisi had been assaulted and had had a tooth twisted and broken, and there has been testimony alleg-
ing even worse torture than this. Solitary confinement is in itself a form of torture.

Whether or not Mr Vorster regards these allegations as untrue, I can tell him that literally millions of South Africans believe that Security Police interrogation is often accompanied by torture, including beating and tight-
ening of material about a point of near-
suffocation is reached. It is also believed that that point on occasion has ex-
ceed, hence the number of alleged hangings in detention.

If Vorster doesn’t accept from me that these things are believed, and if he refuses to accept from BPC, SASO and other sources that these things are believed, then let him ask the black leaders whether these things are believed. And let him ask white opposition leaders and Coloured and Indian leaders.

Then if he can be per-
suaded thereby to accept that the views of South Africans believe these things, will he not con-
clude that he either is in a position to score alone to hold such a justification? Surely this matter is more important than any other matters which bring before us a great number of inquiries — such as whether or not Mr Vorster’s son-in-law got a Land Bank loan to buy a farm.

Finally, if Mr Vorster and Mr Kruger want the Biko tragedy to stop harming this country’s image then these things must be done and done quickly.

The first is that the in-
quity must be held as soon as possible.

The second is that such prosecutions as are in-
deed being considered in-
quest evidence must be in-
cluded as soon as possible thereafter.

The third is the in-
itation, also as soon as possible, of judicial com-
misision of inquiry into all details of deaths and all allegation of torture in detention.

The fourth is that deten-
ition without trial must be stopped.

The fifth is that Minister Kruger must renounce either resign or be sacked for the inept and cullous handling of the en-
tire matter.

Can he imagine what the image of the South African Nationalists would be if a black congress had greeted the news of an African her heroism in the streets.

And here just let me knock on the head Mr Vorster and Mr Kruger ! the assertion that barely one in a hundred blacks knew of Steve Biko before he con-
cluded. That statement is the measure of Nationalists ignorance of what most blacks are thinking.

And let Nationalists stop trying to find scapegoats for black un-
rest, and who are not due to agitators, it is due to apartheid. They can lock up every single alleged agitator, but lasting peace will only come to South Africa when apartheid is scrapped.

And let me say this to all Nationalists: do not, no your open attacks do not wish to hate us. We will continue this country with you as we loved freedom, with a full appreciation of your culture and your identity. That how we will be, can be sacrificed, nor need they be the price of democracy. On the other hand, we will grow and flower in a peaceful freedom as never before.

But in God’s name turn back from the madness of apartheid before it is too late, and honestly to see yourselves now as others see you.

After years in power you have succeeded in turning everyone against you. You have succeeded in crossing the blacks, the Indians, the Coloureds and many white people.

You have succeeded in turning the whole face of Africa against you and indeed the whole world.

Is everyone out of step but you?

Are all the Christian churches out of step but yours? You pronounce yourselves ready to fight the whole world — yet not be said, humanity of your own citizens will be your-
ally in such a fight.

Why do you believe such hostility is unavoidable?

Can you not see that you can turn a nation of critics and a world of enemies against enemies against the world, without losing all you have

It is not your known courage and your stellar qualities that are in dis-
pute — it is your racism.

It is your insistence that only you can decide what is good for most of us in this country.

But this country isn’t your house. You share with all of us, and the rights you are en-
fitted to exercise in it are by no standard the domi-
nant.

Yet nobody wants to put you out. There is nobody who disputes your right to be here — there are only multinationals who dispute your right to profit.

These are dangerous days. Everyone wants to act on the things I want to say while I can say them, and I am saying them in con-
scious fear of a number of terrible possibilities that may eventuate in this cli-
mate of excessive re-
criminations by the agents of hatred.

But these things must be done. There is no fear that can outweigh the need for these things to be said.

This, finally, is the time for full commitment to all that is being said but at its worst. It is up to every real South African patriot to strive to a better Africa tomorrow from the South Africa of today.

We call on our rulers to enter into signifi-
cant negotiations now with all the elders of the people. Do this now, and there will be peace and love and your lead will be gratefully accepted.

But the change of course must come from you. Ours remains the constant, because it is based on the unchanging values of true freedom throughout history.
The contribution of Huizinga to cultural history is not confined to Indian art, but extends to the entire range of Indian thought, culture, and society. He demonstrated that the cultural specificities of Indian societies were not restricted to the religious and philosophical spheres, but extended to all aspects of life. He showed that the cultural principles of Hinduism, Buddhism, and Jainism were not isolated from the social and economic structures of Indian society. His work challenged the view that Indian culture was static and unchanging, and demonstrated the dynamic and adaptive nature of Indian culture. His work has had a profound impact on the study of Indian culture and has been influential in the development of cultural history.

In the field of the Renaissance, he challenged the work of his predecessor, R.W. Balfour, who had argued that the Renaissance was a period of exceptional creativity. Huizinga, on the other hand, emphasized the importance of the social and cultural context in which creativity occurred. He showed that the Renaissance was not a period of isolated individuals working in isolation, but was a period of widespread cultural exchange and innovation. His work has been influential in the development of the study of the Renaissance and has been used to challenge the traditional view of the Renaissance as a period of exceptional creativity.

In his work on African nationalism, Huizinga demonstrated that the African nationalist movement was a response to the changed social and cultural context of the 20th century. He showed that the nationalist movement was not simply a reaction to colonialism, but was a product of the changing social and cultural context of the time. His work has been influential in the development of the study of African nationalism and has been used to challenge the traditional view of African nationalism as a simple reaction to colonialism.

Biko facts true, says Mail

In a front-page editorial today, the Rand Daily Mail says that it stands by the unchallenged facts which it published last week in its investigation of the Biko case. "There is one very good reason why Mr. Kruger (Minister of Justice) did not challenge these facts. It is because they are true. We know they are true. And we know that in this case Mr. Kruger knows they are true."

Referring to the complaint about the Mail's report by the Minister of Justice, which was upheld by the Press Council, the newspaper says the complaint referred to two matters of journalistic detail. Mr. Kruger had not complained about the facts given in the Rand Daily Mail report. These included the facts that Mr. Biko was overweight when he died, showed no signs of a hunger strike or dehydration but was found to have brain damage.

See page 2

(1) Huizinga, J., The Problem of the Renaissance, in Men and Ideas, pp. 73.
(3) Ibid, p. 341.
Mail: Biko facts true

The Namierization of history was enshrined in a book England in the Age of Jacob Burckardt and Johann von Alternative published in 1932. The concept of "alternative history," a number of scientific or quasi-scientific studies, has been used to examine the microscopic changes in the civilization of their own period and that of the past. This method, say others, whilst the mind still battling with the Hackneyed and the routine, is as futile as a war of attrition.
Biko still a matter of urgency

The mystery of Steve Biko's death is a matter of exceptional public concern. Thus it is a matter of exceptional public interest that the circumstances should be fully probed at a proper judicial inquiry, held as soon as possible.

The longer the inquest is delayed, the greater the tendency for newspapers to reveal pieces of medical and other information which come their way. Turning the case in advance into a "trial by newspaper" in this manner does not serve the interests of justice. It can in fact serve to confuse the issues, as demonstrated by Friday's Press Council clash between the Minister of Justice and the Rand Daily Mail.

Like the Rand Daily Mail, a number of South African newspapers are in possession of a good deal of information about the manner of Mr Biko's death. As we pointed out editorially on Saturday there are well-founded reservations about publishing the material at this stage. We ourselves would far prefer that the facts be fully set out and tested in court, preferably at a special public inquiry but failing that at an inquest.

We would certainly publish what we know should the full truth fail to emerge at an inquest — or, worse, if no inquest is held, leaving the matter to be "resolved" by an unsatisfactory prosecution as in the case of Joseph Mdluli.

Until then it remains in the best interest of justice, truth and the Biko family for newspapers to hold their fire. But we again urge Mr Kruger to show a greater sense of urgency in hastening the inquest. The same sense of urgency, in fact, that he showed in asking the Mail to agree to a special Press Council hearing "of national importance."
Mail may seek court review

1/10/77 - 2:05 a.m.
KAUNDA SAYS
IT IS 'BACK
TO THE LAND'

LUSAKA — A massive “return to the lands” by civil servants to help put Zambia’s ailing economy back on its feet was announced in Parliament here yesterday by President Kenneth Kaunda.

With the price of copper having dwindled on the world market, he announced sweeping economic changes to move the country’s economy “away from being copper-oriented to that of agriculture.”

Zambia did not produce enough even to feed itself, and to earn much-needed foreign exchange.

President Kaunda said his “feed yourself” policy would encompass:

• A massive repatriation of civil servants from their desks to the land;

• A “counting of heads” of those living without “gainful employment” in towns and these also being repatriated to the land;

• Exporting agricultural produce grown by peasants and small and large commercial concerns to earn foreign exchange; and

• Even town-dwellers having to feed themselves from their backyards, with those who did not have land having to apply for it from the Ministry of Lands.

In his address to Parliament President Kaunda also said “Zimbabwe will soon be a fact” and that “there must be a solution to the Rhodesian problem.”

The “Rhodesian rebellion, now reaching the darkest hour before dawn,” had imposed “serious economic disruption” upon Zambia, he said.

Dr. Kaunda told the packed house in his 40-minute address that the security situation in southern Africa had kept Zambia “economically at the crossroads,” and that it would continue to maintain “a state of emergency” over Zambia. — (Sapa)
Protect blacks in detention

NEW YORK — If South African blacks or the outside world are to have any faith in the Government's word, the authorities must ensure that there is rule of law and that blacks in police custody are no more endangered than whites, says the New York Times in an editorial this week.

Since 21 blacks have died mysteriously in police custody in the last year and a half, (that is a tough case to make), says the newspaper.

But given developments in the Biko case, "that claim must be kept as patently false."

Stephen Biko's death was the place to start, it says. "A month is more than enough time to complete an autopsy, and if the evidence points to police brutality to bring the guilty officers to justice."

The Government had chosen to sit on the autopsy report in spite of promises of a thorough investigation of the circumstances of Biko's death.
By the Editor

Riko: hold an inquiry

For the sake of Justice
Biko: Time interviews Kruger

The Star Bureau
WASHINGTON—Mr. Jimmy Kruger, who told Time magazine police judgment may have been at fault in the Biko affair...

"I think that (police) judgment may have been at fault." With a big administration, it is quite impossible for my office to control every single aspect, but that doesn't lessen my responsibility. There is a human element which no one in the world can really control," the Minister said in the interview.

Mr. Kruger said he frankly did not think the security police would beat a man.

He could not remember ever having reprimanded or fired a policeman for torturing or beating a prisoner, but he added "I haven't got all the facts."

SOURCE

Mr. Kruger, the Minister of Justice, Police, and Prisons, told the American magazine it was possible for a policeman to "react to a prisoner who starts with violence—a person who gets a clout or something like that. Policemen never really start the trouble, policemen try to stop it."

The interview comes while the Biko affair is still a live issue in the US and while congressional pressure for answers involving the circumstances of his death continues.

Asked what happened to Mr. Biko before he died, Mr. Kruger said he was brought up in a van from the prison in Pretoria to Pretoria.

"He got into the van himself and was made comfortable. He was ill at various stages, but that was after (we had requested) medical advice as to whether he could travel and they said he could.

"He was put in a prison cell (in Pretoria) because that was the warrant and they immediately tried to get hold of a doctor. But the sooner they could reach him was early afternoon, so Biko was left (in prison) and treated there that evening he died. I have never said that he died of hunger. He had definitely been on a hunger strike. He refused to eat. There is also a medical history there."

Asked whether Mr. Biko was a danger to the State, Mr. Kruger said, "The man is dead. Does it really matter what I believe. I wouldn't have arrested him if I didn't believe he was a danger. I have the pamphlet..."

"NO MERCY"

"Beat them, burn their books, burn their cars and shops. Show no mercy to informers and collaborators. They must all be killed. Long live the revolution power to the people."

"Pamphlet: Burning the (already) on Biko. This pamphlet is really nasty. We cannot allow this black people to be intimidated by this sort of attack, just as I am not going to allow them to try and overthrow our State."

Asked whether there would be martial law in South Africa, Mr. Kruger replied, "If such should happen, it will be for a very short period. I think that (security) measures are adequate."
A senior Australian Government Minister has predicted far-reaching implications if it is shown that Mr Steve Biko died as a result of maltreatment by the South African authorities.

**Warning on Australian death**

CANTERBURY - The Genocide of African Rights

Mr. P. C. L. Lord, a senior member of the Australian Parliament, has said that the death of the South African activist, Mr. Steve Biko, could have far-reaching implications for the South African Government and for its relationship with the Australian Government. Mr. L. Lord has been a strong supporter of human rights in South Africa and has repeatedly expressed concern about the treatment of African activists in South Africa.

He said that the Australian Government should be concerned about the implications of Biko's death for the future of the relationship between the two countries. He added that the Australian Government should take a firm stance against torture and other human rights abuses in South Africa.

Mr. L. Lord also expressed concern about the reports of police brutality and human rights violations in South Africa. He said that the Australian Government should take action to ensure that the South African Government respects human rights.

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Kruger urged to reveal Biko facts

Own Correspondent

CAPE TOWN — In a leading article this morning, The Cape Times urges the Minister of Justice, Mr J P Kruger, to make public what information he has from the post-mortem reports on Mr Steve Biko already in his possession.

In a statement reacting to Tuesday's Rand Daily Mail editorial on the Press Council case which he brought against the paper, the Minister said he could not do this while still waiting for the final post-mortem report.

The Cape Times says it believes Mr Kruger should reconsider this attitude.

"There is a commitment on the part of the Government to make public the findings of the autopsy and to hold an inquest with the least possible delay," the paper says.

"A month after Mr Biko's death there is no indication that this is about to happen.

"There are even suggestions now that no inquest may be held if the autopsy shows that Mr Biko died violently, only the institution of criminal proceedings which, in the nature of things, could take months to come to a head.

"Meanwhile, South Africa is being pilloried abroad. And with the Minister of Justice apparently bent on harassing newspapers, he is robbing this country's representatives abroad of their one effective argument in defending South Africa's good name."

This said the Cape Times, was the role of the press in the case — particularly the role of the Rand Daily Mail.

In the face of the grave damage caused abroad by Mr Kruger's statements and the Government's failure to disclose the preliminary findings of the autopsy, South African envoys abroad were citing the role of the Press to refute suggestions that the Republic was becoming an authoritarian state, with no proper control of its Security Police.

"As any South African representative abroad will tell you, it has been the role of newspapers such as the Rand Daily Mail in recent weeks which has enabled South African missions abroad to hold up their heads and offer some kind of rebuttal in the propaganda torrent.

"Nothing Mr Kruger has said or done has helped matters much, to put it as charitably as possible.

"In the face of the continuing official silence and the outright refusal of judicial inquiry into deaths in detention, newspapers have performed a signal service in conducting their own inquiries and seeking to publish the results.

"The Cape Times accuses Mr Kruger of handling the Biko affair with 'remarkable ineptitude' right from the start.

"If he is to vindicate South Africa's honour, the paper says, he must publish the autopsy findings without delay, convene an inquest — and take whatever action is appropriate in the light of the findings.

"Such action should certainly include the appointment of a Commission of Inquiry to review the entire detention system — including the deaths of 44 detainees — and to make recommendations for putting it right.

"Whatever the truth of the Biko case — which must surely out — it is the detention system itself that is at the root of this dreadful malaise and which must be put right immediately in the national interest."
Statement on Biko facts now urgent

THE Minister of Justice, Mr J T Kruger, complains that we keep challenging him to disclose the contents of the preliminary autopsy report on Steve Biko, knowing full well that he can't do so until he has received the final autopsy report.

This is not correct. We do not know of any such restriction on the Minister.

It may not be the procedure that is usually followed in cases of unnatural death, but that does not mean it cannot be done when circumstances make this advisable. Which we believe they do in this case. We believe it is very much in the national interest that the essential facts in this case be made public as soon as possible. Nor are we alone in this. The Cape Times made the same point with force yesterday; The Argus has done likewise; the Nationalist newspaper Rapport said last Sunday it was in the official facts were made known; and Mr Cas de Vilers, director of the Foreign Affairs Association, has urged that a statement be made as soon as possible.

As for such a statement anticipating the inquest findings, which is an argument now being advanced in certain quarters, it should be noted that the Minister did not seem to regard this as an inhibiting factor at an earlier stage of the case. After the pathologists had conducted their dissection of the body and while they were still working on their preliminary reports, Mr Kruger had no hesitation in making a number of public statements which gave people - including the Minister’s own party newspapers - the impression that Mr Biko had died as a result of a hunger strike. He subsequently denied that he actually said this in so many words, but that is the conclusion people drew from what he said.

It was only when he received the first set of facts, in the preliminary report handed to him by Professor Johan Loubsker nearly three weeks ago, that he fell silent on the subject.

We think the opposite approach might have been more appropriate: discretion in the first instance, and then a statement as soon as he had some facts.

Nobody suggests that Mr Kruger should disclose any points still subject to confirmation by the laboratory tests. But there must have been a good deal in that first report which was conclusive. For instance, Mr Kruger should at least have been in a position to tell us whether there were any symptoms at all which indicated the possibility of death due to a hunger strike and whether the further tests were going to focus on this - or whether brain damage had been found and the laboratory tests were aimed at finding out more about that.

Such a statement, issued round about September 27 or 28, would have been sufficient - and would have given a lot to clear the air and stop newspapers such as ours from deciding that they should start their own investigations to discover these basic facts.

However, much of this is probably academic now. The final autopsy report must be very near completion; another few days should see it on the Minister’s desk. He will have all the medical evidence in his possession then, so there will be no question of any statement anticipating the post-mortem findings.

That means he should make a full statement on these findings some time next week.

Our main concern now is that the argument about not anticipating the inquest findings should not cause further delays. Because the inquest could take weeks, or even months.

On this point, it is worth noting that Mr Kruger was quoted by Die Transvaler on September 29 as saying he expected the post-mortem report in about two weeks and he would have no objection to its being made public.

Let’s hope that is an indication that he will indeed disclose its contents any day now.
Varsity students criticise Kruger

Own Correspondent
POTCHEFSTROOM — Potchefstroom University students have criticised the Minister of Justice, Mr. Kruger, for his handling of the death of black consciousness leader Mr. Steve Biko.

The students called for a revision of detention laws.

A pamphlet put out by the university political council said an "objective verdict" on the cause of Mr. Biko's death was necessary to "regain lost status."

"It can be said with request that definitely more respect — especially from a Minister — could be expected for a human life," the pamphlet added.

It was Mr. Kruger's duty to be informed on the Biko case.

Mr. Kruger's reported remarks at the National Party congress in Pretoria were explored.

Mr. Biko's death again brought the law on detention without trial into question.

It asked if the law becomes a country which prides itself on being civilised, Christian and having a highly developed judicial system.

Section 6 of the Terrorism Act could never be justified without qualifications as it could not be reconciled with the basic principles of law and justice, the pamphlet said.
These plots are associated with bantu habitation in the form of kraals and locations, and the stresses that are associated with a large number of people. These areas have been cleared of red soil and have been occupied by roads and railways. The area is characterized by a landscape with a high density of vegetation, which is dominated by Eragrostis planius and Eragrostis planius co-dominant grassland.

Communities represented by plots 145, 153, 162, and 172. Communities are characterized by the presence of the waterways of the pediment. These waterways are seen to drain streams with definite limits (banks) but are depressions in which other water bodies are present. In any other community, Eragrostis planius co-dominant grassland is present in all the sample plots. However, in limited situations, Eragrostis planius is present in the sample plots. No plots were taken in areas where water stays longer. The plant community is more or less the same as the other communities.

The interpretation of this type can be done with confidence. Being a zone, this type is very clear as there is high red sandstone. The map of complete cover with a definite olive (ol) photo colour, the extract forms, red sandstone sandstone, and the other communities. The site factor supports the interpretation of this community.
Kruger gives
new facts on
Biko's death

JOHANNESBURG — Mr
Steve Biko was brought
from Port Elizabeth to
Pretoria by van before his
death, in prison last
month, according to a
magazine interview
with the Minister of
Justice, Mr Kruger.

"He got into the van
himself and was made
comfortable," Mr Kruger
reportedly told Time in a
question-and-answer inter-
view.

"He was ill at various
times, but that was after
himself."

Mr Biko, who had been
in hospital for several
weeks, died on the night
of September 13.

"As soon as we heard
that he was ill, we took
him to hospital," Mr
Kruger said.

"But we were unable
to get him there in time.
"He died just before we
arrived.

Further quotations in
the article include:

"I have, however, said
that he died of hunger.
He had definitely been on
a hunger strike.

Concern over
death penalty

LONDON — Amnesty
International yesterday
expressed concern about
the excessive practice of
the death penalty in
Britain.

The organisation, which
opposes capital punish-
ment as a principle, also
noted the growing
movement for the end
of the death penalty in
Britain.
Kruger silent on Biko case

The Minister of Justice, Mr. Kruger, refused to comment on his arrival at Jan Smuts Airport today from Kimberley, on a report that the Biko inquest was likely to start within a week.

When he was approached he replied, "You do not speak to me at an airport, do you want to be arrested?"

A report in a Johannesburg newspaper this morning stated that Mr. Kruger, who had accused him of being responsible for Steve Biko's death, "would probably have to eat their words after the inquest."

The report stated that the Biko affair "would almost certainly lead to the introduction of a new Press Bill, which could include much stricter press measures than in the original Bill."
After Biko’s death

If Steve Biko had not been who he was, his death in a Pretoria prison cell on September 12th would have gone largely unnoticed. Black detainees who die obscurely in the hands of South Africa’s security forces no longer make much news. Mr Biko was the 20th such political prisoner to die since March, 1976, and the 45th since March, 1973. The causes of these deaths, as given by the police, read like a grotesque litany: fall from a window, fall down a flight of stairs, suicide by hanging, death from hunger strike. Most of the men who have so died were known only to small circles of South African blacks and to very few whites. Steve Biko was different.

He was a natural leader, acknowledged and respected by the young blacks of South Africa’s cramped and festering urban “townships”. His call to them to build up their self-respect even in a society which is structured to deprive them of it opened up a new and wider vision. He was fighting for radical change, but by non-violent means. The men who will succeed him as inspirers and leaders of South Africa’s young blacks are likely to have a different message. It is a measure of the government’s stupidity that Mr Biko, and others who think like him, are silenced.

Kruger should go

The minister of justice, Mr Jimmy Kruger, knew that Mr Biko held a special position within the country and was admired abroad. At first the minister tried to explain his death away by implying that it was the result of a hunger strike. It would have been better for Mr Kruger if he had said nothing. The courageous investigations made by some of South Africa’s English-language newspapers have established that Mr Biko did not die in a hunger strike (see page 65). Either Mr Kruger was deliberately misled by men under his authority (and, it would seem, he was very willing to be misled); or he lied. If Mr Vorster wants to regain any respect in the world community, he must remove Mr Kruger from his cabinet.

There are no signs that Mr Vorster will do so. He has called an unnecessary election for November 30th with the declared intention of showing that South Africa’s ruling white minority will not brook any meddling in what it claims to be its purely private affairs. To sack Mr Kruger now might make it appear that Mr Vorster does, after all, mind what the world thinks. But in fact the prime minister seems to have authorised Mr Kruger to divert attention from the subject of Mr Biko’s death by harassing the newspapers that are trying to get at the truth. Last week the Rand Daily Mail was hauled before the press council; this week, The World. The relative freedom that South Africa’s press still enjoys now hangs by a thread. With a fresh election victory behind him, the prime minister may be tempted to carry out his habitual threat to muzzle it without further delay.

Mr Vorster and his colleagues constantly voice apparently genuine amazement that the western world does not stand four-square behind them. They are, they insist, the last bastion against communist control of southern Africa which would mean an irrevocable strategic defeat for the west. At the same time they promise the west that change within South Africa itself is under way. The constitution is to be amended to give the Indian and coloured (mixed race) communities a modest share in decision-making; petty forms of racial discrimination are gradually to be reduced.

But the ultimate reality of white rule—which is what has driven some of the black majority to look hopefully to the communist states for deliverance—is to remain. When the apartheid system is completed and all the black “homelands” become nominally independent states, “white” South Africa’s huge black workforce will be treated as migrant labour and still denied political rights. Not only is the Nationalists’ policy repugnant; it is a certain recipe for disaster. Much as the western world wants Mr Vorster’s co-operation in solving the problems of Rhodesia and South West Africa (Namibia), it cannot buy it at the cost of condoning what is happening inside his own country. If Steve Biko’s death is to serve any purpose, it must drive this lesson home.
After Biko's death

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Does the pill kill?

Women over 35 are now being steered gently away from the pill. Where's the research on its ever more popular alternative?

Nobody took chances this time. Eight years ago, when Britain's committee on safety of drugs announced a link between oral contraceptives and thromboembolism, both the public and general practitioners were unprepared. Lots of people panicked and, it is said, many unwanted pregnancies resulted.

Last week, when The Lancet published two papers that showed the risks of the pill to be greater than had been realised, the news was released with a care that would have done credit to an advertising agency. It went out accompanied by simple, explicit interpretations of what the statistical findings meant for the daily routine of the 3.2m women in Britain on the pill. The medical profession was, for once, patient with inquiries from the press.

No pill packets, all the experts emphasise, need to be thrown into the dustbin. Women under 30 can continue taking the pill as safely as before—unless they smoke. Women from 30 to 35 can keep on too, but if they smoke and if they have been taking the pill for more than five years, they should seriously consider switching to something else. Women over 35 would, in general, be wise to consider an alternative contraceptive strategy for the rest of their reproductive life. If they smoke or are long-term pill users, they have extra reason to make a change in the method. But no one, of whatever age, should stop the pill until she has truly latched on to a substitute—unless she wants a baby.

Simple, but not so safe

So, then, does the pill kill? Yes. Rarely, but definitely. A study by the Royal College of General Practitioners of 46,000 women over a period of eight years showed that the chances of pill-takers dying from circulatory disorders was five times greater than for those in the group who did not take the pill. The numbers of deaths were small: 56 among the pill-takers, 45 among the others. But risk of death suggested by this study is higher than previous estimates. One particular figure jumped out: among those who took the pill, there were nine deaths from subarachnoid haemorrhage (bleeding on the surface of the brain); among the others, there was none. The overall risk clearly increased with age (for women over 45, the excess mortality rate was one in 700) and was strongly associated with smoking and long use of the pill. The college's results were supported by a second study, of 17,000 women, done by Oxford University and the Family Planning Association.

There are a few buts to be set against the college's study. The statistics were collected among women who began taking the pill when it contained a high dose of oestrogen. In recent years low to medium doses have come to be preferred, and today's women with only a few years' usage may not be running the same risk. And, as with all studies, there is the possibility of sampling error. The women who agreed to participate may not be representative of the female fertile population in general.

But the report will be widely noticed, abroad as well as in Britain, and with justice. It was singularly thorough and lengthy, and it was prospective (i.e., began with women before they went on the pill and followed them—and others—over the years). American researchers are hampered in conducting comparable research on people not in hospital, because Americans (women, in this case) do not have such durable relationships with general practitioners. And though the numbers of deaths reported in the study were small, in absolute terms, several of the differences between the pill-users and non-users were striking. Among the users, the 24 deaths from circulatory disease were significantly greater than the deaths from cancer (14) or from accidents (nine). Among the 45 non-users who died, 20 died of cancer, seven from accidents, five from circulatory disease—and only two from pregnancy or childbirth. Those modern old wives' tales may be wrong: to take the contraceptive pill if you smoke and are getting on in years may indeed be more dangerous than having a baby or crossing the road (although it may possibly protect you from cancer).

At any age, the risk from oral contraception is small and requires balancing one unlikely possibility against another. Even older women may still prefer the convenience of the pill to other forms of contraceptive clobber that lie in the cupboard, to be stumbled upon by children and au pair girls. But rubber, foam and plastic are no longer the most popular alternatives.

Is it wise to sterilise?

The method of contraception that is climbing to the top of the charts is sterilisation. It is a new phenomenon, amounting to a revolution over the past five years: the preference for female sterilisation or male vasectomy as a way of limiting a family. Seven years ago, only one British couple in 20 chose sterilisation for contraceptive reasons. Now the proportion may be as high as one in five. In the United States, surgical sterilisation appears to have passed the pill in popularity among married couples, and in 1975 nearly half of American couples married from 10 to 24 years had chosen it.

Are they wise? Sterilisation is by and large irreversible. It is worrying that this dramatic surge in sterilisation figures goes along with a rise in the divorce and remarriage rates. Many of the couples who present themselves to a doctor as being in total agreement about sterilisation ("Together, we chose a vasectomy") will in a few years be splitting up and starting a new
Detentions cause of shame, says Archbishop

Own Correspondent
CAPE TOWN — The system of detention without trial, and deaths in detention, were described last night as "lawless" and "offensive" and "a cause of shame and scandal within the nation" by the Anglican Archbishop of Cape Town, the Most Rev Bill Burnett.

A call for an end to detention "even before the legislation is repealed" was made by Archbishop Burnett, who is head of the Anglican Church in southern Africa, in his charge to the Anglican Cape Town Diocesan Synod.

"It puts the police in the untenable position when the only witnesses who can give evidence about the events which caused the death of a detainee are themselves involved in the result of the inquiry," Archbishop Burnett said.

"But this very fact means that it is useless to request a judicial inquiry in cases of this kind."

DOUBTS

The detainees are at the mercy, humanly speaking, of the security police both in life and in death. The citizen, moreover, is left in shifting sands of doubt about the trustworthiness of those he ought to be able to trust.

Archbishop Burnett said there were "far too many cases of death in detention and what is happening brings the legislature, the security police and the administration of Justice into disrepute."

"Detention inconscionable and without being charged, should cease even before the legislation is repealed."

HUMAN NATURE

"This is necessary not only because it is a cause of shame and scandal within the nation, but because Christians know that because of the corruption of human nature by sinful self-interest, no man, or group of men, can be trusted, with the sort of power it gives them, especially when their own group interests are being challenged."

Archbishop Burnett said he had requested "without success" an interview with the Prime Minister on the death earlier this year of Mr Phakamile Mbija, a committed Christian.

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Kruger launches attack on Qoboza

John Patten,
Political Correspondent

The Minister of Justice, Mr Kruger, last night launched a personal attack on the editor of The World, Mr Percy Qoboza, after earlier criticising the newspaper's stand on a complaint to Press Council.

Mr Kruger said it was "scandalous" that the Johannesburg black circulation newspaper should refuse to waive the seven-day rule on a complaint he made against it to the council.

He said in a statement that the newspaper wasted no time in attacking a Minister, but wished to wait the full period of the rules to redress any wrong.

The Minister laid a complaint against The World after it had claimed his calling for an urgent sitting of the council to hear a complaint against The Rand Daily Mail was "a scandalous public demonstration."

"In the light of the stand that The World always takes on matters of justice, it would appear to me that those standards are applied when it comes to justice for a member of the Government," he said.

Addressing a National Party meeting at Hartswater in the Northern Cape last night, Mr Kruger quoted from a letter he had received from a group of Soweto residents asking, "when are you going to ban this dirty newspaper The World?"

Call for sacking over Biko death

LONDON — The influential weekly, The Economist, has called on the Prime Minister, Mr Vorster, to dismiss the Minister of Justice, Mr Kruger. It said, too, that Mr Vorster's policy was "redundant" and a recipe for disaster.

The business magazine was commenting in an editorial on Mr Kruger's handling of the death in detention of Mr Steve Biko.

It said the Minister had at first tried to explain away his death. "There is no way Mr Vorster can get away with that," the editorial said.

It added: "If Mr Vorster wants to regain any respect in the world community, he must remove Mr Kruger from his Cabinet," the editorial said.

"With a fresh election victory behind him, the Prime Minister may be tempted to carry out his habitual threat to muzzle it without further delay." — Sunday.
Biko: Kruger's new complaint

Staff Reporter

THE MINISTER of Justice, Mr. J. T. Kruger, has made another complaint to the Press Council about a newspaper concerning the death of Mr. Steve Biko. He was learnt yesterday. His latest complaint is against the Pretoria News.

This news comes on top of two dramatic complaints to the Press Council against the Rand Daily Mail and The World. The two papers were also asked for urgent hearings by the Press Council.

Yesterday, Mr. Kruger accused The World of omission standards after a decision by the newspaper not to agree to an urgent hearing of his complaint against it. On Tuesday, Mr. Kruger asked for an urgent hearing against a leading article in The World, alleging that six of its 12 paragraphs contravened the Press Code.

But, after consultation with its lawyers, The World yesterday declined to agree to an urgent hearing. In terms of the Press Council rules, an urgent hearing can be held only with a newspaper's consent.

In refusing Mr. Kruger's request, The World said yesterday: "We regret that we do not consider there are sufficiently strong grounds for our agreeing to an urgent hearing. We are, however, giving full attention to each of the six points raised by the Minister so we can determine their merits and our response."

In a statement released to Sapa yesterday, Mr. Kruger attacked The World for its decision.

His complaint, Mr. Kruger said, was based on the "serious allegations" against him in The World, and it was only fair that the matter be heard as soon as possible.

"In the light of the stand The World always takes on matters of justice it would appear to me that double standards are applied when it comes to justice for a member of the Government."

"I find it scandalous that a newspaper wastes no time in attacking a Minister, but wishes to "wait the full period allowed by the rules to redress any wrong."

In terms of the Press Council procedure, a newspaper has seven days to rectify any complaint to the satisfaction of the complainant. If it does not do so, the dispute goes to the Press Council for adjudication at a time fixed by the Council's chairman.
Kruger silent on Biko inquest

JOHANNESBURG — The Minister of Justice, Mr. Kruger, refused to comment on his arrival at Jan Smuts Airport from Kimberley at the weekend on a report that the Biko inquest was likely to start within a week.

When he was approached he replied: “You do not speak to me at an airport. Do you want to be arrested?”

A report in a Johannesburg newspaper on Saturday stated that critics of Mr. Kruger who had accused him of being responsible for Mr. Steve Biko’s death “would probably have to eat their words” after the inquest.

Addressing a National Party meeting at Hartswater, Mr. Kruger said a group of Soweto residents had written to him asking how the Editor of The World newspaper, Mr. Percy Qoboza — this ‘vet uitgegroede lummel’ (fat fully-grown lout) — could criticise the black’s lot when he was living such a rosy life.

He said the Soweto residents had asked in their letter: “When are you going to ban this dirty newspaper, The World?”

Mr. Kruger also told members of the “opposition press” present he was not so sensitive. “I’m tougher than they think,” he said.

He said the time had come to start a “hunt” on the Progressives.

According to a report in yesterday’s Sunday Tribune, Mr. Qoboza is seeking legal advice on Mr. Kruger’s remarks about him.

Mr. Qoboza is quoted as saying: “Our criticism of Mr. Kruger has always been to do with actions he has taken or failed to take in his public office. This attack on me is completely different — it is a slanderous personal comment. The matter is in the hands of my legal advisers.” — SAPA.

(Story by K. Vermeulen, J. Woodley)
We must respectfully agree with Lord Shawcross when he says that what should be done in regard to the publication of the results of investigation requires the exercise of a responsible discretion. "Often the public interest may best be served by communicating the facts to the police authorities concerned. But if the authorities seem to be uninterested, or if they sometimes happen — if there seems to be any suggestion of an attempt to cover up, if there is no move towards action — then certainly, where no proceedings have been commenced, the newspaper should publish."

Within the limits of contempt of court, Parliament and commission, "newspapers must retain their right to indepedence, their right to investigate, and their right in a proper case to disclose."

This is precisely what Watergate was all about. And, as with Watergate, so with every other instance when doubts arise or where there is confusion and delay, the Press has a role to play.

NATION'S IMAGE

We are not concerned at this juncture about the merits of complaints against individual newspapers made by the Minister of Justice, Mr. J.T. Kruger. But we are perturbed, gravely perturbed, by the damage to the image of the nation as a whole, by the extent of suspicion and unease within the nation and by the inordinate amount of time being taken to get started with a judicial inquiry, at whatever level, into the death more than a month ago of Mr. Biko.

It would be astonishing if Mr. Kruger were not concerned about the effect abroad of these events. But his concern should not be directed at the publicity. The publicity is no more than incidental. It is the FACT of Mr. Biko's death and the continuing uncertainty and delays that are the cause for concern and that are doing the harm.

Mr. Kruger — the man — may have been left cold by Mr. Biko's death. But the Minister of Justice — the official — should never have been. His duty is absolutely clear: to act impartially and with determination if it is found that there was any irregularity or culpability connected

NEPSPAPERS in free societies have a duty to their readers which goes far beyond that of a simple recording of obvious events and the chronicle of speeches by public figures. This duty is to search out the truth where it seems to be obscured; to stand sentinel on the public's behalf over the behaviour of those in public office; and be watchful against malpractice and corruption.

There are many things that newspapers cannot do by law. In South Africa, still nominally a free society, these many things are much more numerous than in, say, Britain, and very much more numerous than in the United States. But still the Press is substantially free and has with that freedom traditional, established and essential functions.

RIGHT TO DISCLOSE

In an authoritative South African work, The Newspaperman's Guide to the Law, Kelsey Stuart and Weston Klopper examine the role of newspapers. They say:

It is perfectly lawful for a newspaper reporter to engage in criminal investigation and to interrogate possible witnesses if they are prepared to submit to it. Many matters of public concern would never have come to light at all had it not been for investigations conducted by newspapers. South African Law recognises the right of private individuals to investigate circumstances which seem to them to attract suspicion.

beed Africans to
Biko: call for outside inquiry

WASHINGTON — A young Democratic Congressman from New Jersey, Mr Andy Maguire, has appealed to the South African Government to reconsider its refusal to allow an outside investigation into the death of Mr Steve Biko.

Mr Maguire made his appeal in a letter to the South African Ambassador in Washington, Mr Donald Sole.

To support him in his request that "an appropriate public or private international body" be allowed to investigate South Africa's detention practices, Mr Maguire collected signatures to his letter from 128 House members, 133 of them Democrats and 15 Republicans.

His letter also asked for information on the whereabouts of Mr Peter Jones, publicity secretary for the Black People's convention.

It added that Mr Biko's death "clearly focused the world's attention on human rights" in South Africa, and asserted that the event could lead to the Republic's "increasing isolation from other nations." — DDC.
BIKO MAY COUNT AGAINST NATS

The Argus Correspondent

DURBAN.—Deaths in detention and the remarks made by Mr J. T. Kruger, Minister of Police, after the death of Mr Steve Biko, can be expected to count against the National Party in next month's election.

Confirmation of the reaction of many voters to Mr Kruger's remarks and condemnation of deaths in detention was received in an opinion poll by the Daily News, sister newspaper of The Argus.

The poll was conducted in the Maritzburg South constituencies.

A number of voters gave the deaths and Mr Kruger's reaction as the most important issue, a question or problem a voter has to consider in making a choice of party today.

However, the problem that featured most prominently was race relations.

TRADITION

A few National Party supporters said they would vote for the NP because it was doing a good job on race relations, but the overwhelming number of opposition supporters said they were voting against the NP because of its failure to improve race relations.

'Most National Party voters were unclear on why they supported the party, giving as a prominent reason 'traditional support'.

Other reasons given for backing the NP were 'Mr Vorster is a strong leader', 'The National Party keeps South Africa stable', 'It will save my skin', and 'It will prevent minority rule.'

Opposition voters produced solid reasons for their choice of party — with the exception of a few New Republic Party supporters who said they had traditionally voted for the United Party and would change their allegiance to the NP for this reason.

Black unemployment, job reservation, pass laws, a better deal for blacks, and accusations that the Government acted against the interests of the English-speaking voters were some of the many reasons given.

PLAN

It was interesting that not one National Party supporter mentioned the Government's new constitutional plan as the reason for voting for the Government.

The plan, however, was generally rejected by those questioned.

In the end, most voters appeared to be voting against the National Party and the NP, and they were voting for the NP and the site from the image.
Man held at trial

Own Correspondent

PORT ELIZABETH. — Mr. Dan Qepe, a wealthy New Brighton businessman and sports administrator, was detained by Security Police in Port Elizabeth at the weekend.

He was detained shortly after arriving at the Algoa Park Magistrate’s Court on Saturday to attend the trial of pupils arrested at St. Stephen’s Hall, New Brighton, on Tuesday.

He had arranged legal representation for a number of pupils and it is believed he also tried to start a fund for their defence.

Mr. Qepe is a member of an action committee to fight for equal political rights for blacks.

Colonel Piet Gossen, head of the Security Police, said yesterday Mr. Qepe had been detained under Section 22 of the General Law Amendment Act.
DURBAN. Police Natal regional director of the Black Peoples Convention, Mr Vivane Maseo, was detained for questioning yesterday by Security Police, a senior Security Police spokesman confirmed. Sapa.
Plea for
basic
humanity
in SA life

be offered in the second half of the year, viz.
International Economics
Welfare and Distribution
Monetary Economics
Labor Economics
out of the four options. Those intending to proceed
the Monetary option.

be required during the year. For d.p. purposes
f the 5 essays (and attend 75% of the tutorial class).

Test 15% (7.30 pm Jameson Hall) (2/6/76)
years 5%
of Year 80%

Serious sub-courses are:

or during the year may be directed either to your

A SOCIETY that gives an absolute weight
to the goal of state security and is not prepared
to maintain the qualities of basic
humanity in it's civic life is in danger of
dying a moral death, says Dr. Andre du Toit
of Stellenbosch University.

Dr. du Toit, who is a
senior lecturer in the
department of political
philosophy, was addressing
the annual meeting of the
Civil Rights League, in
Claremont.

He said the statement
by the Minister of Justice,
Mr. J. T. Kruger, that Mr
Steve Biko's death 'left
him cold', had rightly be-
come a central issue in the
controversy surrounding
Mr. Biko's death.

HUMANITY

'The suggestion that
an individual's humanity
is not sufficient cause
for serious concern is a
precise expression of the
denial of individual rights
in the field of security
action by the public official
who has final responsibility
for the maintenance of these rights.

As a symbol of public morality, or the lack of it,
our society cannot afford to tolerate a Minister of
Justice who holds such views.'

Dr. du Toit said the
death in detention of an
exceptional individual as
Mr. Steve Biko under-
lined the human frailty of
every individual.

It is this human frailty
and dignity of every individual that has to be
protected through procedural restraints, against the
awesome power of the State, even and specially
if that power is used for the ruthless and inhuman
pursuit of public safety and order.

MORALITY

Dr. du Toit said the fact
that the death of a human being is a
form of suffering, is not just a
reality of state action, but also a
reality of the human condition.

SUFFERING

Biko's political thinking
was deeply concerned with the human dignity
and suffering of blacks in South Africa, but, like the
early African, Nationalist thinkers such as Tohe
Moller, he saw this in the light of the political struggle for
liberation.

In the short term what
was required was community development and the
formation of a positive and creative black conscious-
siveness. In the long term the goal was a political
structure that would accommodate and satisfy
black interests and aspirations.

Biko,counted on the implicit concern of the
black cause with human values and dignity for
providing the necessary guarantees,' Dr. du Toit said.

* * * * * * *
Six of Soweto ‘Ten’ held

The Argus Correspondent

JOHANNESBURG. — At least six members of Soweto’s Committee of Ten and two executive members of the Soweto Teachers’ Action Committee were arrested at their homes in pre-dawn raids by the Security Police today.

They include Mr. Nkato Motlana, chairman of the committee, Mr. D. Lebowa, Mrs. Ellen Khegwayo, Mr. Leonard Moolna, Mr. L. H. M. Mathabathe, Mr. Panyana Manhube, as well as Mr. Jairo Kgokong, an official of the local branch of the Black People’s Convention (BPC).

This afternoon, hundreds of teachers are expected to turn up at the Regina Mundial Roman Catholic Church, in Rockville, Soweto, for a report from the teachers’ Action Committee, of which Mr. Mathabathe and Mr. Manhube are executive members.

It could not be established exactly how many members of the committee had been arrested. Informed sources close to the committee said an emergency committee would be chosen.

Referring to news of the mass sweeps, Mr. Thamsango Kambule, headmaster of the Orlando High School, said: ‘The Government’s action was regrettable and ill-timed.’

He said this would only serve to add fuel to the fire and saw it as sheer intimidation.

‘This is the limit. I think we are fast moving towards a climax. This big “blunder” by the Government will also help the enemies of South Africa,’ he said.
PRETORIA. — The Pretoria News yesterday apologized for a report last month which stated that the Minister of Justice, Mr Jimmy Kruger, had been "in the hotbox" at a Cabinet discussion on the death of the black activist, Mr Steve Biko.

The newspaper said in a front-page report that the matter had not been raised in Cabinet on the day in question, and apologized for the error.

This is the second newspaper apology this week about reports concerning Mr Kruger and the Biko affair after Mr Kruger had lodged complaints.

The World apologized on Monday for terming a Press Council action against the Rand Daily Mail a "scandalous public demonstration" by the minister.

The Pretoria News said yesterday it had reported on September 20 that the Cabinet considered for the first time that day the circumstances of the death of Mr Biko and the political consequences in its wake.

"The Minister of Police, Mr J Kruger, has now denied that the matter was considered or raised in any way at all by the Cabinet on that day," the newspaper said.

"In the same report it was indicated that Mr Kruger was in the 'hotbox' at the Cabinet meeting. This was intended to convey that he had already been widely censured for his handling of the affair and that the focus of attention would therefore be on him.

"However, since the matter was not raised in Cabinet, Mr Kruger could not have been in the 'hotbox' or hauled over the coals at the Cabinet meeting."

"The Pretoria News apologizes for these errors," the report said. — Sapa.
Afrikaans academics react

**Snap poll supports Kruger**

Several people canvassed in a snap street survey in Johannesburg today agree with the Government's closure of The World newspaper yesterday.

Four out of 11 people canvassed thought the newspaper's closure was justified after it was banned and detentions were called for and would adversely affect South Africa's image.

Mrs W Gibbs of Orange Grove said: "These people are causing trouble between black and white, I think The World shouldn't have been closed."

"I think yesterday's actions were ridiculous," said secretary, Miss Vanessa Lens of Northcliff. "The Nationalists want a dictatorship, there will be no more freedom."

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**Mrs Qoboza visits her husband**

Domestic matters dominated the conversation between detained newspaper editor, Mr Percy Qoboza and his wife Anna, at the Modder Bee prison, on the East Rand yesterday.

She said afterwards her husband seemed all right.

"He said I must look after the children—try to cheer up the kids," she said.

On her return home from the prison, Mrs Qoboza spoke to her five children about their father's arrest and told them he would be "away for some time and they must be good kids and behave the same way as if he were around."

Mrs Qoboza said she did not ask her husband if he could be charged or how long he thought he would be detained.

"The lawyers are handling that side of it," she said.

Mrs Qoboza was accompanied by the chairman of the Argus Company, Mr L. S. A. Slater.

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**42 held in police swoops**

At least 42 people were detained by the security police in a nationwide swoop yesterday.

Dr Ntako Motala, chairman of the Soweto police committee, was detained. Another committee member, detained were Mr Leonard Mokou, school principal, Mr Legasu Mathabathe, publishers manager, Mr Douglas Lofwane, business man Mr Vezi Kraa, social worker, Mrs Elenk Nkure, BPC national secretary, Mr Tshidimele Nhlabulo, police, Mr Rambong Ramokgopa and the Rev Maphab Mbathu.

Black People's Convention (BPC) members, detained were: Mr Kenneth Busisi (president), the Rev. Drake Nketsialing (vice president), Mr George Watshepe (national chairman), Mr Janius Kgotho (executive member), Mr Themba Manqintha (publicity secretary of labour), Mr Kenny Mathe and Mr Thabo Sebume.

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**Journalists:** Mr Percy Qoboza (editor, The World), Mr Aggrey Klaaste (news editor, Weekend World), Miss Thandile Mntungo (former Daily Dispatch)

Teachers: Mr Curtis Nkondo (chairman, Committee of Six), Mr Fanya Mlahu (secretary, Committee of Six).

Among others detained were: Mr Mongeni Stutile (past president, Saso), Mr Aubrey Molankina (director, Black Community Programmes), Mr Raymond Runako (BPC driver), Mr Thembe Vukela (Black Students Society, Witwatersrand University), Mr Sadek Vukela (BPC/Saso), and Dr Mabuza Belethezi (chairman, Black Parents' Association), the Reverend Patrick Mafusw (Catholic Bishops' Conference), Mr Silver Makhaphala (Saso), Mr Vuyisile Maleale (BPC), Mrs Noshi Masiwa (sociologist), and Miss Nomus Williams (student).

The following people were banned under restriction notices in terms of the Internal Security Act: Mr Donald Woods (editor, Daily Dispatch), Dr C. F. Bayler Naudé (director, Christian Institute), the Reverend Theo Kotze (Cape director, Christian Institute), the Reverend Brian Brown (administrative director, Christian Institute), the Rev. David Ross (African minister), the Reverend Cedric Mayombwe (editor, Pro Voortrekkers), Mr Peter Randall (former director, Sprao, education lecturer at Wits).
Feelings of rage over bannings

Feelings of rage, frustration and helplessness were amongst sentiments of people who telephoned The Star last night to protest against yesterday's spate of bannings and detentions.

Mr. R. G. Biegra, who said he was a member of the Vryheid National Party, said: "Minister of Justice, Mr. Klopper, has played into the hands of our enemies."

"I would say his action is irresponsible and equally racist, settling against Mr. Biegra.

A Parktown woman, who asked not to be named for fear of reprisals, said: "I had never felt her fears of South Africa becoming a dictatorship more definitely than when she learnt of the news yesterday."

"I'm too ashamed to tell my stuff that they will no longer be able to read the World," she said.

A woman from West End said she planned to write to her MP, Mr. P. P. Botla, Minister of Foreign Affairs, about her disgust with the Government.

"I voted for him. I told him at the time that I was not voting for his party or what it stood for, but voting for what I felt was in his heart. He won't get my vote again," she said.
World's Leaders on as Ogilvy is led away

By PATRICK LAURENCE

Mr. Perry Ogilvy, editor of The World, told his newspaper that he was led away by the police yesterday. His secretary, who was also led away, said he was led away because he was suspected of committing treason.

The editor of The World, who was led away by the police, said he was led away because he was suspected of committing treason.

Yesterday, Mr. Ogilvy, who was led away by the police, said he was led away because he was suspected of committing treason.

We have not got the full story. We shall publish it as soon as we have it.

The "Mail" reported that Mr. Ogilvy was led away by the police, and that he was suspected of committing treason.

At 12:30 p.m. Mr. Ogilvy was led away by the police, and it was reported that he was suspected of committing treason.

The police arrested Mr. Ogilvy on the suspicion that he was suspected of committing treason.

We have been led away.

The newspaper was seized.

The police said they were led away because they were suspected of committing treason.

The police said they were led away because they were suspected of committing treason.

We have been led away because we were suspected of committing treason.

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We have been led away because we were suspected of committing treason.
Detained yesterday

BY LATE last night the Cape Times had details of the detentions of the following people by the security police yesterday:

Soweto Committee of Ten members: Dr Ntibato Motlana (medical practitioner), Leonard Mosaia (businessman), Legau Mashabale (school principal), Douglas Loeane (publisher's manager), Ellen Khumwayo (social worker), the Rev Mphahalehla Mphahalela, Veli Kras (businessman). Journalists: Percy Qoboza (editor, the World), Aggrey Klaasie (news editor, Weekend World), Thunjwe Mntos (banned/formerly Daily Dispatch).

Black 'People's Convention': Kenneth Ruhili (president), the Rev Drak Ntshangwe (vice-president), George Wachane (regional chairman), Johannesburg, Jairus Kgotongo (executive member), Thobani Mantshita (publicity secretary), labor, Kenny Mathe (member), Thabo Sibulwe (member), Thandizwe Mzivukho (BPC national secretary), Ramotsi Ramokgopa (BPC member), Vuyile Maleloni (BPC member).

Soweto Committee of Six teachers: Curtis Nkondo (chairman), Fanyana Mazibuko (secretary).

Others: Mongosi Stofile (past president of the South African Students' Organization), Aubrey Mokoma (director, the Black Community Programmes), Raymond Ramapopa (BPC driver), Hanif Vally (Wits law student), Sadek Varewa (BPC/SASO), Manna Buthelezi (chairman, Black Parents' Association), Sylvestor Makhaphela (member of SASO), the Rev Patrick Mangaliso Mkhatsa (Catholic Bishops' Conference banned), Eastern Cape: Mrs Dimana Pityana, Miss Onsa Williams, Mphumulo Qoqe (student), Mackenzie Sibi (teacher), Bonile Tshabanga (BPC chairman, East London), Mxolisi Mxobo (Black Community Programmes, banned), Malusi Mpumelelo (BPC), Sydney Molevane (BPC), Western Cape: Ann Tomlinson (church worker).

Natal: Skoza Rojo (SASO executive), Dihla Mji (past president of SASO), Nerman Dubazana (medical student), Woodraj 'Woody' Ramathar (student).
Banned and detained are named

The Argus Correspondent

JOHANNESBURG. — At least 42 people were detained by the Security Police during yesterday's country-wide swoops.

Dr. Ntheto Molana, chairman of the South African Committee of Ten, was detained.

Other committee members detained were: businessmen Mr. Leonard Molakaila, school principal Mr. Logan Mathabatina, publisher manager Mr. Douglas Lofwani, businessman Mr. Vili Kraal, social worker Mrs. Ellen Khuwayo, Black People's Convention national secretary Mr. Thandisizwe Matshitsa, BPC member Mr. Enoy Bagobogopa and the Rev. Maswawadzi Mavathula.

President

Other Black People's Convention members detained were: Mr. Kenneth Rechid (president), the Rev. Drake Nkosingakeng (vice-president), Mr. George Wauchope (Regional Chairman, Johannesburg), Mr. Jarius Kgoswane (executive member), Mr. Tshom Matshitsa (publicity secretary of Labour), Mr. Kenny Malala and Mr. Thabo Sehume.

Journalists detained were: Mr. Peter Qobza (Editor, The World), Mr. Aggrey Klaaste (new editor, Weekend World), Miss Thelma Mntuse (formerly of the Daily Dispatch).

TEACHERS

Detained teachers were Mr. Curtis Nkondo (chairman, Committee of Sise), Mr. Payma Sibebza (secretary, Committee of Six).

Others detained were: Mr. Mongezi Sivolela (past president, South African Students' Organisation), Mr. Aubrey Nkonsi (director, Black Community Programmes), Mr. Raymond Rambampe (SPC driver) and Mr. Hanif Vally (Black Students' Society, Wits University).

Mr. Sadek Variawa (BPC/SASO trialist), Dr. Manas Buthelezi (chairman, Black Parents' Association), the Rev. Patrick Mngqithi Mkhathuna (Catholic Bishop's Conference), and Mr. Silvester Makhephula (SASO).

SOCIAL

Mr. Vuyisile Moleleli (BPC), Mrs. Mosimina Pityana (Social worker), Miss. Komma Williams (student), Mr. Mpumelana Qele (student), Mr. MacKenzie Slou (teacher) and Mr. Bonile Tshuma (BPC chairman, East London).

Mr. Mxolisi Mthembu (BPC), Mr. Mahlapi Mphumena (BPC), Mr. Sydeney Molete (BPC), Mr. Skenjana Roje (SASO executive), Mr. Dlulza Mji (past president, SASO), Mr. Norman Dube (medical student) and Mr. Woodrajam Ramathar (student).

BANNED

The following people were banned under restrictions in terms of the Internal Security Act: Mr. Donald Wood (Editor, Daily Dispatch), Dr. C. R. Beyers Naude (director, Christian Institute), the Rev. Theo Kotze (Cape director, Christian Institute); and the Rev. Brian Brown (administrative director, Christian Institute).

The Rev. David Russell (Anglican minister), the Rev. Cedric Maslon (editor, Pro Veritate), Mr. Peter Randall (former director, Study Project on Christianity in Apartheid Society, Education lecturer at Wits),
Who's who

The Argus
Correspondent

JOHANNESBURG.—In one fell swoop yesterday, security police detained some of South Africa's most influential black leaders.

Many — probably most — are not known to whites. But to blacks, especially those in urban areas, their names are household words.

Some of these leaders are people who have travelled extensively, hold impressive academic qualifications. All are implacably opposed to the policy of apartheid.

Brief profiles of some of them follow:

MR PERCY QOBOZA: As editor of The World, South Africa's second-largest daily newspaper, he has occupied a key position in South African society — and the hottest journalistic seat in the country.

Born in the slums of Sophiatown, he soon gained a reputation as a bright student and a young man of principle. He worked for the Progressive Party before entering journalism and rose from a reporter to news editor and then editor. In 1975 he attended Harvard University on a Nieman Fellowship.

An outspoken and tough-minded man, with a keen sense of humour, he has frequently angered the authorities. Yet he has also often come under fire from elements in the black community, activists on the left who feel he is too moderate, and homeland leaders who strongly resent his critical attitude towards them.

He once said that Martin Luther King, Albert Luthuli and Robert Sobukwe were the black men he admired most.

In a recent interview he said: 'Separation is wrong because it implies discrimination and discrimination causes bitterness and animosity between the races. We must not accept this, we do not agree with what Mr Vorster says. But we defend his right to say it. And that's all we ask for ourselves.'

DR NTHATHO MOTLANA: Many times chairman of the Soweto committee, is arguably the most prominent man in Soweto.

Born outside Pretoria, he was a brilliant pupil at school. It was at the University of Fort Hare that he came in contact with African nationalist politics.

He was secretary of the ANC Youth League and took part in its campaign of defiance. He was arrested, stood trial and received a suspended sentence.

26/10/77
no of blacks

Over the years he has
devoted much of his
time to community work
and has played a leading
role in efforts to im-
prove health services in
the townships.

In an interview earlier
this year he expressed
concern about the in-
creasing polarisation of
the races in South
Africa.

"Today we are stran-
gers to each other," he
said.

Many black people re-
gard him as a pragmatic,
moderate man. However,
he has angered the
Government by his habit
of speaking candidly.
The police were espe-
cially angered by alle-
gations he made recently
about police brutality in
Soweto.

MR hlAKU RACHIDI:
As president of the
Black People's Conven-
tion, an organisation
which plays a leading
role in South African
black politics, he is an
important figure in the
community.

Elected president
of the BPC in 1975 he has
emphasised the impor-
tance of developing the
organisation as a grass-
roots movement and has
also made repeated calls
for black unity.

Mr Rachidi was born
in Pietersburg and was
expelled from a Killar-
ton school for political
activities.

He was expelled from
the University of Fort
Hare after the 1968
strikes.

A man who gained
widespread prominence
only in recent years, he
is nevertheless a respec-
ted figure among many
urban black people.

One indication of this
was the reception he was
given recently by thou-
sands of people attend-
ing the funeral of black
consciousness leader Mr
Steve Biko.

Seemingly reserved by
nature, he nevertheless
can be a forceful
speaker.

FATHER SMANGA-
LISO MKHATSHWA is
one of the most influen-
tial churchmen in
Southern Africa.

He is the secretary of
three groups in the Ro-
an Catholic Church,
representing eight coun-
tries in Southern Africa.

A banning order ser-
ved on him earlier this
year has severely restric-
ted his activities as
secretary of the Ro-
an Catholic Bishops' Con-
ference. His banning pro-
voked angry protests
from within the urban black
community.

An articulate, charis-
matic man, he has played
a prominent role in the
black consciousness
movement.

Many foreign diplo-
mats hold him in ex-
tremely high esteem and
have frequently had dis-
cussions with him in the
past.

His banning was

Calls for punis

The Argus Bureau

WASHINGTON. —
South Africa's crack-
down on black and
white opposition
is regarded here as the
last straw in the
process leading to a
"watershed' in rela-
tionship between the
Carter Administration
and the Vorster
Government.

The State Department
has now signalled clearly
that all relationships will
be reassessed after what is
regarded as a 'very seri-
ous setback backwards' in
the face of repeated warn-
ings.

The swift action against
South Africa's two leading
black newspapers, 18 anti-
Government organisations
and two of the country's
most vocal opposition edi-

conscionment in Wash-
ington.

The State Department's
unusually strong denun-
ciation of the Vorster
Government move was ac-
compained by immediate
congressional calls for puni-
itive action which in-
cluded:

3 Th erecall of American
Ambassador, Mr William
Bowdler.

Legislation to suspend
Export-Import Bank loan
guarantees for American
business investments in the
country.

Senator Dick Clark,
chairman of the powerful
Senate Foreign Relations
Committee's Africa sub-
committee and Senator
Clifford Case, the ranking
Republican member of the
Foreign Relations Commit-
tee issued strong attacks
on the Vorster Govern-
ment.

Congressman Andrew
Maguire — who recently
led a protest delegation to

Mr Donald Sole over the
death of Steve Biko —
said he and four other
congressmen in the delega-
tion want some specific
action to 'disentangle the
United States from eco-

Details awaited

'Our relations will
hardly be improved by
what has happened,' State
Department spokesman Mr
Hod ding Carter, said.

Once the U.S. had more
details about the ban-
nings and arrests it would
'examine very closely the
implications of these
events with regard to
U.S.-South African rela-
tions.'

Mr Carter was asked at
a news briefing to ex-
plain why the Administra-
tion was so critical of
human rights policy in
South Africa, while it ap-
ppeared to be muting its criticisn
behind bars

severely criticised by the Catholic Church which sent a strongly worded telegram to the Minister of Justice, Mr. J. T. Kruger.

Mr. L. M. Mosala has been involved in civic affairs in Soweto for several years and has been an outspoken critic of Government policies.

Educated at Pietersburg Catholic University College, he says he became politically aware at high school as a result of seeing conditions blacks had to live under on church farms. He was appalled by the feudal life they led.

'This political awareness increased when I started working in Johannesburg for the princely sum of two pounds, nine shillings and 11 pence a week,' he said in an interview this year.

'I was dissatisfied with the gross and blatant exploitation of black labour and this forced me to join the African Chemical Workers' Union. I was co-opted on to the executive in two years.'

He is respected by several corporate leaders in Johannesburg and has expressed the belief that peaceful change is possible provided business leaders stand as an organised body against what he calls 'harmful economic and racial policies of the National Party,' and provided the Government is prepared to see reason.

Mr. Tom Mabhatha, a soft-spoken but strong-minded man, has emerged in recent years as a prominent member of the BPC. Like Mr. Mosala, he is a member of the Committee of Ten.

A former teacher, he has been involved in the formation of youth organisations.

In an interview earlier this year, he described the black man as an afflicted being whose basic nature was communalistic, a person who lived for his home and family and community and whose life was heavily influenced by religion.

He added: 'In the black community everybody should stand up and be counted. Students should articulate their views and grievances to their teachers and the community on anything in the sincerest and strongest way possible.'

Mr. Thandisizwe Mazibuko, a prominent BPC leader and Committee of Ten member, has been an activist for several years.

While at school — and as head prefect — he protested against the expulsion of a number of students, believing that the authorities had acted harshly.

He was present at the meeting which led to the founding of Saso and became a branch chairman. At medical school he came in contact with black consciousness leaders, including Mr. Steve Biko.

He was excluded from the medical school in his second year, and attributes this to an effort by the authorities to crack down on Saso.

He was dismissed from a company in Maritzburg. 'I was accused of and fired for allegedly causing racial hostility among employees,' he said in an interview recently.

'But I know I was fighting for improved conditions for black workers. I know, of course, that the reason was my known membership of the BPC.'

20 10 77

'Statement of SA

Mr. Carter denied that the Administration was softening its advocacy of human rights in Russia, although the Administration has shifted from public accusations to private diplomacy.

'The approach that is taken in each instance can go down a number of avenues,' he said.

Complex

The question of putting U.S. pressure on South Africa is a complex matter for the Administration. The U.S. is simultaneously seeking South African cooperation in bringing independence and majority rule elsewhere in Southern Africa.

South Africa rules South West Africa and it controls the economic lifelines of Rhodesia — both governed by white minority governments.

A formal State Department statement said: The United States is deeply disappointed by the South African Government has taken to ban over a score of organisations and publications and to detain or ban associations with the promotion of the rights and welfare of South African blacks.

'The banning of South Africa's largest black newspaper, The World, and the reported arrest of Percy Qoboza, The World's courageous editor, and other black leaders, are steps that the international community will regard as designed to stifle the freedom of expression by spokesmen for black aspirations in South Africa.'

Concern

'The banning of other black organisations like the Black People's Convention and of the well-known interracial organisation, the Christian Institute, as well as the banning of a number of prominent whites, raise additional concerns about the consequences of oppression and legitimate dissent in South Africa.

'The Carter Administration reaffirms that our policy toward South Africa is one which looks to clear movement away from apartheid and the repression that undergirds that system, and toward a progressive transformation of South African society. In this we have set no timetable, and offered no blueprint.

'But we firmly believe there must be the beginning of a process in which all the people of South Africa can engage in a dialogue leading to decisions about their economic, social and political future.'

Dr Alain Paton

Round-up threat to peace, says Dr Paton

The Argus Bureau

NEW YORK — The South African Government's round-up of black dissidentists could lead the West to break off negotiations for peaceful change in Southern Africa, says author and academic Dr Alan Paton.

Dr Paton
EAST LONDON

About 50 students marched to the post office with brief bursts of song and chants of 'amandla.' They came from a protest meeting at the university against the banning of newspapers and black organisations announced yesterday.

One of the speakers suggested that students should go to the Braamfontein post office to send telegrams of protest to the Minister of Justice and Police, Mr Kruger.

Students had barely entered the post office when two truckloads of uniformed police arrived. Most of the men were armed with rifles and a few machine pistols were in evidence.

The police arrested those students who had entered the post office to send telegrams. Not one telegram was sent off.

By last night the Daily Dispatch had details of the detentions of 40 people. They were:

- TRANSVAAL
  - Soweto Committee of 10 members
  - Dr Nthato Motlana (medical practitioner);
  - Leonard Msola (businessman);
  - Legau Mathabathe (principal);
  - Ellen Khuzwayo (social worker);
  - Veli Kraal (businessman);
  - Dewie Mazibuko (BPC national secretary);
  - Ramphokopa (BPC member);
  - Black People's Convention
  - Kenneth Racchi (president);
  - George Wauchope (regional chairman, Johannesburg);
  - Jarius Kgosong (executive secretary, Manthata publicity secretary/labour);
  - Mr Kengy Matine (member);
  - Mr Thabo Sehume (member).

- JOURNALISTS
  - Mr Percy Qoboza (Editor of The World);
  - Mr Aggrey Klaasen (news editor, Weekend World);
  - Miss Jolene Molma (DAILY Dispatch, reporter).

- Soweto Committee of 6
  - Mr Matsi Nkondo (chairman);
  - Mr Fyonza Mazibuko (secretary).

Others
  - Mr Mongezi Stuffle (past president of Sasco);
  - Mr Aubrey Mokoena (director, Black Community Programmes);
  - Mr Raymond Ramapupe (BCP driver);
  - Mr Hanif Vally (law student);
  - Mr Sadek Variara (BCP security trialist);
  - Dr Mamas Buthelezi (chairman Black People's Association);
  - Mrs Mangaliso Mkhawata (Catholic Bishops Conference).

EASTERN CAPE

Mrs Dimza Pityana (Miss Omen Williams), Mr Mupetello Qepe (student), Mr Mchambe Stilo (teacher), Mr Bonita Tshimana (BCP chairman, East London), Mr Mxolisi Mxoliso (BCP secretary, East London), Mr Mphumulana (BCP), Dr Sydney Moleko (BCP).

WESTERN CAPE

Ann Tomlinson (church worker).

NATAL

Mr Skenjana Rojo (Sasco executive), Mr Dilza Mfana (principal of Sasco), Mr Norman Dubazana (medical student), Mr Mthuli Phakathi (student).

LONDON — News of the Security Police clampdown was received with dismay among editors in the Western capitals.

Reaction exceeded that last month on the death of Mr Steve Biko. Some Western government spokesmen felt white South Africans were moving into a lager.

British Foreign Secretary David Owen said: "I have heard with dismay the news of the widespread bombings and arrests. They run counter to our most cherished ideals of personal liberty and free speech."

The International Federation of Free Trade Unions called for a total oil embargo on South Africa in protest.

"The world community can no longer tolerate South Africa's crimes against humanity," the general secretary said.

The World Council of Churches said: "We

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British Foreign Secretary David Owen said: "I have heard with dismay the news of the widespread bombings and arrests. They run counter to our most cherished ideals of personal liberty and free speech."

The International Federation of Free Trade Unions called for a total oil embargo on South Africa in protest.

"The world community can no longer tolerate South Africa's crimes against humanity," the general secretary said.

The World Council of Churches said: "We
denounce the arbitrary arrests. The tightening of the World and Weekend World and the banning of the Union Biko. Journalists is particularly alarming as it sounds the death-knell for the freedom of expression of black thought and beliefs. The South African Government's claim of press freedom.

Dr Donald Coggan, the Archbishop of Canterbury, sent a telegram to the State President, Dr Diederichs, the Prime Minister, Mr Vorst, the South African Archbishop in London, Mr M. Botha, expressing his distress and shock over the banning of the Christian

Dr Coggan urged Diederichs "to reconsider this action which can only weaken the chance of a peaceful resolution of the racial problem in South Africa."

Britain's Labour Party said South Africa had entered a new era of oppression.

"The action of the South African regime today, following so closely on the strength of circumstances surrounding the death of Steve Biko, will not stop the struggle."

"The Labour Party looks forward to the day when civil liberties are the right of all the South African people and they have a government responsible to and elected by all its people."

The Rev Paul Creusch, chairman of the British section of Amnesty International, won this year's Nobel Peace Prize, said the banning were a "tragedy. They could only lead to a violent solution in South Africa."

Britain's National Union of Journalists said they deplored the bombings.

A spokesman said: "We think journalists throughout the civilized world will join us in condemning these events there with total horror."

"It is becoming increasingly clear to us here that you can be an honest journalist in South Africa or you can be a free journalist—but you cannot be both."

A French diplomat said: "One of the biggest losers will be South Africa's Foreign Minister, Pik Botha, and his regime image."

"He had better just stay at home from today onwards. He is dead."

In Washington, congressman Andrew Maguire said: "This kind of approach can produce no constructive results whatsoever and can only lead to more violence and bloodshed."

United Nations Secretary-General Kurt Waldheim has expressed his disapproval of the Security Police clampdown.

The action would only aggravate the South African situation, his spokesman said.

Mr William Rees-Mogg, Editor of the London Times, said he was extremely concerned about the increasing threats to freedom of the press in South Africa. "I am particularly concerned now about the closure of The World. This is not only in itself a great blow to press freedom, but is a threat to other South African newspapers."

Mr Donald Trelford, Editor of the London Observer, said: "The banning of The World is a dangerous development, to be condemned by everyone with a concern for freedom."

About 100 anti-apartheid demonstrators picketed the South African Embassy in London yesterday in protest at the bombings and arrests. — DDCSAPARNSAP.
Presses out

Telegram warns Vorster

The Argus Bureau
LONDON. — A telegram sent by the International Press Institute to Prime Minister Mr. B. J. Vorster and Minister of Justice, Mr. J. T. Kruger, warns them to 'pay heed to world opinion' following yesterday's bannings and arrests.

The director of IPI, Mr. Peter Galliner, said the institute was 'appalled' by news of the detention of Mr. Percy Qoboza, the World editor, and by the banning of another editor, Mr. Donald Woods.

Last hope for change?

The Argus Bureau
NEW YORK. — To suppress blacks now is to suppress the last hope for peaceful change in South Africa, says the New York Times in its editorial today.

The South African Government's latest actions betray the 'cynical strategy' behind the new constitution plans, says the newspaper. Denied the opportunity for open opposition, blacks will have no alternative but to pursue the challenge underground.

And given the ominous warnings of Government spokesmen at the moment of crackdown, dissenting whites may soon be driven to the same extreme.

CONDEMNED

The editorial says the South African Government seems determined to create precisely the conditions to transform the country's blacks into an extremist and violent force.

There was also bitter condemnation from American newsmen today.

The president of the American Society of Newspaper Editors, Mr. Eugene Patterson said: 'I take the gravest view possible of this victimisation of free editors in their attempt to tell the truth.'
YOUNG: A COMMITTING SUICIDE

News from the Isles - The Third Annual crop of '07 leaves the woods of Mr. B. J. Price.

The Third Annual crop of '07 leaves the woods of Mr. B. J. Price.

IN OUR BONES

New York - The top representatives of the British Ministry of Education are to visit the United States this week, to confer with educational experts on the subject of the American school system. The British government is particularly interested in the American system, as it is considered to be one of the most efficient in the world. The visitors will also have the opportunity to study the work of American educators, and to exchange ideas on the best methods of teaching. The visit is expected to be of great benefit to both countries, as it will help to strengthen the ties of friendship between them.

PICO ANTROPY

Bulldozer Sale

The right to determine the future of the press can only be done by the people who use it. The press can be our servant or our master, depending on how we use it.
Owen dismayed at

The Argus Bureau
LONDON — The bannings and arrests in South Africa have gravely embarrassed Britain and those other West European countries trying to resist African, communist and, to some limited extent, American pressure for sanctions to be applied to South Africa.

In an unusual personal statement on the South African security clampdown, the Foreign Secretary, Dr. David Owen, used the word "dismayed" to describe his reaction. He meant just that.

Dr. Owen and his colleagues in Germany and France — with, up to now, powerful American assistance — have desperately been seeking to negotiate changes in South West Africa and Rhodesia by agreement.

They have powerful interests in both black and white Africa and they have tried to avoid a choice between them.

BALANCE

They know that the balance of long-term commercial and financial interest means that if there is a choice it has ultimately to come down on the side of the blacks.

But they also know that to be forced into that choice, involving tough measures of boycotts and sanctions against South Africa itself, would be gravely damaging to their own economies.

All the time they have been under constant pressure from communist, third world and, particularly, African critics who have said that negotiation will never persuade the white man to change, that they cannot succeed and are simply serving their own European commercial interests.

They are gravely embarrassed by what looks like a reversal of the easing of pressures on blacks in South Africa, the limited democratisation processes to which they could point.

‘tragic setback’

UK lash

The Argus Bureau
LONDON — Nearly 24 hours later, yesterday's arrests and bannings in South Africa are major news in Britain's national newspapers today.

And with just two exceptions — the right-wing...
Movies in Modder Bee

STAFF REPORTER

THE 49 PEOPLE detained during Wednesday’s raids will be able to receive radios, films and film projectors while in Modder Bee Prison.

A lawyer representing some of those detained and in Johannesburg yesterday that prison authorities had agreed to accept:

1. FM radios
2. Newspapers and other reading material.
3. Films and film projectors.

He said detainees would be allowed two half-hour visits a week — on Monday and Friday.

Only two people would be allowed on each visit.

Colonel H J Botha, liaison officer for the Department of Prisons last night confirmed the lawyer’s information.

Detainees did not have to wear prison clothes so clothing could be brought to them.
No comment on Biko autopsy report

 Pretoria Bureau

THE chief State pathologist, Professor J Lohbser, yesterday declined to com-

tention the progress of the Biko post-mortem re-

port, or when it would be completed.

And the Minister of Justice, Mr J T Kruger, was not available for com-

ment on reports that the banned editor of the

Daily Dispatch, Mr Don-

ald Woods, might be a witness at a judicial in-

quiry should one be de-

cided on.

The Minister mentioned this possibility in an inter-

view published yester-

day in Die Transvaler.

The decision on an inquiry, Mr Kruger was quoted as saying would be taken by the

Attorney-General after he had received the post-mortem report on Mr

Biko's death, as well as a preliminary report from the police.

Meanwhile the Australian Government yesterday called on South Africa to hold a full-scale in-

quiry into Mr Biko's death, reports Epa-Reu-

ter from Canberra.

The Foreign Affairs Minis-

ter, Mr Andrew Peacock, told the Australian Para-

liament that in the ab-

sence of clear evidence about the circumstances of Mr Biko's death and other similar deaths in South African jails, a full inquiry ought to be held.

"Refusal to carry out such an inquiry would not only provoke strong condemnation throughout the world, but would also inevitably lead people to implicate the South African authorities in the deaths of Mr Biko and others who died before him," he said.
No pleas yet for detained people

No representations have so far been received by a review committee empowered to investigate the detention of 49 people by the Minister of Justice on Wednesday.

Mr. Kruger announced the appointment of the review committee at the same time he disclosed that 18 organisations and three publications had been banned.

He said it had been decided to take action against people whose activities endangered the maintenance of public order. Some had been restricted, but where that would not be sufficient as a preventive measure, use had been made of the internment powers contained in clause 10(1)(a) bis of the Internal Security Act.

COMMITTEE

A review committee had been appointed by the State President in terms of Clause 19 of the Act to investigate the Minister's action under clause 10(1)(a) bis. Thus an investigation by the review committee only applies to those that have been detained.

A spokesman for the Department of Justice said in Pretoria today that no representations had so far been made to the review committee.

No further details have been made available by the Minister's office about the regional magistrate and two lawyers who investigated the organisations that were later banned.

As it was considered to be a "security matter," lawyers, Department of Justice spokesmen and officials at the Johannesburg Magistrate's Court could disclose no further details about the committee.

NPU head appeals to Kruger

The president of the Newspaper Producers Union, Mr. Hail Miller, said today that despite representations to the Minister of Justice, he personally had not been able to establish the detailed reasons for the banning of The World and Weekend World.

The Government Gazette had merely indicated that the papers had been banned in terms of Section 6 of the Internal Security Act (Act 44 of 1950) which indicated that a publication could be banned if it served as a means to convey information, the publication of which was calculated to endanger the security of the State or the maintenance of public order.

The procedure followed in this case, and the absence of more detail in the banning orders, meant that neither the public nor all members of the press were aware which aspects of the newspapers concerned, what facts and what opinions, had led to the banning orders.

He appealed to the Minister either to withdraw the banning orders or to publish fully detailed

Ban report

Dr. Namas Buthelezi, chairman of the banned Black Parents' Association, was wrongly reported in The Star yesterday as hav
Anne Qoboza, wife of Percy Qoboza, editor of The World which was banned on Wednesday, was interviewed by Star Woman before the banning and his detention. She talked of their family and life together.

A person in her own right

Detention is not new to Anne Qoboza, wife of the editor of The World.

Her husband Percy Qoboza has been detained before.

In an interview she gave before his detention this week, she told Star Woman: “I had no difficulty in explaining his first detention to our children because there has been so much talk in our family about detention.”

Anne Qoboza is a quiet, softly-spoken woman. It takes a lot to make her angry, but when the police detained her husband for the first time a few months ago, they did so in front of her.

Scared

“When my husband told me there were policemen outside, I thought it was the usual raid by the West Rand Board to check on non-permit holders,” she said, in the lounge of their Soweto home.

“I relaxed, thinking he would get rid of them soon.”

When it seemed to her they were taking longer than she had expected, she went to investigate.

“I was furious to find security police were questioning him. Although I was inwardly scared they were going to take him away, anger was mounting inside me,” she said.

Anne Qoboza and her family of five children live in a rented, three-bedroomed house. It has no trace of luxury, being simple and comfortable. The comfort does not include electricity.

Mrs Qoboza is a retiring person who prefers not to be recognised publicly as Anne, the editor’s wife, “because people tend to forget that my husband and I are two different people. I am a person in my own right.”

She said a lot of the time she found herself having to explain how and why he said some of the things that appeared in his newspaper.

Mrs Qoboza said that when she accompanied him to America on a trip some time ago, people who never got near enough to ask him questions after a speech, were often satisfied with an explanation from her.

“We were in America for a year when my husband was at Harvard University on the Nieman Fellowship underwritten by the US-SA Leader Exchange Programme (US-SALEP).”

This is one of the privileges that she said she enjoyed as wife of the editor of The World.

Mrs Qoboza said she admired American men for being less selfish than South African men.

Housework

“They shared housework with their wives, giving them the chance to be more independent than we are here,” she said.

“And I found that American black women are much tougher than their white counterparts.”

Mrs Qoboza said the trip to America helped her to understand her husband better.

“I found out on it that he has a characteristic which seems to be common to all journalists — nothingness.”

“Percy is an avid reader — and I find I spend my time putting away the books and magazines he wades through. I find them in the lounge, dining room, bathroom, even kitchen,” she laughed.

The couple have five children, ranging in age from six to 10.
NOTES:

a. 49 detained — security chief
Johannesburg. — Police confirmed in Pretoria yesterday that a total of 49 people had been detained under Section 10 of the Internal Security Act. Brigadier C F Zietsman, head of the Security Police, said the figure related to those people detained up till midday yesterday. He gave no details about the two-day Security Police operations, which followed the banning of The World and 18 other organizations on Wednesday.

b. Taken after completion of either Economics I or after the completion of one of the following: Ancient History & Classical Archaeology, History I, Geography I, History I, Political Science I.

c. Afrikaans en Nederlands I as a qualifying subject.

d. Applied Maths. II can only be taken after the completion of Maths. I.

e. Botany. Certain senior courses can only be taken after the completion of Chemistry I.

f. Chemistry II can only be taken after the completion of Physics I.

Chemistry III can only be taken after the completion of Mathematics I.

g. Comparative African Government & Law I can only be taken after the completion of Political Science I.

h. Cultural History of Western Europe III can only be counted as a major course (Column C.) if at least one of the following courses is included in the curriculum: Afrikaans en Nederlands II, Economic History II, English II, French II, German II, Greek II, Hebrew II, History II, History & Appreciation of Music II, History & Theory of Art II, Italian II, Latin II, Philosophy II, Religious Studies II.

i. Drama I can only be taken after the completion of Speech & Drama.

j. Economics IIB is a course for students who do not intend to take Economics II.

Economics III can only be taken after the completion of an approved course in Statistics.

k. English I. Admission to English I is limited. Students will be admitted to English I when this course is required either by University regulations or by statutory requirements. All other students will be admitted on merit.

l. Geology III can only be taken after the completion of Chemistry I and Physics I.

m. Mathematics I can consist of either Maths. Ia and Ib, or Maths. Ia and Statistics Ia.

n. Mathematical Statistics I can only be taken after the completion of Mathematics I, and Maths. Stats. II after completion of Maths. II.

o. Physics II can only be taken after the completion of Mathematics I.

p. Physiology I can only be taken after the completion of Chemistry I.

q. Public International Law should not be taken in the first year.

r. Roman Law I can only be taken after the completion of Matric Latin or equivalent+

s. Roman Law II can only be taken after the completion of Latin I, and either after the completion of, or at the same time as, Roman-Dutch Law I.

Roman-Dutch Law I can only be taken after the completion of Matric Latin or equivalent, and either after the completion of, or simultaneously with, Roman Law I.

An elementary Latin course is offered at the University for this purpose.

u. Law: If you are proceeding to the LL.B. degree you are strongly advised to take Latin I and II. A working knowledge of Afrikaans is desirable.

If you intend practising as an ADVOCATE, or, after having obtained the LL.B. degree, as an ATTORNEY, in the Republic or in South West Africa, you must include in your curriculum ENGLISH I AND AFRIKAANS OR AFRIKAANS EN NEDERLANDS I.

v. Zoology I can only be taken after the completion of Chemistry I.
Still no word on Biko post-mortem report

PRETORIA. — The chief State pathologist, Professor J Loubser, yesterday declined to comment on the progress of the Biko post-mortem report, or when it would be completed.

And the Minister of Justice, Mr J T Kruger, was not available to comment on reports that the banned editor of the Daily Dispatch, Mr Donald Woods, might be a witness at an inquest should one be decided on.

The minister mentioned this possibility in an interview with an Afrikaans newspaper.

The decision on an inquest, Mr Kruger was quoted as saying, would be taken by the Attorney-General after he had received the post-mortem report on Mr Biko, as well as a preliminary report from the police.

Mr Kruger was quoted as saying he expected the post-mortem report this week.
JOHANNESBURG — Police confirmed in Pretoria yesterday that a total of 49 people had been detained under Section 10 of the Internal Security Act.

Brig A. Zietsman, head of the Security Police, said the figure related to those people detained up until midday yesterday. He gave no details about the two-day Security Police operations that followed the banning of The World and 18 other organisations on Wednesday.

Meanwhile, the Minister of Interior, Dr Connie Mulder, told foreign correspondents in Pretoria the Government would not hesitate to close down other newspapers if the State was endangered or law and order threatened.

He said the Government clampdown decision had been discussed by the Cabinet for three weeks before it was launched and could be construed as a warning to others not to abuse the right of criticism.

He added that he hoped it would not be necessary to close down other newspapers. The newspapers' own Press Council appeared to be doing a satisfactory job and he hoped it would not be necessary to reintroduce the Newspaper Bill, Dr Mulder said.

In Cape Town, Dr Alex Boraine, PFP Parliamentary candidate for Pinelands, last night called for the resignation of the Minister of Justice, Mr Kruger.

"It is clear that if ever I believed in banning an individual, in silencing an individual, in restricting an individual, it would not be Donald Woods, or Manus Butheleri, or Theo Kotze, or Percy Quarry — it would be James Kruger," he told a PFP campaign meeting in Rondebosch.

He said the methods of the communists were "undefendable" and these were the methods employed by "Kruger and his benchmen."

The head of the Department of Journalism at Rhodes University, Prof A. Giffard, said Donald Woods had always avowed to expose the truth.

"From one of the few people who had the trust of blacks and whites, this was something his opponents considered dangerous, and for this reason they decided he had to be silenced," said Prof Giffard. — DDC-DDR.

(News by L. Rappehalmier, 77 Burg Street, Cape Town)
Still no news of Biko post-mortem

PRETORIA — The Chief State Pathologist, Prof J. Louwser, yesterday declined to comment on the progress of the Biko post-mortem report, or when it would be completed.

And the Minister of Justice, Mr Kruger, was not available for comment on reports that the banned Editor of the Daily Dispatch Mr Donald Woods, might be a witness at a judicial inquiry which might be decided on.

Meanwhile, the Australian Government yesterday called on South Africa to hold a full-scale inquiry into the death of Mr Biko.

The Foreign Affairs Minister, Mr Andrew Peacock, told Parliament that in the absence of clear evidence about the circumstances of Mr Biko's death and other similar deaths in South African jails, a full inquiry ought to be held. — SAPA.
World debate is growing

TABLE FOR THE B.A. DEGREE

at time-table periods, e.g. (1) = first period, 8.30 - 9.15 a.m.

B. (SENIORS)
y II (2)
y III (2)
istory II (3)
istory III (3)
arative African & Law I (4)
stitutional Law (3)

C. (MAJORS FOR B.A. DEGREE)

"She said her husband was not being kept alone. He asked for lots of food to share with the others.

Mrs Qoboza had no idea how often she would be able to visit her husband in the months ahead. She had been told to go to the prison on Mondays and Fridays between 8 a.m. and 4 p.m. but did not know how long the visits could last.

She said she had not, as yet, being allowed a contact visit but spoke to her husband through a glass window.

'IT'S UP TO WOODS'

There was a distinct possibility that the banning order on the editor of the Daily Dispatch, Mr Donald Woods, might be lifted within a year, the Minister of Justice, Mr Jimmy Kruger, said in Pretoria today.

"That will depend on Mr Woods not on me," Mr Kruger said. "I hate the damned banning orders to be quite frank with you," he said. - Sapa.

ECONOMICS III (2)
ECON. HISTORY III (3)
ENGLISH III (1)
FRENCH III (2)

Qoboza faces year in jail

Mrs Annie Qoboza visited her husband Percy, the detained editor of The World, in prison yesterday and found him in low spirits.

After she had spoken to her husband she went to the visitors' room where she spoke briefly to the wife of Mr Aggrey Klaas,

"That will depend on Mr Woods not on me," Mr Kruger said. "I hate the damned banning orders to be quite frank with you," he said. - Sapa.

ECONOMICS III (2)
ECON. HISTORY III (3)
ENGLISH III (1)
FRENCH III (2)

GEOGRAPHY III (3)
No evidence of assault on Biko says Kruger

The Minister of Justice, Mr Kruger, said in an interview with Mr John Burns published in The New York Times yesterday that the preliminary report on Mr Steve Biko's death did not give the impression that a police assault was the cause of death.

Mr Kruger said he was still awaiting the final autopsy report but he expected an inquest would in any case be held in view of the public importance of the findings.

"You do not believe, on the evidence now available to you, that there was an assault, that a police officer beat Steve Biko to death?" Mr Burns asked.

"Unless anything else comes out in cross examination, 'I personally do not believe this,'" Mr Kruger replied.

NO PROTECTION

"I think that my police have done anything wrong. But I am not there to protect them. They must stay within the rules," he said.

"If there is anything wrong in the Biko case, I will be surprised."

---

Mr Burns said Mr Kruger would have trouble in the Biko case if it came out that there had been a struggle.

"This follows automatically from the arrest of a difficult person," Mr Kruger said.

"What must you do? Must you stand still and let the handcuffs fall out of heaven onto his hands?"

"The moment you try to handcuff a man who doesn't want to be handcuffed, there must be a struggle."

Asked if the police beat people, Mr Kruger said he was prepared to concede and accept that a man could lose his temper.

"I can accept that when you get into a struggle with a man you have to handcuff or subdue, something can happen to him."

"That I think, is normal in any police force," Mr Kruger said. "But I think my men are so conscious of detaine's deaths that they would not touch any of them."

In another interview yesterday, broadcast nationwide by ABC Television, Mr Kruger expressed similar confidence in the actions by the police in the Biko case.

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Course List

- Botany II (2)
- Botany III (2)
- Chemistry II (3)
- Chemistry III (3)
- Comparative African Govt. & Law I (4)
- Constitutional Law (3)
- Cult. Hist. W. Eur. II (1)
- Drama I (2)
- Economics II (4)
- Economics III (2)
- English I (3) or (5)
- English II (4)
- English III (1)
- French Intensive (4)
- French II (3)
- French III (2)
- Geography I (2)
- Geography II (5)
- Geography III (3)
- Geology (5)
- Geology II (2)
- Geology II (5)
His Ultimatum

Krugerrand Givens

Until unrest ends

Gqobonda is jalled
Mr. Kruger, said: "There had been encouragement to the intimidation, stone-throwing, stoning, and other disorders that students had resorted to in their campaign against the Government."

Meanwhile, Mr. Gobosa has received a notice from the Security Police restraining him from leaving Mieder's B Prison on the East Rand, until August 16 next year.

But, according to a lawyer, he could be freed before then if the Minister of Justice wished, or the notice could be renewed.

Chairman

Others known to have been served with similar notices are the news editor of Weekend World, Mr. Affrey A. Khumalo, and Dr. Nkhile Kwayi, chairman of the Soweto Committee of 10.

It is believed that all 31 people detained on Thursday under Section 10 of the Internal Security Act have been served with similar notices.

The Commissioner of Police, General Gert Pringle, said these notices should have been served on all those detained, but he could not confirm this or give details.

The notices served on Mr. Gobosa by two Security policemen said, the Minister of Justice, Mr. J. T. Kruger, was satisfied that the notice was calculated to endanger the maintenance of public order and thereby prohibit him from causing disquietude among the people.

Radios

The notices were signed on Wednesday, the day the Weekend World was banned.

A lawyer representing some of those detained said the detainees were being well treated and talked to each other, read newspapers, and listened to portable radios.

In his interview with the New York Times, Mr. Kruger read from letters attacking The World, that he said he had received from Soweto residents and claimed that: "his action was taken on behalf of the overwhelming majority of blacks who wanted to pursue their livelihood in peace."

Mr. Kruger went on to deny allegations that the move against the World and the banning of Mr. Douglas Woods, editor of the Daily Dispatch, was the end of Press freedom in South Africa.

"I'm very, very sincerely for Press freedom and we..."
Kruger's ultimatum

(Continued from Page 1)

is my Prime Minister," he told Berlin.
He also put some blame for the crisis on President Jimmy Carter.
Mr. Kruger said Mr. Carter's "higher-than-thou" pressures on behalf of South African blacks had encouraged black militant groups to believe that "the Americans are backing us to the hilt, whether we do it peaceably or by violence."
Mr. Kruger said the ban on Mr. Woods might be lifted within a year.
"I think that there's a distinct possibility, but that will depend on Mr.

Woods not on me," Mr.
Kruger is quoted as saying.
"I'm not here to ban people, I hate the damned banning orders to be quite frank with you.
"I don't like them a bit, but again it depends on the person subject to the banning."
The Weekend Argus Correspondent in Johannesburg reports that prison officials at Molder B have told detainees that they will be allowed portable television sets and that one detainee has apparently made arrangements to get one.

...and Tiberius.

...estates in the Roman Republic and Augustan...
Jo'burg, Wits. Univ. Press, '67

and criminal legislation under Tiberius.

...in the Journal of Roman Studies 49,
and in the Roman Republic and Augustan...
Kruger to speed any Biko inquest ordered

BY PATRICK LAURENCE

No decision had been made for a special court to conduct an investigation into the death in detention of Mr Steve Biko, the Minister of Police, Mr J F Kruger, said yesterday.

Two Johannesburg newspapers have reported that Mr Kruger would order a special court to conduct an investigation as soon as the post-mortem results were available.

Asked whether he could confirm that a special court would investigate the death, Mr Kruger said: "No. The Attorney-General will decide after the post-mortem report."

Mr Kruger added: "If the Attorney-General should decide on an inquiry I will try to expedite it as soon as possible."

"That was what the newspapers were referring to."

"No date has been fixed for the completion of the findings."

The Office of the Minister confirmed yesterday.
Into the twilight world

MRS QOBOZA IS 'BATTLING'

Weekend Argus Correspondent

Johannesburg. — She's slender, soft-spoken and an unassuming professional woman.

A mother of five, who trained as a teacher, Mrs Anne Qoboza, 38, joined the twilight world of many other black mothers on Wednesday when her husband, Mr Percy Qoboza, was detained.

The Qoboza family live in a six-roomed house on the side of a tarred road in Soweto. The house, rented from the West Rand Administration Board, towers above the many matchbox cottages surrounding it.

BATTLING

It is a simple but comfortable home — but the comfort does not include electricity.

Mrs Qoboza said she was now battling to cope without her husband, but friends had visited her home and given her encouragement. It is wonderful to know there are people who are concerned,' she said.

Her immediate problem after her husband's detention was the children. They had been irritated but they now seemed to be cooling down.

HOPE

She said she was happy she could visit her husband in detention at Modder K prison in Bannerman. She had already been there and could visit him on Mondays and Fridays.

'I hope other members of the family — my husband's brothers and sisters — will also be allowed to see Percy,' she said.

Mrs Qoboza said detention was not new to her family. Her husband had been detained for a short time before.

'In fact, Percy had felt he would be detained again because of the attitude of the Government towards him and his newspaper. He knew it could happen any time, any day and he has taken his detention coolly,' she said.

Mrs Qoboza prefers not to be recognised publicly as Anne, the editor's wife, 'because people tend to forget that my husband and I are two different people. I am a person in my own right.'

EXPLAIN

She said she was often asked to explain how and why he said some of the things that appeared in his newspaper.

However, being the editor's wife had its wonderful moments, such as when she accompanied him to the United States some time ago. Mr Qoboza was then studying at Harvard University after being awarded the Nieman fellowship.

She enjoyed the trip very much, she said, and admired American black women more than South African men.

'And I found that American black women were even tougher than their counterparts,' Mrs Qoboza said.
MRS Anne Qoboza — the mother. With her are, from left, Ntuli and Mangi.
Biko: Law will take its course

Own Correspondent

PRETORIA. — The Prime Minister indicated yesterday that the medical findings on the death in detention of Mr Steve Biko would be available early this week — probably today or tomorrow.

Speaking in an American television programme, Mr Vorster said the report would be handed over to the Minister of Justice, Mr J T Kruger, and the attorney-general "and then the law will take its course."

"During the 90-minute interview recorded last Monday by ABC television newsreader Harry Reasoner and correspondent Bob Clarke, Mr Vorster also:"

- Disclaimed that he had documentary proof that US President Ronald Reagan had been instructed to use the expression "one-man, one-note" during his Vienna press conference after his talks with Mr Vorster.
- Rejected the submission that the recent black unrest in South Africa contained the seeds of a racial war.
- Emphasized that South Africa would be prepared to stand alone if the Soviet Union succeeded in isolating South Africa from the forces and the United States by the use of force.
- Disclaimed that he had made a promise to US President Jimmy Carter that South Africa would not develop nuclear weapons but was, at the same time, interested only in the peaceful development of nuclear facilities.

The interview was screened to more than 20 million Americans yesterday on ABC's prime-time broadcast television programme "Issues and Answers."

Mr Vorster told Reasoner that the United States was demanding that a system of one-man, one-note, in other words a system of Black majority rule, be introduced in South Africa. Mr Vorster said: "We can't force people to do business in South Africa and if their governments make it impossible for them to carry on business... they will stop leaving a vacuum and someone else will flow into the vacuum.

"As far as closing South Africa's Washington embassy as a retaliatory measure, Mr Vorster replied: "No, I don't think that has ever been contemplated, I certainly not contemplating that at all."

Questioned on the Biko issue — that there was suspicion that he was beaten to death by police partly because the medical findings were never made public — Mr Vorster said: "I don't think you're putting it fairly at all when you say the medical findings have never been made public. Surely you know and it is stated from time to time that the top medical experts are still busy and as the moment they have finished their work, they will hand it over to the Minister of Justice and the attorney-general and then the law will take its course.

"I do not know what the report is. No one has seen it. No one has even seen the results of the autopsysthe report has not been compiled. I will not make a statement as long as it is not compiled.

"A simple question do not know what..."

Mr Vorster: No I do not...

Clarke: But why...

Mr Vorster: I..."

Not fighting a losing battle

Mr Vorster: "I do not know anything and I will only know, same as all the other people who should know, when they finish their report and then we can make our findings."

Mr Vorster added about whites being outnumbered by blacks at the town of Vryburg. Mr Vorster said that there was no reason for him to believe that he was fighting in the long run a losing battle.

Mr Vorster said that Americans, especially their UN ambassador, Mr Andrew Young, wanted to count American negroes with South African blacks.

This could not be done for the simple reason that American blacks had been divided into three groups: per se negroes, Negroes of middle class Negroes who were Negroes and Negroes who were Negroes. (Continued on page 2)
Kruger - Knorr
No Biko, he died on site.
He was interviewed by Mr. Biko's peers and other police officers present at the scene.

Evidence
 Assault

The assault victims were identified and questioned by the police.

Kruger and Knorr were accused of the assault.

No Biko  247
Deputy Commissioner of Police

The official report was submitted to the Department of Justice.
JOHANNESBURG: The Minister of Justice, Mr. Jimmy Kruger, said last night he had received the final medical report on the death of Mr. Steve Biko yesterday, Beeld newspaper reported.

The state pathologists and the pathologists appointed by Mr. Biko's family had arrived at a unanimous finding about his death.

"I am now sending the report to the Attorney-General of the Transvaal. If he should decide that a judicial post-mortem inquiry is necessary, I shall arrange for a court to be made available as soon as possible."

The minister said he believed the attorney-general could give his decision within a few days.

The police inquiry into Mr. Biko's death had also been completed. "All we now await is the attorney-general's decision."
PRETORIA. — A delegation representing the law societies of the Transvaal, Natal and the Free State met the Minister of Justice, Mr J T Kruger, yesterday to discuss deaths in detention, according to a statement issued by the delegation.

"The issue was widely and frankly discussed and the minister undertook to consider the matter and to investigate the representations made," the statement said.
Biko inquest decision now up to Transvaal AGC
Johannesburg — The Minister of Justice, Mr. Kruger, received the final medical report on the death of Mr. Steve Biko yesterday, Beeld newspaper reported.

The State pathologists and the pathologists appointed by Mr. Biko’s family had arrived at a unanimous finding about his death, he said.

“I am now sending the report to the Attorney-General of the Transvaal. If he should decide that a judicial post-mortem inquiry is necessary, I shall arrange for a court to be made available as soon as possible,” the Minister said. He believed the Attorney-General could give his decision within a few days.

The police inquiry into Mr. Biko’s death had also been completed. This meant that all inquiries had been completed.

“All we now await is the Attorney-General’s decision,” Mr. Kruger said.
Biko died of injuries claim

JOHANNESBURG — The findings of the final autopsy report on the black consciousness leader, Mr Steve Biko, are that he died as a result of head injuries, informed medical sources told Associated Press yesterday.

The report on the autopsy, held nearly six weeks ago, has been submitted to the Minister of Justice, Mr Kruger, but has not yet been published.

Mr Kruger said yesterday he was sending it to the Transvaal Attorney-General, Mr J. E. Nothling, to decide whether a "judicial post-mortem inquiry is necessary."

Mr Biko died on September 12 in police detention.

The autopsy was performed on September 13 by State pathologists in the presence of doctors appointed by Mr Biko's family.

The Chief State Pathologist, Mr Johan Louwberg and the family-appointed pathologist, Dr. Jonathan Gluckman, are agreed on the findings, it was learned yesterday.

According to informed sources, the pathologists' report says Mr Biko had "brain injury. This caused a reduction of circulation to the other organs complicated by widespread "intravascular coagulation."

"There was also "acute renal failure and uraemia," the report said.

The pathologists also reported evidence of injury on the left side of the chest. — SAPAAP.
No details yet on held schoolgirl

Staff Reporter

NO DETAILS have been released yet about the Indian schoolgirl who was re-arrested immediately after she and 28 others were convicted on Monday of attending an illegal gathering in Lenasia.

Miss Ungeline Poonan, 19, was detained for an hour at Protea police headquarters before being transferred to John Vorster Square, says the advocate, Mr A O Tayob. "Immediately after the hearing she was taken by two policemen into the Protea headquarters, I was sitting with her father in a car, and the police asked me to tell her father that she was being held for questioning," he said.

Mr Tayob represented the Indians in court on Monday. Miss Poonan was sentenced to 25 days in jail or a R25 fine, conditionally suspended for five years.

Mr Shun Chetty, the instructing attorney, said yesterday that police told the girl's father only that she was being held indefinitely.

Efforts were being made to establish under which Act she was being held, he said.

He has written to Security Police headquarters asking about the student teacher, Mr Salley Dinithi, who was detained at Lenasia last Friday.
A-G is silent on Biko report

Pretoria Bureau

The Attorney-general of the Transvaal, Mr J E Nothing, has refused to comment on an Associated Press report that Mr Steve Biko died as a result of head injuries.

Mr Nothing said today that the matter was receiving his urgent attention and "pleaded" with the Press to be patient.

The final report on Mr Biko's death was handed to Mr Nothing yesterday to decide what legal steps, if any, should be taken.

Professor Johan Loubser, the State pathologist who conducted the autopsy, said in Pretoria today that he had not read the Associated Press report and had no comment to make.

When he was told what the report said, he reiterated that he had no comment.

CORRESPONDENTS

Several foreign correspondents based in Johannesburg reported last night that Mr Biko had died from head injuries.

Informed sources told them that the pathologists report said Mr Biko had extensive brain injury. This caused a reduction of circulation, to other organs, complicated by widespread intravascular coagulation.

There was also acute renal failure and uremia." Nicholas Ashton of The Times said the report stated Mr Biko sustained at least a dozen other abrasions and bruises, including rib injuries. "It added that the injuries had been incurred over a period of between eight days and 12 hours of his death."

Maureen Johnson of Associated Press reported that the State pathologist and the family-appointed pathologist, Dr Jonathan Elwick, were agreed on the findings.

She told The Star today that her information had come from authoritative sources.
Autopsy says Biko died from brain injuries

The findings of the post-mortem examination at the University of Natal's Amanzimtoti Hospital, according to a report filed by Simon Biko yesterday...

The results of the autopsy, held yesterday at the University of Natal's Amanzimtoti Hospital, have been leaked to the Inspector of Police, Prisons and Justice, Mr. D. K. Kruger, but have not yet been published. The report said yesterday, the Transtar, Attorney-General, Mr. D. N. M. Motshegwa, will decide whether or not a judicial post-mortem inquiry is necessary.

Mr. Kruger, regarded as the founder of the Black Consciousness in South Africa, died in police detention on September 12.

The post-mortem was performed on Saturday by State pathologists in the presence of doctors appointed by Mr. Kruger's family.

The pathologist, Mr. J. Lourens, and the family-appointed pathologist, Dr. J. M. Cloete, agreed on the findings.

According to the police's report, the pathologist's report says Mr. Kruger died of a brain injury. The report adds a reduction of circulation to the other organs, complicated by widespread intracranial coagulation. There was also "anterior failure and aretess."

The pathologist also reported evidence of injury on the left side of the chest. Mr. M. N. M. Z. Mokotho, the Attorney-General, has received the documents on the case and will decide whether an inquiry should be held, as soon as he has finished reading them, a spokesman said.

The Minister of Justice, Mr. D. S. K. Kgotla, declined to comment on the case yesterday.

Mr. Kruger was reported to have said that the three pathologists who had conducted the post-mortem on Mr. Kruger had come to a unanimous decision.

Mr. Kruger is also reported to have said, the police investigation was also complete. "We are just waiting for the decision of the Attorney-General," Mr. Kruger told Beeld.
**The Star**

Wednesday October 26 1977

**Biko: a chance for all the facts**

The official pathologists' report on the late Steve Biko has been forwarded, more than six weeks after the detained black leader's death, to the Attorney-General of the Transvaal. Now it is up to him to decide how justice must take its course in establishing the precise manner in which Mr Biko died.

Obviously the Attorney-General, after studying the documents, will know more about the legal implications than any single person. It would be presumptuous for anyone to suggest how he ought to proceed. We would merely make one general observation at this stage. In view of the exceptional public concern over Mr Biko's death, both in South Africa and abroad, it is of the utmost importance that the circumstances be given the fullest possible airing.

Ideally the Government should have set up a special inquiry on deaths in detention, presided over by a judge. This has regrettably been refused. The next best thing is an inquest on this single case: here the police can be required to produce all their evidence of how Mr Biko was handled, and his family can be legally represented in order, if necessary, to test this.

There have been suggestions of police malpractice. If any in fact occurred, clearly anyone responsible must face the consequences in a criminal court. But that can come later—such a prosecution ought not to take the place of an inquest. A criminal charge narrows the field of inquiry. The State case relies basically on the evidence which the police choose to produce; the family have no legal standing.

A case with relevance was that of Joseph Mduli, who died in detention in Durban last year. The medical evidence pointed to the use of considerable violence. Four Security Branch policemen were charged with culpable homicide. They were acquitted because of inadequate evidence linking them with the death. Despite further investigations urged by Natal's Judge-President, no other charges were brought.

This was a case where prosecution without a prior inquest clearly did not serve the best interests of justice, or of South Africa's good name. The same ill in the particulars must not be allowed to happen in the "COURSES COMPLETED", in the case of Steve Biko. Justice must not only be done, it must be seen to be done.

5. **COURSES FOR CURRENT YEAR AND AFTER:**

To assist you in making up a curriculum that satisfies all the requirements for the B.A. degree, please follow the instructions which are given on the attached sheets. You will also find there a summary of some of the subjects that are not generally taught at school (pages 10 ff.)

The years should be filled in as 1977, 1978, 1979 (and 1980 if required).

6. "Departmental approval for major and science courses" and the section below it, including "full curriculum approved by", must be ignored for the time being.

7/...
Biko inquest starts tomorrow

The Attorney-General of the Transvaal, Mr J E Nothling, said today an inquest into the death of Mr Steve Biko would begin in the Pretoria Magistrate's Court tomorrow.

He said the matter would then be postponed to a later date.

Mr Nothling said no criminal proceedings would be instituted at this stage. The position was that either an inquest or criminal proceedings would have been instituted.

He said this does not mean that criminal proceedings could not follow the inquest if the findings at the inquest justified it.

Mr Nothling said he had sent documents to his counterpart in the Eastern Cape, Mr C van der Walt. They related to some aspects of Mr Biko's death.

Mr Biko was arrested and detained in the Eastern Cape before he was transferred to Pretoria where he died in jail.

Mr Nothling said he had no jurisdiction in respect of the period Mr Biko was detained in the Eastern Cape.

CLAIMS

Quoting informed medical and family sources, American newspapers are reporting that the autopsy on Mr Biko showed that he died in a police cell on September 12 of severe brain injuries of the "contra-coup type" — a whiplash effect injury on one side of the brain by a blow to the other side.

According to the sources two broken ribs, blood clotting and acute kidney failure were found and the autopsy showed that in the last weeks of his life, Mr Biko suffered from several symptoms of brain damage, including a condition called "echolalia" in which a person repeats automatically whatever he hears.

The sources said that was the condition in which Mr Biko was driven from Port Elizabeth to Pretoria.

An only be taken after completion of either Economics I

be taken after the completion of one of the following

Intensive, Ancient History & Classical Archaeology,
Economic History, Geography, History I, Political Science

as well as Afrikaans en Nederlands I as a qualifying

courses can only be taken after the completion of

after the completion of Physics I.
after the completion of Mathematics I.

ment & Law I can only be taken after the completion of

Europe III can only be counted as a major course

e of the following courses is included in the curric-

w II, History II, History & Appreciation of Music II,

Italian II, Latin II, Philosophy II, Religious Studies

after the completion of Speech & Drama.

r students who do not intend to take Economics II.
taken after the completion of an approved course in

lish I is limited. Students will be admitted to

is required either by University regulations or by

other students will be admitted on merit.

en after the completion of Chemistry I and Physics I.
f either Maths, Ia and Ib, or Maths, Ia and Statistics Ia.
an only be taken after the completion of Mathematics

completion of Maths.II.

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en after the completion of Chemistry I.

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n after the completion of Matric Latin or equivalent

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an ADVOCATE, or, after having obtained the LL.B. degree,
lc or in South West Africa, you must include in your
IAANS or AFRIKAANS EN NEDERLANDS I.
Johannesburg — The Methodist Church's annual conference yesterday called on the Ministry of Police, Mr Kruger, to amend legislation to allow ministers of religion to visit Security Police detainees.

The conference said detainees "should not be deprived of spiritual ministration during...interrogation."

The conference called on Mr Kruger to reconsider present legislation and to license ministers of religion to minister to the detainees.

The conference also urged that churches should equip themselves to help the unemployed.

In other resolutions the Methodist deplored the contemplated legislation of shebeens, which would, if passed, cause "incalculable damage and harm to countless families."

The conference urged that beer halls and depots not be established near township entrances or close to schools, sports grounds, community centres and similar institutions.

Clearly at point C, the intersection of W and J, is that point at which W = J. Having disregarded a Government sector and a closed economy, thereby leaving only investment and saving, they must therefore be equal.

Now discussion should have included the distinction between planned investment and expected investment. By defn expected savings - expected investment.

2. For equilibrium of national income to be maintained, it is necessary in the first place that Aggregate demand equals Aggregate supply. In other words, there is either no building up of stocks/inventories.
Police No. 27477

Police no request on notes

CAPE TOWN — Security Police here have confiscated "valuable research documents" taken from the flat of American student and journalist, Mr Andrew Silk, during a raid in September, according to an attorney who is trying to get them back.

On September 23, Mr. Silk was detained in Guguletu for being in a black township without a permit. Later he was visited by Security Police at his flat and the premises were searched.

"Mr. Silk left South Africa within hours of the Security Police search," the attorney said.

Police took research material — Mr. Silk was working on case studies of conditions in townships — books, periodicals, parcels of notes and tape interviews.

Security Police had acknowledged they have the material.

The attorney said he had been told the documents were still part of Security Police investigations and would be held until they were finished with them — "or indefinitely." — DDC.
Date set for Biko inquest?

JOHANNESBURG — The Steve Biko inquest would be held in Pretoria on November 14, sources close to the dead black consciousness leader's family said last night.

This date was supported by an Associated Press report which quoted informed legal sources and said there would be a "brief opening technical hearing" tomorrow, and the case would then be adjourned to November 14.

Once tomorrow's hearing begins, the Biko case will become sub judice.

Neither the Minister of Justice, Mr. Kruger, nor the Transvaal Attorney-General, Mr. J. E. Notthing, was available last night to confirm the date of the inquest.

Last night's reports came six weeks after the death in detention of Mr. Biko and a day after foreign correspondents reported from Johannesburg that the findings of the final autopsy report are that he died as a result of head injuries according to informed medical sources.

These reports said the Chief State Pathologist and the family-appointed pathologist were agreed on the findings.

The foreign correspondents reported that according to informed sources, the pathologists report said Mr. Biko had a brain injury.

Leaks from the Biko autopsy report came less than a week after a New York Times interview with Mr. Kruger in which he said for the first time that there might have been a struggle to handcuff Mr. Biko.

Yesterday, the Methodist conference called on Mr. Kruger to resign for his handling of the Biko affair and some 25 other detainees.

The delegates deplored the deaths and their handling by Mr. Kruger and his department.

They were deeply concerned that post-mortem of detainees who died in detention were often held at such short notice that the next-of-kin were not aware of, or able to exercise, their full legal rights.

They asked the Department of Police to inform the next-of-kin in time for the post-mortem and inquest that they had a right and of their full legal rights.

The leader of the Progressive Federal Party, Mr. Colin Eghin, has called for a full-scale judicial inquiry and the resignation of the Minister of Justice, Mr. Kruger, following strong indications that Mr. Biko died of head injuries.

He recalled that 19 people had died previously in detention and referred to the statement made by Mr. Kruger when he announced Mr. Biko's death at the Transvaal National Party congress. - DUNAPA
'Bungling' of Biko affair aided foes

Political Staff
CAPE TOWN — The Government's handling of the Biko affair and the recent bannings had played into the hands of those pleading for sanctions against South Africa, Senator Piet Swanepoel said last night.

Addressing about 50 people at an election meeting of the New Republic Party in the Mowbray Town Hall, he said the Government's actions had once more made South Africa an embarrassment to its friends in the outside world.

Senator Swanepoel, Cape "teller" of the NRP and the party's parliamentary candidate for Groot Schuur, was heckled and questioned by members of the audience.

The meeting was held under the chairmanship of Sir De Villiers Graaff, former leader of the Opposition and sitting MP for Groot Schuur.

Senator Swanepoel said South Africa wanted to be recognised as a member of the Free World, but the Government, in its handling of affairs, did not recognise important Western principles.

The bannings and detention without trial did not fall within the ambit of these principles.

The Prime Minister, Mr Vorster, and the Minister of Justice, Mr Kruger, had admitted that they had expected violent reaction from the rest of the world to the recent Government action.

"If they did, then surely it would have been in South Africa's interest to divulge more information," Senator Swanepoel said.

A question that remained was: What did the Government solve by these actions which were so harmful to South Africa?

Despite the fact that the Government had strong support, it seemed to have lost control, and all its actions seemed to have negative results.

"Reprinted by P & E Richardson, Cape Town."
Biko inquest

THE Steve Biko inquest would be held in Pretoria on November 14, sources close to the dead black consciousness leader's family said last night.

This date was supported last night by an Associated Press report which quoted informed legal sources and said there would be a brief opening technical hearing tomorrow and then adjournment to November 14.

Once tomorrow's hearing begins the Biko case will become sub judice.

Neither the Minister of Justice, Mr J T Kruger, nor the Transvaal Attorney-General, Mr F E Nothling, was available last night to confirm the date of the inquest.

Last night's reports came six-and-a-half weeks after the death in detention of Mr Biko and a day after foreign correspondents had reported from Johannesburg that according to informed medical sources the findings of the final autopsy report were that he died as a result of head injuries.

These reports said the chief State pathologist, Professor Johan Lubbe, and the family-appointed pathologist, Dr Nathan Gluckman, were agreed on the findings.

According to the informed sources, quoted by the foreign correspondents, the pathologists' report said Mr Biko had a brain injury. This caused a reduction of circulation to the other organs, complicated by widespread intra-vascular coagulation.

There was also "acute renal failure and uremia." The pathologists also reported evidence of injury on the left side of the chest, according to the foreign correspondents.

Later yesterday, Nicholas Ashford of The Times of London, said the report stated: "Mr Biko sustained at least a dozen other..."
Leaks from the final autopsy report came less than a week after a New York Times interview with Mr. Kruger in which he revealed for the first time that there might have been a struggle to handcuff Mr. Biko.

Mr. Kruger told the newspaper that the preliminary report did not give the impression that a police assault was the cause of death and promised there would be no coverup in the case.

On September 10, in his first official statement about Mr. Biko's death, Mr. Kruger said: "From September 8 he (Mr. Biko) refused meals and threatened a hunger strike. He was regularly supplied with his meals and water, which he refused. By September 11 he had not eaten and appeared to be unwell."

The next day, at the Transvaal congress of the National Party, Mr. Kruger said Mr. Biko had announced he was going on a hunger strike after refusing to answer police questions.

Some newspapers interpreted Mr. Kruger's words as indicating Mr. Biko had died as a result of a hunger strike: "The starved system."

That night, Mr. Kruger, according to a report issued by the South African Press Association, corrected this interpretation when he said he had never stated that Mr. Biko had starved himself to death in prison. "I gave categorically the fact that he had gone on a hunger strike. That was..."
Death of Steve Biko: Nobody to be charged

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Biko inquest

Continued from page 1

November 14, unless otherwise indicated in the meantime.

Mr F M Wentzel SC appeared with Mr S W Kamberger SC and Mr G Rynas on behalf of Mr Biko's family. They were instructed by S Chetty and Company.

"In terms of the Inquest Act, I have been provided with a certificate from the Attorney-General stating that criminal proceedings will not be instituted by him concerning the death of Steven Bantu Biko," he said.

"I have therefore decided to proceed to hold an inquest. It will be held at 9am on

Continued on page 2
Visit for detainee

DURBAN — The family of the Rev. Ben Ngidi of Hammarsdale, who was detained by the Security Police under section 6 of the Terrorism Act six months ago, will be able to see him on Monday for the first time since his detention.

He is being detained at Modder River Prison in Benoni. — DDC.
Biko: No East Cape charges

PORT ELIZABETH — The Attorney-General of the Eastern Cape, Mr. C. van der Walt, has announced that he will not institute any prosecution in the Eastern Cape Division of the Supreme Court over the death of Mr. Steve Biko.

Mr. Biko was detained in the Eastern Cape, and accordingly the medical report on his death was passed to Mr. Van der Walt by the Attorney-General of the Transvaal, Mr. Nothling.

Mr. Van der Walt's statement follows a similar one to Mr. Nothling, who said he did not intend launching any criminal proceedings.

An inquest into Mr. Biko's death began in Pretoria on Thursday, but was postponed to November 14.

The magistrate, Mr. M. J. Prins, said it appeared Mr. Biko had not died of natural causes.

Meanwhile, Mrs. Nontsakele Biko, Mr. Biko's wife, arrived in Johannesburg yesterday to attend the inquest.

A relaxed Mrs. Biko, better known to family and friends as Ntiski, said shortly after her arrival from King William's Town that she would be in Johannesburg for the duration of the inquest.

Until recently Mrs. Biko was a nursing sister at the St. Peter's Mission Hospital at Engcobo Transkei. She is the mother of two young sons, Nkosimthi, 6, and Samora, 8. — SAPA/DPV.
West accused of hypocrisy

"No, I think there's a lack of communication with the press..."
These two front-page reports in Beeld show how the Nationalist Press' presentation of Mr Steve Biko's death has changed over the past six weeks. The first report was published on September 16 after the Minister of Police, Mr J T Kruger, had made several statements about Mr Biko's death. In this report, headlined "Biko: so is hy dood" (Biko: this is how he died), Beeld took these statements to mean that Mr Biko had died as a result of a hunger strike. Yesterday, under an identical headline, Beeld claimed to have information from impeccable medical sources that Mr Biko died from an injury to his head.
Visit for detainee

THE family of the Rev. Ben Ngidi of Hammarsdale, who was detained by the Security Police six months ago, will be able to see him on Monday for the first time since his detention.

A spokesman for the family’s attorneys said yesterday that it had been established that Mr. Ngidi was being held in Benoni under Section 6 of the Terrorism Act.

He said the attorneys had been told by the Attorney-General’s Office in Durban that Mr. Ngidi was not going to be charged or called as a State witness.

Durban Security Police said he was not going to be released just yet.
BIKO: STILL A CHANCE

Prosecution could follow inquest finding

By Lesley Friedman

PEOPLE may still be charged criminally in connection with the death of Mr Steve Biko, the black leader who died in police detention.

The fact that the Attorney-General, of both the Republic and the Eastern Cape, have decided they will not institute criminal proceedings does not mean the "inquest" prosecution will

arise from the death.

No inquest can be held unless criminal proceedings arising from the death of a person have been instituted.

However, once the inquest magistrate has made a finding, a record of the inquest—proceedings will be sent to the Attorney General within whose area of jurisdiction the inquest was held.

EVIDENCE

The Attorney-General, depending on the evidence and the finding of the inquest magistrate, may then decide to institute criminal proceedings.

In terms of the Inquests Act, a magistrate takes the decision to hold an inquest when the death of a person is "not due to natural causes.

The inquest on Mr Biko's death will start on November 14.

An inquest provides the opportunity for a full review of the circumstances surrounding a person's death.

In the case of Mr Biko, his family will be legally represented and entitled to participate fully in the proceedings.
Biko: No prosecution

PORT ELIZABETH. — The Attorney-General of the Eastern Cape, Mr. C. C. van der Walt, has announced that he will not institute any prosecution in the Eastern Cape Division of the Supreme Court as a result of the death of Mr. Steve Biko.

Mr. Biko was detained in the Eastern Cape, and the medical report was passed to Mr. Van der Walt by the Attorney-General of the Transvaal, Mr. Nothling.

Mr. Van der Walt's statement followed a similar one by Mr. Nothling, who said on Thursday he did not intend to institute criminal proceedings.

An inquest into Mr. Biko's death began in Pretoria on Thursday but was postponed till November 14. The presiding magistrate, the Chief Magistrate, Mr. M. J. Prins, said it appeared that Mr. Biko had not died of natural causes.
TOTALITARIANISM
DETECTION 1977
NOVEMBER
Appointments that can’t be kept

DR NTHATO MOTLANA, general practitioner and leader of the Soweto Committee of Ten, had an appointment in his diary for last Saturday.

He couldn’t attend. He is detained without trial in Molder Bee prison.

A pity this. His appointment was with a Johannesburg lawyer, a white, who stands right of centre politically.

All part of Motlana’s plan for dialogue with influential whites. This black leader, you see, believes in negotiation. Not confrontation.

For several weeks the slim, dynamic, middle-aged family doctor has been setting aside his weekends to talk with individual whites about the dilemma of the urban blacks and what could be done about it.

Until that fateful 19th day of October.

DIALOGUE, of course, was one of the things the Committee of Ten was appealing for when its members were so stupidly rejected by the Government earlier this year.

Another member of the "Ten" who has been discussing black urban problems with whites, with improved race relations in mind, is Mrs Ellen Khuzwayo.

This grandmother, social worker extraordinary, and one of Soweto’s most tireless non-violent fighters for a square deal, is also unable to keep appointments at present.

She, too, has been detained by Mr Kruger.

THREE of the middle-aged, relatively conservative Sowetans detained on October 19 are members of the Transvaal board of the Urban Foundation.

A multi-racial organisation, it is dedicated to improving the environment in urban black townships and the officially acknowledged squatter camps in the Cape Peninsula.

Hardly a vehicle of subversion, the Foundation has at the helm such eminent personalities as Mr Justice Jan Steyn, Dr Anton Rupert and the inevitable Harry Oppenheimer.

The three black members of the Foundation detained are Ellen Khuzwayo, high school principal L. M. Mathabate, newspaper editor Percy Qoboza.

Did we hear Cabinet murmurings of the Government wanting to IMPROVE race relations?

WHY NOT a peace corps through which aware young people of all races could provide a crash programme of upliftment and development among this country’s underprivileged?

This interesting suggestion comes from Ray Swart, national chairman of the Progressive Federal Party.

He proposes that peace work could become part of national service, suitable young men being given the option of doing half of their time in military training and the other half working on an improvement project in a black township or squatter camp.

Good thinking. But why not a voluntary peace corps scheme for educated young people of all races which is unrelated to the military call-up?

What better organisation to initiate such a scheme than the Urban Foundation, with its links with township projects and its connections in the right quarters?

The speakers among the foundation’s executives could, perhaps, recruit in the high schools, universities, offices and factories.

What better way of initiating, understanding and dialogue between the races?

This could be a really effective contribution to better race relations.

FOR MY money the South African quote of the year comes from a hopeful among provincial election candidate down in the Cape Peninsula. Let’s hope Chris Visser, of Simonstown, threw up a smart one for Winston as he said it: “Never in the history of human endeavour has so much been screwed up by so few gone many.”
DEPARTMENT OF THE INTERIOR

DEPARTEMEN VAN BINNELANDSE SAKE

No. 2288
4 November 1977

UNEESIRABLE PUBLICATIONS OR OBJECTS

A committee referred to in section 4 of the Publications Act, 1974, decided under section 11 (2) of the said Act that the undermentioned publications or objects are undesirable within the meaning of section 47 (2) of the said Act:

ONGEWEENSTE PUBILIKASIES OF VOORWERPE

'n Komitee bedoel in artikel 4 van die Wet op Publikasies, 1974, het kragtens artikel 11 (2) van genoemde Wet besluit dat die ondergenoemde publikasies of voorwerpe ongewens is binne die bedoeling van artikel 47 (2) van genoemde Wet:

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UNDESIRABLE PUBLICATIONS OR OBJECTS

A committee referred to in section 4 of the Publications Act, 1973, decided under section 11 (2) of the said Act that the undersigned publications or objects are undesirable within the meaning of section 17 (2) of the said Act.

LISTENS P77/77

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No. 2297

4 NOVEMBER 1977

PROHIBITION ON POSSESSION OF UNDESIRABLE PUBLICATIONS

A committee referred to in section 4 of the Publications Act, 1973, which decided under section 11 (2) of the said Act that the undersigned publication is undesirable within the meaning of section 17 (2) of the said Act, has under section 9 (3) of the said Act, prohibited the possession of the undersigned publication. The said prohibition was confirmed by the Publications Appeal Board under section 9 (5) of the said Act.

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No. 2297

4 NOVEMBER 1977

VERBOD OP BEZIT VAN ONGEWOENSTE PUBLIKASIES

In Komitee bedoel in artikel 4 van die Wet op Publikasies, 1973, wat kragtens artikel 11 (2) van genoemde Wet beslis dat die ondergenoemde publikasie ongewens is binne die bedoeling van artikel 47 (2) van genoemde Wet, het kragtens artikel 9 (3) van genoemde Wet die beslis van genoemde publikasie verbied. Geregtelik verhoed in kragtens artikels 9 (5) van genoemde Wet die Bezit van die Publikasies bekrachtig.
Biko burial 'used to plan unrest' 

The Argus Bureau

PORT ELIZABETH — The Chief Biko funeral in King William's Town, in spite of being closely monitored by security police and riot police, was the meeting place where militant blacks worked out a blueprint for keeping trouble brewing in urban areas of the Eastern Cape.

Top official sources alleged here this week that a group of 'Soweto-based Africans used the Biko funeral to persuade sympathisers in the Eastern Cape, and particularly in Port Elizabeth, to stir up trouble.

The argument is backed up by the almost immediate flare-up of violence in Port Elizabeth's New Brighton and KwaZakhele townships.

Confrontations between police patrols in the townships and groups of Africans are a daily occurrence. But now police have reverted to using shotguns loaded with birdshot in an attempt to keep fatalities down.

The campaign has become more intensive. It began with agitators believing by security police to be a very small group of young men and women, urging and threatening all school pupils to stay away from school.

It took a week, and every classroom in New Brighton, KwaZakhele and Zwide was empty.
Kruger to let Qoboza reply

The Minister of Justice, Mr. J. T. Kruger, said yesterday he believed the black newspaper The World had adequate warning before it was banned on October 19.

Mr. Kruger was reacting to a statement by the manager of The World, Mr. John Marquard, who said the newspaper and its proprietors had no reason immediately before the security action to believe it was in imminent danger of being banned.

Mr. Kruger said his reply to Mr. Marquard's statement could be placed before Mr. Percy Qoboza, editor of The World, for his comment.

Mr. Kruger's statement could be put to Mr. Qoboza through the prison authorities.

Mr. Qoboza has been detained since October 19. But last night the Commissioner of Prisons, General Wolmarans du Toit, refused the "Mail" immediate permission to allow Mr. Qoboza the opportunity to reply to Mr. Kruger.

The "Mail" asked to be allowed to present a copy of Mr. Kruger's statement to the prison commander at Modder River, where Mr. Qoboza is being held. The Commissioner said, a written request to allow Mr. Qoboza to reply could be sent to his department on Monday.

Mr. Kruger replying to Mr. Marquard's statement, said a meeting he had with Mr. Qoboza on July 29, when Mr. Qoboza was told a ban was being considered, was not the first warning Mr. Qoboza had had.

Editors, including Mr. Qoboza, had been told at a meeting in June that censorship would be taken of any inflammatory material in their newspapers during the unrest.

Mr. Marquard was therefore wrong in believing the July 29 meeting was the first time Mr. Qoboza had been warned, Mr. Kruger said.

The matter had then been brought to the attention of the Prime Minister, Mr. Vorster, who met the president of the Newspaper Press Union, Mr. H. W. Miller, and subsequently met Mr. Qoboza.

Subsequent to that meeting The World persisted with articles which I considered undesirable against the background of the unrest, and to my knowledge the Prime Minister once again contacted Mr. Qoboza, Mr. Kruger said.

Mr. Kruger said after the June meeting, when the other editors had left, he asked Mr. Qoboza to remain behind for a discussion on the problems of South Africa.

"During the discussion I asked Mr. Qoboza whether he thought the Government should speak to the student leaders."

"His response was an emphatic no, because this would give the students' leaders credibility in the eyes of the township dwellers and neither he nor they were prepared to be intimidated by students.

"I then asked him whether he would be prepared to sit on a commission to enquire into the Makana system and the distribution of liquor in the townships, to which he said yes."

On July 28, 1977, Mr. Kruger said, he phoned Mr. Qoboza and invited him to his office.

"Present at the meeting was General Pretorius, Commissioner of the S.A. Police," said Mr. Kruger.

"We then brought to Mr. Qoboza's notice certain articles in The World and Weekend World which we considered inflammatory, in particular The World's support for the student action." — Sapa.
The inquest into the death of Mr Steve Biko will resume in the Old Synagogue in Pretoria at 10 am on November 16, according to a spokesman for the office of the Chief Magistrate of Pretoria, Mr M J Prins.

The inquest formally began before Mr Prins in the Pretoria Magistrate's Court on October 27, when it was adjourned to November 14. — Sapa.
Visit to

detainee
updates
children

Mrs Kitty Duma took her children to visit their father last Friday. At Jo-
bra Vorster Square.

"I don't think I'll do it again," she said. "The lit-
tle one, Fuma, adores her father but she just sat there not smiling. She's
only a baby but she could see nothing was normal. And Shirley, the eight-
year-old, almost broke down."

Their father is Mr Enoch Duma, a Sunday Times journalist detained on
September 26 and held under Section 6 of the Terrorism Act. He has not
been charged.

ANXIOUS

"I think we are anxious because we don't know why he's been detained,"
Mrs Duma said. "We must at least know what he's been accused of doing so
we will know what to do. A lot of people have offered to help us. And I'm
thankful to all the people who have tried. Enoch's employers have been symp-
thetic and helpful, both financially and otherwise.

"But the kind of help we need is help for Enoch. And we can do
nothing until we know what the charge is."

Mr Duma (38) worked for Drum Publications be-
fore he joined the Sun-
day Times. The recipient
of a World Press Institute
grant in 1975, he worked
in the US for the Chris-
tian Science Monitor in
Boston and a television
station in Iowa.

Two weeks after Mr
Duma was detained his
father died in Durban.
Although he was not per-
mitted to attend the
funeral he was allowed a
visit from his wife.

She has visited him
twice since. "I feel I'm
lucky to be able to see
him," she said, "although
it's very depressing.

"We are a very close-
knit family," she said.
"The girls liked playing
records with Enoch and
they liked to tease him
about the way he jived.
The first two weeks, we
didn't play records at all.

"On Mondays, being
with a Sunday paper, he
usually didn't work and
he would be with the girls
for the whole day. They'd
play records, go to town,
fetch me from work. We
would buy our groceries
together, go to movies
together. We miss him!
And there is the suspense,
not knowing when he'll be
back."

Mrs Enoch Duma and three of her daughters — Shirley (8), Fuma (21 months)
and Barbara (12). A fourth daughter, Clarice (14) is in boarding school.
The Argus Correspondent

JOHANNESBURG—The leader of the National Party in the Transvaal, Dr Mulder, has refused to repudiate a senior Nationalist MP who said at a public meeting: 'I would have killed Steve Biko.'

The NP candidate in Hercules, Mr F.J. le Roux, who is the sitting MP, says he stands by every word he said.

Dr Mulder would not comment today when asked whether as party leader in the Transvaal he would publicly repudiate Mr le Roux or express support for what he said.

Dr Mulder refused to be drawn into discussing the matter in any way.

The incident occurred at a public meeting in Pretoria, in the Hercules constituency where Mr le Roux is fighting a Herstigte Nasionale Party (HNP) candidate, Mr Gert Beetge.

Mr le Roux said: 'In South Africa, when a man disturbs law and order the way Steve Biko did, he should be killed—as far as I am concerned anyway.'

He added: Biko is a hero in the eyes of some countries. When they have similar agitators they say they should be eliminated. In South Africa, when an agitator does what Biko did, they make him a hero. I would have killed him.

Reacting today Mrs Helen Suzman, MP for Houghton, said: 'What Mr le Roux said was absolutely disgraceful. It is incitement to violence besides being a condemnation of the man without trial.'

She said the silence from the National Party leadership indicated that it concurred with what he said:

'What the Nat leaders should have done is kick him out of the party immediately as an example of what happens to inciters. I sincerely hope that the voters of Hercules will show their disapproval if the National Party won't, by kicking him out on November 30.'

(Report by T. Pollen, 47 Pearson Street, Johannesburg).
Biko deserved to die — MP

CAPE TOWN — Opposition politicians reacted with shock and anger yesterday to a statement made by the National Party candidate in Pretoria, Mr P. J. le Roux, at a public meeting in Pretoria that he "would have killed" Mr Steve Biko.

Mr P. J. le Roux, who is the sitting MP, is reported to have said: "In South Africa, when a man disturbs the law and订单 the way Steve Biko did, he should be killed — as far as I am concerned anyway."

He added: "Biko is a hero in the eyes of some countries. When they have similar agitators they say they should be eliminated. In South Africa, when an agitator does what Biko did, they make him a hero. I would have killed him."

Mr P. J. le Roux was reported yesterday to have said he stood by every word he said.

Reacting to Mr P. J. le Roux's statement, the leader of the Progressive Federal Party, Mr Colin Eglin, yesterday called on the Prime Minister to repudiate him and to withdraw his candidacy for Parliament.

"It's one of the most disgraceful statements I have ever heard from any politician, black or white," Mr Eglin said. "It is inflammatory and it is distasteful."

He said if Mr Vorster failed to repudiate him and withdraw his candidacy, "every Nationalist candidate must hang his head in shame."

"Is this what South Africa is coming to when a senior MP of the governing party can say things like this and get a quiet nod of approval from his leaders?"

The New Republic Party's justice spokesman, Mr Harland Bell, MP for East London City, also said the Nationalist leadership should immediately repudiate Mr P. J. le Roux and should expel him from the party.

"If they fail to do this, they will lose any credibility as a human and democratic party," Mr Bell said.

"I am absolutely shocked and amazed that a responsible MP should make such an extraordinary statement."

"To me it is all the more peculiar because Mr P. J. le Roux is a member of the legal profession and should know better than most that no man can be condemned without being given an opportunity of defending himself and explaining his actions."

"Quite apart from the callous and completely uncalled for statement by Mr P. J. le Roux, there is nothing which has emerged from the statements of the Minister of Justice (Mr Kruger) which could result in the late Mr Biko being condemned as an anarchist," Mr Bell said.

The Cape leader of the PFP, Mr Brian Bamford, challenged Mr Kruger to take legal action against Mr P. J. le Roux.

He said Mr P. J. le Roux's words constituted a prima facie case for prosecution under the General Law Amendment Act, which made it a criminal offence to publish anything calculated to stir up racial hatred. — DDC.

(News by T. H. Copeland, 77 Burg Street, Cape Town, and J. J. Boofoe, 56 Burg Street, Cape Town)
Legal adviser sees Qoboza

Johannesburg — Mr. Peter Reynolds, legal adviser to The World, saw the newspaper's detained editor, Mr. Percy Qoboza, in Modderbee jail yesterday.

The meeting followed a statement by The World's manager, Mr. John Marquard, that the newspaper had not received adequate warning it might be closed, or any warning since August 20 and Mr. Kruger's statement on Saturday that adequate warning had, in fact, been given. — SAPA.
Nat rebukes for MP's Biko speech

John Patten, Political Correspondent

Two Nationalist newspapers today rebuked a Nationalist election candidate, the MP for Hercules, Mr. Fr. le Roux, for saying: "I would have killed Steve Biko!"

Die Transvaler published an editorial which firstly noted Mr. Fr. le Roux's explanation that he had been speaking figuratively before commenting:

"The explanation softens a most unfortunate utterance, but does not remove a reprehensible attitude."

The editorial went on to say politicians "should not make comments for purely questionable party political gain which could create the impression that South Africans would resort to the abhorrent American practice of lynching."

CAP TOWN REACTION

Ooggaklob, the Pretoria paper, said: "Seen in that light (South Africa's difficult position) the comments of a Pretoria MP, Mr. Fr. le Roux, on the death of Steve Biko, are earnestly to be regretted."

In the Cape, two National Party candidates dissociated themselves from the remark.

Dr. Denis Worrall said: "Mr. Fr. le Roux's eccentric views of what he would have done to Mr. Biko are his views and his alone."

And Mrs. Adrienne Nicol said that she would totally dissociate herself from Mr. Fr. le Roux's views as reported in The Argus."
Transkei

legal man
detained

UMTATA — The head of the Transkei Security
Police, Maj M. Nqeeba
yesterday confirmed that
Mr Fikile Bam of Idutywa
has been detained under
the Transkei Public
Security Act.

Mr Bam was detained
here last Wednesday on
his arrival from Cape
Town where he had gone
to make arrangements to
serve articles at a legal
firm.

Mr Bam came to
Transkei to solicit help
from the Department of
Foreign Affairs to
negotiate with the South
African Government for
him to be granted a
residence permit to serve
his articles in Cape Town.

It is believed the South
African Government turned
down an application
made by Mr Bam for a
permit to live in Cape Town.

He was detained last
year on July 28 in
Transkei under Proclamation R 400 when serving
articles at a firm of
attorneys. He was released
on September 17 without
being charged.

Mr Bam is a former
Robben Island prisoner.

—DDR.
Magistrate puts off finding indefinitely

Staff Reporter

An inquest at which there had been startling evidence over five days came to an undramatic end yesterday when the magistrate postponed his decision indefinitely.

The inquest was into the death of Mr Bhekinobela Ntshemba, a watchman at Bonvista Flats in Pretoria, who died on March 23.

Police told the court how he fell down eight storeys, eyewitnesses said he was kicked by police, but the Chief State Pathologist, Professor J Thiam, said he died from a rupture of blood vessels - more consistent with a kick in the stomach than a fall down stairs.

During the hearing the caretaker of Bonvista Flats, Mr R V Harrington, threatened to report the magistrate, Mr W P Dormehl, to the Minister of Justice.

He made the threat after Mr Dormehl had questioned him extensively in a loud voice.

"I fought against the Germans and I was not frightened of them. I am not frightened of you," Mr Harrington told Mr Dormehl.

Yesterday, Constable Hendrice Jacobus de Klerk told the court that on March 23 he went with Constable G N Davis to Bonvista. Constable Davis went up the stairs and Constable De Klerk took the lift.

On the fifth floor he saw Mr Ntshemba running down the fire escape, followed by Constable Davis. Mr Ntshemba lost his balance and fell down eight storeys on to the landing, he said.

Cross-examined by Mr H Barolakye for Mr Ntshemba's family, Constable De Klerk said he wrote out his statement himself, but had not meant to say that Mr Ntshemba fell down the fire escape - he meant he fell down the stairs.

He made the statement the day after the incident, when he was 'automatically under a strain'.

Mr Barolakye pointed out that the statement was dated April 1, and Constable De Klerk said he had signed it later.

At a previous hearing, Mr Mnezele thusi, a flat cleaner, said he and his colleagues were sitting in a servant's room when police came in and told Mr Ntshemba to stand. Then one kicked him in the ribs.

He was kicked many times in the stomach, and hit in the face, he said.
FAMILIES WHO WAIT

Sally Motlana is 'bitter'

Mrs Sally Motlana, wife of Dr Nthato Motlana, is bitter at the Government for detaining her husband under Section 10 of Internal Security Act.

"Detention without trial has been a great blow to the families of those who are detained. I feel bitter about what the Government has done in depriving me of my husband and father of my children at this crucial time of the black man's life in South Africa."

"I'm particularly concerned about the future education of the children, two of whom are due to go to university and shall have no financial support without their father."

Mrs Motlana is an eminent church leader. She is vice-president of the South African Council of Churches, vice-chairman of the All Africa Church Conference and President of the Housewives' League.

LONGING

She is one of many families throughout the country whose relatives have been detained by the police.

Her husband is chairman of the Soweto Committee of Ten, whose aim is to establish a municipality for Soweto. Dr Motlana was a member of the banned African National Congress Youth League in the 1950s.

Mrs Motlana said her three children, Kgomotso (22), Karabo (17) and Nthato (15) were looking for their father.

Mrs Motlana has visited her husband in jail on several occasions.
Death in detention: nobody to blame

No one was to blame for the death of Hillbrow nightwatchman, Mr Jules Nombela (38), who died while in police detention on March 23 this year, Johannesburg inquest magistrate, Mr W. P. Dorothey, has found.

His finding was that Mr Nombela died from injuries sustained when he was escaping from the police and fell down a flight of stairs.

Summing up for the family of Mr Nombela, Mr H. Barolsky said the magistrate had to decide whether he died from a kick in the stomach, as alleged by some witnesses, or whether he died from falling down about eight steps, as alleged by the police.

Professor J. J. P. Taljaard, who conducted the post mortem, gave evidence that "there was definitely a blow to the stomach." The blow was more consistent with a kick in the stomach but could have been caused by a fall down stairs.
Biko: Opposition shock and anger after Nat MP's speech

Political Correspondent

OPPOSITION politicians reacted with shock and anger yesterday to a statement made by the National Party candidate in Hercules, Mr F J le Roux, at a public meeting in Pretoria that he "would have killed" Mr Steve Biko.

Mr Le Roux, who is the sitting MP, is reported to have said: "In South Africa, when a man disturbs law and order the way Steve Biko did, he should be killed - as far as I am concerned anyway."

He added: "Biko is a hero in the eyes of some countries. When they have similar agitators they say they should be eliminated. In South Africa, when an agitator does what Biko did, they make him a hero. I would have killed him."

Mr Le Roux was reported yesterday to have said that he stood by every word he said. Reacting to Mr Le Roux's statement, the leader of the Progressive Federal Party, Mr Colin Eglin, yesterday called on the Prime Minister to repudiate him and to withdraw him as a candidate for Parliament.

"It's one of the most disgraceful statements I have ever heard from any politician, black or white," Mr Eglin said. "It is inflammatory and is distasteful."

He said that if Mr Vorster failed to repudiate him and withdraw his candidacy, "every Nationalist candidate must hang his head in shame."

"Is this what South Africa is coming to when a senior MP of the governing party can say things like this and get a quiet nod of approval from his leader?"

The New Republic Party's justice spokesman, Mr Harland Bell, also said the Nationalist leadership should immediately repudiate Mr Le Roux and expel him from the party.

"If they fail to do this, they will lose any credibility as a humane and democratic party," Mr Bell said. "I am absolutely shocked and amazed that a responsible MP should make such an extraordinary statement."

"To me it is all the more peculiar because Mr Le Roux is a member of the legal profession and should know better than most that no man can be condemned without being given an opportunity of defending himself and explaining his actions."

"Quite apart from the callous and completely uncalled for statement by Mr Le Roux, there is nothing which has come from the statements of the Minister of Justice (Mr Kruger) which could result in the late Mr Biko being condemned as an anarchist," Mr Bell said.

According to reports, the leader of the National Party in the Transvaal, Dr Connie Mulder, has refused to repudiate Mr Le Roux and has declined to comment on his statement.

Dr Mulder could not be reached for comment last night.

The Cape Times, of the Progressive Federal Party,
Move on three detainees

Mrs Kuzwayo is a leading social worker.

A spokesman for the foundation said today the foundation would make representations on their behalf to a review committee which was to be appointed in terms of one of the sections of the Internal Security Act.

It was expected that this committee, which would review the position of detainees, would be appointed within the next two months...

has to be paid and the loss of upland production must be allowed for in transferring to swamps.

Where fallow periods are low, swamps are cultivated anyway, without a subsidy. Thus it would be far less costly, more equitable, and more likely to succeed, if the government were to encourage swamp cultivation in the areas where it is already taking place, i.e. where fallow periods are short and people are feeling the pinch of population pressure. There is evidence too that these are the areas generating relatively high rates of rural emigration, presumably an indication of relatively great poverty.

In any case government investment in these areas might well, through the steming of migration, inhibit the growth of urban unemployment which has also been of some concern in recent years.

Conclusions

In summary, economic management in Sierra Leone has been biased against agriculture in the following ways:

1. Taxation of agricultural exports through the Marketing Board and export duties has been very heavy relative to producers' income from these commodities.

(1) The Agricultural Survey, op. cit., gives upland yields in the Eastern Province of about 1,200 lbs per acre, compared with the average of 1,000 lbs.
Top Nats
and Press
hit at
‘kill Biko’
remark

The Argus: Political
Correspondent

THREE Nationalist parlia-
mentary candidates in the
general election today
dissociated themselves
from the remarks a Transvaal
Nationalist MP made
about the ‘Biko affair.

They are Dr Denzil Xof-
ral, the Nationalist can-
didate in Gauteng, Mr
Aberdeen Koch, the candi-
date in Soma Point, and Mr
Kobus Jordaan, the can-
didate in Maritzburg South.

Two Nationalist newspa-
per editors today also took
the unprecedented step
of rebuking Mr le Roux,
Mr P. J. le Roux, who is
the sitting MP for Her-
cules and the NP can-
didate for the constitu-
cy, said he would have killed
Mr Steve Biko.

Dr Worrall said: ‘In the
heat of election, campaign-
ners sometimes say regre-
table things, and this is a classic instance.

ECENTRIC

‘Mr le Roux’s eccentric
views are what he would
have done to Mr Biko:
his views and his alone.
Mrs Koch said: ‘We
totally dissociated ourselves
from Mr le Roux’s views.

Mr Jordaan said: ‘No
one has the right to take
the law into his own hands.

The Argus Correspond-
ent in Johannesburg re-
ports that the mouthpiece
of the National Party in
the Transvaal said: ‘The
explanation seems a most
undesirable utterance, but
it does not remove a re-

tensible attitude.

The Pretoria Nationalist
newspaper: ‘Ogongondwa
said South Africa found
itself in one of its most
difficult periods.

Because of that, it was
necessary that everyone
who wrote or spoke should
do so with more than
the usual caution, spec-
ially on matters which
could affect race relations.

Cables by J. van der
gat, 215 T.

Government House, Cape Town.


Field Street, Johannesburg.

80.
Charge
Le Roux
-Boraine

DR ALEX BORAIN, Progressive Federal Party candidate for Pinelands, today said the MP for Hercules, Mr FJ le Roux, should be charged for incitement to violence for saying he would have killed Mr Steve Biko.

Dr Boraine was speaking at a house meeting of about 30 people in Pinelands today with the PFP Provincial candidate, Mr Ken Andrew, and the MP for Houghton, Mrs Helen Suzman.

Mrs Suzman referred to the statement by Mr le Roux, the National Party MP for Hercules who is standing for re-election, as 'ghastly.'

'This kind of thing was said not only in 'Jammersfontein' but spread throughout the world and spoils South Africa in the dark.'

'A DANGER'

Dr Boraine said: 'We think he has done irreparable harm, to any peaceful resolution in South Africa.'

If a prominent black leader had said after the assassination of Dr Verwoerd 'this death leaves me cold and I would have killed him anyway,' that man would still be in jail today. Dr Boraine said Mr le Roux was a danger to the country's security.

(See Page 16.)

-Photo by J. P. Stevens, 123 E 3rd Street, Cape Town,-

UCT results

EXAMINATION results at the University of Cape Town will be released for the medical school (qualifiers only) on November 21 at 5.30 pm and for all other faculties on December 2 at 5 pm. All results will be posted on boards outside the university's administration block, Bremner Building.
Mulder may rap MP on Biko remark

The Argus Political Correspondent

9/11/77

DR C P. MULDER, the Transvaal leader of the National Party, has disagreed with remarks made by a Nationalist MP regarding Mr Steve Biko.

Dr Mulder is likely to call in the MP to discuss his remark and possibly to reprimand him.

When approached on the issue after he had addressed an election meeting in Pretoria last night, Dr Mulder would not comment on the possibility that he would talk to Mr F J le Roux, MP for Hercules, but it appeared as if he would do so.

Mr le Roux has said he would have killed Mr Biko.

DO NOT AGREE

In an interview last night Dr Mulder said: "If the reports are correct then I feel called on to say I do not agree with the sentiments expressed and that it is a pity it was put like that."

Regardless of whether we agree with a person's action, it is the life of a human being and as Christians we rejoice in the death of another."

Some Nationalist general election candidates have dissociated themselves from Mr le Roux's remarks and Transvaal Nationalist newspapers have criticised him.

(News by T Westra, 129 St. Gallo's Street, Cape Town)
7 robed priests guilty of holding gathering

Seven priests in ministerial finery outside the Johannesburg Magistrate's Court before their appearance on charges of holding an illegal gathering.

Roman Catholic priests wearing ministerial robes today told a Johannesburg regional magistrate that the apartheid policy and the recent muzzling of the black press were against the gospel of Jesus.

Father Sebidi Lebamang (37) went on to say: "I have great difficulty as a minister of religion in explaining the gospel of Jesus to our people.”

He was reading from an address which was to have been delivered to the Minister of Justice by seven black priests.

They appeared before Mr K R. Smith charged with holding an illegal gathering.

The seven are Rev Tebogo Moselane (31), Rev Keleimane Kioneng (36), Father Sebidi Lebaman, Rev Jerry Dlamini (no age given), Rev Buti Tlatega (31), Rev Kgotlhalo Leogelo (34) and Rev Enoch Shamang (37).

Lieutenant H van der Walt told the court that on October 24 he saw seven priests walking to the Johannesburg Magistrate's Court.

Six of them were carrying banners which read “Ban the Bible, detain the Church as well,” “Christianity rejects Bantu,” “Christianity rejects Bantu education” and “Christianity rejects injustice.”

The priests changed their plea to one of guilty after Lieutenant van der Walt's evidence.

In an address Father Sebidi Lebaman told of the reasons for the gathering.

"We felt the best way to air our views would be to march on John Vorster Square."

Father Lebaman said the priests had drawn up a message to be presented to the Minister of Justice.

CONTRASTS

In the message, Father Lebaman contrasted philosophies from the Bible with laws passed by the South African Government.

"As ministers are the word of God, the apartheid policy is diametricaly opposed to the gospel of Jesus which is unity and love." When asked by the prosecutor, Mr S G Nel, why the priests had not used the press to air their views, Father Lebaman replied, "The press is banned."

"What about the European press - we have no confidence in the white Press. All seven were fined R60 (or 40 days) with R60 (or 40 days) suspended for five years."

BIKO'S WIFE

"Mrs Ntsiki Biko, wife of the late Mr Steve Biko, and the Bishop of Johannesburg, the Rev Timothy Bavin, were in the gallery when the priests were convicted."

When the bishop saw Mrs Biko, he stopped for a moment and walked forward.
Remark on Biko: Nats disagree

Political Correspondent

THE CONTROVERSY over the remark by the National Party MP, Mr Frederick le Roux, that he "would have killed" Mr Steve Biko, has spread to his own party circles.

Several Nationalist election candidates and at least two newspapers have criticized Mr Le Roux in the wake of the widespread condemnation from opposition politicians.

In the Peninsula, three Nationalist candidates — Dr Denis Worrall (Cape Town Gardens), Mrs Adrienne Koch (Sea Point), and Mr Ben Leviton (Green Point) — dissociated themselves yesterday from Mr Le Roux's remark. However, Mr Le Roux, the MP for Hercules, has not yet been repudiated by the Nationalist leadership. Nor has he disputed that he made the controversial statement.

Mr Le Roux, however, told Nationalist newspapers that his remarks should be considered within the framework of his whole argument.

Lives in danger

The basis of this was his contention that Mr Biko had brought the safety of the state and of all its people into danger.

"If Biko had continued living, the lives of thousands of people would have been in danger," he said. "I have no sympathy, not with him specifically, but with people like him."

Mr Le Roux also drew a parallel with the summary execution of Jepie Fourie (a defence force officer who was found guilty of siding with the rebels in 1914) by General Smuts. "The Afrikaner had to accept this then because Fourie was accused of endangering the country."

I personally would have treated Biko (in the same way) as General Smuts did at the time," Mr Biko, he said, had been a greater threat to the security of all the country's people.

Commenting yesterday on Mr Le Roux's original remark, Dr Worrall said: "In the heat of election campaigns, people sometimes say regrettable things and this is a classic instance."

"Mr Le Roux's eccentric views of what he would have done to Mr Biko are his views alone.

"The Prime Minister expressed the official view and the National Party view when he said that Mr Biko's death was most unfortunate."

'Totally dissociated'

Mrs Koch said she "totally dissociated" herself from Mr Le Roux's views. However, before making a final judgment she would like to see his remarks in their proper context.

Mr Leviton said that if Mr Le Roux had been reported in the correct context, he, too, dissociated himself from the remarks.

"I would not like a statement made like that at any time, not only during an election," he said.

The official mouthpiece of the party in the Transvaal, the Transvaler, took the highly unusual step yesterday of criticizing a Nationalist candidate during an election campaign.

In an editorial, the newspaper said public figures should guard against remarks which could be misunderstood and required explanations when the wrong had already been done.

"It said that politicians should not make comments for exceptionally dubious party political advantage and added: "Mr Le Roux's explanation suffused a totally unfortunate remark, but still does not remove a reprehensible attitude."

The Pretoria newspaper, Oggenblad, said in an editorial headed "It was a mistake", that Mr Le Roux's remark was to be seriously regretted.

M. Le Roux's only opponent in his Hercules constituency is a Herstigte Nasionale Party candidate, Mr Gert Botha.

Report by H H Caplan, 17 Buit Street, Cape Town.
Remark on Biko: Nats disagree

Political Correspondent

THE CONTROVERSY over the remark by the National Party MP, Mr. Frederick le Roux, that he "should have killed" Mr. Steve Biko, has spread to his own party circles.

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In the Peninsula, three Nationalist candidates – Dr. Denis Worrall (Cape Town Gardens), Mrs. Adele Koch (Sea Point), and Mr. Ben Levitt (Green Point) – dissociated themselves yesterday from Mr. Le Roux's remark.

However, Mr. Le Roux, the MP for Hercules, has not yet been repudiated by the Nationalist leadership. Nor has he disputed that he made the controversial statement.

Mr. Le Roux, however, told Nationalist newspapers that his remarks should be considered within the framework of his whole argument.

Lives in danger

The basis of this was his contention that Mr. Biko had brought the safety of the state and of all its people into danger.

"If Biko had continued living, the lives of thousands of people would have been in danger," he said. "I have no sympathy, not with him specifically, but with people like him."

Mr. Le Roux also drew a parallel with the summary execution of Joyce Smit (a defense force officer who was found guilty of aiding with the rebels in 1914) by General Smuts. "The Afrikaner had to accept this then because Smit was accused of endangering the country."

"I personally would have treated Biko (in the same way) as General Smuts did in 1914, if he was guilty," Mr. Le Roux said.

Mr. Biko, he said, had been a greater threat to the security of all the country's people.

Commenting yesterday on Mr. Le Roux's original remark, Dr. Worrall said: "In the heat of election campaigns, people sometimes say regrettable things, but this is a classic instance."

"Mr. Le Roux's eccentric views of what he would have done to Mr. Biko are his views alone."

"The Prime Minister expressed the official view and the National Party view when he said that Mr. Biko's death was most unfortunate."

'Totally dissociated'

Mrs. Koch said she "totally dissociated" herself from Mr. Le Roux's views. However, before making a final judgment she would like to see his remarks in their proper context.

"I would not take such a statement made like that at any time, not only during an election," he said.

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In an editorial, the newspaper said public figures should guard against remarks which could be misunderstood and required explanations when the wrong had already been done.

It said that politicians should not make comments for exceptionally dubious party political advantage and added: "Mr. Le Roux's explanations soften a totally unfortunate remark, but still does not remove a reprehensible attitude."

The Pretoria newspaper, Opposid, said in an editorial headed "It was a mistake", that Mr. Le Roux's remark was to be seriously regretted.

Mr. Le Roux's only opponent in his Hercules constituency is a Herstigte Nasionale Party candidate, Mr. Gert Beetege.

Report by T. Copeland, 77 Burg Street, Cape Town.
Biko: Brain injuries, says Kruger

PRETORIA. — The Minister of Justice, Mr. J T Kruger, yesterday said that Mr Steve Biko died of brain injuries but said: "A man can damage his brain many ways."

Speaking to foreign correspondents in Pretoria, he said there was no police involvement in the death of Mr Biko in September "as far as I know".

"There are all sorts of possibilities," he added.

Asked whether medical evidence was compatible with self-inflicted wounds, Mr Kruger said: "I don't know if they were self-inflicted. But I often think of banging my own head against a wall."

Mr Kruger said that although he had tremendous admiration for his security policemen, he would never cover up any wrongdoing on their part.

"He's got his regulations and if he doesn't go by them he's in for the high jump."

Asked if he could confirm that Mr Biko's death was due to brain damage caused by injuries, Mr Kruger said: "That's right."

He did not believe that his department's handling of the case was "at any stage inexact."

He had told senior police officers that "the press is going to drag your entrails out on this thing" if they were wrong. But he was convinced that they had acted with all inexactness throughout.

Detailing the events leading up to Mr Biko's death on September 12, Mr Kruger said that when the first sign of illness appeared, a doctor was thought Mr Biko was pretending.

The next day, two doctors were called in and they checked his pulse and heart rate but found nothing wrong.

"So we thought everything was all right," said Mr Kruger.

Nevertheless, Mr Kruger said, Mr Biko was transferred to the prison hospital for observation and a specialist was called in. A lumbar puncture was conducted as a matter of routine to exclude brain damage, which initially it was believed to have done.

"Frankly, I don't think all this was mishandled," Mr Kruger said.

Mr Kruger said preliminary medical reports on the Biko case "certainly did not in..."
Biko had been brain-damaged

Mr. T. Kruger, the Minister of Justice, yesterday admitted that Mr. Steve Biko died of brain injuries but said "a man can damage his brain many ways."

Speaking to foreign corresponents in Pretoria yesterday, he said there was no police involvement in the death of Mr. Biko in September "as far as I know." "There are all sorts of possibilities," he added.

Mr. Kruger said although he had tremendous admiration for his security policemen, he would never cover up any wrongdoing on their part.

"He's got his regulations and if he doesn't go by them he's in for the high jump," he said.

Mr. Kruger added that if he could confirm that Mr. Biko's death was due to brain damage caused by injuries, he would say "That's right."

He had told senior police officers that "the Press is going to drug your enmity" by suggesting that they acted with "innocence throughout."

Mr. Kruger said he would not comment on the detention of the editor of the liberal newspaper, Mr. Percy Qoboza, who had charged "The World must definitely stay off the streets until the unrest situation is put right."

Mr. Kruger also said he did not know how long Mr. Qoboza would be in detention, but said: "The World must definitely stay off the streets until the unrest situation is put right."

When he cracked down on the Press and other organisations and people on October 10, Mr. Kruger said he took the action to preserve peace and order in the country.

Preliminary medical reports said "certainly did not indicate that the police did anything wrong."

He had been mistranslated when he was quoted as saying at a National Party rally that Mr. Biko's death "leaves me cold," he said.

A more accurate translation would have been, "I'm neutral in this thing."

"If I had turned round and said that I have sympathy for Biko, people would have called me a bloody hypocrite," Mr. Kruger added.

Detailing the events, Mr. Kruger said that when the first sign of illness appeared, a doctor was called in but found nothing wrong and police thought Mr. Biko was pretending.

The next day, two doctors were called in and they checked his pulse and heart rate but found nothing wrong. "So we thought everything was all right," Mr. Kruger said.

Nevertheless, he said, Mr. Biko was transferred to the prison hospital for observation and a specialist was called in.

A lumber puncture was conducted as a matter of routine to exclude brain damage, which initially it was believed he had done.

On last month's bannings, the Minister said: "In spite of the fact that I ban a lot of people, I don't hear any grudges."

Mr. Kruger said he would have liked the organisations he banned to have continued operating, but said: "But if they are against my country, I ban them, and so mistake."

He said: "I've no racialism in my makeup. I'm a white African.

"You cannot wish the black man away. You have to smile at him and he must be prepared to talk to me."

"But I won't talk to anyone if there are conditions, such as unless you get rid of Bantu Education."

Mr. Kruger added: "Sapa, Reuters and UFO."
A BLACK Transkei attorney has been detained in Umtata while waiting for a temporary residence permit to stay in Cape Town for six months and gain legal experience.

He is Mr Fikile Bam, 35, BA Lib.

Some time ago, the Law Society of the Cape of Good Hope approached a Cape Town firm of attorneys about Mr Bam.

The firm offered him employment for six months so that he could gain legal experience.

The conditions of Mr Bam's employment were that he pass his attorney's admission examination — which he did — and also that he obtain permission to stay in Cape Town.

After a visit to Cape Town on a travel permit, Mr Bam returned to Transkei to await the result of his application for his residence documents.

CONFIRMED

He is now detained in Umtata.

Transkei officials confirmed his detention but gave no reason.

He was detained in Umtata on November 2 under the Transkei Public Security Act while trying to solicit help from the Transkei Department of Foreign Affairs to negotiate with the South African Government for his residence permit.

Mr Bam, who is unmarried, was convicted of conspiracy in 1964 and served 10 years on Robben Island.

He completed his law degree after his release.
PRETORIA — The Minister of Justice, Mr Kruger, admitted yesterday that Mr Steve Biko died of brain injuries, but said: “A man can damage his brain many ways.”

Speaking to foreign correspondents here, he said there was no police involvement in the death of Mr Biko “as far as I know.”

“There are all sorts of possibilities,” he added.

Asked whether medical evidence was compatible with self-inflicted wounds, Mr Kruger said: “I don’t know if they were self-inflicted. But I often think of banging my own head against a wall.”

Mr Kruger said although he had tremen-
dous admiration for his security policeman, he would never cover up any wrongdoing on their part.

“He’s got his regulations and if he doesn’t go by them he’s in for the high jump.”

Asked if he could confirm that Mr Biko’s death was due to brain damage caused by injuries, Mr Kruger said: “That’s right.” He did not believe the police had mishandled the case as at “any stage.”

He had told senior police officers that “the press was going to drag result enthrall us on this thing,” if they were wrong. But the police had not done that, he added, with “all innocence” throughout.

Detailing the events leading up to Mr Biko’s death on September 12, Mr Kruger said when the first sign of illness appeared, a doctor was called in, but had found nothing wrong and police thought Mr Biko was pretending.

The next day, two doctors were called in and they checked his pulse and heart rate, but found nothing wrong, “so we thought everything was all right.”

Nevertheless, Mr Kruger said, Mr Biko was transferred to the prison hospital for observation and a specialist was called in. A lumbar puncture was conducted as a mere witout routine to exclude brain damage, which initially it was believed to have done.

“Frankly, I don’t think all this was mishandled,” Mr Kruger said.

Preliminary medical reports on the Biko case “certainly did not indicate that the police did anything wrong.”

“I think I would prefer Mr Biko to be alive, make no mistake.”

He had been mistranscribed when he was quoted as saying at a National Party congress that Mr Biko’s death, “leaves me cold.” He said a more accurate translation would have been, “leaves me cold.

“If I had turned round and said that I have sympathy for Biko, people would have called me a bloody hypocrite,” Mr Kruger added.

Speaking of a detained editor, Mr Percy Qoboza, whose newspaper, The World, was closed down in the recent crackdown, Mr Kruger said: “He is a very intelligent chap, I have no doubt. But he took a direction that was totally unacceptable, a Black power line which I could not accept.”

“The World was not only Percy Qoboza,” Mr Kruger said. “It was projected by the Black Power group, but by others. The World must definitely stay off the streets until the unrest ends. It will take a little bit of time.”

Mr Kruger added: “I sincerely believe in the freedom of the press, but there are people in South Africa who cannot write a straight story — they are politically committed.”

He said he had banned black organisations — 18 of them — when they became clear to him that the black consciousness movement had become a black power movement.

“It became quite clear that there was total polarization and that these blacks were heavily prepared to talk with white people on the basis of ‘you stand down’.”

Mr Kruger added: “So I went for the lot. I took them all off the streets. I was not going to take the risk of further polarization.”

He conceded that if a vote were taken today, South Africa’s blacks would not opt for the homelands. But he said this reaction was due to outside agitation.

“But given time, the system could work. ‘Don’t wish the black man away. There is no racism in my makeup whatsoever. He (the black man) is my brother and I am his brother.”

He was “watching very carefully” the Zulu-based Inkatha movement lead ed by Chief Gatsha Buthelezi, which was one of the few black movements to escape the Government crackdown on November 12.

“Butelezi should not be taken so seriously. I am trying to get back into the Black fold. But he cannot do that as long as he is a homeland leader.”

Referring to world reaction to recent events in the Republic, Mr Kruger said the world was applying double standards to South Africa. “I am damned if we will change our man, one-vote, that is a silly approach.”

If the government-opposed black leaders “— the Matanzimas, the Botes, and the Mangopes” — would be permitted to pull in different directions, with the whites caught in between, and the result would be “chaotic situation regarding the balance of power in this country.”

Meanwhile, it was learnt in Cape Town yesterday that the National Party MP for Durban, Mr F. J. le Roux, is likely to be formally rebuked by the party’s Transvaal leader, Dr Connie Mulder, for his remarks about Mr Biko.

Dr Mulder, told reporters after a meeting in Parow that if the remarks of Mr le Roux’s remarks were incorrect, they felt called on to deal with his sentiments.

Referring to Mr Le Roux’s statement that he “would have killed” Mr Biko, Dr Mulder said: “It is a pitty it was put like that. Regardless of whether we agree with a person’s action, it is the life of a human being that Christians no one rejoices in the death of another.”

It is understood Dr Mulder is to summon Mr le Roux for an explanation and it is likely that he will be reprimanded.

— SAPA-DNS (News by Peter Mosely, Cape Town, Monday, 7 February, 1977)

The title is turning, page 5.
Border Nats hit at remark about Biko

EAST LONDON — The National Party candidate in Albany, Mr Jaap Ockers, said yesterday he could not understand how anyone could say that he would have killed the late Mr Steve Biko, as the MP for Hercules, Mr F.J. Le Roux, was reported to have said.

“I only hope he wasn’t correctly reported. How anyone can say anything like this is quite beyond me,” Mr Ockers said in an interview.

And the NP candidate in Griqualand East, Mr Jan Jordan, said: “I have no comment at all except to say that I distance myself from what Mr Le Roux said and I stand by the statement the Prime Minister made that the whole issue was very unfortunate.”

Both candidates were reacting to the comments made by Mr Le Roux at an election meeting.

“In South Africa, when an agitator does what Biko did they make him a hero. I would have killed him,” Mr Le Roux said.

His statement has also been strongly criticised by two Nationalist-supporting newspapers and by at least two NP candidates in Cape Town.

Mr Ockers said: “I don’t want to have a fight with Mr Le Roux, but we do have laws for treason which carry a death penalty for anyone found guilty of treason. If a person was found guilty of treason and then sentenced to death I would not have protested.

“In any event, I am not quite sure what Mr Le Roux means. But if it is what it appears to be, I can’t agree to anything of that kind. That applies to everyone. I am not just singling out the late Mr Biko.

“I don’t want to be misunderstood. There will be circumstances when there can be no trial immediately or even circumstances where there will be no trial at all. I am quite prepared to agree to that. But if life is taken, it can only be after a proper trial. There can be no doubt about that. I would take that stand strongly,” Mr Ockers said.

The NP candidate in King William’s Town, Mr Hendrik Coetzee, could not be contacted for comment yesterday as he was away in Port Elizabeth.

The National Party candidate for East London City, Mr Gert Myburgh, said yesterday Mr Le Roux must have been expressing his own personal point of view on Mr Biko’s death.

“Certainly I don’t associate myself with that point of view either personally or as a National Party candidate,” Mr Myburgh said.

Mr Errol Moorcroft, Progressive Federal Party candidate in Albany, reacted strongly.

“This is one of the most appalling statements ever to be made from a political platform in South Africa,” said Mr Moorcroft.

“Since Steve Biko was never convicted of any crime what he did or did not do is not the question at issue here. What matters is the dignity of human life which demands that the National Party denounce Mr Le Roux in clear and unequivocal terms.”

“Will voters in Albany be prepared to support a party which can field candidates like Mr Le Roux?”

Mr Moorcroft said voters of Albany would also like to know where the local New Republic Party and South African party candidates stood on this matter since these parties are enjoying the open and active support of the Nationalists in several constituencies.” — DDR-DDC.

(Report by B. Strick, 33 Chestnut Street, East London and A. Viljoen, 67 High Street, Grahamstown.)
Kruger cynical on Biko

—Bamford

The Argus Political Correspondent

THE Minister of Justice and of Police, Mr J T Kruger, was accused today of 'cynical joke making' about the Biko affair and of prejudging the inquest into Mr Steve Biko's death.

The accusation came from Senator Brian Bamford, Cape leader of the Progressive Federal Party, who was referring to a conversation Mr Kruger has had with foreign correspondents in Pretoria.

Mr Kruger said Mr. Biko died of brain damage but that a man could damage his brain in many ways. He had often thought of banging his own head against a wall.

He did not know if there were self-inflicted wounds and did not think his department had been inept in its handling of the case.

Senator Bamford said today of Mr. Kruger: He has made conflicting statements. He has withheld information from the public and his attitude generally has been one of cynical joke making.

This is the more deplorable when one considers that Mr. Biko left a widow and a family and their reactions to the Minister's various statements must be one of shocked dismay.

On Monday

The inquest starts on Monday and Mr Kruger has prejudged it on the two most important issues that an inquest magistrate has to decide.

An inquest magistrate has to decide first, the cause of death of a deceased and second, whether any person was at fault in regard to the death.

Now, four days before the inquest, the Minister states that Mr. Biko's death was caused by brain damage and that the police were innocent.

"If the magistrate should come to a contrary decision on either of these two issues there will have been an impossible conflict between the Minister and one of his colleagues.

PFP team

Referring to the fact that Mr. Kruger expressed his opinions to a group of foreign correspondents, Senator Bamford said:

Ministers are continually complaining about criticism from the outside world, yet this is a classic example of how a Cabinet Minister gives overseas critics ammunition against this country.

"Why could he not make an ordinary statement to the people of South Africa?"

Senator Bamford said the PFP was sending a team of questioners to a meeting to be addressed by Mr. Kruger in Maitland Town Hall tonight.

(News by T Wentzel, 12G The Argus, 6200.)
What Kruger said on Biko's brain injury

Mr. Kruger, Minister of Justice, said in a statement yesterday that in his speech to certain correspondents earlier in the week he had not drawn any conclusions about the death of Mr. Steve Biko.

Mr. Kruger said he had confirmed that the autopsy report said Mr. Biko died of head injuries, but had not taken the matter further.

Mr. Kruger was reported as having admitted Mr. Biko died of brain injuries.

The statement released through Sapa said:

"Mr. Kruger wishes to point out that he had merely replied to a question which drew attention to the fact that the autopsy report had stated that Mr. Biko had died of head injuries.

He had merely confirmed the facts as contained in the autopsy report. He himself had drawn no such conclusion as he is awaiting the findings of the inquest into Mr. Biko's death, which will continue on November 14th.

The following is the transcript of a tape recording of the passage referred to by Mr. Kruger. The accuracy of the transcript has been agreed to by Mr. Vlok Delport of the Department of Information, Sapa reports.

Miss Wright: Mr. Kruger, the fact that the Attorney-General called for an inquest rather than criminal proceedings indicates that you feel there was no police mishandling of the case.

Minister: That is quite correct.

Miss Wright: The autopsy report says that Steve Biko died of head injuries.

Minister: That's right.

Miss Wright: ... which led to brain damages and renal failure.

Minister: That's right.

Miss Wright: ... and that these injuries were incurred at various times between 12 hours and a day prior to his death.

Minister: That is so.

Miss Wright: How do you explain?

Minister: I can explain that by saying it doesn't seem to be any evidence at all of any police involvement, and a man can damage his brain in many ways. I can tell you that under Press harassment I've often felt like banging my head against a wall too (laughter), but realising now, with the Biko autopsy, that that may be fatal, I haven't done it.

"But there are cases when I think to myself: Christ, I don't know what to do now. I may as well give myself a bang.

"There are all sorts of possibilities and that's why the Attorney-General says let it go to the evidence and let the advocates cross-examine as much as they like.

"He cannot, on the evidence before him, find any policemen guilty of anything that requires a charge."
Qoboza says: No comment

MR Perry Qoboza, detained editor of the banned newspaper, The World, has refused to comment on a statement by the Minister of Justice, Mr J T Kruger, concerning the banning of the newspaper.

This was announced yesterday by the Commissioner of Prisons, General W M du Preez, reports Sapa.

In a statement last Friday, Mr Kruger said he believed The World had had adequate warning before it was banned on October 19.

Mr Kruger added at the time: "I am prepared to allow my statement to be placed before Mr Qoboza through the prison authorities for his comment."

Mr Kruger's statement was in reaction to a claim by the manager of The World, Mr John Marquard, that the newspaper and its proprietors had no reason immediately before the security action to believe it was in imminent danger of being banned.

Mr John Marquard said yesterday he was not surprised Mr Qoboza had refused to comment from prison, writes a Staff Reporter.

"I'm sure he'd be happy to talk if he were charged or released," Mr Marquard said.

"Anyway, I don't think Mr Kruger's statement answered the point we made last week — that after Mr Kruger had seen Mr Qoboza he had said he was not going to ban any newspapers," Mr Marquard said.
Qoboza's reply was censored

The Argus Correspondent, JOHANNESBURG.—Mr. Percy Qoboza's reply to the Minister of Justice, Mr. Kruger, was issued yesterday by the Prisons Department—but it was heavily censored.

The Star has the text of what Mr. Qoboza actually said; it sheds an entirely different light on the subject.

The Prisons Department version of Mr. Qoboza's response to Mr. Kruger's invitation for him to comment on the banning of the World after what Mr. Kruger described as 'adequate warnings' read as follows:

'Press statements by General W. Modis, Prisons Commission, or Prisoners (5)

The Press statement by the Minister of Justice, of Police and of Prisons on the banning of the newspaper World was submitted to Mr. P. P. Qoboza for his comments, and he has indicated that he is not prepared to comment on the Minister's statement.'

What Mr. Qoboza in fact told four senior officials of the Prisons Department, including an assistant commissioner of prisons, General Roux, was:

'Released in a prison cell, I am not prepared to comment on the Minister's statement at this time. If I am released or charged in court, then I reserve all my rights to reply fully to the Minister's statement at that time.'

General du Preez was not available for comment.

NOTHING TO ADD

When the Prisons Department was asked by the Star today whether Mr. Qoboza's reply had been censored, Brigadier H. F. Botha (replied):

'The Commissioner of Prisons says there is nothing to add to the Press statement furnished to Sapsean.'

Since Mr. Qoboza is not prepared to comment on the Minister's Press statement and selbst is not prepared to lead as liaison between Mr. Qoboza and the Minister, matters not related to the contents of the Minister's Press statement, the entire matter is considered to be finalised.'
Why Qoboza refused to speak

Mr Percy Qoboza's reply to the Minister of Justice, Mr J. T. Kruger, was issued (yesterday) by the Prisons Department—but it was heavily censored.

The Star has the text of what Mr. Qoboza actually said. It sheds an entirely different light on the subject.

The Prisons Department version of Mr Qoboza's response to Mr Kruger's invitation to comment on the banning of The World after what Mr Kruger described as "adequate warnings", reads as follows:

"Press statement by General W. M. du Preez, Commissioner of Prisons:

The press statement by the Minister of Justice, Police and Prisons on the banning of the newspaper 'World', was submitted to Mr P. P. Qoboza for his comments, and he has indicated that he is not prepared to comment on the Minister's statement."

What Mr Qoboza in fact told four senior officers of the Prisons Department, including Mr J. H. du Preez, Assistant Commissioner of Prisons, General Roux, was:

"I am in a prison cell. I am not prepared to comment on the Minister's statement at this time. If I am released or charged in court, then I reserve all my rights to reply fully to the Minister's statement at that time."

NOTHING TO ADD

When the Prisons Department was asked by The Star today whether Mr Qoboza's reply had been censored, Brigadier H. J. Botha replied: "The Commissioner of Prisons has nothing to add to his Press statement furnished to Sapo."

Pressed to explain the censorship, Mr Qoboza's statement, he added: "Since Mr Qoboza is not prepared to comment on the Minister's Press statement—and as I am not prepared to act as his liaison between Mr Qoboza and the media on matters not related to the contents of the Minister's Press statement—the entire matter is considered to be finalized."
Detainee, 11, is mentally retarded

OWN CORRESPONDENT

CAPE TOWN. - A mentally retarded 11-year-old and an 18-year-old epileptic are two of at least 18 youths detained under the Terrorism Act in Cape Peninsula townships.

A spokesman for the Dependents Conference, a subsidiary of the South African Council of Churches, said this week: "The parents of these children have approached us for assistance."

He said a firm of attorneys had been approached by the parents of 18 blacks — seven of whom were under 18.

An attorney confirmed that letters had been written and telephone calls made to the Security Police in Cape Town to confirm the detentions and ascertained the whereabouts of the children and youths.

The mother of one of the children, aged 11, told attorneys and the Dependents Conference that her son was mentally retarded. She feared the boy would not be able to answer police questions intelligently.

Colonel A B Conradie, head of Cape Town Security Police, said there had been detentions but he could give no details.

Parents were always notified when children were detained, he said.
Detainee, 11, is mentally retarded

Own Correspondent

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Wits student among detained

Staff Reporter

TEN people have been detained in the past two weeks, including a Wits University student and four migrant workers from Botswana.

This brings the number of people in the Transvaal detained under the Terrorism and Internal Security Acts since October 19 to 80.

The four migrant workers, Mr. Joseph Ncabi, Mr. Henry Manyana, Mr. Allen Jacobs, and Mr. Paphani Setswane, were reported by a friend to have been detained on October 24.

Four former members of the "banned South African Students Movement" (Mr. Seth Mazibuko, Mr. Joseph Footect, a man named Thamsanqa and another man, Makhosonke) are said to have been detained at Kroon. Williams, Tgorra.

Mr. Sake Selele, a former organiser for the "banned South African Students' Organisation," was detained on October 31 at Johannesburg Station.

The latest detention is that of Mr. Tom Waspe, a final year BA student at Wits.
Kruger on Biko: No conclusion on death cause

PRETORIA. – The Minister of Justice, Mr Jimmy Kruger, yesterday said he had not drawn any conclusion about the cause of death of Mr Steve Biko when he addressed foreign correspondents on Wednesday.

'Miss Wright: ... And that those injuries were incurred at various times between 12 hours and a day prior to his death.

Minister: That is so.

Miss Wright: How do you explain . . . ?

Minister: I can explain that by saying that it doesn't seem to be any evidence at all of any police involvement and a man can damage his brain in many ways. I can tell you under press harassment I've often felt like banging my head against the wall, too. (laughter) But realizing now with the Biko autopsy that

that may be fatal, I haven't done it.

'But there are cases when I think to myself: Christ, I don't know what to do now. I may as well give myself a bang. There are all sorts of possibilities and that's why the attorney-general says let it go to the evidence and let the advocates cross-examine as much as they like. He can not on the evidence before him find any policeman guilty of anything that requires a charge.

Miss Wright: In other words, you believe that it's self-inflicted . . .

Minister: I do not know. No, I'm not, I'm not . . .

Miss Wright: Is there any evidence to prove that it is self-inflicted?

'Do not know.

Minister: I do not know at all. I'm going to wait until that court case is finished. I'm not going to say anything against Mr Biko or for my police. I don't hold a brief to cover up the police actions at all. The police know me well enough, I am a tremendous admirer of the police. I believe in them. I think they've done a magnificent job.

'I think they have been hard done by the public or some of the public of South Africa and certainly by the opposition press and certainly by the Progressive Reform Party.

'But as far as I am concerned, I don't. I never cover up for a policeman. He's got his regulations and if he has done something wrong against that, he's in for a high jump. – Sapa

Tape recording

'The following is a transcript of the relevant section of the tape recording of the Sapa interview with Mr Kruger:

Miss Wright: Mr Kruger, the fact that the attorney-general called for an inquest rather than criminal proceedings indicates that you feel that there was no police mishandling of the case...

Minister: That is quite correct.

Miss Wright: The autopsy report says that Steve Biko died of head injuries . . .

Minister: That's right.

Miss Wright: . . . Which led to brain damages and renal failure . . .
I didn’t betray Steve Biko

EAST LONDON — A Grahamstown minister has denied that he was in any way responsible for the arrest of Steve Biko.

The minister, the Rev Owen Ntsondwa, of the Methodist Church, has decided to come forward publicly in an effort to clear his name.

"Lies are being spread about me," he said in a statement.

Young people who apparently believe that Mr Ntsondwa gave information to the security police are believed to have set fire to Mr Ntsondwa’s home in Grahamstown, causing R2 800 worth of damage.

But Mr Ntsondwa strongly denies that he had anything to do with the arrest of his brother Mr Biko.

Mr Ntsondwa said in his statement:

"My house was set on fire by a group of young people from Grahamstown in the early hours of October 20, 1977, and damage amounting to R2 800 was caused to my personal property, excluding the BAAB house. At the time of this incident my family was away in East London and I was attending a Methodist conference in Benoni.

"I feel the time has come for me to speak out against the people who have been spreading lies and smear my name. These lies have not only been spread in Grahamstown. I learnt from relatives at Alice that students from Grahamstown who are at Fort Hare and Lovedale are active in smearing my name.

"They are even calling me the son of Belial, they resemble their mother Jezebel and their weak father Ahab, who was prepared to kill Naboth for his vineyard.

"They also say that I assisted the police in loading them in police vans. That is a blatant lie.

"They also say I am responsible for the death of my brother Mr Biko. The rumour is that Mr Biko and Mr Jones stopped at my place on their way to Port Elizabeth the night they were arrested at a roadblock by police.

"It is also said that Mr Biko used to go in and out of King William’s Town without being detected by security police.

"This particular night they say these two men stopped at my place for a chat, and that five minutes after they had left my house they were arrested.

"This is a serious allegation as these men never touched my house. In fact, the only men who know my house are Mr Mmambo and Mr Mpumula, who are now detained. And that was before I resigned as a BCP member in June 1978. I last saw Mr Biko before my resignation at King William’s Town.

"Lastly but not least I say to the sons of Belial let’s get the truth from Mr Peter Jones, who is said to have accompanied Mr Biko to my house. If it’s me who sold them the world Mr Ntsondwa said. Mr Biko and Mr Peter Jones, both black consciousness leaders, were arrested at Grahamstown on August 19, 1977.

"At the time Mr Biko was a banned person.

Rev Ntsondwa ... Steve didn’t call on me.

Mr Ntsondwa is a former executive member of the Grahamstown branch of the now banned Black People’s Convention.

He resigned from the committee in June 1972 shortly after he had been questioned by security police.

Mr Ntsondwa is a literary organiser employed by the Methodist Church in the Eastern Cape and Border.

Goods belonging to the Ntsondwa family destroyed in the fire were: two wardrobes, one coffee table, two beds with mattresses, one grocery cupboard, one hi-fi set, one paraffin heater, one sofa, one dressing table, one bookshelf, four pillow slips and cases, four pairs of sheets, four bedspreads, a tape recorder, one sink unit, two bamba chairs, three "vinolay" floor mats, two blankets, two travelling rugs, books valued at R250, shoes valued at R85, a baby cot and a walking ring, nursing uniforms valued at R102, 40c, pictures valued..."
Biko T-shirt ban

CAPE TOWN — A Biko T-shirt, by an unknown producer, is one of the items classified as undesirable, according to a statement issued by the Directorate of Publications here yesterday.

From today it will be an offence to distribute the T-shirts, which have no words printed on them, but show the head of Steve Biko.

Other publications considered undesirable and which will constitute an offence if distributed from today include the October 20, issues of Rhodeo and Oppidan published by the Rhodes University SRC — SAPA.
Detained youth shot dead

CAPE TOWN — A 17-year-old Cradock boy was found dead with a bullet in his back only hours after being interrogated by the police this week.

Mbulalo James was detained on Tuesday under the Riotous Assemblies Act.

According to Col. Marcus van der Merwe, divisional CI officer in Port Elizabeth, Mbulalo was questioned in the Bantu Administration Board offices in the Lengelahle township.

"He escaped from the building at 3:30 a.m. on Wednesday," Col Van der Merwe said. "The police gave chase and two shots were fired as he ran further into the location."

Mr. H. Fischat, a Port Elizabeth attorney acting on behalf of the James family, said the boy's naked body was found next to a street by township residents walking to work on Wednesday.

However, Col. Van der Merwe said the body was not naked. "But it is possible that he was first seen by workers because the police could not find the body when he escaped."

He said a post-mortem examination had been done but the results were not known. The shooting was being investigated.

Mr Fischat said he was shocked to hear that a post-mortem examination had been done.

"Soon after the father was summoned to identify the body I was notified. But when I saw the Cradock police today, I was told the examination had been completed."

"I wanted a private pathologist to attend, but now it is too late," Mr Fischat said. — DDC.
Kruger: I didn’t give cause of Biko’s death

PRETORIA — The Minister of Justice, Mr. Kruger, said yesterday he had not drawn any conclusion about the cause of death of Mr. Steve Biko when he addressed foreign correspondents here on Wednesday.

In a statement, Mr. Kruger said he had confirmed that the autopsy report said Mr. Biko died of head injuries, but had not taken the matter further.

Mr. Biko was reported as having admitted Mr. Biko died of head injuries.

"Mr. Kruger wishes to point out that he had merely replied to a question which drew attention to the fact that the autopsy report had stated Mr. Biko had died of head injuries."

"He had merely confirmed the facts as contained in the autopsy report. He himself had drawn no such conclusion, as he is awaiting the findings of the inquest into Mr. Biko’s death which will continue on November 14," the statement said.

In an unusual step yesterday, Sapa issued a transcription of a tape recording of the passage referred to in Mr. Kruger’s statement.

Sapa said the accuracy of the transcription had been agreed to by Mr. Vlok, Deputy Minister of Information.

The transcription reads:

Interviewer: Miss Wright.

Wright: Mr. Kruger, the Deputy Attorney General, called for an inquest rather than criminal proceedings indicates that you feel there was no police mishandling of the case.

Minister: That is quite correct.

Wright: The autopsy report said that Steve Biko died of head injuries.

Minister: That’s right.

Wright: Which led to brain damage and renal failure.

Minister: That’s right.

Wright: And that those injuries were incurred at various times between 12 hours and a day prior to his death.

Minister: That is so.

Wright: How do you explain it?

Minister: I can explain that by saying that it doesn’t seem to be any evidence at all of any police involvement and a man can damage his brain in many ways. I can tell you under press harassment I’ve often felt like banging my head against a wall, too (laughter), but realising now with the Biko autopsy that that may be fatal, I’ve done it. But there are cases when I think to myself: Christ, I don’t know what to do now. I may as well give myself a bump. There are all sorts of possibilities and that’s why the Attorney-General says let it go to the evidence and let the ad

vocates cross-examine as they like. He cannot on the evidence before him find any policeman guilty of anything that requires a charge.

Wright: In other words you believe that it’s self-inflicted.

Minister: I do not know. No I’m not. I’m not.

Wright: Is there any evidence to prove that it is self-inflicted?

Minister: I do not know at all. I’m going to wait until that court case is finished. I’m not going to say anything against Mr. Biko or for my police. I don’t hold a brief to cover up the police actions at all.

The police know me well enough. I am an acrimonious admirer of the police. I believe in them. I think they’ve done a magnificent job. I think they’ve been hard done by the public or some of the public of South Africa and certainly by the opposition press and certainly by the Progressive Reform Party. But as far as I am concerned I don’t... I never cover up for a policeman. He’s got his regulations and if he has done something wrong against that he’s in for a high jump. — SAPA.

Eglin on Kruger’s statement, page 9.
Eglin slams Kruger’s handling of Biko affair

EAST LONDON — The inept handling of the Biko affair by the Minister of Justice, Mr Kruger, had brought more discredit to South Africa and done more damage to the country than any other single event, the leader of the Progressive Federal Party, Mr Collin Eglin, said yesterday.

"Commenting on Mr Kruger’s statement to foreign journalists that the black consciousness leader, Mr Steve Biko, had in fact had brain damage when he died, Mr Eglin said in an interview: "Jimmy Kruger is getting himself into more trouble every time he speaks on the Biko affair.

"His early references to hunger strikes were followed by references to kidney failure and now to brain damage.

"But even in this regard, Mr Kruger makes the ridiculous analogy to him. (Mr Kruger) often wanting to hit his own head against the wall," he said.

This also applied to his lame explanation about what he meant when he first said that “it left him cold” when he announced the death of Mr Biko. Nor had Mr Kruger rebuked the National Party congress delegates when they laughed or when they had praised him for allowing a person the democratic right to take his own life.

"I can think of no single event handled by a cabinet minister which has brought more discredit to the South African Government or done more damage to the country than Mr Kruger’s inept handling of the whole Biko affair. The least he should do is tender his resignation," Mr Eglin said. — PC.

(News by B. Streep, 33 Caxton Street, East London.)
Kruger ridiculous
says Harland Bell

EAST LONDON — The possibilities for the cause of Mr. Steve Biko's brain damage, mentioned by the Minister of Justice, Mr. Kruger, in an interview with foreign correspondents, were too ridiculous to be taken seriously, the New Republic Party spokesman on justice, Mr. Harland Bell, said here.

"But what worries me, and I'm sure, all people, is the use of blasphemy by a minister of state. Mr. Kruger should apologise to all South Africa."

Mr Bell said Mr Kruger's refusal to comment on the remarks made by Mr. F. J. le Roux MP concerning Mr. Biko, was damming.

"The sentiments expressed by Mr. Le Roux, we can only presume, are shared by Mr. Kruger. The silence of the government is deafening. Surely the government, which professes to be dignified, calm and firm, is strong enough to condemn the excesses of its members — or is it?" Mr Bell said.

(News by P. Davis, 33 Clifton St, East London.)
Biko's Injuries

Press army masses to cover inquest
Court told of brain damage

Pretoria Bureau

The post mortem examination on Mr Steve Biko showed abrasion and bruising on the left temple — over an area of about 10 cm in diameter — and haemorrhages in parts of the brain.

There were also two small localized fractures on the ribs. The lungs were oedematous (the tissue swollen by fluid). The heart was slightly dilated, and the liver substance was slightly paler than usual.

There were no conclusions in the report by Professor J. D. Liebner, the State pathologist, which was handed in at the inquest at the Old Synagogue in Pretoria today.

The report was a biological description of the body, caught in medical terms, and did not speculate on the probable cause of death.

Professor Liebner gave Mr Biko's apparent age as about 28, his height as 1.83 m, weight as 88 kg, build "good and nutritional", state, slightly above F.

Steve Biko left only the hands of the South African police at a roadblock in Grahamstown on August 19, the inquest was told.

The Deputy Attorney General of the Transvaal, Mr K von Lieres, read out a statement made by Lieutenant Alfred Osthusien of the Security Police.

The police asked the driver, Mr Jones, to open the boot, which he was unable to do.

On being asked to identify themselves, the two occupants joked about the police.

Lieutenant Osthusien's statement continued, that he asked Mr Biko, who was restricted to the King William's Town district, if he had permission to leave. He did not have written permission.

When the two were searched at Grahamstown Police Station, they adopted a challenging attitude, and Biko grabbed the arm. Lieutenant Osthusien's statement said, Biko then laughed, so much he flopped into a chair.

The two men were arrested and Biko was taken to the Walmer Police Station in Port Elizabeth.

At the start of the hearing, Mr van Lieres told the court:

"To Page 3, Col 1"
The eyes of the Biko inguist and some key figures at the Pretoria inquest.

Injuries

The setting and some key figures at the Pretoria inquest.

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Injuries

The setting and some key figures at the Pretoria inquest.
Mr. Riko was brought to Walmer Police Station on August 29. Lieutenant Kühn said: "He did not see him after September 8.

Lieutenant Kühn said Mr. K. von Lütets, for the State, had asked him to correct his mistake.

Mr. Kentridge: If Mr. von Lütets had not drawn your attention to that, would you have come to court and sworn that the affidavit of October 26 was true and correct in every respect?

Lt. Kühn: No, I would have noticed the mistake by reading through it.

Mr. Kentridge: But did you not, I repeat, not read through it before signing it?

Lt. Kühn: Yes.

Lt. Kühn said he wished to be cross-examined in Afrikaans, not English.

The inquest was adjourned to find an interpreter.
quest into the death of Steve Biko began in the Old Synagogue in Pretoria yesterday. Almost two months after his death, the i-
quest gathered foreign pressmen into the court and struggled to see evidence, mostly hearsay and made audible by the bad

news. Deputy Kentridge, SC, for Mr Biko's lawyer, said the family had not been able to verify the evidence, mostly

were asked if they could have used more than one word per line. It was a gasp from the gallery when the

months when Mr Biko was allegedly injured. Five police officers were

was the day's evidence.

request read out next by Lieutenant Oosthuizen, of the
guard at Grampian.

Oosthuizen said he was told by the police that on August 10 he received information that inflammatory pamphlets were being distributed by a militant group.

At 9pm he put up a "stop" order and at 10.20 a station wagon stopped.

asked the driver to the boot, but he refused and asked him why not. The
driver said first that he could not because the car belonged to his firm, then he said he could not because the car belonged to a friend.

Because of these differing explanations the lieutenant asked the driver to identify himself.

The statement said the driver and his passenger were both cheeky and

made derogatory remarks. When the passenger was asked to get out of the vehicle he asked the lieutenant in a belittling manner if that was normal procedure—then he got out.

The driver identified himself as Peter Jones, and the passenger as Bantu Biko. They would not give further details.

Lieutenant Oosthuizen decided to take them to the charge office.

There he asked Mr Biko if he had permission to be outside King William's Town district, to which he was confined. Mr Biko said he had no written permission, and he could do as he liked.

Mr Biko laughed at him, and in doing so fell on a bench, which broke, the

statement said.

Lieutenant Oosthuizen tried to search Mr Biko and Mr Jones, but they refused to allow him to, and Mr Biko grabbed his hands. Finally he did search them.

Mr Biko said he wanted to take his private possessions with him to the cell, but Lieutenant Oosthuizen told him this was not permitted.
Biko got a in his eyes

According to the state-
ment, Lieut Oosthuizen
was in touch with his com-
manding officer, who told
him to take the two men
to Port Elizabeth. This
was done the next day.
Mr Von Lieres also read
a statement by Major An-
dries Michiel Kuhn, of
Cape Town. He said he had
been in charge at the road-
block when the station
wagon was stopped, and
later was in the charge
office when Mr Biko and
Mr Jones were searched.

Lieutenant Gert Kuhn
was then called to the
witness box and read out
three statements he had
made.

In the first, dated Oc-
tober 29, Lieut Kuhn
gave a list of times when he
visited Mr Biko in his cell.
The first was at 8.10 am
on August 22, and named

Chief State Pathologist’s finding

Mr Biko died as a result of a
head injury, according to the
autopsy report by the Chief
State Pathologist, Dr J D Loub-
sen.

A copy of the report was
made available at the inquest
in Pretoria into Mr Biko’s death
yesterday.

The report said there was ex-
tensive brain injury of the con-
trecoup type and an abrasion on
the left forehead.

As a result of the nature and
extent of the brain injury, cen-
tralisation of the blood circu-
lation had taken place to such a
degree that it was complicated
by disseminated intravasal blood
coeagulation as well as acute kid-
ney failure and uraemia.

There were slight injuries to
the left chest wall and possibly
also to the anterior abdominal
wall. Other injuries consisted of
numerous, but superficial skin
abrasions between 12 hours and
eight days old.

Dr Loubser said in his report
that he had come to the conclu-
sion that death could have oc-
curred about 12 hours before
his investigation and that the
cause of death was a head in-
jury. — Sapa.

one of “extreme aggres-
siveness" to an admis-
sion of involvement in
complaining of pamph-
et and other matters.

Mr Kentridge: "What
method of persuasion did
you use to make an un-
willing witness talk to
you? That morning Mr
Biko denied all knowledge
of a certain pamphlet, and
by 6 pm he had admitted
to drawing it up. What
methods of persuasion did
you use?"

Major Snyman said Mr
Biko was confronted with
certain evidence the Se-
curity Police had, then he
admitted it.

Mr Kentridge: "He first
denied it and then admit-
ted it. Why should he ad-
er you at all? Why
shouldn't he just whistle
at you? ... Did you make
threats?"

Major Snyman: "No."

Mr Kentridge: Did you
put physical pressure on
him? — No.

Mr Kentridge: How did
you break him down?

Major Snyman said he
had unlimited time to get
the information from Mr
Biko, and it would not
have paid the police to
assault him for informa-
tion.

Mr Kentridge: "There
was no question of a time
limit, but in the course of
a few hours you got him to
change his denial to an
admission."

Major Snyman said he
told Mr Biko that he would
remain in detention until
he had answered the ques-
tions put to him.

Mr Kentridge said Mr
Biko was detained in 1976
for 101 days.

"I sort of threatened
him with the use of force
to make him to threaten to
keep him in detention until
he answered questions. What
can you do to a man who
insists on keeping silent?"

Mr Kentridge repeated
this question several times
as Major Snyman outlined
the subjects about which
Mr Biko was interrogated.

Mr Kentridge: "You are
avoiding my question. At
this stage I have a denial.
Later on I gave proper infor-
mation. How do you get him
from his first stage to the
second stage?"

At this point Mr Kent-
ridge was interrupted by
Mr R van Rooyen, appear-
ing for the South African
Police, who said Major
Snyman had replied that
Mr Biko admitted his...
In the third statement, made on November 9, 19... (text continues)

In the third statement, made on November 9, 19..., Lieut Kuhn repeated the list of visits to Mr Biko's cell over the dates September 8 and 9. He said he had not been told by other policemen (who would not eat) or had committed anything wrong with Mr Biko.

He also said Kuhn had never received complaints from Mr Biko. However, he did say Kuhn was walking under a blanket without clothes. But he could not recall if Mr Biko was walking in that period.

Lieut Kuhn said he was seconded to be a Walmer Police Station and visited Mr Biko in the course of his duties.

Mr Biko was found alone in a cell, had been detained under the Terror... (text continues)

Lieut Kuhn said he had made his first affidavit for Mr Biko's daily routine in August, 19... (text continues)

The general questions everyone who had had anything to do with Mr Biko... (text continues)

A Sergeant J a n e s van Vuuren said in his evidence... (text continues)

The introduction began at 10.30 am and lasted till 6 pm.

Maj... (text continues)

Mr Biko refused to sign... (text continues)

Evidence continues...
Police deny assau

PRETORIA — Uniformed and security police officer Steve Biko died in police custody on September 12.

The inquest into Mr. Biko’s death began in the Old Pretoria Court yesterday before the Pretoria Magistrate, Mr. M. J. Prins, and two assessors.

Hearing got off to a slow start because of a dispute about the country’s official language, as applied to court proceedings.

The difficulties started when the first witness, Lt. Geels, who was called to the witness box, chose to speak in Afrikaans and Mr. Prins, for the Biko family, told the court he had arranged for a translator to be present, because the family did not understand Afrikaans.

The interpreter, Mr. Jonker, came to the front of the court, but told the magistrate he could not undertake to translate from Afrikaans to English. He could do translations from African languages, but not from the two official languages, he said.

Mr. Kentridge said he found this astonishing, since up to two minutes before, Mr. Jones had known what he had to do.

According to the statement, Lt. Oosthuizen saw Biko and his commanding officer told him to take the two men to the station and that it was done the following day.

Lt. Kuhn of the Walmer police was then called to the witness box to give a list of times when he had visited Mr. Biko in the cell. The list was not made regarding Mr. Biko.

In the first statement, Mr. Biko grabbed the letter of the box, read it and then took it to the court.

He also said he had not been told by other police that Mr. Biko would not eat or that he had complained that he had received no complaints from Mr. Biko.

He said, "I am in uniform, in particular did not see the bruise on the left side of the face, because the forehead shown in a photograph he had taken.

In regard to the report of his visits was not false, "just faulty," he told the court.

It is certified in a further statement.

The reason for the "mistakes," he said, was that when he arrived to make the affidavit, the act had already been made by the station commander from the statement the witness had made.

He only saw that the dates were wrong when his affidavit was drawn to it by Mr. Van Luenen, the witness.

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Mr. Biko said that the dates were wrong when his affidavit was drawn to it by Mr. Van Luenen, the witness.

On September 11 he saw

in his registers that Mr. Biko, who had been transferred to the Pretoria police station on September 6, had been removed.

That evening he visited Cell 3 where Mr. Biko was in cell, and he observed Mr. Biko asleep on his mat.

The next day, he went to see Mr. Biko on the cell block and observed Mr. Biko’s movements in the cell and his feet near the mat.

Mr. Biko was lying on his right side looking at the door and there was a cloth on his face.

He was questioned.

On September 14 Mr. Vuurroo said he tried to give Mr. Biko water, but he stayed in the same position.

He dragged Mr. Biko to his cell, covered him with a blanket and called the security police.

Maj. Fisher, Col. Goosen and Mr. Tucker arrived and removed Mr. Biko from the cell.

Examined by Mr. Kentridge, Sgt. Van Vuurroo said he had been instructed by the police to remove Mr. Biko to his cell.

Sgt. Van Vuurroo confirmed that between 10 and 12 on September 16 Mr. Biko was not allowed out of his cell.

"I’m a prisoner entitled to exercise in the open air," asked Mr. Kentridge.

Sgt. Van Vuurroo said he was acting on instructions from the head of the security police in Port Elizabeth, Col. P. Goosen.

The next witness was Maj. Haldon Snyman, of the security police in Port Elizabeth.

He was the leader of an investigation into the "black power detachment.

Mr. Biko was detained on August 19, but for "psychiatric purposes" he had been interrogated before he was imprisoned.

On September 6, it had been decided that Mr. Biko could be confronted with evidence and he was taken to an office in the Sandton Building in Port Elizabeth.

The interrogation began at 10.30 am and lasted till 6 pm.

Maj. Snyman said Mr. Biko was not suited to face the "leering, callous, friendly attitude towards members of the interrogation team.

To make him feel at ease his handcuffs were removed and he was offered a chair on which to sit.

Sgt. Van Vuurroo then gave evidence. He indicated Mr. Biko daily from August 18, 19, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and again on September 11.

Mr. Biko’s com- plaints.

His impression was that Mr. Biko did not want to speak.

He gave Mr. Biko meals of soup, bread, jam, coffee and tea.

Mr. Biko refused the soup and bread and the jam he accepted, but Mr. Biko never asked for other food.

On September 11 he saw

Head injury blamed

PRETORIA — Mr. Steve Biko died as a result of a head injury, according to the pathologist who examined the body, Chief State Pathologist, Dr. B. J. Louw.

The report said there was extensive brain injury

As a result of the nature and extent of brain injury, centralisation of the blood circulation took place to such a degree that it was complicated by dissection of the blood circulation as well as acute kidney failure and jaundice.

There were slight injuries to the lips, chest, abdomen as well as to the anterior abdominal wall.

Other injuries consisted of numerous, but not significant abrasions under 12 hours and eight days old.

It is ascertained that Biko came to the conclusion that death was imminent and that death was a head injury, said the report.
Biko inquiry told of violence

Biko inquest told of violence

Reports of Roger Orono Daily

big crowd

disappointments

Sound stage

PRETORIA — Mr Steve Biko was kept handcuffed and in leg irons
Statements by Kruger queried

PRETORIA — The Minister of Police, Mr Kruger, had made statements which conflicted with the evidence of police officers concerning the death of Mr Steve Biko, counsel for Mr Biko's family told the inquest.

"At the end of the first day, Mr S. W. Kentridge SC introduced a bulky file containing statements made by Mr Kruger.

"The relevant thing is that the Minister has said a number of things that are in serious conflict with the evidence that appears in the affidavits police officers have filed," he told the court.

"If these affidavits are correct, then the statements of the Minister cannot be correct. It will be for certain of the police officers to explain the discrepancy.

Mr Kentridge said the affidavits he had collected were transcripts and tape recordings of press interviews with Mr Kruger.

"If there are doubts as to their veracity, I am sure the Minister will be glad to confirm or deny them," SAPA.
brief periods when he was examined by doctors.

for 30 hours under special branch detention, except for two
Major Harold Snyman, who led the Security Police team which interrogated Mr Biko, attempts to...
A Security Police witness major told the Biko inquest court today that Mr Steve Biko had bumped his head against the wall during the struggle with policemen. Later he said it was possible that this had not happened.

The witness at the Old Synagogue in Pretoria was Major Harold Snyman, of the Security Police, Port Elizabeth.

He said early in the day that Mr Biko had bumped his head against a wall after going suddenly berserk and attacked his interrogators. It took five men to wrestle him to the ground and shackle him, during which time, the alleged bump against the wall took place.

After more than two hours of interrogation by Mr Sydney Kentridge, for the Biko family, he said it was possible Mr Biko's head might not have bumped the wall.

Major Snyman said the reason for Mr Biko's sudden disruption was that he was suddenly confronted with information which would destroy his public image as a man of peace and show him up as a revolutionary.

The admissibility of documents said to contain this information would have to be decided by himself, the magistrate, Mr M J Prins, said.

In the early stages of examination, Mr S Kentridge observed that the bump incident was not mentioned in a single one of 28 affidavits made by doctors and policemen on the incident and its aftermath.

The policeman who reported the struggle in a police occurrence book, however, mentioned the bump and two superficial injuries suffered by Mr Biko to his lip and chest in his reports.

Major Snyman said the struggle with Mr Biko was reported the following day at Entry No 640 in the occurrence book at the Ficks Street Police Station.

**Not necessary**

The report said Mr Biko had become aggressive and went berserk, threw a chair at Major Snyman and charged at him and other members of the interrogation team with a balled fist.

During the struggle, the report said, Mr Biko fell with his head against a wall of the office and also damaged his lip and suffered injury to his body.

Asked by Mr Kentridge what the nature of this injury was, he described it as a scrape on his chin.

Asked further what part of his head hit the wall, Major Snyman replied, "the back."

Earlier a Security Police major had said Mr Biko had been placed in leg irons and chained to a grille because he was aggressive.

Major Snyman read extracts from police stand...
Police

From page 1

ing orders on when a prisoner can be put in leg irons.

Mr. Kentridge, appearing for the Biko family, de-

claimed that Mr. Snyman produce all the standing orders and not just the extracts.

The advocate hoped the standing orders would be produced from police headquarters during the day.

The court heard that on the evening of September 6, Mr. Biko was the only detainee at Port Elizabeth Security Police headquarters in the Salmam Building.

Major Snyman said he did not report to the head of a three-man squad which took over the interrogation of Mr. Biko from him. "It was not necessary," he said.

But he gave orders that Mr. Biko be allowed to rest.

Mr. Kentridge asked if the order was not given, would Mr. Biko have been interrogated further. The major replied he would have been allowed to rest.

Mr. Kentridge: Are you now saying that these three men, a lieutenant, and two warrant officers, came in simply to watch Biko?

Major Snyman: Yes, Mr. Kentridge: To watch a man in leg irons chained to a grill.

Major Snyman said Steve Biko was chained because the impression had been gained that he was aggressive.

He had evidence that Biko was an aggressive man. It was necessary to apply the security measures.

Mr. Kentridge applied to the magistrate early during the proceedings that the hearing be moved to another court because of the poor acoustics.

He made the application after telling Major Snyman: "I don't hear you. Please speak up. Pretend you are speaking to Biko."

The magistrate said he could not expect witnesses to "scream" and "suggested that the adjective move closer to the bench."

"At this stage, we will have to make use of the facilities at our disposal," Mr. Prins said.

These measures had been ordered by his commanding officer, Colonel Geosen.

Major Snyman denied having earlier admitted to Mr. Kentridge that the man watching Steven Biko had been a night-interrogation team.

turned to the question of why Mr. Biko was kept in the X Security Police offices in the Salmam Building, in leg irons, rather than being transferred to Walker Police Station for a good night's sleep.

"What was the man in leg irons? Major Snyman replied: "On his back!"

Major Snyman said Mr. Biko was kept in the Salmam Building overnight because he was important, that the interrogation was to start again the next morning, and that the Walker Police Station was some distance away.

Also, there was the danger of information leaking out, a problem which had been experienced, and the information Mr. Biko possessed was all the primary reasons he was held.

Asked if Mr. Biko could not be held in the safety of a police cell, with a guard outside to ensure no leaks, Major Snyman said he did not have sufficient men for that.

What was it Major Snyman did want to leak out if Mr. Biko went back to the cells, Mr. Kentridge asked.

The major said there were "hatfields" who came during the night and communicated with people in the police cells.

Mr. Kentridge submitted that the plan had been to hold that the way Biko was treated in the Salmam Building was not acceptable.

Mr. Kentridge: "I propose to show that you took every step to make sure that after being in your hands, he was seen by nobody else."

Mr. Kentridge asked Major Snyman why Mr. Biko was asked on the morning of September 7 whether he had any complaints.

COMPLAINTS

"Are you sensitive to complaints that the Security Police allegedly as a result of Section 6 detention?" Mr. Kentridge asked.

"It's a duty of the senior officer to take detaineess and questions about complaints, the major answered.

Major Snyman said Mr. Biko was "intelligently" that morning after police had confronted him with specific evidence.

Said the major: "We got information from his own friends in Klag William's Town where pamphlets were being printed."

Major Snyman accused Mr. Biko of printing these pamphlets, which he advocated acts of arson.

Mr. Kentridge said the major was trying to convict a dead man, a man who could not be convicted when he was alive.

"You have assassinated him after death in order to try to protect yourself. What is on earth has your intention to do with my question about what happened on the morning of September 7?"

DOCTOR CALLED

Major Snyman said the reason why a doctor was called after the struggle in the Security Police office was that there was a fear that Mr. Biko might suffer a fit.

Major Snyman said Mr. Biko was beside himself, and so strong that it took five men to control him and shake him back, although initially two men were able to hold him down.

At Mr. Kentridge's request, the doctor's name will be shown to the court.

Major Snyman said he was aware of another occasion, during a previous detention, when Mr. Biko had turned aggressive and had been controlled by two men.

After the five men had applied the handcuffs and leg irons to Mr. Biko, Major Snyman continued, he struggled against the shackles with a vivid expression in his eyes and incoherent and slurred speech.

Colonel Geosen was called, and worried that Mr. Biko might suffer from a fit. He summoned a doctor.

Major Snyman said he thought Biko had received a bruise on his upper lip during the scuffle at Salmam Building.

Col. Geosen told him the doctor had certified that there was nothing wrong with Biko apart from his bruised lip.

Major Snyman reported to his team that interrogation could continue, but Biko's only reaction to questions was to mutter.

Mr. Kentridge: He was obviously not in a normal state.

MAJOR SNYMAN: I thought it was still in that state and that he did not react and said my team should leave him so that he could calm down.

Mr. Kentridge: Are you seriously telling us that you thought Mr. Biko was just in a bad mood?

Even at that stage, it was clear they would get nothing out of Biko, Mr. Kentridge said. Why had they not gone back to the comparative comfort of Walker Police Station?

MAJOR SNYMAN: The doctor said there was and we wanted to continue with our interrogation.

On the morning of September 8, Major Snyman said, he received a report from the head of the night team that Biko had slept soundly and that at one stage he had asked Biko some questions.

Later, the head of the night team noticed that Mr. Biko was talking in a strange fashion.

Major Snyman said he had noticed that Biko had been urged to make a statement during the night.

BOOK ENTRY

The court heard Major Snyman made an entry in a police occurrence book only a day after the chair-throwing incident on September 8.

Earlier, Major Snyman, reading from police standing orders said that any incident during which police used force had to be recorded in the occurrence book as soon as possible.

Major Snyman said that he listed the incident at Bankenvoort Police Station. Port Elizabeth, after he heard a doctor's call to see Mr. Biko on September 8.

Asked Mr. Kentridge: Have you this most unusual event during which it took five men to control a person and did you not think an entry in the occurrence book was called for right away?

Major Snyman said the entry was delayed because he was not worried about Mr. Biko's state of health after the scuffle. The entry was made because Mr. Biko was "stubbornly" refusing to answer questions.

Mr. Kentridge recalled that three doctors had, stroked them, made 12 affidavits on the case and sat together with police affidavits there was a total of 25, none of which
Security major
Gruebling time

Business changes his story
made mention of the fact that Mr. Biko had fallen with his head against the wall.

Asked why he had not mentioned this incident in his affidavits, Major Snyman said he did not think it necessary, since he had put it into the occurrence book.

 Asked whether he had mentioned this incident to General Kleinhaus, who was sent to investigate the death, Major Snyman said his interrogation team had demonstrated to him how Mr. Biko had fallen during the struggle.

Mr. Kendrige said General Kleinhaus had taken a number of affidavits which did not mention the bump. He would testify before the inquest court later.

Mr. Kendrige submitted that photographs had been taken of various things pointed out by the estray or warders, such as where Biko was lying and unidentified marks on the walls of the cells at Warden. One thing never pointed out was where Biko had knocked his head against the wall during the struggle at the Samson Building.

NOT ASKED

Major Snyman said, he was not asked to point out this particular spot.

Mr. Kendrige submitted that if he had mentioned it to General Kleinhaus, the first time he would have asked to be pointed out would have been this spot.

Mr. Kendrige: I suggest what really happened was that you did not think Mr. Biko would die. Your worry when you made the entry was that he would recover, would appear in court and would say that he had been assaulted.

You made this entry to protect yourself if the occasion arose.

Major Snyman: No, I was never worried that he would have said something in court or alleged that he had been assaulted.

After making this entry, Major Snyman said, he was told to go on with other duties by Colonel Scoon.

Mr. Kendrige asked whether it would not have been the proper thing to invite a magistrate to look at Biko. Major Snyman said it was not felt to be necessary.

Mr. Kendrige: Were you going to charge Biko with assault?

Major Snyman: No, there were serious charges to be brought against him.

Mr. Kendrige pointed out that the Security Police had even charged Steven Biko for not stopping at a stop street.

Shortly before the morning adjournment, Major Snyman changed his statement that Mr. Biko had hit his head against a wall.

The retraction came when he was asked by Mr. Prins about the incident. "It's possible he did not bump his head," the major said.

Said Mr. Kendrige: "I don't think there is any value in your statements. You said in the occurrence book he fell against the wall, and you so graphically demonstrated that to this court.

Mr. Kendrige then asked whether he knew anything about a stab above Mr. Biko's left eye. "It's from an injury that must have happened while he was in custody."

Major Snyman: I know nothing about it. It's a possibility it happened after he left our custody.

After the tea break, Major Snyman was asked to exhibit his interrogation team to the court. Which he did. They were himself, Captain D P Siebert, Warrant Officer R Marx, Warrant Officer J B Biko and Staff Sergeant C J Niemandt.

Counsel representing the police involved in the case, Mr. P R van Rooyen, SC, then started cross examination of Major Snyman.

In response to his questions, Major Snyman said he had been engaged in general security work, including interrogation for 10 years.

112-PAGE STATEMENT

- He was actually a member of the section dealing with coloureds and Asians, but because of the very difficult time experienced since the 1976 unrest, he was asked to interrogate Mr. Biko.

In his Security Police work, he had not had any charges of assault made against him, he said, and there were strict regulations forbidding assault. Any such allegations were always investigated.

Mr. Van Rooyen recalled Mr. Kendrige's questions about how Major Snyman had managed on September 6, to get an unwilling witness to make admissions, asked him how he did it.

Major Snyman said he started with a general discussion with Mr. Biko on his activities since his student days. In this, he had been aided by a 112-page statement made by Mr. Biko during his previous detention.

The discussion had been general in nature, to gain his confidence.

Major Snyman said he later told Biko that details had been obtained about why he went to Cape Town. "I went to Cape Town to get away from my domestic troubles," Biko allegedly replied.

He added that his domestic matters had nothing to do with the interrogation team.

PAMPHLET

Biko said he went to Cape Town with Mr. Peter Jones to visit friends. He added that he wanted to do something about a brochure in the BPC ranks in Cape Town.

Major Snyman agreed that with the help of information about the editorship of "August 18, Commemoration Day", a pamphlet distributed in Port Elizabeth, he wanted to push Biko, confront him and obtain an admission.

The eyes of the world are on the Old Synagogue in Pretoria where the Biko inquest began yesterday. Pressmen and television crews from all major networks have packed the building to record the evidence. Artist ABE BERRY visited the courtroom yesterday to capture some of the drama of the proceedings. These are his impressions.

Mr. Kendrige said originally, when his instructing attorney asked him to accept the document, he told him it would not be released until enough could be produced as to its relevance.

Yesterday, Mr. Prins, presiding magistrate, allowed the family's representatives to examine the document. Mr. Kendrige said it would appear it had no relevance to the case.

Opposing the major convinces the court that Biko was the author of this subversion report. Surely it will not then be argued that if a man writes a pamphlet one is free to kill him.

Mr. Kendrige added that there had been efforts in high quarters to find Biko guilty "post mortem" but he did not think that Mr. Prins would permit that to be said of the thing.

REVOLUTIONARY MOVEMENT

Major Snyman claimed Mr. Biko was involved in efforts to set up a revolutionary movement in South Africa.

He made the claim while being questioned by Mr. Van Rooyen, appearing for the police.

The United Revolutionary Movement was to be connected with the BPC and two banned organizations, the African National Congress and the Pan African Congress, he said. It was to have a wing in the country and another abroad.

Major Snyman said he received information that Mr. Biko visited Cape Town not only to have a rift in the BPC, but to help form the front. He also had information Mr. Biko was planning to travel to Africa.
Mr Sydney Kentridge, SC, who is heading the team representing the Biko family at the inquest.

Mr Kentridge, for the family, iterated to say that the documents in possession of counsel, but not yet before the court, could not have existed on the day in question, and he said the claims that they had been laid before Mr Biko was a smear, prepared after Mr Biko's death.

The cause of Mr Steve Biko's death was a head injury, according to the post-mortem report by the chief State pathologist, Professor J D Loubser. There was extensive brain injury of the centre-occipital type and an abrasion on the left temple.

Yesterday, it was incorrectly reported in The Star that Professor Loubser's report, which was made available at the inquest into Mr Biko's death at the Old Synagogue in Pretoria, contained no conclusions nor speculation about the cause of death.

In fact, Prof Loubser's report said death could have occurred about 12 hours before he began his investigation and that the cause of death was a head injury.

Because of the nature and extent of the brain injury, centralisation of the blood circulation had taken place to such a degree that it was complicated by disseminated intravascular coagulation, as well as acute kidney failure and uraemia.

Correction: Biko died of head injury

Pretria Bureau
Families who wait

Husband 'accepts his detention'

Mrs Thembi Ramokgopa, (34), whose husband, Sedupe, has been in detention for 26 days, accepts his plight as 'part of the black man's hardship in his fight for freedom.'

Mr Ramokgopa, who holds a master's degree in physics, was a member of the Soweto Committee of Ten at the time of his detention. He was also branch executive member of the Black Community Programme (BCP) for the Transvaal.

Before he joined the Black Consciousness movement, he was employed as an assistant engineer by an American computer company.

His wife said he decided to leave his job because he felt he could serve his community better by joining the Black Consciousness movement.

"When he started working for BCP, he was fully aware that he could be detained, but he decided this was the right course to take," she said.

Mrs Ramokgopa, a mother of two children, Dineo (5), and Ilumotleng (2), said her children were pining for their father but were aware that they could not see him in prison.

She had visited her husband more than once but the children are not allowed to see him "because only children over 16 years of age and those under two years are allowed to see those held under the Internal Security Act," she said.

"He was especially happy about his chess set which I brought him. He is a very keen player."

Mrs Ramokgopa added, "Our country, as a new venture, needs suggestions."

Her son, Sedupe, 15, added, "I want to play in simple Latin, and with your name in it everywhere."

You must make a decision to return to work and to continue to help the blacks, Mrs Ramokgopa warns for the better of all.

Before the halt of this cooperation, see the attached sheet.

The Teachers' Centre at Station Road, Kempton Park, will be held on Monday, 9th February, 1978 at 7.30 p.m.

This letter is to give you a preview of some of the meetings planned for 1978.

WESTERN CAPE BRANCH
CLASSICAL ASSOCIATION OF SOUTH AFRICA
Winnie Kgware stages lone protest in court

Staff Reporter

A FORMER leader of a recently banned black organisation staged a mini-demo in Pretoria's Old Synagogue just before the start of yesterday's Biko inquest hearing.

Nearly 50 foreign correspondents and TV journalists looked on as Mrs Winnie Kgware, first president of the Black People's Convention (BPC), walked through the packed courtroom brandishing a wreath and a picture of Mr Steve Biko.

Then she began chanting the freedom song "Senzal Na!" (What have we done?)

Friends sitting with the Biko family responded by raising their clenched fists and shouting "Amandla!" ("Power!")

At the tea break, Mrs Kgware — who is the former wife of the rector of the University of the North, Professor William Kgware — they divorced in 1975 — stood at the main entrance of the court and led a large crowd of blacks in song.

When the hearing resumed she was told by a white policeman that she would not be allowed to take the wreath back into the courtroom.

The spectator area was dominated by the Press and television. Cameramen used the bench before proceedings started as a vantage point from which to photograph the advocates, policemen and any possible celebrity in the crowd.

Reporters commandeered the first two rows of seats and the long witness box which was built for the Rivonia Treason Trial. They stood around the walls and squatted on the floor.

When a court orderly switched on a fan during the steamy afternoon, he was forced to turn it off at once. The noise, reporters said, was drowning out the evidence.

Mr M J Prins, the presiding magistrate, at the inquest in mourning black. With her were Mr Biko's mother, Mrs Alice Biko, his elder brother, Kaya, and his sister, Mrs Nobanile Mvou.

Another spectator was Mrs Wendy Woods, wife of the banned editor of the East London Daily Dispatch, Mr Donald Woods, who was a personal friend of Mr Biko.

"I only decided to come at the last minute," said Mrs Woods. "I want to take back a full account of the proceedings for Donald."
The courtroom shortly before the hearing started. In front are two rows of local and overseas journalists. Later the presiding Mr. Prins said no further photographs may be taken in court.
Mr. Biko’s mother, Mrs Alice Biko, pointing, with a friend beside her.
ATTACK ON BIKO LAUNCH HANDCUFFS AND LEG IRONS USED IN SECURITY OFFICE
S2. WILD OFFICER

blankets. He was handcuffed and put in legirons attached to the grille at the foot of the m ats which gave him suf ficient room to move. 
He was isolated at 7 a.m. on September 9th. The handcuffs and legirons were removed and he was offered a chair to sit on. He ate and then again refused food or water.

Aggressive

"It was again very clear to me that Steve Biko was again taking on totally aggressive attitude and he would not react at all to any questions," Major Snyman testified.

Suddenly Steve Biko jumped up from his chair with a wild look in his eyes. He threw the chair at me where I was standing near the door.

"The door was closed. The attendants were exc ited. I jumped out of the way and the chair just mis sed me.

"Then, with clenched fists, Steve Biko charged at Warrant Officer Bereke who was standing to my right. There was a table between me and Warrant Officer Bereke.

Steve Biko bit at Warrant Officer Bereke and in the process pinned Warrant Officer Bereke against a steel cabinet. 
"Captain Siebert and I ran to help Warrant Offic er Bereke to grab Steve Biko who was apparently beside himself with anger.

"In the process we knocked against the tables in the office.

Control

"While we wrestled with Steve Biko to bring him under control the following members, namely Warrant Officer Marx and Staff Sergeant Ntshabe who were in an adjacent office, came into the interrogation office and helped to overcome Steve Biko and to pin him to the floor. Handcuffs and legirons were put on him.

"The wrestling lasted several minutes but I cannot say precisely how long. The struggle was in a confined space and as a result we knocked against tables and the wall.

"After Steve Biko was handcuffed and the legirons were locked around him, the grille, I could see that Steve Biko had not calmed down. He yelled and turned at the that a medical certificate to this effect had been given to Colonel Coosen.

"When I noted on September 8, 1977, that Steve Biko still obstinately refused to react to questions after I thought it desirable to make an incident book entry about the incident on September 7th."

"Major Snyman said he knew Colonel Coosen had called Dr. Lang again on September 8th. He heard that Mr. Biko was transported to the Port Elizabeth prison hospital on September 8th and was present when Captain Siebert and other policemen left Walmer Police Station to take Mr. Biko to Pretoria. He heard on September 13th that Mr. Biko had died in Pretoria.

Reasonable

"The degree of force used on Steve Biko on September 7, 1977, to bring him under control was reasonable only as much as was needed to pin him to the floor and handcuff him.

Under cross-examination by Mr. S.W. Kenridge, SC, for Biko's family, Major Snyman said legirons had been put on detainees for two or three years after attempted suicides.

Mr. Kenridge asked what right Major Snyman had to carry the iron on the night of September 6th when Mr. Biko had shown signs of violence until the morning of September 7th. Major Snyman said it was done to avoid an escape.

Major Snyman said Mr. Biko had slept naked at the Walmer Police cells because of fear that he would commit suicide.

Mr. Kenridge: Even with a pair of underpants?

Major Snyman: It is possible.

Biko's 'fatal injury'

PRETORIA — Black activist Mr. Steve Biko died as a result of a brain injury, according to the autopsy report by the chief State pathologist, Dr. D. Loubser.

A copy of the report was made available at the request into Mr. Biko's death here yesterday.

The report said there was extensive brain injury of the centrotemporal type and an abrasion on the left forehead.

As a result of the nature and extent of the brain injury centralisation of the blood circulation had taken place to such a degree that it was complicated by disseminated intravascular blood coagulation as well as acute kidney failure.

There were slight injuries to the left chest wall and possibly also to the anterior abdominal wall.

Other injuries consisted of numerous but superficial skin abrasions between 12 hours and eight days old.

Dr. Loubser said in his report that death could have occurred in the region of 12 hours after investigation and that the cause of death was a head injury. — (Sapa.)
Swelling

"The latter still had a wild expression in his eyes and I noted he had a noticeable swelling on his upper lip. He also spoke incoherently and with a lisp."

Col. Goosen then tried immediately to get in touch with one of the district surgeons by telephone. In the meantime Mr. Biko did not react to questions and the wild expression in his eyes was clearly noticeable.

A district surgeon, Dr. Lang, arrived about 9:30 a.m. and examined Mr. Biko. After this Major Snyman said he and his investigation team again tried to communicate with Mr. Biko.

"He would not react at all to my questions. I ordered that he be allowed to rest on his sleeping mat and that he be covered with a blanket. He was still handcuffed and the leg-irons were attached to the grille. He was repeatedly offered water but refused.

"Major Snyman said he went off duty at 6 p.m. and when he returned at 7 a.m. the next day Mr. Biko was still lying on the mat.

Untouched

"He was awake. He would not react at all to my questions. I noted that cartons of milk and a meat pica stood untouched on a cabinet in the office."

"There was no question of continuing the interrogations as I could elicit no reaction from Steve Biko."

Major Snyman said he was aware that Dr. Lang could find nothing physically wrong with Mr. Biko and
PRETORIA — The Minister of Police, Mr. Jimmy Kruger, had made statements which conflicted with the evidence of police officers concerning the death of Mr. Steve Biko, counsel for Mr. Biko’s family told the inquest into Mr. Biko’s death yesterday.

At the end of the first day of the inquest Mr. G. W. Kentridge SC introduced a bulky file containing statements made by Mr. Kruger.

Mr. Kentridge said ‘in cross-examining a Security Police officer about the period Mr. Biko was in detention that Mr. Kruger had made a large number of statements.

“The relevant thing is that the Minister has said a number of things that are in serious conflict with the evidence that appears the affidavits police officers have filed,” he told the court.

It was therefore important to test the credibility of certain police officers.

“If these affidavits are correct then the statements of the Minister cannot be correct.

“We cannot say if they are correct but it will be for certain of the police officers to explain the discrepancy,” Mr. Kentridge said.

Mr. Kentridge said the affidavits he had collected were transcripts and tape recordings of Press interviews with Mr. Kruger.

“If there are doubts as to their veracity I assume we will be able to clear up or deny them.”

Unfortunately in absent.

### BIKE INQUEST HEARING

Mr. P. R. van Rooyen, representing all policemen involved in the case, said he would look at Mr. Kentridge’s affidavits as he might wish to argue today about their acceptability.

“Mr. Kentridge is appearing on behalf of Mr. Biko’s widow, Mrs. Ntsiki Biko, and Mr. Biko’s mother, Mrs. Alice Biko.”

Our Pretoria correspondent reports that a former leader of one of the recently-banned Black organisations staged a mini-demo in Pretoria’s Old Synagogue just before the start of yesterday’s inquest hearing.

Nearly 50 foreign correspondents and TV journalists looked on agape as Mrs. Winnie Kgware, first president of the Black People’s Convention (BPC), walked through the packed courtroom brandishing a wreath and a picture of Steve Biko.

Then she began chanting the freedom song “Senzeni Na?” (“What have we done?”)

Friends sitting with the Biko family responded by raising their clenched fists and shouting “Amandla!”, (“Power”!

At the tea break, Mrs. Kgware stood at the main entrance of the court and led a large group of Blacks in song.

Another spectator was Mrs. Wendy Woods, wife of the banned editor of the East London Daily Dispatch, Mr. Donald Woods, who was a personal friend of Mr. Biko.

* See also Page 9.
Statement on Biko bump is changed

The Argus Correspondent

PRETORIA. — A Security Police witness who earlier said that Mr. Steve Biko had bumped his head against the wall during a struggle, later said it was possible that this had not occurred.

The witness before the inquest court in Pretoria today was Major Harold Snyman of the Security Police, Port Elizabeth.

He told the court early today that Mr. Biko had bumped his head against a wall after he had suddenly gone berserk and attacked his interrogators.

It took five men to wrestle him to the ground and shackel him, during which the alleged bump against the wall took place.

After more than two hours of interrogation by Mr. Sidney Kentridge, for the Biko family, he said it was possible that Mr. Biko's head might not have bumped the wall.

Major Snyman said the reason for Mr. Biko's sudden eruption was that he was suddenly confronted with information which would destroy his public image as a man of peace and show him up as a revolutionary.

The admixture of documents said to contain this information would have to be decided by himself, the magistrate, Mr. M.J. Prins said.

Earlier, Major Snyman told the court that Mr. Biko was placed in leg irons and chained to a grille because the impression was gained that he was aggressive.

Major Harold Snyman read extracts from police standing orders on when a prisoner can be put in leg irons.

Mr. Kentridge, appearing for the Biko family, demanded that Major Snyman produce all the standing orders and not just the extracts.

He hoped the standing orders would be produced from police headquarters during the day.

Interrogated

The court heard that on the evening of September 6 Mr. Biko was the only detainee at the Port Elizabeth Security Police headquarters in the Samlum Building.

Major Snyman said he did not report to the head of a three-man squad which took over the interrogation of Mr. Biko from him. "It was not necessary.

But he gave orders Mr. Biko be allowed to rest.

Mr. Kentridge asked that if the order was not given, would Mr. Biko have been interrogated further. The (Continued on Page)
Biko aggressive—witness

(Continued from Page 1)

major replied he would be allowed to report. Mr. K. N. D. Ntsele, Maj. N. S. N. Nkomo and two warrant officers, was present when Major Biko was visitors.

Major Ntsele was a member of the security measures.

They had been ordered by his commanding officer, Colonel Gocsen.

Acoustics

Major Ntsele denied having earlier admitted to Mr. Kertigeld that the men watching Mr. Biko had been instructed by the Infor-

mation group. Mr. Kertigeld applied to the magistrate earlier during the trial that the hearing be moved to another court because of the poor acoustics.

He made the application after allegedly telling the magis-

trate: 'I can’t hear you. Please speak louder. I am sure you are speaking to Biko.'

The magistrate said he could not expect witnesses to shout and suggested the accused be brought closer to the bench.

"At this stage we will have to use the microphone DISP in our disposal," Mr. Prins said.

Kept overnight

Mr. Kertigeld then turned to the question of why Mr. Biko was kept overnight in the Security Police offices in the Pretoria Central Station. Mr. Prins replied that the night was "a good night’s sleep."

He asked how a man could remain in the cells, Major Ntsele replied: On his back.

Mrs. Wendy Wood, acting managing editor of the Daily Dispatch, Mr. Donald Wood, was among the group that attended the Biko inquest at the Old Synagogue in Pretoria today.

Major Ntsele said the reason why Mr. Biko was kept in the Sanlam Building overnight was that he was important, that the interrogation was to start again the next morning, and that the Walmer police station was some distance away.

Also, there was the danger of information being leaked, a problem which had been experienced with Mr. Biko's previous visit to the police. "Mr. Biko posed a number of the primary reasons he was being held," asked whether Mr. Biko would be held in the safety of a police cell, with a guard outside to ensure no leaks, Maj. S. N. Nkomo said he did not have any further questions.

What was it Major Ntsele did not want to let out if Mr. Biko went free? It was not made clear that after being in the cells, Mr. Kertigeld asked.

Lقوفس

The major said there were witnesses who came during the night and communicated with people in the police office. "I propose that you look at that letter yourself and see who it was before we enter the court room to the letter of the Biko petition to the Inspector General of the Police in Pretoria today.

Major Ntsele said the question of whether Mr. Biko was asked on the morning of September 5th is not a question to 

whether he had any complaints. Are you serious about complaints that the Security Police, as set out in this section, is not a question to be asked.

"It’s a duty of the senior officer to see that details of a case are kept confidential," he said.

Major Ntsele said Mr. Biko acted intelligently when he confronted him with specific details of the case.

The major said: We set information from his own friends in his own words. No police officer confronted him with specific details of the case.

Major Ntsele accused Mr. Biko of printing these letters, which were "confiscated from him after an imbroglio in the Public Order." 

Mr. Kertigeld said the question was trying to con-

vince a dead man, a man was aware of evidence that Mr. Biko was accused of murder.

You have never harmed this, only to try and protect yourself. What on earth has your purpose to do with my question about your reason for coming here on the morning of September 5th."

Doctor called

Major Ntsele said the reason a doctor was called to the style in the Security Police of-

fice was that there was a fear that Mr. Biko might commit suicide.

Major Ntsele said Mr. Biko was beside himself, that some of the five men to control him were there for over 24 hours, whether initially two men were a small number or not.

Mr. Kertigeld’s request, the forensic team will be shown to the court.

Major Ntsele said he was present during the previous detention when Mr. Biko was injured and been controlled by two book was cold for right away.

Entry delayed

Major Ntsele said the entry was delayed because Mr. Biko’s state of health was not known. The inquest was made because Mr. Prins was not able to answer questions.

Major Ntsele told the court, the struggle that the inquest was held on the following day as there was no inquest at all. The report stated that Mr. Biko had been admitted to hospital.

The report stated that Mr. Biko had been admitted to hospital on the following day as there was no inquest at all. The report stated that Mr. Biko had been admitted to hospital on the following day.

A struggle

During the struggle, the report said, Mr. Biko fell under a goal of a wall and was stabbed in the back. It was claimed that Mr. Biko had been admitted to hospital on the following day.

Major Ntsele said: Are you seriously telling me that Mr. Biko passed away in a bad mood, and that they clearly would get nothing out of Mr. Biko, that they would not be able to take Mr. Biko, it is not fair to us.

The doctor said that when Mr. Biko was taken to the hospital, he had not been able to confirm his identity. Major Ntsele said he was admitted to hospital on the following day.

On the morning of September 5th, Major Ntsele received a report from the police that Mr. Biko had been admitted to hospital. The doctor said that Mr. Biko had been admitted to hospital on the following day.

Major Ntsele said he expected that Mr. Biko had been admitted to hospital on the following day.

And we wanted to continue with our investigations.

Affidavits

Major Ntsele recalled that police officers had been called to the scene and that together with police affidavits there was a total of 28, none of which mentioned the fact that Mr. Biko had been found with his head against the wall.

Asking why he had not asked for these affidavits, Major Ntsele said he did not know when these affidavits were normal to be done on.

Asking whether Mr. Biko was found with his head against the wall, Major Ntsele denied that police affidavits had been taken.

Asking whether he had been told that police affidavits had been taken to the inquest, Major Ntsele said he did not know when these affidavits were normal to be done on.

Asking whether he had been told that police affidavits had been taken to the inquest, Major Ntsele said he did not know when these affidavits were normal to be done on.

(Continued on Page 3)
Major tells court

(Continued from Page 4)

identified marks on the walls of the cells at Wal-
mer, but one thing never
pointed out was where Mr
Biko had knocked his head
against the wall during the
struggle at the Sanlam build-
ing.

Major Smyan said he
was not asked to point out
this restrictive spot.

Mr Kenedite submitted
that he had mentioned it
to General Kielinas the
first thing he would have
asked to be pointed out
would have been this spot.

Mr Kenedite: I suggest
what really happened was
that you did not think Mr
Biko would die. Your worry
when you made the entry
was to graphically recon-
struct, what would appear in
court and what would be that
he had been assaulted. You made
this entry to protect yourself
if the occasion arose.

Never worried

Major Smyan: No, I was
never worried that he
would do. He said something
in court or alleged that he
had been assaulted.

After making this entry,
Major Smyan said, he
was told to go on with
other duties by Colonel
Gossen.

Mr Kenedite asked
whether it would not have
been the proper thing to
invite a magistrate to
look at Mr Biko. Major Smyan
said it was not felt to be
necessary.

Mr Kenedite: W e r e
you going to charge Biko
with assault?

Major Smyan: No, there
were serious charges to
be brought against him.

Mr Kenedite pointed
out that the Special
Police had even charged
Mr Biko for not stopping at
a stop street.

Changed statement

Shortly before the morn-
ing, de Klerk, Majors
Smyan changed his state-
ment that Mr Biko had hit
his head against a wall.
The retraction came
unexpectedly by Mr Prins
about the incident. It’s
possible he did not bump
his head, the major said.

Mr Kenedite: I don’t
think there is any value
in your statements. You
said in the occurrence book
he fell against the wall, and
you graphically de-
scribed that to court.

Mr Smyan then asked
whether he knew anything
about a scab above Mr
Biko’s left eye. “It’s from
an injury that must have
happened when he was in
custody,” the major said.

Major Smyan: I know
nothing about it. It’s a
possibility it happened
after he left our custody.

Mr Smyan was as-
ked to exhibit his interro-
tation sheet to the court,
which he did. They were
himself, Captain D P
Smit, Warrant Officer N
Marz, Warrant Officer J O
Groning and Staff-
Sergeant J G Niehaus.

The council represen-
ted by the police involved
in the case, Mr P R
Van Rooyen, SC then started
to cross examine Major

In response to his ques-
tions, Major Smyan said he
had been engaged in
general security work, in-
cluding interrogation for
10 years. He was actually
a member of the section
dealing with coloured people
and Asians, but because of the very dif-
cult time he had experienced
since the 1976 unrest, he was
asked to interrogate
Mr Biko.

In his Security Police
work, he did not have any
charges of assault made
against him, he said, and
there were strict regula-
tions forbidding assault.
Any allegations were
always investigated.

Mr van Rooyen recalled
Mr Kenedite’s questions
about how Major Smyan
had managed on Sep-
tember 6 to get an unwit-
ting witness to make ad-
missions. He asked him
how he did it.

Major Smyan said he
started with a general dis-
cussion with Mr Biko on
his activities since his
student days. In this he
had been aided by a 112
page statement made by
Mr Biko during his previ-
sous detention.
The discussion had
been general in nature, to gain
his confidence.

Cape Town visit

Major Smyan said he
later told Mr Biko that
details had been obtained
as to why he went to
Cape Town.

“I went to Cape Town to
get away from my domes-
tic troubles,” Mr Biko si-
lidely replied.

He added that his
domestic matters had
nothing to do with the
interrogation team.

Mr Biko said he went to
Cape Town with Mr Peter
Jerse to visit friends. He
added he wanted to do
something about a breach
in the BPC banks in Cape
Town.

Major Smyan agreed
that with the help of in-
formation about the edi-
tors of “August 18 con-
memoration” Day a
pamphlet distributed in
Port Elizabeth, he wanted
to push Mr Biko, confront
him and obtain an admis-
sion.

Mr Kenedite commen-
ted concerning a certain
document in this matter
that originally when his
instructing attorney asked
to see the document, it
was told it would not be
released until reasons
could be produced as to
its relevance.

Yesterday Mr Prins, pre-
siding magistrate, allowed
the family’s representa-
tives to examine the docu-
ment. Mr Kenedite said
it would appear it had no
relevance to the case.

Suspending the major
convinces the court that
Biko was the author of
this subversive pamphlet
surely it will not then be
argued that a man writes
subversive pamphlets he
is free to kill him.

Mr Kenedite added
that there had been ef-
forts in high quarters to
find Mr Biko guilty ‘post
mortem” but he did not
think that Mr Prins would
be party to that sort of

THE Chief Magistrate
of Pretoria, Mr M J
Prins, arrives at the
Old Synagogue in
Pretoria on September
6 hearing the inquest
into the death of Mr
Steve Biko.

Major Smyan claimed
Biko was involved in
efforts to set up a revolu-
tionary movement in
South Africa.

He made the claim
while being questioned by
Mr van Rooyen, appearing
for the police.

The United Revolu-
tionary Movement was to
be connected with the BPC
and two banned organisa-
tions, the African Natio-
nal Congress and the Pan
African Congress, he said.

It was to have a wing in
the country and another
abroad.

Major Smyan said he
received information that
the members of the Cape
Town not only to bully a
postman, but also to help
to fort the front. He
also had information that
Mr Biko was planning to
leave South Africa to
establish the organisation
abroad.

Aim of the body, Major
Smyan alleged was to
perform acts of terrorism
in South Africa as well as
to recruit people to un-
dergo terrorist training
overseas.

Talks had already been
held with Mr Robert
Bhekuzile, the banned former
leader of the PAC, about
the organisation.

‘Revolutionary’

Major Smyan said that
when he presented infor-
mation about the organisa-
tion to Mr Biko on the
morning of September 7
he was attacked.

He feels the informa-
tion prompted the attack
during which Mr Biko
might have hit his head.

There were gaols and
jed whistles from the pub-
lc gallery when Major
Counsel query on Kruger words

THE Minister of Police, Mr J P Kruger, had made statements which conflicted with the evidence of Mr Biko, who was in detention. The statements of Mr Biko, counsel for Mr Biko, had been in conflict. Mr Kruger had made a large number of statements.

"The relevant thing is that the Minister has said a number of things that are in conflict with the evidence that appears in the affidavits of police officers."

Mr Krugski said he was unable to confirm or deny the Minister's statements. He also refused to test the credibility of certain police officers. Mr Krugski said he could not comment on the affidavits of police officers. He said he could not confirm or deny the Minister's statements.

Mr Krugski said that the affidavits of police officers were not correct, and that the statements of the Minister cannot be confirmed.

"We cannot say if they are correct or false, but it is for certain of the police officers to explain the discrepancies," he said.

Mr Krugski also said that the affidavits were not correct, and that the statements of the Minister could not be confirmed.

"We cannot say if they are correct or false, but it is for certain of the police officers to explain the discrepancies," he said.
The door was ajar, and his eyes were glazed.
Mr Biko had been stoned in his cell and had been detained under the Terrorism Act, Lieutenant Kuhn said. Although Mr Biko had been there for 9 days, he had not complained; he always answered in the negative.

Mr Biko's daily rations had included magua, bread, margarine, jam, and coffee. Mr Biko refused the bread and magua and the bread heaped up. Mr Biko never asked for alternative food.

On September 11 he saw in his registers that Mr Biko, who had been removed from the Walnut Police Station on September 6, had been returned.

That evening he visited cell five, where Mr Biko was kept, and he seemed to be asleep on his mat.

Later the same evening he went in again and found Mr Biko on the cement floor with his head towards the cell bars and his feet near the mats.

To get into the cell one had to go through four locked doors, Sergeant Van Vuuren said. He could not say if Mr Biko had fallen or crawled to that position.

Eyes glazed

Mr Biko was lying on his right side, looking at the door and there was froth on his mouth. His eyes were glazed.

Sergeant Van Vuuren said he tried to give Mr Biko water but he stayed in the same position.

He dragged Mr Biko to his mats, covered him with blankets, and called the security police. Major Fisher, Colonel Goosen and Dr Tuivel arrived and they removed Mr Biko from the cell.

In a second statement Sergeant Van Vuuren said he pointed out the position in which he found Mr Biko on the occasion to a police photographer.

On October 20 he gave a third statement to General Klyeians on a ronded form on which particular words were added in ink, he said. He gave a list of his visits to Mr Biko's cell at all hours of the day and night and up to six visits on one eight hour duty stretch.

He saw no injuries on Mr Biko, he said, in particular not the bruises on Mr Biko's forehead shown in the photograph. Mr Biko's skin colour was much darker than shown on the photographs. Sergeant Van Vuuren told the court.

Ignored him

In a fourth typed statement read to the court Sergeant Van Vuuren said Mr Biko never talked to him. He never answered his questions and never showed any reaction when he put his food down in the cell.

In fact, Mr Biko ignored him. He left Mr Biko's soup and magau in the cell and when it was still there at his next visit, he gave it to other prisoners.

The coffee mug was usually empty, Sergeant Van Vuuren said. He could never see if Mr Biko had eaten some of the bread. There was a small possibility that he had, he said.

When he found Mr Biko lying on the cement floor on September 11 he took him under his shirt from the back and dragged him to his sleeping mats.

continued on page 5
attitude towards members of the interrogation team. To make him feel at ease his handcuffs were removed and he was offered a chair.

In the course of the day Mr Biko was offered meat pies and milk which he refused. In addition it was strange that he did not want to make use of the toilet facilities offered, Major Snyman said.

He evaded questions concerning his activities in connection with his visit to Cape Town. Major Snyman said. He would not answer any questions directly, but as the interrogation went on he became more co-operative.

Amongst other things he said that, accompanied by Mr Peter Jones, he had gone to Cape Town to escape marital problems. Later he stated that his sole purpose in going to Cape Town was to heal a breach which had arisen in the Black People’s Convention.

In regard to pamphlet distribution in Port Elizabeth on the night of August 17, he openly admitted that he and Mr Patrick Titi, another defendant, were responsible, for the compilation of the pamphlets.

In examination, Mr Kentridge asked what methods had been used during seven-and-a-half hours of interrogation to change Mr Biko’s attitude from one of “extreme aggressiveness” to an open admission of his involve-

ment in the compilation of pamphlets and other matters.

Mr Kentridge: What method of persuasion did you use to make an unwilling witness talk to you? That morning Mr Biko denied all knowledge of a certain pamphlet and by 6pm he had admitted to drawing it up. What methods of persuasion did you use?

Major Snyman said Mr Biko had been confronted with certain evidence the security police had received, and he had admitted it.

Mr Kentridge: He first denied it and then admitted it. Why should he answer you at all? Why shouldn’t he just whistle at you? Did you make threats?

Major Snyman: No.

Mr Kentridge: Did you put physical pressure on him?

Major Snyman: No.

Mr Kentridge: How did you break him down?

Major Snyman said he had unlimited time to get the necessary information from Mr Biko, and it would not have paid the police to assault him for information.

Mr Kentridge: There was no question of a time limit, but in the course of a few hours you got him to change his denial to an admission.

Major Snyman said he told Mr Biko that he would remain in detention till he had answered the questions satisfactorily.

Mr Kentridge said Mr Biko had been in detention for 101 days.

Threat

What sort of a threat do you think it would be to him to threaten to keep him in detention unless he answered questions? Mr Kentridge asked.

Major Snyman: What can you do to a man who insists on keeping silent?

Mr Kentridge repeated his question several times, as Major Snyman outlined the subjects about which Mr Biko was interrogated.

Mr Kentridge: You are asking my questions. At the beginning you gave a denial. Later on he gave proper information. How do you get him from the first stage to the second stage?

At this stage Mr Kentridge was interrupted by Mr R van Rooyen, for the police, who said Major Snyman had answered that Mr Biko had admitted to his involve-

ment when confronted with evidence gleaned from other sources.

In his statement of the events of the following day, September 7, when the interrogation of Mr Biko was resumed, Major Snyman told of a violent struggle between his investigation team and Mr Biko.

After Mr Biko had his legs-irons and handcuffs removed and an offer of a chair, he suddenly got a wild expression in his eyes and jumped off his chair.

Major Snyman said Mr Biko threw the chair at him, Major Snyman jumped out of the way and the chair missed him narrowly.

Mr Biko then charged at another member of the interrogation team, Warrant Officer J Beneke, and lashed out wildly at him, pinning him against a steel cabinet.

Major Snyman and Captain Siebert went to Warrant Officer Beneke’s help, and tried to grappling Mr Biko, who was clearly beside himself with fury.

Leg-irons

In the process they knocked against tables in the office. Two other members of the team came to give assistance, overpowered Mr Biko and handcuffed him and put leg-irons on him.

The struggle lasted several minutes, although Major Snyman could not say exactly how long. It took place in a limited space and therefore they ‘bumped’ against tables and walls.

After Mr Biko was tied down there was no sign that he was calming down. He was fastened to the grille in the office but continued to struggle against his handcuffs and leg-irons.

“Warrant Officer Beneke told me he got a terrible bump on his right elbow,” Major Snyman said.

At 7:30 that morning Major Snyman reported the incident to Colonel Goosen. Together they visited Mr Biko in office number 819. Colonel Goosen spoke to Mr Biko, who still had a wild expression in his eyes and “I noticed that there was a visible swelling on his upper lip” for the police.

Mr Biko was talking incoherently and in a slurred man-

Turn to page 6
Counsel tells of ‘discrepancies’

STEVE BIKO INQUEST

Old Synagogue, Pretoria

was so much wrong with him as . . .

Mr Kentridge: As what?

Major Smyman replied that they had a certificate from the doctor to say there was nothing physically wrong with Mr Biko.

Major Smyman said Mr Biko had never complained of anything wrong and it was a surprise that he had died.

Mr Kentridge questioned Major Smyman on the statement made by Mr J T Kruger, Minister of Police, at the National Party congress in Pretoria after Mr Biko’s death in which Mr Kruger said Mr Biko had asked for 15 minutes to consider whether he would answer police questions before announcing he would go on a hunger strike.

Affidavit

Mr Kentridge: Major Smyman, did you give any information to the minister?

Major Smyman: I reported to my commander. He took it further.

Mr Kentridge then handed in an affidavit by a Mrs Ilona Klein Schmidt containing statements by the Minister of Police in the death in detention of Mr Biko.

Commenting on the relevance of the evidence, Mr Kentridge said: “The minister has said a number of things which are in serious conflict with the evidence that appeared from the affidavits of the police officers that have been filed.”

“Consequently this material may turn out to be of considerable importance in testing the credibility of certain of the police officers. The point is that if these affidavits are correct then certain statements made by the minister cannot be correct.

“We cannot say which are correct. It will certainly be necessary for certain police officers to explain the discrepancies.”

In another statement Major Smyman said he was informed that the post-mortem had revealed that Mr Biko died as a result of an injury which caused brain damage.

Major General Kleinheisers was conducting the investigation to find out how Mr Biko received these injuries. He was told that he did not have to make a statement.

Major Smyman made a statement that at no stage did he notice the mark on Mr Biko’s forehead, and could not state how it had arisen.

Mr Biko was never attacked by anyone while he was present, Major Smyman said in the statement dated October 20.

In examination on the fact that Mr Biko was kept naked in theWalmer police cells, Mr Kentridge asked why this was the case.

Major Smyman said he had been acting on instructions. This instruction had been given in order to prevent the recurrence of suicide in police cells.

Mr Kentridge: Are you saying and getting that a man can commit suicide with a pair of underpants?

You still let him have blankets? People have committed suicide with their blankets.

Major Smyman said they had no experience of this in the Walmer police cells.

Earlier on Mr Kentridge had asked a witness whether Mr Biko had been kept naked in order to humiliate him.

During his interrogation, Mr Biko was dressed in long trousers and a short-sleeved shirt, Major Smyman said.

Mr Kentridge asked that the leg-irons used on Mr Biko be produced.

Mr Kentridge: At no time of the morning of the 7th did Mr Biko show any sign of violence. What need was there to put him in leg-irons on the 6th? An investigation was needed.

Major Goosen replied that the leg-irons were not used.

Mr Kentridge: Could you tell how and why the leg-irons were used? I think you will have to give a better answer. Why did put him in leg-irons? Was it to break the man down or only to prevent escape?

Major Smyman: It was not to prevent escape.

He learnt that Mr Biko had died in Pretoria. The amount of violence used on Mr Steve Biko on September 7 to get him under control was reasonable and as much as was necessary to pin him down on the floor and handcuff him, Major Smyman said.

Examining him on this aspect, Mr Kentridge asked if he had heard of Mr J T Kruger’s hunger strike statement.

“I remember it,” Major Smyman answered.

Mr Kentridge: How did you feel when you heard that Mr Biko had died?

Major Smyman: I felt bad about it. He was more worth to us alive than dead.

Mr Kentridge: Is that why you were sorry?

Major Smyman: I also had sympathy with the idea.

Mr Kentridge: Were you surprised that he had died?

Major Smyman: I was surprised. We did not think there
Policemen struggled with Biko — inquest told

Own Correspondent

PRETORIA. — Mr Steve Biko was involved in a violent struggle with five security police interrogators in a Port Elizabeth security police office on September 7 — five days before he died in Pretoria on September 12.

Giving this evidence at the inquest following the death in detention of the black consciousness leader was Major Harold Snyman, the leader of a five-man security police interrogation team who began their interrogation of Mr Biko on September 6.

Major Snyman was one of three police witnesses who appeared at Pretoria’s Old Synagogue yesterday to give the first account of the events of the last days of Mr Biko’s life. The other police witnesses were Lieutenant Gert Kuhn and Sergeant Paul Kruger Janse van Vuuren.

At yesterday’s hearing the post-mortem report on Mr Biko was also revealed for the first time. This report confirmed that a head injury was the cause of Mr Biko’s death.

Telling of events only on the second day of Mr Biko’s interrogation, Major Snyman said: “Suddenly Steve Biko jumped off his chair with a wild expression in his eyes.

Clenched fists

“He threw the chair at me where I was standing near the door. I jumped out of the way and the chair missed me narrowly.”

Mr Biko then charged Warrant Officer Beneke with clenched fists and lashed at him, pinning him against a steel cabinet.

Other members of the interrogation team rushed to Warrant Officer Beneke’s assistance. In the violent struggle that followed they bumped against tables and walls.

Mr Biko, who was “clearly beside himself with fury,” was overpowered, handcuffed and fastened to a grille with leg irons.

He did not calm down but continued to struggle and a wild expression remained in his eye.

Shortly afterwards Mr Biko’s speech was slurred and incoherent and he had a visible swelling on his upper lip, Major Snyman said.

In earlier evidence the court heard how:

- Food piled up in the cell in Walmer police station in which Mr Biko lay naked under a blanket showing “no reaction.”
- Mr Biko was kept naked in his Walmer station cell “to prevent him committing suicide.”
- During a seven-and-a-half hour interrogation on September 6, Mr Biko’s attitude changed from one of “extreme aggression” to an admission that he was one of the people responsible for compiling a pamphlet, and that he had travelled to Cape Town to heal a breach that had arisen in the Black People’s Convention.
- After the violent struggle during the second interrogation on September 7, no further questioning was possible as Mr Biko refused to react.
- On September 11, the day before his death, a policeman found Mr Biko lying on the floor of his isolation cell with his head pointing towards the bars and foaming around his mouth. His eyes were glassy and his breathing was hurried.
Court no to part of police evidence

Own Correspondent

PRETORIA. — Sworn statements presented as part of police evidence were yesterday rejected by the magistrate, Mr M J Prins, at the inquest following the death in detention of Mr Steve Biko.

The sworn statements allegedly contained confessions made by other detainees about Mr Biko’s involvement in certain activities.

Mr H van Rooyen, the advocate acting for the police, requested that the statements be permitted as evidence.

The court heard that the statements were presented to Mr Biko during interrogation on the morning of September 7 and were part of the reason for Mr Biko’s wild outburst which led to a violent struggle with his interrogators.

Mr S Kentridge SC, for Mr Biko’s family, drew the attention of the court to the fact that the sworn statements were dated between September 15 and September 30 and could not have been presented to Mr Biko during his interrogation on September 7.

The magistrate, Mr M J Prins, then ruled that they would not be permitted as evidence.

Here are parts of the evidence presented to the court on the sworn statements, while Major Harold Snyman, the leader of the interrogation team, was in the witness box.

Under examination by his counsel, Mr Van Rooyen, Major Snyman said that the evidence in the possession of the interrogation team would have exposed Mr Biko as a man of violence and destroyed his image as a man working for peaceful change. When confronted with facts contained in sworn confessions by his friends, he went “berserk”.

Major Harold Snyman, leader of the five-man security police team which interrogated Mr Steve Biko.
Sworn statements

Mr. Kentridge then rose to cross-examine Major Snyman.

Mr. Kentridge: "These sworn statements were the ones you put to Biko — was it on the 6th or on the morning of the 7th?"

Major Snyman replied that it had been the morning of September 7.

Mr. Kentridge then checked the dates of the sworn statements with the magistrate. They agreed they were dated between September 15 and September 30.

Mr. Kentridge: "Those could not have been put to him during his lifetime. What we have got here is a smear prepared after Biko's death and I think it is a disgrace."

The magistrate asked the counsel for the police to clear up the matter.

Mr. Van Rooyen said the contents of the documents had been put to Mr. Biko on the morning of September 7.

Mr. Kentridge: "It was made quite clear that the sworn affidavits were put to Biko. That is why I have confirmed it myself that they were actually put to Biko. I called on the witness to put it beyond doubt."

The magistrate then ruled that it would be "difficult" to allow the statements as evidence.

Mr. Van Rooyen agreed.
On September 8 Mr. Biko was taken for confession. After 4.30pm Colored Police at Pretoria Prison. They were asked to produce documents for the police to verify at Pretoria Prison. They were refused and were asked to produce documents. They were then taken to a room where they were questioned by Captain Sibert and Mr. Biko. Captain Sibert M. Sibert, said: "I told Mr. Biko that he had not been to the toilet for the past 16 days and that he was having difficulty in urinating. Mr. Biko, in reply, said that he was being used in the toilet facilities.

In response to this, Captain Sibert said: "Mr. Biko, you are being interrogated. You are not being used for this purpose."

Mr. Biko replied: "I understand that."

Captain Sibert then asked: "Do you have any documents that you would like to produce?"

Mr. Biko replied: "No, I do not have any documents."

Captain Sibert then asked: "Do you have any evidence against the police?"

Mr. Biko replied: "No, I do not have any evidence against the police."

Captain Sibert then said: "Mr. Biko, you are being interrogated in order to get you to confess to the police."

Mr. Biko replied: "I understand that."

Captain Sibert then asked: "Do you have any evidence against the police?"

Mr. Biko replied: "No, I do not have any evidence against the police."

Captain Sibert then said: "Mr. Biko, you are being interrogated in order to get you to confess to the police."

Mr. Biko replied: "I understand that."

The interview continued in this manner for some time.

Slept in office
The interrogation team left that night at 6pm.

On the morning of September 7 at 7am, Mr. Marx said that he went to the office with the rest of the team but was working on other matters in the room alongside the interrogation room.

At approximately 7.20am as the result of a hard hang, he and the Detective Sergeant Nieuwendyk charged into the interrogation room. When he went into the office, he saw Major Snyman, Captain Sibert and Warrant Officer Bezalec struggling with Mr. Biko. Biko was raving in fury, Mr. Marx said.

In cross-examination on this aspect, Mr. Marx admitted that only Mr. Biko's feet had been tied to the grill with leg-iron.

Mr. Marx and Sergeant Nieuwendyk rushed to the cell, and the police officers struggled to hold Mr. Biko down to the floor.

"We fastened his hands and feet to the grill," Mr. Marx said.

Mr. Marx said he noticed that Mr. Biko's upper lip was swollen and the police officer questioned him, Mr. Marx said.

Sargeant Nieuwendyk charged Mr. Biko in the middle of the cell and the police officer jumped up and continued struggling. Mr. Biko then fell on the floor and jumped up and continued struggling. Mr. Biko jumped up and continued struggling. Mr. Biko was then pinned down and handcuffed.
Biko: Some police evidence ruled out

[Handwritten note: K325-927-0290]
Biko affidavits:
dramatic turn

By CAROL STEYN and HELEN ZILLE

Major Harold Snyman, leader of the five-man Security Police interrogation team which was allegedly involved in "a tremendous struggle" with Mr Steve Biko, Major Snyman was examined at length during yesterday's hearing.
The sworn statements rejected by the magistrate allegedly contained confessions made by other detainees about Mr. Biko's involvement in certain activities.

The court heard that the statements were presented to Mr. Biko during interrogation on the morning of September 7, and were part of the reason for Mr. Biko's 'wild outburst' which led to a violent struggle with his interrogators.

Mr. Sydney Kentridge, SC, for Mr. Biko's family, drew the attention of the court to the fact that the sworn statements were dated between September 15 and September 30 and could not have been presented to Mr. Biko during his interrogation on September 7.

The magistrate, Mr. Prins, then ruled that they would not be permitted as evidence.

In a day of drama, three members of the Security Police interrogation team who were involved in the arrest and interrogation were forced to testify.

The court heard that Mr. Biko had a head wound, which, although not mentioned in any of the affidavits made by doctors and policemen, was insinuated by a part of police evidence.

Evidence was given that the leader of the team, Major Snyman, had reported on September 8 that Mr. Biko had hit his head against a wall during the struggle.

Two other members of the team, Captain D. Sibbert and Warrant Officer R. Marx, also denied being present during the interrogation.

They also denied Mr. Biko hitting his head against a wall during the struggle.

Under examination by Mr. Van Rooyen, the counsel for Mr. Biko, Major Snyman said that the evidence in the possession of the interrogation team would have exposed Mr. Biko as a man of violence and destroyed his image as a man working for peace and change.

When confronted with affidavits which contained sworn confessions by his friends, he went "berserk."

Outlining the matters dealt with in the sworn statements, Mr. Van Rooyen said: "There was one sworn statement about the author of the pamphlet, there was another sworn statement about the recipient of the pamphlet, then one more, and the office where it took place.

There was another sworn statement about the purpose of Biko's visit to Cape Town, and the planning of a limited movement to overthrow the existing order. The table shows the statements were allegedly made by other detainees who had been friends with Mr. Biko.

Earlier, Mr. Kentridge objected strenuously to evidence by Major Harold Snyman, the leader of the team which interrogated Mr. Biko, about the "inflammatory" pamphlets in connection with which he said he had questioned Mr. Biko. "It is not the case that if a man writes inflammatory pamphlets, one is free to kill him. I can understand that there has been an effort to find Mr. Biko guilty posthumously, but surely your worship will not be a party to this," he told the magistrate, Mr. Prins.

Major Snyman, during questioning which lasted the whole of yesterday morning, told the court that his object in interrogating Mr. Biko had been to prove that he was the father of Black Power and the founder of Black Power organisations.

He had told Mr. Biko during the interrogation that he had had information that Mr. Biko's trip to Cape Town had been to form a united revolutionary front comprising the PAC, the ANC, the Black People's Convention and the unity movement. He also told Mr. Biko that he had had information that Mr. Biko would be sent overseas to a meeting of these organisations.

Earlier Mr. Kentridge had questioned Major Snyman in detail about the "violent struggle" between him and his team and Mr. Biko.

It took five men to overpower Mr. Biko who "went berserk" on the morning of September 7 during interrogation, Major Snyman said.

He admitted having written in the police station "Occurrence Book" that Mr. Biko had "after a tremendous struggle," fallen with his head against a wall, although this had not been mentioned in any of his three affidavits and the twenty-five affidavits of the members of his squad and three doctors who had examined Mr. Biko.

Later, Major Snyman said that the statement that Mr. Biko had fallen with his head against the wall had been an inference and that it was possible that he...
PETIT
Pierre André
né le 7 décembre 1944 à Be

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ETUDES ET DIPLOMES:
- Baccalauréat (Phil)
- Préparation à l'École (Lycée Michel-Lo"
- Certificat d'Études
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ENSEIGNEMENT:
- 1968-1969: West Ch (Instructor)
- 1968-1969: Villanova (Police Station, Colonel P. Goodwin, Tutor)
- 1969-1970: University of California (Instructor)
- 1970-1971: Haverford College (Assistant Professor)
- 1971-1973: West Ch (Visiting Lecturer)
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COURS ENSEIGNES:
- Elementary and Intermediate
- Français élémentaire
- Français I, II, III
- Conversation français
- Civilisation française et "graduate"
- Stylistique: exercices
- Le roman français
- Panorama de la littérature française
- Théâtre français
- Rôle et cinéma français
- André Gide: autobiographie

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PRETORIA. — The inquest following the death in detention of Mr. Steve Biko continued yesterday with intense questioning of members of the interrogation team involved in the violent struggle with Mr. Biko on September 7. The court also heard of an entry in an "occurrence book," made by the leader of the interrogation team, Maj. Harold Snyman, on September 8, of which other police witnesses had no knowledge. This entry said that during the struggle with Mr. Biko on September 7 Mr. Biko fell with his head against the wall and his body on the ground.

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Injury to lip and body

In the process he received an injury on his lip and body.

Mr. Kentridge, SC for Mr. Biko's family, observed that the incident was not mentioned in a single one of 28 affidavits made by doctors and policemen on the incident and its aftermath.

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The court also heard for the first time that Mr. Biko shouted at his interrogators: "You are harassing me. You are intimidating me."
Problems

Major Snyman: It was not the first time a detainee had slept there... we have had problems with information at police cells.

Mr. Kentridge: You were afraid that information could leak out through your own personnel.

Major Snyman: Yes, through 'tellers' and people talking in cafés.

He had heard in the past that 'tellers' moved about and communicated with detainees.

Mr. Kentridge: What was it that you did not want to leak out? Were you not afraid that what was being leaked out was the way in which he was treated?

Major Snyman: Mr. Biko, the security police, was seen by somebody who could have noticed his condition.

Mr. Kentridge: So you had asked Mr. Biko on the second morning if he had any complaints.

Major Snyman: No, it was the next morning if he had any complaints.

Mr. Kentridge: What sort of complaints could he have had? What more could have been done to the man who was wearing chains?

Major Snyman: It was not part of the method...
Mercury Correspondent

PRETORIA — In a dramatic move during yesterday’s hearing at the inquest into the death in detention of Mr. Steve Biko, sworn statements presented as part of police evidence were not admitted by the Magistrate, Mr. K. J. Prins.

The statements allegedly contained confessions made by other detainees about Mr. Biko’s involvement in certain activities.

Mr. van P. R. Rooyen, the advocate acting for the police, suggested that they were shown to Mr. Biko during interrogation on the morning of September 7 and were part of the reason for Mr. Biko’s wild outburst which led to a violent struggle with his interrogators.

Mr. S. Kentridge, SC, for Mr. Biko’s family, drew the attention of the Court to the fact that the sworn statements were dated between September 15 and September 30 and could not have been presented to Mr. Biko during his interrogation of September.

The Magistrate, Mr. M. J. Prins, then ruled that they would not be permitted as evidence.

Here are parts of the evidence presented to the court on the sworn statements, while Major Harold Snyman, the leader of the interrogation team, was in the witness box.

Under examination by Mr. van Rooyen, Major Snyman said that the evidence in the possession of the interrogation team would have exposed Mr. Biko as a man of violence and destroyed his image as a man working for peaceful change.

When confronted with facts contained in sworn statements by his friends he went “berserk.”

Outlining the matters dealt with in the sworn statements Mr. van Rooyen said: “There was the sworn statement about the author of the pamphlet, there was the sworn statement about the typing of the pamphlet, the removing of it, and the office where it took place.”

There was another sworn statement about the purpose of Mr. Biko’s visit to Cape Town, and the planning of a united movement to overthrow the existing order. These statements were allegedly made by other detainees who had been friends with Mr. Biko.

Mr. Kentridge then rose to re-examine Major Snyman.

Mr. Kentridge: These sworn statements were the ones you put to Mr. Biko? was it on the 6th or on the morning of the 7th?

Major Snyman replied that it had been the morning of September 7.

Mr. Kentridge then checked the dates of the
They agreed they were
dated between September 15
and September 30. Mr.
Kentridge: These could not
have been put to him during
his lifetime. What we have
got here is a smear prepared
after Biko's death and I
think it is a disgrace.

The magistrate asked the
counsel for the police to
clear up the matter.

Mr. van Rooyen said the
contents of the documents
had been put to Mr. Biko on
the morning of September 7.

Mr. Kentridge: It was
made quite clear that the
sworn affidavits were put to
Biko, that is why I have con-
firmed it myself that they
were actually put to him. I
called on the witness to put it
beyond doubt.

The magistrate then ruled
that it would be difficult to
allow the statements as
evidence. Mr. van Rooyen
agreed.

Later in the afternoon,
during further evidence
when Captain Daniel Siebert
was being questioned by Mr.
Kentridge, he said no docu-
ments had been made
available to Mr. Biko during
interrogation on September
7.

Major Snyman said in
November 16, 1977

**Plan of Building**

**Room 619**

Plan drawn on 18/10/77 by DM

Scale 1:20

P.O. 800/77

KEY to the diagram of Room 619 in Sandam Building, Pont Elizabeth, where Mr. Steve Biko was interrogated and where a struggle with his interrogators is said to have taken place: A – chair on which Major Snyman sat; B – chair on which Mr. Biko had been sitting when he allegedly got the “wild look” in his eyes, jumped up and threw his chair at Major Snyman; C – bed on which Mr. Biko spent the night; his leg tied to a grille with leg irons; D – another chair and E – the steel cabinet against which Mr. Biko is said to have pinned Warrant Officer Beneke during the struggle.
BIKO INQUEST

FROM PAGE 1

evidence that on the morning of September 7 he told Mr. Biko: “Steve, I have information and statements by other detainees that your trip to Cape Town was not only to heal a breach in the BPC. These statements said that the main purpose was for the formation of a United Revolutionary Front consisting of the ANC, PAC, unity movement and the BPC.”

Major Snyman said those admissions had been made by other detainees who were friends of Mr. Biko. “You others. We have seen our children, old people, our brothers and sisters being blown to pieces by the racist regime’s sophisticated weapons.”

Appealing for solidarity for the strike the pamphlet urged the people to organize themselves into groups and action to be taken against those who did not comply. “There should be bodies lying in the street, bruised and bleeding people. The Black people are going to get their freedom. No power is strong enough to stop this. Long live the revolution,” the pamphlet said. Major Snyman gave a graphic description of the struggle with Mr. Biko. Mr. van Rooyen asked if Mr. Biko had hit the back of his head against the wall. “Yes, the back of his head.” Major Snyman replied.

Interrogator

The following witness was Warrant Office R. Marx, another member of the interrogation team. He handed in two statements, one dated September 17 and the second October 10. In the first he said he was given an order by Major Snyman to assist in the interrogation of Mr. Biko at 9.30 a.m. on September 6. He was part of a three-man team who went to the Walvis Police Station to fetch Mr. Biko. They handcuffed him and took him from the police cells to the interrogation room. The handcuffs were removed and he was offered a chair.

He appeared aggressive and initially did not react to questions. Gradually, as the interrogation proceeded, he gave better answers. He told them that he had gone to Cape Town to heal a wound above Mr. Biko’s left eye as was shown on photographs. Mr. Biko was much darker than his appearance on the photograph.

The attempt was then stopped.

The District Surgeon was called again. At 8.30 p.m. on September 9 Captain Siebert was present when Mr. Biko was removed from the prison in Port Elizabeth and taken for a medical examination.

On the morning of September 11 — the day before Mr. Biko died — Major Fischer told Captains Siebert that he, Lieutenant Wilken, and Detective-Sergeant Nieuwoudt were to take Mr. Biko back to the cells at Walmer. This was done at approximately 9.30 a.m.

Transfer

At 4.30 p.m. Colonel Goosen told Captains Siebert over the telephone to make the necessary arrangements for the possibility of transferring Mr. Biko to Pretoria by road in case he could not get an aeroplane. Sergeant Nieuwoudt then made arrangements for a Land Rover.

At 6 p.m. Colonel Goosen told them to take Mr. Biko to Pretoria Prison for medical treatment. He then left for Pretoria with Mr. Biko. They arrived at Pretoria Prison around 9 a.m. where he reported to Colonel Dorfling and handed Mr. Biko over.

In his second statement Captain Siebert said he had not seen the mark on Mr. Biko’s forehead. It was not impossible that this injury could have been sustained when they were forced to overpower him on September 7, he said.

Walking

On September 8 Mr. Biko was able to walk normally without help, Captain Siebert said.

Addressing the court after Captain Siebert’s evidence, Mr. Kentridge said: “I note with great surprise that my learned friend, Mr. von Lieres (who led the evidence) has not chosen to take this witness through a full description of what happened in the hospital as he did the last witness. “May I ask your worship to note that fact?”

Questioning Captain Siebert on the interrogation of Mr. Biko before the scuffle, Mr. Kentridge asked whether the member of the words Mr. Biko allegedly used that he
like a man possessed, ascribed that to the revelations that I made to him.

Mr. van Rooyen: What would you say if it was put to you that you pulled these allegations out of thin air?

Major Snyman: We had the facts.

Mr. van Rooyen: The sworn statements about the authorship of the pamphlets, the typing of them, the posting of them and the office where it happened, about the real purpose of his visit to Cape Town and the planning of the united front.

Mr. van Rooyen then asked to hand in the pamphlet and the statements by other detainees as evidence and Mr. Kentridge made his objection.

Pamphlet

The pamphlet allegedly compiled by Mr. Biko was permitted as evidence. It called for all Blacks to go on strike on August 18 in commemoration of the Soweto riots.

“Our Black parents have been brutally murdered and others mocked and maligned for life. The oppressed people of Mozambique and Angola have shown us the way, overthrowing a regime in spite of the arms at the disposal of the State.

“We have seen young students die for freedom about which they have heard from because of a family problem. He also admitted that he and another detainee were directly involved with drawing up a subversive pamphlet which was distributed in Port Elizabeth on the night of August 17.

Warrant Officer Marx said he was on duty next morning with the rest of the team but was working on other matters in the room alongside the interrogation room.

About 7.20 a.m. after hearing a hard bang he and Detective Sergeant Nieuwoudt rushed into the interrogation room. He saw Major Snyman, Captain Siebert and Warrant Officer Beneke struggling with Mr. Biko.

“He was raving in fury,” Warrant Officer Marx said.

Warrant Officer Marx and Sergeant Nieuwoudt rushed to the aid of their colleagues and during the struggle bumped against tables and chairs. For a few minutes they managed to hold Mr. Biko to the floor.

“We fastened his hands and feet to the grille,” Warrant Officer Marx said.

In cross-examination on this aspect Warrant Officer Marx admitted that only Mr. Biko's feet had been tied to the grille with the leg-irons.

He said he noticed that Mr. Biko's upper lip was swollen.

Questioned by Mr. von Lieres, Warrant Officer Marx said Sergeant Nieuwoudt charged Mr. Biko and hit him with his shoulder in the middle of his back.

Mr. Biko fell on the floor but jumped up and continued struggling. Next he fell over a chair and fell in a sitting position in the chair.

Then Mr. Biko jumped up and screamed: “You are harassing and you are intimidating me.”

Furious

He was furious and raving, Warrant Officer Marx said. He was then pinned down and handcuffed.

Questioning him on his examining, warrant officer Marx on aspects of Mr. Biko's death, Mr. Kentridge asked whether he was interested in what caused it.

Warrant Officer Marx: I am not a doctor. Possibly as a result of the skirmish we had. That was a possibility, there was a heavy struggle.

Mr. Kentridge: As a result of the skirmish you had? What gave you that idea?

Warrant Officer Marx: In that skirmish any reasonable one can believe that he may have got an injury.

Mr. Kentridge: Really? Did you tell that to General Kleinhoef (the police officer sent from Pretoria to investigate the matter)?

Warrant Officer Marx: Questions were put to me and I answered them. He didn't ask me to elaborate.

Mr. Kentridge: Mr. Biko fell twice. Did you see him fall on his head?

Warrant Officer Marx: No.

Present

Captain D. Siebert handed two statements to the court, one dated September 17 and the other October 10.

He was present throughout the struggle on September 17.

Immediately after the incident Major Snyman reported it to Colonel Glesken who went into the interrogation room and tried to communicate with Mr. Biko.

“Biko was still beside himself with fury and spoke in a slurred manner,” Captain Siebert said.

Colonel Glesken then left the interrogation room.

Because his mental (gestelte) condition no further communication was possible with him and the interrogation was interrupted.

At 9.30 a.m. the District Surgeon examined Mr. Biko. The interrogation team then tried again to communicate with him without success.

On the following day they also tried unsuccessfully to continue the interrogation.

was being intimidated and harassed.

Captain Siebert said Mr. Biko had made that claim before the struggle broke out.

Mr. Kentridge: Did you see him fall with his head against the wall?

Captain Siebert: No.
Dedication

On the 31st brate 118 years area. No doverers have seen. We are well as the most. But due to man and the Group the Parish has shown years. It is now a doing with as I feel others outside of the life and years.

The Dedication to show great deal of by their cont St. Mary's.

opportunities for His guided years that the witness in al that many will lives anew to of the Parish influence in the.

We are being our guest year and that are themselves wi

Bernard Hess

On Trini with three of the Priests at South by Bishop was crowded f moving service.
Major quizzed on Biko fall

Major Harold Snyman in the same position he was in when Steve Biko allegedly threw a chair at him in an office in Security Police headquarters in Port Elizabeth on September 7.

The Landrover used to bring Steve Biko from Port Elizabeth to Pretoria.
BY HELEN ZILLE and CAROL STEYN

The inquest into the death in detention of Mr Steve Biko continued yesterday with intense questioning of members of the interrogation team said to have been involved in the violent struggle with Mr Biko on September 7.

There were moments of drama in the packed courtroom as the magistrate ruled that sworn statements handed in as part of police evidence were not admissible.

The court also heard of an entry in an Occurrence Book made by the leader of the interrogation team, Major Harold Snyman, on September 8, of which other police witnesses had no knowledge. This entry said during the struggle on September 7 Mr Biko fell with his head against the wall and his body on the ground.

Mr Kentridge, for Mr Biko's family, observed that this incident was not mentioned in a single one of 28 affidavits made by doctors and policemen on the incident and its aftermath.

The court also heard for the first time that Mr Biko shouted at his interrogators: "You are harassing me. You are intimidating me."

As for Corbett, belching abominable is darkened by the portion to their and ghastly proc- boiling pitch, the are not physical torments itself, be to its suffer- death may serve

Mention was also made for the first time of the fact that the Security Police chief in Port Elizabeth, Colonel P Goosen, suspected that Mr Biko had suffered a stroke.

The court heard evidence from Major Snyman that to the best of his knowledge Mr Biko had not used a toilet for 96 hours. Mr K von Lieres, leading evidence, told the court how Mr Biko's blankets were wet with urine on the morning of September 8.

This is how the day's evidence ran:

Major Snyman said after he went off duty at 6 pm on September 8, Mr Biko was allowed to rest until 7 am the next day. He had decided not to send Mr Biko back to the Walmer Police Station because of his importance and his aggressive attitude.

Mr Kentridge: I have to say that is nonsense. He could have been taken back in the same way he was brought to the Sand-lam Building — in handcuffs and in a police car. It would have been the easiest thing to take him back to the comparative comfort of the cell where he would not have had to sleep in chains.

Major Snyman: It was not the first time a detainee had slept there. We have had problems with information at police cells.

Mr Kentridge: You were afraid that information could leak out through your own personnel.

Major Snyman: Yes, through cleaners and people taking food.

He had learnt in the past that "leftists" came to the police cells and communicated with detainees.

Mr Kentridge: What was it that you did not want to leak out? Were you not afraid that what would leak out was the way in which he was treated?

Mr Kentridge said he would lead evidence that after Mr Biko left the Security Police he was seen by nobody who could have noticed his condition.

Major Snyman said he had asked Mr Biko the next morning if he had any complaints.
Mr. Kentridge: What sort of complaints could he have had. What could have been done to a man who was wearing chains?

Major Smyman said assault was not part of the method of security. They knew there were many critics of the Terrorism Act and they were therefore doubly careful not to expose themselves.

They also had departmental orders not to assault detainees and it was the duty of senior officers to make sure they were carried out.

Mr. Smyman said on the previous afternoon the interrogation was taken and he and his team had confronted Mr. Biko with certain facts, including a tip from one Patrick Thiti to him.

They asked Mr. Biko if he and Mr. Thiti had been in Mr. Biko’s bedroom when Mr. Jones had come in and had overheard a certain conversation between them.

Mr. Jones had heard Mr. Biko and Mr. Thiti talking about pamphlets and Mr. Jones told Mr. Biko that he was a busy compiling the “August 18 commemoration pamphlet.”

Major Smyman said he told Mr. Biko that he also knew that Mr. Biko had taken his typist to an office in King William’s Town where the pamphlets were duplicated. He got up to a common point. He, Mr. Smyman, formulated the pamphlets, Major Smyman said.

Mr. Jones had wanted to hand in the pamphlet to the court.

Major Smyman said he had asked Mr. Biko if he had had food. He had not answered and had not immediately thrown the chair at him. He had taken off Mr. Biko’s handcuffs although he had looked aggressive right from the start, he said.

After Mr. Biko had thrown the chair, he flew at a warrant officer with fists flying. He was beside himself with fury—“like a madman,” Major Smyman said.

It took him himself and four members of his team to control Mr. Biko. Major Smyman said he weighed 175 pounds and was 5 feet 11 inches tall.

Mr. Kentridge asked that the other four men be brought into court. They were brought in later and stood up in front of the court. All four were well men.

Major Smyman said during the struggle he sometimes had Mr. Biko by a sock and brought him to the floor. Even when Mr. Biko was pinned to the floor he went on fighting.

The violence that had to be used proved how strong he was. Even when the handcuffs and legrons were put on him he went on struggling, he said.

Major Smyman said after they had subdued Mr. Biko they chained him again to the iron grille. Colonel Gosse came in almost immediately afterwards when Mr. Biko was still struggling against his chains.

He was still had a wild expression in his eyes, spoke incoherently and in a slurred manner. Colonel Gosse was worried because he thought Mr. Biko was so angry that he could have a stroke, Major Smyman said.

Mr. Smyman himself, however, thought that the slurred speech was caused by a lack of sleep and on Mr. Biko’s upper lip.

A doctor was called and Colonel Gosse later told him that the doctor’s certificate showed there was nothing physically wrong with Mr. Biko apart from the mark on his lip.

Major Smyman said one could expect bleeding on the brain when a person got that angry. After they had left Mr. Biko and his team tried to continue the interrogation. They gave up pretty soon, however, because Mr. Biko was still mumbling and showed no reaction. He thought Mr. Biko was “just in a bad mood,” he said.

Mr. Biko later calmed down and he gave orders that he should rest and be covered with a blanket. Mr. Biko was supposed to rest in leg irons and handcuffs, he said.

What went on duty the next morning Lieutenant Wilken, who had been there during the night, reported to him that he had come back at one stage asked to make a statement. Lieutenant Wilken had told him he could not give a voluntary statement if he was under pressure.

They doubted if Lieutenant Wilken had urged Mr. Biko to make a statement. Lieutenant Wilken had been ordered not to question Mr. Biko, he said.

Lieutenant Wilken had told him that when Mr. Biko woke up during the night his speech was still slurred.

Major Smyman said he did make an entry in the Occurrence Book on September 27th but he had made no entry before. He made this entry because Mr. Biko had refused to answer questions and he felt he was “shaming” the South African Police.

He did not say in the Occurrence Book that Mr. Biko was slurring words but only mentioned the struggle and possible injuries.

He thought Mr. Biko was shaming himself because he had no external injuries. “not a scratch for a tablet or anything,” Mr. Biko did not look ill, he said.

Mr. Kentridge read out the entry in the Occurrence Book: “The detainee was very aggressive, then became berserk, threw a chair at me, and rushed with clenched fists at other members of the staff and during the struggle he fell with his head against the wall and sustained an injury on his body.”

Questioned by Mr. Kentridge he said that during the struggle Mr. Biko fell several times against walls, cabinets and the bars.

He had reported to Colonel Gosse that Mr. Biko had suffered a blow on the head when he fell against the wall, he said.

Major Smyman said he had made three affidavits, for members of his squad and for two each, Colonel Gosse five, Dr. Lang sit, Dr. Tucker two and Dr. Hersch four, making a total of 38 affidavits.

Mr. Kentridge: And in none of them was there a single mention of Mr. Biko having knocked his head against a wall when he fell.

Major Smyman said he was aware of the vérimos news saying that Nelis Klenhaus that Mr. Biko had died of a brain injury. He didn’t want to add anything he liked to add but even then he said nothing of Mr. Biko having fallen with his head against a wall. He did not think it necessary, he said.

He demonstrated to the general how Mr. Biko had fallen but never where Mr. Biko had fallen against a wall, he said.

Questioned by Professor Gordon, one of the assessors, he said it would not show exactly how this had happened because he fell several times. He only pointed out the places where he thought the struggle had progressed, he said.

Mr. Kentridge: I must put it to you that you didn’t show the general how Mr. Biko had knocked his head against a wall.

Major Smyman: I was not asked to point this out.

Mr. Kentridge: What really happened was that you didn’t think Mr. Biko was dying, but that he would recover and say in court that everything was all right and the world of the police officers was not made an issue of things pointed out by policemen and warders, including unmarked cars on walls and the position in which Mr. Biko was being held, but the world of the police officers was not made an issue of.

That is why you made the entry in the Occurrence Book — to cover yourself.

He pointed out that on the morning of September 7th Mr. Biko was complaining of symptoms common to shock: incoherent and slurred speech and lapses of memory for short periods of time. He was taken to hospital for observation which he was told would be for 24 hours. Mr. Biko was taken to the hospital on September 8th. Mr. Biko was told he was going to be sent to hospital on September 9th, but no move was made.

Mr. Kentridge: As for Colbarus and the Furies and the pitchy darkness and the flame of Hell bellowing abominable fumes, those are not and cannot be anywhere at all. But life is darkened by the fear oftribution for our misdeeds, a fear enormous in proportion to our enormity, and by the penalties imposed for crime — imprisonment and ghastly precipitation from a Tarpeian’s Crag, the Inish, the block, the rack, the boiling pitch, the firebrand and the branding iron. Even though these horrors are not physically present, yet the consciousness of mind in terrified anticipation torment itself with its own gages and whips. It does not see what term there can be to its suffering nor where its punishment can have an end. It is afraid that death may serve merely to intensify pain, to lengthen the life of misguided mortals.
Affidavits did not mention head injury.

Biko Inquiry
ed to the distribution of the pamphlets.

Major Snyman said he had this pamphlet in his possession and it was his aim to confront Mr Biko with this.

Mr Kentridge said: "Having looked at this pamphlet it would appear that it has no relevance to this case at all. It is in dispute whether Mr Biko made a concession about this. The only man who could tell us about this is no longer with us.

It is not the case that if a man writes subversive pamphlets one is free to kill him. I understand there has been an effort to find Mr Biko guilty post-mortem, but I am sure Your Worship will not be a party to this."

Questioned by Mr Van Rooyen, Major Snyman said he had told Mr Biko that he had information that his trip to Cape Town was not in connection with a breach in BPC or with his domestic problems, but to start a united revolutionary front including the PAC, ANC and BPC.

He had also told Mr Biko that he had information that Mr Biko would be sent overseas to a meeting of these organisations to form this front.

This front would have had a branch in South Africa responsible for deeds of terror and an external branch which would come to South Africa to disrupt good law and order.

This evidence would destroy Mr Biko's image as a peace-loving man and portray him as a violent person, the court heard.

Mr Van Rooyen then asked Major Snyman if he had anything that would destroy Mr Biko's image.

Major Snyman replied that he had a newspaper cutting from the East London Daily Dispatch of an article written by Mr Donald Woods about the merging of a new front under the name "Azania Liberation Front."

But he also had statements "from his (Mr Biko's) own friends, the people who worked with him" that had been clear to him that his friends had left him in the dark. "We had to confront the man with facts. He had to know that his friends had spoken and we wanted to hear the words from his own mouth, and action to be taken against those who did not comply."

There should be "bodies lying in the street, bruised and bleeding people. The black people are going to get their freedom."

Power was strong enough to stop this. "Long live the revolution," the pamphlet said.

When asked about the struggle between Mr Biko and the five policemen, he described the facts as he had them on the previous day and added that at one stage Mr Biko had shouted: "You people are harassing me, you are intimidating me."

Major Snyman was asked when he thought a person in detention was liable to commit suicide.

"When a detainee is confronted with incriminating evidence that could land him in court and force him to betray his friends," he answered.

Mr Van Rooyen asked if Mr Biko had hit the back of his head against the wall. "Yes, the back of his head," Major Snyman replied.

\[\text{words. Do you know that?} \]
\[\text{WO Marx: I don't know anything about this.} \]

Mr Kentridge: Eleven statements have been made about what happened in that room on the morning of the 7th. In not one of these statements is there anything about Mr Biko shouting out and now this morning for the first time we have the exact same words from you and from Major Snyman. I put it to you that this is an invention.

Mr Marx: It is not a fabrication.

Mr Kentridge drew WO Marx's attention to an entry in the Occurrence Book on September 8 in which Major Snyman had reported the struggle on the 7th during which Mr Biko fell with his head against a wall and his body on the ground and in the process suffered an injury to his lip and his body.

Mr Kentridge: Is that true?

WO Marx: I know of an injury to his upper lip.

Mr Kentridge: I am asking you whether the statement by Major Snyman is true or not.

tain. Siebert repeated the details contained in the other statements. He was present throughout the struggle on September 7.

Immediately after the incident, Major Snyman reported it to Colonel Goosen, who came into the interrogation room and tried to communicate with Mr Biko.

"Biko was still beside himself with fury and spoke in a slurred manner," Captain Siebert said. Colonel Goosen then left the interrogation room.

Because of his mental (geeselike) condition, no further communication was possible with him and the interrogation was interrupted. At 9.30 am the district surgeon examined Mr Biko. The interrogation team then tried again to communicate with Mr Biko without success.

The next day they also tried unsuccessfully to continue the interrogation of Mr Biko. The attempt was then stopped.

The district surgeon was again called. At 8.30 pm on September
Mr Van Rooyen: You were there, why did he go berserk? I confronted him with these facts. He jumped up immediately like a stroke on August 9th. I ascribe that to the revelations that I made to him. Was it the same month that it was put to you that you pulled these allegations out of thin air? — We had the facts.

Mr Van Rooyen: "... the sworn statements of the pamphlet, the typing of it, the typesetting of it and the officers that happened, in the real purpose of his visit to Cape Town and the plotting of the united front."

Mr Van Rooyen then asked to hand in the pamphlet and the statements by other detainees as evidence.

Mr Kentridge said he had just read the documents and would withdraw his objections. He said he understood that the sworn statements put to Mr Biko were put to him on the occasion for his sudden wild outbreak.

Mr Kentridge: These sworn statements were put to Mr Biko on the 6th or on the morning of the 7th in the presence of Mr Van Rooyen. On the morning of the 7th.

Mr Kentridge then checked with the magistrate that the date of the affidavits ranged from September 15th to September 30th.

Mr Kentridge: "These could not have been put to him during his lifetime. What we have got here is a smear prepared after Biko's death and I think it is a smear."

Mr Van Rooyen then said it was the contents of the documents that had been put to Mr Biko.

Mr Kentridge: "It was made quite clear that the sworn affidavits were put to Biko. That is why I confirmed myself that they were actually put to Biko. I called on the witness to put it beyond doubt. The magistrate then ruled that they would not be permitted as evidence and Mr Van Rooyen agreed.

Mr Van Rooyen: The的身体 was allegedly compiled by Mr Biko was permitted as evidence. It called for all blacks to go for his body in commemoration of the Soweto riots.

Appealing for solidarity for the strike, the pamphlet urged people to organize themselves into groups.

WO Marx, another member of the interrogation team, handed the court two statements, one dated September 17 and the other October 10.

In the first statement he said he was given an order by Major Snyman to assist in the interrogation of Mr Biko. The interrogation team left that night at 6 pm. Mr Biko slept the night in the office. On September 7 at 7 am, WO Marx said, he went on duty with the rest of the team but was working on other matters in the room, alongside the interrogation room.

At about 7.20 am, as a result of a hard bang, he and Detective Sergeant Nieuwoudt rushed to the help of their colleagues and during the struggle bumped against each other's chairs. For a few minutes they managed to hold him down to the floor. "We fastened his hands and feet to the grille," WO Marx said.

When he was examined on this aspect, WO Marx admitted that only Mr Biko's feet had been tied to the grille with large iron bands. WO Marx said he noticed that Mr Biko's upper lip was swollen.

Questioned by Mr Von Laren, WO Marx gave a graphic description of the struggle with Mr Biko.

Detective Sergeant Nieuwoudt charged Mr Biko and his shoulder hit Mr Biko in the middle of his back. Mr Biko then fell to the floor but jumped up and continued struggling, he said.

Then he fell over a chair and landed in a sitting position in the chair. Then Mr Biko jumped up and screamed: "You are harassing him and you are intimidating me."

Fatigued and furious, WO Marx said Mr Biko was then pinned down and handcuffed. Mr Kentridge referred to the words: "You are harassing him and you are intimidating me."

"This morning Major Snyman used those same WO Marx: I didn't see him hit his head against the wall."

In the second statement of October 10 — an unsworn statement — WO Marx said he had not noticed any mark or wound above Mr Biko's left eye as was shown on photographs.

In evidence before the court yesterday, Mr Kentridge said the bump he heard definitely had a metallic sound like that of a chair being thrown.

Examining WO Marx on aspects of Mr Biko's death, Mr Kentridge asked whether he was interested in what caused the death.

WO Marx: "I guessed, I am not a doctor... possibly as a result of the skull, that the bump had a possibility, there was a heavy struggle."

Mr Kentridge: As a result of the skull, you had? What gave you that idea?

WO Marx: In that shirrable any reasonable person can believe that he may have got an injury.

Mr Kentridge: Really? Did you tell that to General Kleinhaus? General Kleinhaus was the police officer sent from Pretoria to investigate the matter.

WO Marx: Questions were put to me and I answered them.

Mr Kentridge: Did you put these theory of yours to General Kleinhaus?

WO Marx: I answered his questions and he didn't ask me to elaborate.

Mr Kentridge: Didn't you think the struggle was one of the reasons why he was not behaving in normal manner when the doctors came to see him in Port Elizabeth?

WO Marx: I didn't have much to do with him.

Mr Kentridge: He fell twice. Did you see him fall on his head? — No.

The next witness to take the stand was Major K. Hansen from King William's Town.

Mr Kentridge asked that the court keep to the schedule for witnesses and call Captain D. Siebert, who was also involved in the struggle with Mr Biko. The magistrate upheld the ruling and Captain Siebert was called.

Captain Siebert handed two statements to the court, one dated September 17 and the other October 10.

In his statement, Captain Siebert said he was present when Mr Biko was removed from the prison in Port Elizabeth and taken to a medical examination.

On the morning of September 8 before Mr Biko died — a Major Fischer told Captain Siebert that Mr Wilken and Detective Sergeant Nieuwoudt must take Mr Biko back to the cells at Walmer. The visit was done at about 9.30 am.

In his second statement Captain Siebert said he had not seen the mark on Mr Biko's left forehead. It was not impossible that this injury could have been sustained when they were forced to overpower him on September 7, he said.

On September 8 Mr Biko was able to walk normally without help, Captain Siebert said.

Addressing the court after Captain Siebert's evidence, Mr Kentridge said: "I note with great surprise that my learned friend, Mr Von Laren (who led the evidence) has not chosen to take this witness through a full description of what happened in that office as he did the last witness. May I ask Your Worship to note that fact?"

Questioning Captain Siebert on the interrogation of Mr Biko before the struggle, Mr Kentridge mention ed words allegedly used by Mr Biko that he was being intimidated. Captain Siebert said Mr Biko made that claim before the struggle broke out.

Captain Siebert confirmed the evidence of a previous witness, without any documents having been shown to Mr Biko during that interrogation.

He said Mr Biko had fallen twice — the first time in the area of the chair in which he had been sitting and the second time face down near the bed.

When Mr Kentridge questioned him on Major Snyman's entry in the occurrence book, Captain Siebert said he did not know the entry had been made.

Mr Kentridge read the statement of WO Marx:

Mr Kentridge: As far as you were aware was that true?

Captain Siebert replied it was not impossible that he had jumped his head against the wall.
De la Révolution de 1840, FR. 77.67

La Petite Fadette 2/...
Biko was kept in his cell for 18 days

Pretoria Bureau

Black consciousness leader Steven Biko was not allowed out of a police cell between August 19 and September 6, a senior police officer told an inquest into Mr Biko's death in Pretoria today.

Colonel P.J. Goosen, head of the Security Police of the Eastern Cape, told the fourth day of the hearing before Pretoria's Chief Magistrate, Mr M.K. Japin, he was kept in this cell at Walmers Police Station.

Asked by Mr. Sydney Kentridge, QC, appearing for the Biko family, whether Mr Biko was not allowed out for exercise, the colonel said: "The cell was big enough for exercise."

Mr Kentridge started his cross-examination of Colonel Goosen by saying: "Today I will ask my questions more slowly. Perhaps we can do this better today than yesterday."

"Was the treatment of Mr. Biko in the Walmers Police Cell in accordance with the regulations that he should have been placed in accordance with the regulations?"

Colonel Goosen replied that the regulations that did not allow him to see doctors. "Mr. Kentridge, 5.3.26, appearing for the Biko family, whether Mr Biko was not allowed out for exercise, the colonel said: "The cell was big enough for exercise."

Mr Kentridge asked what right Colonel Goosen had to override statutory regulations.

Colonel Goosen said he was "in two minds" about whether he told Doctors Lang and Tucker, two Port Elizabeth district surgeons called to examine Mr Biko on September 6, he was shamming illness.

Mr Kentridge suggested to the colonel that he tried to put up the story Mr Biko was shamming.

Mr Kentridge: Do you think a man who does not go to the toilet for days is shamming?

Col Goosen: It's unnatural.

Mr Kentridge: Was he shamming?

Mr Kentridge: I haven't heard from the doctors. Mr Kentridge asked, adding that Col Goosen had no certainty that Mr Biko had had a stroke either, or that he had had an injury.

To Page 5, Col 1

Marginal Efficiency of Capital

\[
\text{If interest is } i \text{, the desired stock of capital is } K_i \text{, the desired stock of capital is } K_i.
\]

...
Biko kept in his cell for 18 days, inquest told

Mr Biko, a trip was arranged to Pretoria for further diagnosis.
Mr Kentridge: Yet you tried to get a military aircraft to take Mr Biko to Pretoria.
Colonel Geosse: This shows the good attention he got.
Mr Kentridge: You went to all this trouble for what you called a malfunction.
Colonel Geosse: I did.
Mr Kentridge: ‘Biko’s family was not satisfied about the examination and trip to Pretoria. ‘Plain decency demanded this’— Col. Geosse said the police were trying to change the image Mr Biko enjoyed in the Press.

If we told the family he was in hospital, criticism would have mounted.
However, if he had been know he was ill, he would have satisfied the family.

‘NOTHING WRONG’
He also knew nothing about a lumbar puncture on Mr Biko, which produced a positive finding.
Said he: ‘All I know is that three doctors told me they found nothing wrong with him.’
Mr Biko was taken from Port Elizabeth to Pretoria because better medical facilities were available in Pretoria, Colonels Geosse said.
He could not be taken to a provincial hospital under a 24-hour police guard in Port Elizabeth because Mr Biko was a ‘prison prisoner’,”
Mr Kentridge: He wasn’t a prisoner, he could have escaped (whilst under 24-hour guard).
‘Colonel Geosse: He could have. We took this into consideration. We were keen to get him to court.
Mr Kentridge: Weren’t the police effective enough to mount a 24-hour guard.
Colonel Geosse: Previous people had escaped.
‘Definitely not’, was the reply. Colonel Geosse gave reasons Mr Kentridge suggested the reason Mr Biko was taken to a public hospital in Port Elizabeth was to keep him out of sight until he recovered from his injuries.
‘No one saw any marks on him,” the Colonel said.
In Pretoria, Mr Kentridge said, a senior detective official suggested if there were not sufficient prison medical facilities available, Mr Biko should be admitted to a public hospital.
He explained that Dr Long was also partly of the opinion that Mr Biko had been shamming.

He recalled that Dr Hesch had wanted a lumbar puncture to be taken of Mr Biko. Asked by Mr Kentridge whether Dr Hesch himself had lumbar puncture to be believed Mr Biko was shamming. Colonel Geosse replied: ‘not in so many words.’
Mr Kentridge commented: ‘No, not in any words.
Mr van Rooyen interposed here to say that the doctors’ reports were that at the first examination, Mr Biko’s right arm relations had been slow and in the second one, it was his left arm relations.

Inquest lawyers clash

Pretoria Bureau
There was a clash between counsel at the inquest on Steve Biko in the old synagogue at Pretoria today.

Mr P R van Rooyen SC, for the police, queried the references of some questions by Mr Sydney Kentridge, SC, counsel for the Biko family.

Mr van Rooyen said he had listened yesterday and the day before to questions from Mr Kentridge which had nothing to do with the death of Mr Biko which were rather a vendetta against the Security Police.

If the forum of the inquest was to be used as a platform for propaganda against the Security Police, then this would constitute misuse of the forum.

While the world was reverting to what was being said in this room, he felt that there should be a connection between what was said during the hearings and the inquest itself.

Mr Kentridge submitted that what was at issue was not joint statements relevant to the case, and the magistrate upheld that they were relevant.
Biko was kept in his cell for 18 days.
Chers amis, chers camarades,

Depuis peu, nous avons appris le drame de Biko. Il nous revient de l'honneur de lui rendre hommage. En lui rendant hommage, nous rendons hommage à ceux qui l'ont précédé dans la lutte contre le colonialisme, le capitalisme et l'oppression. Biko est mort, mais son héritage perdure. Son combat est notre combat. Son sacrifice est notre sacrifice. Nous continuerons sa lutte pour une société plus juste, plus équitable, plus démocratique.

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Biko est mort, mais son héritage perdure. Son combat est notre combat. Son sacrifice est notre sacrifice. Nous continuerons sa lutte pour une société plus juste, plus équitable, plus démocratique.
but has mentioned this theory to the doctors.

Col. Goozen said Mr. Ri- 

ke's difficulty in speaking 

had made him think he 

might have had a stroke.

It was possible, Mr. Ke- 

tridge said, that Col. 

Goozen knew Mr. Biko had 

suffered a head injury 

and wanted to draw the 

attention of the doctors 

away from this possibility.

Mr. Kruger: Do you 

accept that on these days 

when Mr. Biko was in chains, 

Mr. Biko was in fact, suf-

fering from the effects of a 

brain injury?

Col. Goozen: I am aware 

now that it was probable.

Mr. Kruger: We have 

the situation, leaving 

aside how he got the 

injury: that there was a 

man with a brain injury 

who was left lying on a 

mat in chains for 38 

hours.

Col. Goozen: If I was 

aware, my actions would 
have been different.

Mr. Kruger submitted 

that the witness had not 

known what happened to 

Mr. Biko and yet he left 

him lying on the mat.

Col. Goozen accused Mr. 

Kruger of twisting his 

words and pushing words 
in his own interpretation.

The accusation came 

when Mr. Kruger asked 

him whether he remem-

bered the arrival of the 

specialist, Dr. Steyn, at 

the prison hospital on 

September 10.

Col. Goozen began to 

pass through an affidavit.

Mr. Kruger: Wait a 

moment. Don't you 

remember?

Col. Goozen: I do, but I 

choose to consider my affi-

davit. You put words in 

my mouth and twist my 

words.

Mr. Kruger: Oh, I see.

Give me some examples.

After a few bickerings, 

Mr. Kruger said: You 

bickered. Very well.

Rinder, Col. Goozen de-

scribed how he gave instructions 

that only whites should deal 

with Mr. Biko at the prison 

hospital, because of 

a segregation system 

of a sort that he deemed 

unfair.

Mr. Kruger: I am 

not sure I follow you,

Mr. Justice. They 

are not whites, and 

we have a policy of 

equality.

Col. Goozen: I think 

you are confusing the 

situations.

Mr. Kruger: I do not 

think so.

Col. Goozen: I think 

you are.

MORE WHITES

He gave the instruction 

because whites were avail-

able more often than 

blacks.

Col. Goozen was uncer-

tain whether he instruc-

ted that no blacks would 

ever be allowed in con-

tact with Mr. Biko.

Questioned whether Mr. 

Biko was taken to hospital 

on September 9, after 

dark to hide his illness, 

the colonel said this was 

done, because Dr. Lang 

could only examine him 

that night.

Mr. Kruger then read 

from a prison regulation 

which called "among other 

things," for notification 

of next of kin if a prisoner 

was seriously ill 

or dead.

"Here you have a situa-

tion that was serious 

enough to warrant the 

attention of a specialist 

and a trip to Pretoria. 

But you did not notify 

Steve Biko's family."

DIAGNOSIS

Colonel Goozen said the 

chief aim of the hospital 

examination was to diag-

nose a possible illness.
Biko smashed up — counsel

The three top Elizabeth security branch officers who were questioned at the Biko inquest...
Nakedness explained by colonel

PRETORIA — Mr Biko had been held in chains at Special Branch offices and kept naked in police cells to prevent him committing suicide or escaping, a senior Special Branch officer said here yesterday.

Col Pieter Goosen, head of the Eastern Cape Special Branch, was being questioned at the Biko inquest on police treatment of Mr Biko after his arrest on August 18.

Col Goosen told counsel for Mr Biko’s family, Mr S. Krentziske, on Monday that, on the morning of September 7, Mr Biko had spent two days at Special Branch offices in handcuffs and leg-irons.

"What kept him in chains for 48 hours or more?" Mr Krentziske asked.

Col Goosen said, as Divisional Commander, he had nothing to do to the man detained under section 8 of the Terrorism Act to prevent him committing suicide or injuring himself.

Mr Krentziske: Where do you get your authority from? Show me a piece of paper that gives you the right to a man in chains — or are you people above the law? — We have full authority. It is left to my sound discretion.

Under what statutory authority? — We don’t work under statutory authority.

You don’t work under statutory authority? Thanks very much, colonel, that’s what we have always suspected.

Mr Krentziske asked why Mr Biko had been kept chained in the Special Branch offices on the night of September 7 instead of being sent back to the Walmer Police station cells.

Col Goosen said there were adequate sleeping and toilet facilities at the offices, Mr Biko might try to escape, and if he were transported, there might be attempts to free him.

Col Goosen said Mr Biko had been kept in chains because not all the offices had burglar-proofing.

Mr Krentziske: Would you keep a dog chained up in this way for 48 hours? I want to know what sort of man you are. — If I regarded him as absolutely dangerous, I would have done so.

Mr Krentziske: We have been told Mr Biko was kept naked at the police cells at Walmer. Can you confirm that? It has also been said this was by your order. — That is so.

Ask about fears that detainees would use clothing to commit suicide by hanging. Col Goosen said there had been two examples recently of detainees hanging themselves by tearing up shirts and other articles of clothing.

Mr Krentziske: Is there any reason why, for decency’s sake, a man should have no underpants? — For a specific reason. It is to eliminate suicide.

Mr Krentziske: Have you ever had a man commit suicide with strips torn from his blankets? — In 23 years I have not had one occasion where that has happened. Blankets have been used for escapes.

Col Goosen said he was unaware of Special Branch allowing detainees to hang themselves with their blankets, and could not comment on whether he believed this was possible.

The magistrate, Mr Prins: The question is whether you ever thought it was possible for a man to commit suicide with a blanket. — I have never thought about it.

As a result of having given orders that Mr Biko be kept naked in the prison hospital, Col Goosen said he could not remember giving such an order.

Ask if he would accept that Mr Biko had clothing at the prison hospital. Col Goosen said he was aware Mr Biko had been called a ‘liar,’ Mr Krentziske said.

During his evidence Col Goosen said he had ordered Mr Biko to be kept naked in the Walmer police station to prevent him from trying to commit suicide.

"Why didn’t you allow him a pair of underpants for the sake of decency?" Mr Krentziske asked.

Col Goosen said Mr Biko ‘had not known of any suicides through the use of blankets. Mr Krentziske said he would give examples later.

Shortly before the inquest adjourned for the day, Col Goosen said Mr Biko might have been inured to the Walmer police station when he could have tried to commit suicide.

Earlier Capt Siebert said Mr Biko was in the category of a terrorist or mercenary.

Mr Krentziske later rose to tell the magistrate, Mr J. M. Prins, that every single Special Branch officer giving evidence had used every opportunity to smear Mr Biko. He had been tried and convicted by the Special Branch although he had never been convicted while alive. The authority has not hesitated to prosecute him, even for not stopping at a stop sign.

The three policemen who gave evidence yesterday all said Mr Biko had practised yoga. One said this was how Mr Biko ‘ withdrew’ from his interrogators. They thought he was shamming illness.

Mr Krentziske said to Col Goosen that the on how Mr Biko was said to have fallen against a wall.

Capt Siebert said during cross-examination that Mr Biko had also fallen full length on the floor during the fracas.

Both he and Col Goosen were asked why no mention had been made of Mr Biko bumping his head against the wall, even after they knew that he had suffered brain damage. Col Goosen had not even put this forward as a theory to explain the brain damage when he had been questioned by a senior police officer.

The allegation that Mr Biko had bumped his head had emerged only during the inquest, Mr Krentziske said.

Earlier yesterday, in gaips in court, Capt Siebert described how Mr Biko had been put naked into the back of a Landrover for the journey to Pretoria after Col Goosen could not get the details of a man on a military aircraft.

The naked Mr Biko lay on mats in the back of the Landrover and had blankets. He was watched on their journey through the night by two Special Branch men with no medical training. The only provisions taken on the trip was a water container.

“Did common humanity have no influence on you?” Mr Krentziske asked Capt Siebert.

The third policeman to give evidence, Maj R. Hansen of the King William’s Town Special Branch, read an affidavit he had made relating incidents when Mr Biko is said to have lost his temper.

"But it was not too difficult to calm him?" Mr Krentziske asked.

Maj Hansen: No.

The hearing resumes this morning.
Biko would have faced charges

PRETORIA — Serious criminal charges would have been laid against Mr. Steve Biko had he lived, said the head of the Eastern Cape Special Branch, Col. Pieter Goosen, told an inquiry yesterday.

Col. Goosen said in an affidavit that the charges, which would have been based on affidavits from four of Mr. Biko’s alleged accomplices.

Police investigations had connected Mr. Biko with the drafting, typing, duplicating and distribution of a subversive pamphlet distributed in Port Elizabeth black township on the night of August 17.

"Had he lived, serious criminal charges would most definitely have been laid against the deceased."

The affidavits had earlier been withdrawn as evidence as they were dated after Mr. Biko’s death.

They included affidavits by a Coloured man, Mr. Pieter Erasmus, connecting Mr. Biko with the pamphlet, Unity Movement, liaison with the external wings of the PAC and the ANC and with Mr. Donald Woods and Defence and Aid, Col. Goosen said.

The other statements were all in connection with the pamphlet.

Col. Goosen also put to the theory that Mr. Biko had sustained his fatal head injury while in Port Elizabeth hospital on September 8 or 9.

He was aware that Mr. Biko had been found in the bath twice and on the front of his bed.

"If one takes into account that these incidents took place during the night of September 8 or 9, I wish to express the serious suspicion that the deceased possibly sustained the wound on his head and brain damage at the time of these incidents."

The deceased was apparently determined on self-destruction, even with his method of breathing during his detention.

Col. Goosen said Mr. Biko had deliberately breathed in an unnatural and observed and diagnosed by Dr. Lang, a district surgeon, as hyperventilation.

This method, used by divers to get as much oxygen as possible, could be dangerous, leading to light-headedness and even death, he had read in medical books.

"This fact and the fact that the deceased was found in his clothes in a full bath of water in the prison in an apparent attempt at suicide could also have resulted in his hitting his head hard, for example, against the bath, causing the brain damage," Col. Goosen said.

PRETORIA — Steve Biko had been "smashed up" by the Special Branch who were trying to cover it up and to smear him after his death, counsel for the Biko family charged here yesterday.

In a day punctuated with angry exchanges in the court, it was also revealed that:

The Special Branch considered it was not bound by statute law.

Mr. Biko was transported naked and a Landrover from Port Elizabeth to Pretoria the night before his death and had no medical supervision on the journey.

No Special Branch men had said in affidavits that Mr. Biko could have suffered head injuries when he bumped his head against a wall during the fight with five of his men "if that scuffle ever took place."

Col. Goosen, he said, had been "grabbed with both hands" a medical certificate from a doctor who examined Mr. Biko shortly after the fight. The medical certificate, read to the court, said there was nothing wrong with "gossip" that Mr. Biko had practised yoga "at his mother’s house," or that he had been confronted with incriminating evidence which caused him to "go berserk."

Mr. Kentridge asked if this sort of "gossip" led to people being banned.

A large part of yesterday’s evidence again concerned the fight between Mr. Biko and the Special Branch in their Port Elizabeth offices after Mr. Biko is said to have been confronted with incriminating evidence which caused him to "go berserk."

Mr. Kentridge questioned Col. Goosen and Capt. Siebert closely on whether they had seen or been told...
PRETORIA — In contrast to the press image of Mr Steve Biko the Security Police, on the strength of the information they had, regarded him as nothing else than a terrorist leader in South Africa, Col P. J. Goosen, divisional commander of the Security Police in the Eastern Province, said in the Old Synagogue here yesterday.

Col Goosen was testifying at the resumption of the inquest into the death of Mr Biko in Pretoria on September 12 this year.

Immediately after he had made the remark, counsel for Mr Biko's family, Mr S. Kentridge, asked the magistrate, Mr M. J. Prime, to note that the Security Police “do not miss a chance to smear the late Steve Biko.”

Col Goosen was elaborating on an affidavit which he made on September 17.

“At about 7.30 am on September 9 Maj Smyan reported to me that Mr Biko had become very aggressive and had thrown a chair at him and had attacked W/O Benake with his fists. A measure of force had to be used to subdue him so that he could be handcuffed again.

“I immediately visited Mr Biko. He was sitting on the sleeping mat with his hands handcuffed and the leg irons fixed to an iron grille. I noticed a swelling on his upper lip. There was a wild expression in his eyes. I talked to him, but he ignored me,” Col Goosen said.

He then immediately tried to get hold of the district surgeon, Dr Lang by telephone. The chief district surgeon, Dr Tucker, was out of town. After several other phone calls he left a message for Dr Lang who phoned him back later that morning. At about 8.30 am Dr Lang arrived at his office.

“I gave him a short sketch of Mr Biko's personal background and asked him to examine the detainee.

After Dr Lang's examination he issued me with a certificate which reads as follows.

"This is to certify that I have examined Steve Biko as a result of a request from Col Goosen of the Security Police who complains that the above mentioned would not speak. I have found no evidence of any abnormality of pathology on detainee. Signed: Dr Lang. Time: 10.10 am, September 7, 1977.

As a result of a report from Maj Fischer, who headed a second interrogation team, at 9.15 pm on September 7 he again visited Mr Biko, Col Goosen said.

"I spoke to Mr Biko. As before, he mumbled incoherently. At this stage I was honestly of the opinion that Mr Biko was playing the fool with us as neither the district surgeon nor I could detect any scars or signs of illness.

While I was in the office, I again asked whether Mr Biko had partaken of any food or drink. It was reported to me that he flatly refused to eat or drink.

"On the morning of September 8, on arriving at my office, I immediately-"
Advocate: did fight occur?

PRETORIA — It was beginning to become doubtful whether the scuffle in which Mr Steve Biko is alleged to have been injured even took place, the Biko inquest was told yesterday.

Mr Kentrige, counsel for Mr Biko’s father, informed the Special Branch officers at length yesterday on why no mention had been made in any affidavit that Mr Biko might have sustained his head against a wall during a scuffle on September 7.

THEORIES

Mr Kentridge yesterday asked Col Goosen, head of the Special Branch in the Eastern Cape, why he had in his affidavits put forward a theory Mr Biko was injured in the prison hospital, but not a theory he could have been injured in the scuffle on September 7.

“It begins to become doubtful in view of the evidence whether that scuffle ever took place,” Mr Kentridge said.

He also alleged that the police occurred book made by Maj Harold Snyman, the head of the interrogation team, on September 8 about the scuffle, the previous day was to protect police in the event of a subsequent complaint of assault from Mr Biko.

Mr Kentridge asked Col Goosen whether Maj Snyman had told him at any time that Mr Biko had fallen with his head against the wall during the scuffle.

Col Goosen: I do not believe he expressly used the words “falling with his head against the wall” to me.

Mr Kentridge: Did any of your officers tell you Mr Biko had knocked his head in any way? — Not in so many words. I made the deduction it was probable he might have done so. It is probable in such a struggle.

Mr Kentridge said Col Goosen had made five affidavits dealing specifically with the issue of where or what Mr Biko could have injured his forehead.

One of them was to Maj Gen Kleinman, the then investigating officer, sent to find out how the injury could have been sustained.

Mr Kentridge: Not in this affidavit nor in any of the others do you make the suggestion that Mr Biko might have had a bump on the head when he struggled or that he was never put to me. But it was a probability.

SUFFERED

Didn’t you raise the possibility that Mr Biko could have suffered this injury when he was in the Fort Elizabeth prison hospital on the morning of the 7th? — I described it as a possibility.

You described it as more than a possibility. It was your theory. — Yes. Why didn’t you put forward the theory that he might have had a bump on his head during the struggle? — It is difficult. In the struggle he might have bumped his head, but it is also improbable that he could have injured himself at all in the prison hospital.

SUSTAINED

Col Goosen agreed that Gen Kleinman had worn all the Special Branch officers that the head injury might have been sustained while Mr Biko was in their custody, and that he had asked their help in establishing how it had happened.

You never raised the question that he might have suffered a bump on the head in the scuffle? — No.

DIAGNOSIS

Col Goosen said Dr Lang had been called to make a diagnosis. He had examined Mr Biko and made a report. He had not cross-examined Dr Lang.

Mr Kentridge: Why did you ask Dr Lang for a certificate? — Col Goosen: I knew what was going on. The police had something to do with Mr Biko.

You were afraid they would say the man has been assaulted and you wanted a certificate to show he hadn’t been? — I don’t believe that was my motive — SAPA
Police quizzed on yoga claim
treatment,' had told them.
Mr Biko was a medical student, that he practiced yoga, and that he could easily mislead other people.

Mr Kentridge said this was obviously an attempt to put the medical men off the track.

"While in custody he was smashed up and you are not prepared to admit that he suffered a head injury," he said.

Asked by Mr P. R. van Boven, counsel for the police, whether he was making an allegation or stating a fact, Mr Kentridge said: "This will be my submission on the evidence and the affidavits we have."

"There cannot be another reason for pressing on with the idea that he was shamming — that he was a medical student and that he practiced yoga."

Capt Siebert said if it had been his intention to mislead (om die bo os te le!) the officers in Pretoria, he would not have gone to morning of September 7.

Capt Siebert: I cannot remember.

You did not tell Col Goosen yourself that he had bumped his head? — It is a possibility.

You could have, but did you? — No, I cannot say that I did.

Capt Siebert said he did not mention to the investigating officer, Maj Gen Kleinhaus, that Biko had fallen twice during the interrogation because he stood by the statement he had made earlier to Col Goosen. In the statement to Gen Kleinhaus he had only replied to questions put to him.

On the morning of September 11, he and certain other officers had been told to take Mr Biko to the Pretoria prison in a Landrover for medical treatment.

Mr Kentridge: What medical treatment were you told Mr Biko had to receive?

Capt Siebert: I was told that as the doctors could not allow it.

Mr Biko was put in the back of the Landrover and lay on some cell mats.

Mr Kentridge: What was he wearing?

Capt Siebert: He was naked.

In reply to further questions, Capt Siebert said he understood Mr Biko was in a half berserk state. In the limited space of the Landrover, it would have been even more difficult to control him than it had been in the interrogation room.

Mr Kentridge: Did considerations of common humanity not count with you.

Capt Siebert: Yes, I think so.

Capt Siebert said none of the Security Policemen who accompanied him were qualified to give medical treatment. They only stopped on the way to refuel. Mr Biko did not leave the van at any time. At times he breathed heavily, while at other times his breathing was normal.
Inquest told Special Branch man slapped

PRETORIA — A King William's Town Special Branch officer yesterday described how Mr Biko had slapped another Special Branch policeman who was questioning him.

The officer, Maj Richard Hansen, was giving evidence at the Biko inquest.

Maj Hansen said he had known Mr Biko since early 1975. Mr Biko had often complained the Special Branch harassed him and other members of the Black Power organisations.

The relationship between himself and Mr Biko was friendly but not exaggerated, Maj Hansen said.

On September 19, 1975, Mr Biko had visited him in his office. "Out of the blue and without any reason he accused me and my personnel of breaking into 15 Leopold Street on the night of September 18, 1975. He was hot-tempered (opvlind) and I got the impression he might assault me."

Maj Hansen said he told Mr Biko he did not know what he was talking about and after a while he calmed down.

"On August 31, 1978, Mr Biko was arrested at the home of Mrs E. T. Minso, and detained for questioning.

"On our arrival at the security offices in King William's Town, I instructed W/O Hattingh to get the personal particulars of the deceased while I reported the arrest. After a while W/O Hattingh came to me and told me the deceased was adopting a cheeky attitude and refused to provide the information required."

"I accompanied W/O Hattingh to the office where the deceased was. He was standing in front of the window, W/O Hattingh was standing at the table.

"I told the deceased not to be childish and to give the particulars. When W/O Hattingh put a question to the deceased he sprang past me and gave W/O Hattingh a heavy smack (boeurolike klap) with his open right hand against his left cheek and also hit at W/O Hattingh with his clenched fist."

"W/O Hattingh warded off the blow and I grabbed the deceased from behind. In the process I asked him what he thought he was doing. He suddenly calmed down and said: 'Sorry captain, I lost my temper'."

Asked by Mr. S. Kentridge, counsel for the Biko family, whether W/O Hattingh had done anything to provoke Mr Biko, Maj Hansen said not as far as he knew.

Asked whether W/O Hattingh had laid a charge of assault against Mr Biko, Maj Hansen said he had advised W/O Hattingh not to lay a charge of assault at that stage because certain allegations concerning the Editor of the Daily Dispatch, Mr Donald Woods, and Mr Biko were being investigated.

Mr Kentridge: "Was it not because he (Hattingh) would have been cross-examined? — No."

Maj Hansen said he had made a statement and an affidavit after Mr Biko's death about the incidents in King William's town because he was asked to.

Mr Kentridge: Did they ask you to describe the assault by Mr Biko on Mr Hattingh? Did they say they wanted it? — Yes, but they didn't say why they wanted it. I was asked to describe his personality in the affidavit.

Mr Biko was held in detention for 101 days and afterwards no charge was laid. Do you know about that? — I know that he was held, possibly for that time. No charge was laid.

In answer to a question by Mr P. R. van Rooyen, for the police, Maj Hansen said Mr Biko had been a big man. Mr Biko told him he had a health problem since being in detention.

Mr Kentridge: "Did you report to anyone that Mr Biko practiced yoga? — It was general knowledge, I never saw him practice it. — SAPA."
Captain Steyn tells of naked ride to Pretoria

Cpt. Siebert: That was my intention. I would have arranged for the Pretoria district surgeon to phone the Pretoria district surgeon. Mr. Steyn: I consider that you and your colleagues thought that this was a dying man. You thought he might recover. You didn't think he would die. Never. Mr. Steyn: I can understand people saying to doctors and others: "It is difficult to say what happened to him; we don't know if he is shaming, but you had better know that he had had a bump on the head." When Supt. Pretorius said he thought the man was sick all you gave was the theory of shaming. Capt. Siebert: I can't even remember if I talked to Pretorius personally. One of my colleagues could have talked to him or he could have overheard us when we were speaking to Cpt. Dolfing.

Mr. Steyn said that he would suggest to the court that Mr. Biko sustain ed injuries at some time between September 6 and the morning of September 7. Capt. Siebert: The possibility is not excluded that he could have incurred a bump, but I don't know. Mr. P. P. van Bogen, SC, for the police, then examined Capt. Siebert. Before the bike interrogation he was concerned in...
Wrong.

When Mr Biko was taken to Pretoria in the Land-Rover he was conscious, Capt Siebert said.

Mr Kentridge: Was he breathing normally? I noticed Mr Biko's deep breathing. When we approached the vehicle to unload him and he saw us approaching he started breathing deeply. The colonel then told me: "Yes, you were correct."

Capt Siebert said that when Mr Biko was taken into the Pretoria prison his condition had not changed. He still thought that Mr Biko was shamming. He could not say that he was worried. He would have liked the matter to be finalized so that the investigation could proceed.

Mr Kentridge told Capt Siebert that Sergeant Pretorius, a medical orderly, had said in a statement on the morning of Mr Biko's death he had been worried about him. Mr Biko had looked seriously ill and he was afraid for his life.

Mr Kentridge said that according to Sgt Pretorius' statement one of the security men had told him that Mr Biko had studied medicine for four years, that he practised yoga and could mislead other people (Om die bos tel).

Capt Siebert answered that Mr Biko had been examined by doctors in Port Elizabeth and they considered his condition to be such that he could be taken to Pretoria by car. He understood that to mean that the possibility that Mr Biko was shamming was not excluded, Capt Siebert said.

Mr Kentridge: I will suggest to the court that there were constant attempts to put the medical people off the track. My submission will be that while Mr Biko was in the custody of the security people he was smashed up and the one thing you were not going to say was that he had suffered a head injury.

There was a reason for pressing this theory that the man was shamming. What other reason could there have been for this constant repetition?

The police had wanted to expose Mr Biko as having attempted to unite the liberation movement in one front. This would have arranged deeds of terrorism and military training outside South Africa for the purpose of overthrowing its good law and order. The police had had information to this effect.

Mr Van Rooyen: You were concerned during your interrogation with the August 18 Commemoration Day pamphlet and this merger?

Mr Kentridge: I don't want to interfere unduly with the posthumous trial of Mr Stephen Biko but want to know the relevance of this.

Mr Van Rooyen: I had heard with astonishment about the submission which would be made that Mr Biko had been "smashed up" and that everything that happened afterwards was a "cover up".

Mr Prins, the presiding magistrate: Intervened. The only relevance of this evidence would be if it could show a certain "state of mind" of Mr Biko which could have led to certain actions, he said.

He told Mr Van Rooyen to continue. Mr Van Rooyen asked what had happened on August 18, 1976, which was being commemorated.

Capt Siebert: We had riots in Port Elizabeth which started on August 18. Arson, riots, murder, you name it.

Capt Siebert told the court that to his knowledge Mr Biko had not eaten from the time when he arrived at the security building until he left. Water had been available but he never saw Mr Biko drinking it. Mr Biko never asked for toilet facilities.

During the interrogation Mr Biko was not at ease and came to realize that he had been driven into a corner.

Then Mr Biko was told he had to realize his friends who were under detention in Pretoria had been questioned by the police and that notes had been made. Capt Siebert
Biko’s Short Temper
Found in the bath

continued from page 4

book and there was no room for discretion.

Colonel Gooosen: At a normal police station there would be no discretion.

Mr Kentridge: It doesn’t apply to you?

Colonel Gooosen: Where there is no occurrence book it would be left to my discretion. Otherwise I would have had to fill it in.

Mr Kentridge asked why he did not go to a police station where there was an occurrence book.

Colonel Gooosen: Then I would have had to do it every time.

Mr Kentridge: Yes. Quite right. Every time you put a man in chains.

Running

Colonel Gooosen: I would have been running backwards and forwards to the police station all the time.

Mr Kentridge: That is all the more reason for having an occurrence book in your own office.

Mr Kentridge referred to the warrant under which Mr Biko had been arrested which made provision for personal clothing to be kept available for him.

Colonel Gooosen said that there had been incidents where detainees had used their clothes to commit suicide.

Mr Kentridge: Is there any reason why a man for decency’s sake should not be allowed to wear a pair of underpants?

Colonel Gooosen repeated that it was to prevent suicide. Mr Kentridge asked whether Colonel Gooosen had ever come across a case of suicide with strips of blanket. Colonel Gooosen replied that in 23 years he had not come across such a case.

Mr Kentridge asked whether Colonel Gooosen had given order that Mr Biko be kept naked when transferred to the Pretoria Central Prison on September 8.

Colonel Gooosen: I cannot remember that I have that order.

Mr Kentridge: Weren’t you afraid that while in prison he may commit suicide?

Colonel Gooosen replied that he was not made on September 7 after the incident.

Mr Kentridge suggested that the entry was not been made on the 7th because there was a medical certificate to say there was nothing physically wrong with Mr Biko but by September 8 an entry had been made because there has been further concern about Mr Biko which made it necessary.

Mr Kentridge: Colonel Gooosen, what would you say to the suggestion that the reason that Major Snyman decided to make an entry in the book on the 7th or the 8th was because Biko was still malnourished refusing to react to questions?

Broad outline

Colonel Gooosen: It would have been made in any event.

Mr Kentridge then asked whether Major Snyman had told Colonel Gooosen what he had written in the occurrence book.

Colonel Gooosen: In broad outline.

Mr Kentridge: Did he tell you at any time that during the scuffle in room 506 on September 7 Biko had fallen with his head against the wall?

Colonel Gooosen: I don’t believe that the term “head against the wall” was specifically used. He said there was a heavy struggle.

Mr Kentridge: Did any of the officers say that Biko had bumped his head against anything?

Colonel Gooosen: Not in so many words. I made the deduction that it was likely. I was at least a possibility that Biko might have bumped his head during the struggle on the morning of the 7th.

Colonel Gooosen: At that stage I didn’t have that possibility in mind.

Mr Kentridge: When you were told there was this great struggle in the office, did it occur to you that he might have bumped his head against something?

Colonel Gooosen: I thought it was a possibility.

Mr Kentridge: At the time?

Colonel Gooosen: Yes.

Mr Kentridge: Even though neither Major Snyman or anyone else told you it had happened?

Conclusion

Colonel Gooosen replied it was a logical conclusion.

Mr Kentridge: You know, Colonel, you have made five affidavits in this case. In your affidavit on October 21 you dealt specifically with the issues of the affidavits. Biko could have had the injury to his head. This is the one you made when General van Tonder told you he died as a result of brain injury and he showed you the photo of the nighthawk above Mr Biko’s eye.

And yet another in this affidavit told you he bumped his head in the struggle in the office?

Colonel Gooosen: There only thought of it as a possibility.

Mr Kentridge said that the possibility was mentioned nowhere in the affidavit.
Continued from page 5

Mr. Biko was shamming illness or not.

Mr. Kentridge: Various things were told to the doctors. Not once did anyone ask to see the doctors, "this man has had a bump on his head".

Mr. Kentridge then drew the attention of the court to what he called a veritable pantomime at the security police offices in the night of September 7.

Colonel Goolsen said he did not think it was a panic.

Slurred

Mr. Kentridge: According to the affidavits about 3pm Lieutenant Wilken of the night staff found that Biko was speaking in a slurred manner and sent for Major Fisher, the head of the section, who found Biko was talking incoherently and he telephoned you, Colonel Goolsen, to make a report and at 8.30 you arrived at the offices and you found that he was mumbling in an incoherent way. Were you worried about this?

Colonel Goolsen said he knew from Dr. Lang there was nothing physically wrong with Mr. Biko, but that he was convinced that Mr. Biko was shamming illness to avoid questioning.

Mr. Kentridge: Why did he have to sham illness? Why did he not just say, "Good morning, gentlemen, I am not answering questions today?"

Colonel Goolsen said he believed Mr. Biko hoped to be taken to hospital for medical observation.

Mr. Kentridge: It didn't allow for possibility.

"Mr. Kentridge: You didn't deal with probability. Did you raise the possibility that Biko could have suffered an injury in Port Elizabeth Prison hospital on the morning of the 9th?

Colonel Goolsen: I said it was a possibility.

Mr. Kentridge: You describe it as more than a mere possibility. It was your theory. Why didn't you put forward the theory that he might have had a knock during the struggle?

Mr. Kentridge: You died at length with the fact that he was found on the morning of September 9 in his bath and later on the floor next to his bed. You put forward as a probability, at least a theory, that is why he suffered his brain injury. Why didn't you put forward as a possibility your theory that it might have happened in the course of the struggle on the morning of the 9th?

Colonel Goolsen: He was found in the bath full of water, I thought there might have been an attempt at suicide.

Mr. Kentridge: There were two possibilities. Why did you only mention one? I'm going to tell you why, it is because you were putting up a theory which took it as far as possible away from your own men.

Colonel Goolsen said that he had received a medical certificate after the incident.

Mr. Kentridge: So why didn't you say to those who were investigating, "This man might have had a bump on the head"?

Colonel Goolsen said that he was shown a photo which showed that Mr. Biko had a mark above his left eye. After the struggle he never saw such a mark.

Mr. Kentridge: After he was taken to Welmer I never saw him again.

Mr. Kentridge: You saw him on the afternoon of September 11.

Colonel Goolsen: I didn't examine him.

Mr. Kentridge: When General Kleinhans came down you knew your men were under suspicion.

Colonel Goolsen: No.

Mr. Kentridge: Of course you did. He gave each of them a warning and, said if they said anything it could be used against them.

No signs

Colonel Goolsen said he knew what General Kleinhans was doing in Port Elizabeth.

Asked why he did not mention the possibility of a bump on the head during his afidavit, he said he noticed no signs after the scuffle.

"Mr. Kentridge: When you and the other officers were on the 11th, you all say you didn't see the mark anywhere. So what is the difference? Why put up one theory and not the other? The reason why you didn't put that to General Kleinhans was because none of your men ever suggested it?"
PRETORIA - A King William's Town security officer yesterday described how the Black Consciousness leader, Mr. Steve Biko, had slapped another security policeman who was questioning him.

The officer, Major Richard Hansen, was giving evidence at the inquest into Mr. Biko's death. Major Hansen said he had known Mr. Biko since early 1975.

Mr. Biko had often complained that the Security Police "harassed" him and other members of the Black Power organisation.

The relationship between him and Mr. Biko had been strained, Major Hansen said.

On September 19, 1977, Mr. Biko had visited him in his office.

"Out of the blue and without any reason he all of a sudden started shouting and swore at me," Major Hansen said.

"He was hot tempered and got the impression that he might assault me."

Major Hansen said he had told Mr. Biko he did not know what he was talking about and after a while Mr. Biko had calmed down.

On August 31, 1976, Mr. Biko was arrested at the home of a black woman, Mrs. E. T. Motsin, and detained for questioning.

"I accompanied W/O Hastings to the office where the deceased was," Major Hansen said.

"I told the deceased not to be in a hurry and to give the particulars."

"After a while W/O Hastings came to me and told me the deceased was adopting a cheeky attitude and refused to provide the information required."

"I accompanied W/O Hastings to the office where the deceased was. He was standing in front of the window. W/O Hastings was at the table."

"I told the deceased not to be in a hurry and to give the particulars."

"When W/O Hastings put a question to Mr. Biko he sprang up and gave W/O Hastings a heavy smack (on the nose) with his open right hand against his left cheek and also hit at W/O Hastings with his clenched fist."

"W/O Hastings warded off the blow and I grabbed Mr. Biko from behind."

"In the process I asked him what he thought he was doing. He suddenly came down and said, 'Sorry, man. I lost my temper.'"

Asked by Mr. S. Kenridge, counsel for the Biko family, whether W/O Hastings had done anything to provoke Mr. Biko, Major Hansen said not as far as he knew.

"I asked whether W/O Hastings had laid a charge of assault against Mr. Biko, Major Hansen replied that he had advised W/O Hastings not to lay a charge of assault at that stage because certain allegations concerning the editor of the Daily Dispatch, Mr. Donald Woods, and Mr. Biko were being investigated."

COLONEL P. J. Goosen who gave evidence yesterday.

Major Hansen said he had made a statement and an affidavit after Mr. Biko's death but the incident in King William's Town because he had been asked to.

Mr. Kenridge: Did they ask you to describe the assault by Mr. Biko on Mr. Hastings? Did they say why they wanted it?

Major Hansen: Yes, but they didn't say why they wanted it. I was asked to describe his personality in the affidavit.

Mr. Kenridge: Mr. Biko was held in detention for 101 days, and afterwards no charge was laid. Do you know about that?

Major Hansen: I know he was held, possibly for that time. No charges were laid.

Big man

In answer to a question by Mr. P. R. van Rooyen, for the police, Major Hansen said Mr. Biko had been a big man. Mr. Biko had told him he had a health problem having been in detention.
INQUEST TOLD OF BIKO 'ATTACK'
Col. Gooosen: We have full authority. It is left to my sound discretion.

Col. Gooosen: We don't work under statutory authority.

Col. Gooosen: You don't work under the statutory authority. Thanks very much, Colonel — that's what we have always suspected.

Col. Gooosen asked why Mr. Biko had been kept under protection and the Security Police officers on the night of September 17 instead of being sent back to the Walmer police station cells.

Col. Gooosen replied that there were a number of reasons.

Facilities

Col. Gooosen said Mr. Biko had been kept in chairs because not all the offices had burlar-proofing. He had not been locked in an office as the police on guard had been expected to keep an eye on him.

Col. Gooosen replied that he has never been asked to do this for 48 hours. He wanted to know what sort of a man you are.

Col. Gooosen: If I regarded him as absolutely dangerous I would do so.

The rest of Col. Gooosen's reply was largely insubordinate, but he said he had wanted to keep Mr. Biko secure at all costs.

Mr. Kentridge said he had succeeded in this. Mr. Biko had not escaped but he had only been let out of his cells to do official duties. The hearing continues to...
THE BIKO INQUEST

JOHANNESBURG — Mr. Steve Biko had taken make-up from a local drugstore in Pretoria to cover a large wound in his head, according to a newly released autopsy report. The report, conducted by the South African Police, found that Biko had died from a head wound that had been caused by a rubber bullet fired by police officers.

The autopsy report, conducted on August 18, 1977, found that Biko had died from a single gunshot wound to the head. The report also noted that the wound was caused by a rubber bullet, which had been fired by police officers during a protest against apartheid in 1976.

The report states that Biko was in Pretoria at the time of his death, and that he had been standing in a crowd of protesters when he was shot. The report also notes that Biko had been wearing a wig at the time of his death, which had been used to cover a large head wound.

The report was released by the South African Police, and it has been hailed as a significant step in the investigation of Biko's death. The release of the report has also sparked renewed interest in the case, and it has been a focal point for the #FreeThePast movement, which has been calling for the release of all information about Biko's death.

The release of the report has also been met with criticism from some quarters, who have questioned the accuracy of the findings. However, the report has been widely accepted as a significant step in the investigation of Biko's death, and it has been a source of inspiration for those who have continued to campaign for justice in the case.

The release of the report has also sparked renewed interest in the case, and it has been a focal point for the #FreeThePast movement, which has been calling for the release of all information about Biko's death. The movement has also called for the release of all information about the deaths of other anti-apartheid activists, who were killed during the same period.

The release of the report has also been met with criticism from some quarters, who have questioned the accuracy of the findings. However, the report has been widely accepted as a significant step in the investigation of Biko's death, and it has been a source of inspiration for those who have continued to campaign for justice in the case.
Pray for detained bishops urge

Religious Reporter

South Africa's Anglican bishops have called on Christians to pray for "the detained who may be in real danger of death."

In a statement released after their session ended earlier this week in Durban, the Synod of Bishops of the Church of the Province of SA said recent events had worsened the breakdown in race relations.

The bishops said their particular support was for the call of the Archbishop of the Bantu education system and its replacement by a free and compulsory education system for all races.

"At this time of crisis we call upon the church to give itself to prayer and fasting. We urge Christians to pray for the banned, the detained, those under house arrest and the oppressed."

Referring to the banning and detentions, they said they were "appalled." They said the "State" had chosen "this simplistic way of dealing with the situation rather than that of turning to open discussion and negotiation."

The bishops said the situation was "at its worst" and appealed for a "humanitarian view" in the laws against banning and detaining. They said the situation was a "human tragedy."
Mr Sydney Kentridge . . . what measure of force were you told was used to subdue Mr Biko?

Mr Biko, chained hours to p

Mr Biko was lying on his back and his breathing was somewhat irregular. A bit of foam was on his lips. He immediately phoned Dr Lang.

At 2.30 Dr Tucker examined Mr Biko. Both expressed the opinion that Mr Biko's condition had become the nature of any possible culpable negligence be diagnosed. It was agreed to transfer Mr Biko to an institution with all possible facilities.

Every possible was done by him to see to the comforts and the health of Mr Biko while he was in detention. Col Gousen said.

everything he could to keep him healthy. The information was such that he considered it important to keep him healthy because Mr Biko was nothing else than a terrorist leader, in spite of the fact that the Press and others regarded him as a peaceful person.

Mr Kentridge said he had wanted to have Mr Biko medically examined to make sure he had not been assaulted.

Mr Kentridge: Yes, then why did you say in your affidavit you were worried he had a stroke?

Col Gousen said he could side one on his upper lip and because of his extremely tense state he feared Mr Biko had possibly had a stroke. This was a purely logical inference.

Mr Kentridge: So all you could think of was that he might have had a stroke. Have you ever seen a person who has had a stroke? — Yes.

Asked whether he noticed any further symptoms which might have indicated a stroke he said Mr Biko had behaved like a wild animal and that there was nothing wrong with Mr Biko's speech.

He had mentioned to Dr Lang that he thought Mr Biko might have had a stroke.

Mr Kentridge: Did you also tell him you were worried about undisclosed allegations of assault?

Col Gousen said he didn't elaborate on the struggle in July 435 except to mention by the way that Biko had thrown a chair at Maj Snyder and tried to punch someone else and that he had been unharmed by a reasonable amount of force.

Mr Kentridge: What is the measure of force were you told had to be used?

It was never described in detail to me. The force used must have been reasonable otherwise Mr Biko would have been injured more.

Mr Kentridge asked why he had requested a medical certificate from Dr Lang.

Col Gousen: It was a logical step. I knew it was Steve Biko. I knew there would be tremendous propaganda of anything because he is so.
Mr. Kentridge: It is be-
cause of the propound-
gments that could have been made by Mr. Biko who might have complained he had been assualted. I would have done the same with others.

Mr. Kentridge: The rea-
sen is you were worried that afterwards he would say he had been assualted. You wanted a certificate to show he had not been. Col. Goosen said he didn’t think this was the reason. A portion of the medical certificate was then read:

"This is to certify that I have examined Steve Biko as a result of the wish by Col. Goosen of the Sec-
vurity Police who com-
plained that he her-
ald about would not speak.

Mr. Kentridge said that if Col. Goosen said he could not see the differ-
ce between the two state-
ments be (Mr. Ken-
tridge) would suggest it could not be an honest an-
swer.

Col. Goosen: I will lea-
ge that for the court.

Mr. Kentridge noticed that there was no mention of the lip injury on the me-
cial certificate.

Col. Goosen: It is a med-
cal certificate.

Mr. Kentridge: If Mr. Biko had lived and suppos-
ing one day he came to court and that he com-
plain he sustained an in-
jury to his lip this certifi-
case of suicide with strips of blanket. Col. Goosen replied that in 28 years he had not.

Mr. Kentridge asked whe-
ther Col. Goosen had giv-
en orders that Mr. Biko be kept naked when trans-
terred to the Port Eliz-
both prison on September 8.

Col. Goosen: I cannot re-
member that I gave that or-
der.

Mr. Kentridge: Weren’t you afraid that while in that prison he may commit sui-
cide? Col. Goosen replied that he was in a prison hospital with staff who would nurse him.

Mr. Kentridge then raised the question of the entry into the occurrence book made by Major Sny-
ung on September 8 in which he mentioned the struggle during which Mr. Biko had bumped his head.

Mr. Kentridge asked Col. Goosen if he knew that this entry was not made on September 7 after the incident.

Mr. Kentridge suggested that the entry had not been made on the 7th be-
cause there was no medical certificate to say there was any physical injury.

Mr. Kentridge: It doesn’t make sense to say there is no occurrence book.

Col. Goosen: But I would have had to fill it every time.

Mr. Kentridge: Yes, quite right — I would have been looking for a book.

Mr. Kentridge: That is all the more reason for having one in your own office.

Mr. Kentridge referred to the warrant under which Mr. Biko had been arrested which made provision for personal clothing to be kept available for him. Col. Goosen said that there had been incidents where detectives had used their clothes to commit suicide.

Mr. Kentridge: Is there any reason why a man for deity’s sake should not have a pair of underpants?

Col. Goosen: The reason was that it was to prevent sui-
cide. Mr. Kentridge asked whether Col. Goosen...
By BERNARDI WESSELS and HELEN ZILLE

THE black consciousness leader Mr Steve Biko was kept in chains for 48 hours because "I had to protect him".

This was told to the Biko inquest yesterday by Colonel Pieter Johannes Goosen, divisional commander of the Eastern Province Security Police.

He was being examined by Mr Sydney Kentridge, SC, for the Biko family.

Mr Kentridge asked Col Goosen: "Would you keep a dog chained up in this way for 48 hours? I want to know what sort of man you are.

Col Goosen replied: If a dog is an absolute danger I would probably do it. Here in this case this was the position.

Mr Kentridge: He was so dangerous that he had to lie on his mat in chains for 48 hours?

Col Goosen: I had to protect him.

Mr Kentridge: You certainly succeeded Col Goosen. He never got out of your hands. He was let out to die.

Col Goosen: He was not.

Everything possible was done to keep him alive.

In his statement handed in to court, Col Goosen said because of a clear suicide pattern among detainees over the past few years, everything with which the detainees could hurt themselves, including the clothes of the male detainees were taken away.

On September 6 he was aware that Mr Biko was being questioned in Room No 619 in Sandam Buildings (The Security Police headquarters) by the team under the command of Maj Snyman. Maj Snyman reported to him that Mr Biko did not eat or drink.

He visited Mr Biko but could not see anything physically wrong with him. Cartons of milk and meat pies stood on a steel cabin in the office. It appeared Mr Biko had also not used toilet facilities.

He was not worried because Mr Biko was very big, strongly built and he attributed his reluctance to eat food to his obstinacy over answering questions.

Arrangements were made that the questioning take place from 7 am to 6 pm with adequate rest periods in between.

After 6 pm a team under the command of Lieutenan t Wilken had to come on duty to look after him continually during the night. The necessary sleeping mats with blankets were given to Mr Biko so that he could sleep.

On September 7, about 7.30 am, Major Snyman reported that Mr Biko had been very aggressive and had thrown a chair at Major Snyman and had attacked WO Benke with his fists.

Col Goosen said he immediately visited Mr Biko in office No 619. He found him sitting on the mat with his hands handcuffed and the leg-irons shackled to an iron bar grille.

He noticed a swelling on Mr Biko's upper lip. No other injuries or bruises could be noticed. His eyes affected a dazed expression. Mr Biko was very aggressive and had pulled and pushed on the handcuffs.

Col Goosen immediately tried to phone the district surgeon, Dr Lang. He was told Dr Lang was doing his prison rounds.

He then left messages for Dr Lang to phone him urgently.

Dr Lang arrived at his offices about 9.30 am. He was present at the examination.

He knew Dr Lang examined Mr Biko's blood pressure and his general reflexes. Because Col Goosen feared a possible stroke, Dr Lang also made certain other tests.

Col Goosen said it was very clear to him that Mr Biko, except for his swollen upper lip, had no above Mr Biko's eye. And yet neither in this affidavit nor in any other do you make the suggestion that he might have had a bump on his head in the struggle in the office.

Col Goosen said he had only thought of it as a possibility.

Mr Kentridge said that the possibility was mentioned nowhere in the affidavit.

Col Goosen: It didn't allow for possibility.

Mr Kentridge: You didn't deal with probabilities? Did you raise the possibility that Biko could have suffered an injury in Port Elizabeth prison hospital on the morning of the 9th? I said it was a possibility.

Mr Kentridge: You describe it as much as a more probability. I use your theory. Why didn't you forward the theory that he might have had a knock during the struggle?

Mr Kentridge: You deal at length with the fact that he was found on the morning of Sept 9 in his bath and later on the floor next to his bed. You put forward as a probability at least a theory that is why he suffered his brain injury. Why didn't you put forward as a probability your theory that it might have happened in the course of the struggle on the morning of the 7th? He was found in the bath full of water. I thought there might have been an attempt at suicide.

Mr Kentridge: There were two possibilities. Why did you only mention one? I'm going to tell you why. It is because you were putting a theory which took it as far as possible away from your own men.

Col Goosen said that he had received a medical certificate after the incident.

Col Goosen said he noticed no injuries at all after the incident and said the injury could only have happened in prison.

Mr Kentridge reminded him that no one who saw Mr Biko in Port Elizabeth on September 11 had mentioned the mark in an affidavit.
Suicide bid by Biko

_Colonel_

Full report on pages 3, 4, 5 and 11

Major Henry Snyman (left) and Colonel P J Goosen, witnesses at the Biko inquest.

Own Correspondent

PRETORIA. — Mr Steve Biko made an obvious attempt to commit suicide in a bath while he was in the Port Elizabeth Prison Hospital, the inquest court heard yesterday.

Giving evidence, Colonel P J Goosen, chief of the Port Elizabeth security police, said in a statement that he seriously believed Mr Biko could have suffered his brain injury and the wound on his forehead during the suicide attempt.

In one of several statements by Colonel Goosen handed in to court yesterday but not read out, Colonel Goosen said the obvious suicide attempt occurred on the night of September 29/30 when Mr Biko was found in a bath full of water.

Colonel Goosen also suggested that Mr Biko's unnatural breathing during his detention may have been part of the suicide attempt.

In a statement, Colonel Goosen said he learnt of the incident coincidentally and immediately investigated it.

"On two occasions in the prison hospital block, Biko was found in the bath. He was also found on the floor, in front of his bed.

"If one takes into consideration that those incidents occurred during the night of September 28 to the 29, I would like to express the serious presumption that the deceased could possibly have sustained the wound on his forehead and his brain damage during these incidents."

Colonel Goosen said that Mr Biko was evidently bent on self-destruction even with his method of breathing while in detention.

_Hyperventilation_

"On several occasions I noticed that the deceased was breathing in a way that seemed unnatural to me. He breathed quickly and drew in long breaths and breathed out quickly. After his death I discussed this tendency with doctors. Dr Lang (the Port Elizabeth district surgeon) had noticed this and diagnosed it as hyperventilation," he said.

Research in medical books indicated that hyperventilation was dangerous, caused light-headedness and could even result in death.

"This and the fact that the deceased was found with clothes and all in a bath full of water in an obvious suicide attempt, may have also resulted in his bumping his head very hard against the bath which caused the brain injury," he said.

Also at yesterday's hearing, Mr Sydney Kenridge, SC, for the Biko family, questioned Colonel Goosen on a standing order which stipulated that if a prisoner was kept in chains this had to be recorded in an occurrence book.

Although Mr Biko had been kept in chains, no entry was made.

Colonel Goosen said this standing order was just a guideline and there was no occurrence book available at the security police offices.

Mr Kenridge asked where he took the authority from to keep a man in chains for 48 hours.

Colonel Goosen: I have the full power to do it to ensure a man's safety.

Mr Kenridge: I am asking you to give the statute.

Colonel Goosen: We don't work under statute.

Mr Kenridge: Thank you very much. That is what we have always suspected.

Colonel Goosen said he did not mean that he was above the
In a statement issued at the conclusion of the seven-day synod of bishops held at Marquinez, near Pinetown yesterday, it says that after reviewing the deaths in detention of Phakamile Madiba (a member of the church's youth team ministry), the Nomads and black consciousness leader Steve Biko, the various arrests, bannings and detentions on October 17, the steady rise in unemployment and the increasing rejection by black scholars of Bantu education, the synod believes that all this can only further exacerbate the breakdown in race relations.

"Referring to bannings, house arrests and detentions under the Internal Security and Terrorism Acts, the statement said: "Episcopal Synod is appalled that the state has chosen this despotic way of dealing with the situation rather than of turning to open discussion and negotiation."

It appeared that all those who had taken action against shared the belief that apartheid was evil and 'pressed most heavily on blacks.'

"We support the call for the abolition of Bantu education and its replacement by a free and compulsory system of education open to all races."

The statement ended with a call to all Christians to pray for the banned, the arrested, those under house arrest, and the detained "who may be in real dangers of death" together with those who have died in detention as well as their families.

"Indeed, we should pray for all who suffer as a result of the conflict situation in which we live." — Sama
MR STEVE BIKO made an obvious attempt to commit suicide in a bath while he was in the Port Elizabeth prison hospital, the inquest court heard yesterday.

Giving evidence, Colonel P Goosen, chief of the Port Elizabeth Security Police, said in a statement that he seriously believed Mr Biko could have suffered his brain injury and the wound on his forehead during the suicide attempt.

In one of several statements by Col Goosen handed in to court yesterday but not read out, he said the suicide attempt took place in the early hours of September 8 when Mr Biko was found in a bath full of water in an apparently (klaarbring-like) suicide attempt.

Col Goosen also suggested that Mr Biko's unnatural breathing during his detention might have been part of the suicide attempt.

The court learned yesterday how Mr Biko was transported naked in the back of a "comfortable" Land-Rover from Port Elizabeth to the Pretoria prison hospital on the night of September 11. The journey of more than 1,000 km was undertaken overnight, with stops only for fuel. The only "medical equipment" was a container of water.

There was a gap in the crowded courtroom when Capt D Siebert, one of the Security Police men who accompanied Mr Biko to Pretoria, replied to a question about what Mr Biko wore during the trip.

"He was naked," Capt Siebert replied.

Asked why Mr Biko was being transported naked, Capt Siebert said it would discourage an attempted escape if he was naked.

Mr Sydney Kentridge, SC, for the Biko family, did not object to the documents being read out but considered them "irrelevant in the context of the case".

The court heard that on September 8 in the Pretoria prison hospital, a statement was made of an alleged suicide attempt by Mr Biko at his cell in the cell block of September 8 while he was in Port Elizabeth prison hospital.

In a statement, Col Goosen said he heard of the incident coincidentally and immediately investigated it.

"On two occasions in the prison hospital block, Biko was found in the bath. He was also found on the floor.

"I order this consideration that these incidents occurred during the night of September 8 to September 11 would be expressed as to the severity of the crime, which possibly could have occurred in the head and brain damage during the time of these incidents," he said.

Col Goosen said Mr Biko was evidently bent on self-destruction even with his method of breathing in his cell while in detention.

"On several occasions I noticed that the deceased was busy breathing in a way that seemed natural to me... He breathed quickly and drew in long breaths and breathed out quickly. After his death I noticed that tendency with doctors.

"Dr Lang (the Port Elizabeth district surgeon) had noticed this and diagnosed it as hyperventilation. This tendency is practiced especially by deepsea divers to take in as much oxygen as possible and to get rid of all carbon dioxide so that they can stay under the water longer. Research in medical books indicates that hyperventilation is dangerous, causes light-headedness and can even give rise to death," he said.

Mr Kentridge questioned Col Goosen on the possibility of Mr Biko having pumped himself up during the struggle with his interrogators on September 8.

Col Goosen replied he had not been told this in the inquest and that any of his men had not made the deduction that this could possibly have happened.

Mr Kentridge said: "You have been asking all the affidavits in this case. In none of them did you ever make the suggestion that he might have had a bump on his head in the struggle."

But in the statement to the officer investigating Mr Biko's death, Col Goosen had mentioned his presumption that Mr Biko had knocked his head in the suicide attempt in the bath.

Mr Kentridge: There were two possibilities. Why didn't you mention the one and not the other? I'm going to tell you why. It was because you were putting up a theory which took it as far away as possible from your own version.

Col Goosen replied that he had been shown a photograph of Mr Biko which showed a mark on the back of his forehead. Mr Kentridge said: "He had not noticed it carefully. He therefore believed the injury had occurred on the night of September 8."

Mr Kentridge: Do you know how old the wound was at the time of his death (September 11)? Col Goosen: It was at least four days old. Probably a little..."
Natal man is detained

The Argus Correspondent
DURBAN, 25 April: A 33-year-old Hammarsdale writer, Mr Pascal Gwala, has been detained by the security police and is being held in Pietermaritzburg under Section 8 of the Terrorism Act.

His wife, Mrs Thoko Gwala, said today security policemen detained her husband on Monday about 2.30 pm while he was waiting for her at the Hammarsdale shopping centre.

Mr Gwala was a former teacher. He resigned from a Hammarsdale school last month to concentrate on writing.

Colonel J G Dreyer, head of the Natal island division security police, was not available for comment today.
Biko: Ban exercise on outside

The Argus Correspondent

On Thursday, a police officer said that between August 19 and Sept 6, a police officer said that Mr. Biko was kept in his cell — even for exercise — and that he was not allowed out of a police cell. The Argus Correspondent
said, "The cell was big enough for exercise."

Mr. Kentridge said he was prepared to accept the affidavits of prison warders from Port Elizabeth and Pretoria without oral evidence, with the exception of one warder from Port Elizabeth, whom Mr. Kentridge wanted to give evidence.

Concerning the Port Elizabeth warders, he submitted that each of the warders had been given duplicated forms from General Kleinhaus, appointed to investigate the death, which contained the following inscription: "I saw no injury on Steven Biko. I saw the following injury on Biko's chest when I saw the warders.

Difficult

Mr. Kentridge submitted it was difficult to believe that no one saw the injury on Mr. Biko but he could not see any object in calling 12 warders to put to them that they should have seen the injury.

Mr. K.F. van Rooyen, appearing for the police, indicated that he had some problems in connection.

He and other counsel said they agreed that it would probably not be necessary to call warders to testify in support of their affidavits but that in the light of evidence subsequently given, he might ask the magistrate to review his decision and in fact call warders to give oral evidence.

Mr. Kentridge started his cross-examination of Colonel Goosen by saying, "Today I will ask my questions more slowly. Perhaps we can get on better today than yesterday."

Regulations

Was the treatment of Mr. Biko in the Walmer police station in accordance with the provisions of the provincial prison regulations? Did the warders ask for the appropriate medical treatment?

(Continued on Page 4)
The Argus, Thursday November 17 1977

3 doctors saw Biko

(Continued from Page 12)

Elizabeth district surgeons called to examine Mr Biko on September 8, he was shaming illness.

Mr Kentridge suggested to the colonel he tried to get up the story that Mr Biko was shaming.

Colonel Goosen: Are you think a man who does not go to the inlet for days is shaming.

Colonel Goosen: It's un-natural.

Injury

Mr Kentridge: Was he shaming.

Colonel Goosen: He did not take in any liquid.

The colonel said police did everything possible to protect Mr Biko's health.

Mr Kentridge: Were you worried Mr Biko might have suffered an injury.

Colonel Goosen: I know how about the struggle but had no certainty about what the nature of the injury was. At that stage I did not give it consideration.

Mr Kentridge: We have the situation, leaving aside how he got the injury, that here was a man with a head injury who was left lying on a mat in chains for 48 hours.

Colonel Goosen: If I was aware, my actions would have been very different.

Mr Kentridge submitted that the witness had no known what happened to Mr Biko and yet he left him lying on the mat.

Medical view

The medical opinion on September 7 and 8, Colonel Goosen replied, was that nothing was wrong with Mr Biko and he could see nothing was wrong with Mr Biko but was that he was shaming.

Mr Kentridge said that Dr Tucker had said he could send nothing wrong with Mr Biko but was that he was shaming.

Mr Kentridge: Oh, f f. Give me some examples.

After a few moments, Mr Kentridge said. You stand silent. Very well.

Colonel Goosen replied that so, but with one specific request that he be kept in isolation.

"Twisting"

Colonel Goosen accused Mr Kentridge of twisting his words in his mouth.

The accusation came when Mr Kentridge asked him whether he remembered the arrival of the specialist, Dr Hersch, at the prison hospital on September 8.

Colonel Goosen began to page through an affidavit for him. Mr Kentridge: Wait a moment. Don't you remember?

Mr Kentridge: Goosen: I do, but I choose to consult my affidavit. You put words in my mouth and twist my words.

Mr Kentridge: Oh, f f. Give me some examples.

After a few moments, Mr Kentridge said. You stand silent. Very well.

Denial

Earlier Colonel Goosen denied he gave instructions that only whites deal with Mr Biko at the prison hospital, but if a fear black staff might leak information, Mr Biko's condition to family members.

He gave the instruction because whites were available not blacks.

Colonel Goosen was uncertain whether he instructed whatever be allowed in contact with Mr Biko.

Colonel Goosen was uncertain whether he instructed whatever be allowed in contact with Mr Biko.

Questioned whether Mr Biko was taken to the hospital on September 8 after the opposite arm to Dr Hersch at the prison.

Mr Kentridge: Both you and Mr Lang concluded Mr Biko was shaming and could not remember that at the previous examination he had shown the other arm.

Council added that there had been no reference to this fact in any of Mr Lang's affidavits.

Colonel Goosen said although it was obvious that Mr Biko had shown different arm on the different occasions, the (colonel) could not remember which one he had shown to Dr Tucker and which one to Dr Hersch.

Mr Kentridge pointed out from medical reports that according to both Dr Hersch and Dr Tucker, Mr Biko had complained that he was unable to move his left limbs properly.

Invention

I am suggesting this...
colonel

He explained that Dr. Tlokaste was also partly of the opinion that Mr. Biko had been shamming.

He recalled that Dr. Hersch had wanted a lumbar puncture taken of Mr. Biko. Asked by Mr. Kentridge whether Dr. Hersch himself had ever told anyone that he believed Mr. Biko was shamming, Colonel Gossen replied: "Not in so many words."

Mr. Kentridge commented: "No, not in any words."

Mr. Biko was taken from Port Elizabeth because better medical facilities were available in Pretoria, Colonel Gossen said.

"Special person"

He could not be taken to a provincial hospital under a 24-hour police guard in Port Elizabeth because Mr. Biko was a "special person" in "special circumstances."

Mr. Kentridge: He wasn't a magician. How could he have escaped while under guard?

Colonel Gossen: He could have. We took this into consideration. We were keen to get him to court.

Mr. Kentridge: Were the police effective enough to mount a 24-hour guard?

Colonel Gossen: Previously, people have escaped.

Out of sight

"Definitely not," was the reply Colonel Gossen gave when Mr. Kentridge suggested the reason Mr. Biko was not taken to a public hospital in Port Elizabeth was to keep him out of sight until he recovered from his injuries.

"No one saw any marks on him," the colonel said.

In Pretoria, Mr. Kentridge said, a senior prison official suggested if there were not sufficient prison medical facilities available, Mr. Biko should be admitted to a public hospital.

Mr. Kentridge asked: "Would you have agreed to this?"

Colonel Gossen: If I was aware of what I now know, yes.

"No. Medical facilities were put on the police vehicle which took Mr. Biko to Pretoria, Colonel Gossen said. "Only a water container was taken."

He thought Mr. Biko was still shamming illness. In any case, no doctor had said medical facilities should be in the vehicle.

Magistrate's visit

Colonel Gossen said when a magistrate visited detainees he filled two reports, one to the Department of Justice and another to the Security Police headquarters in Pretoria.

He did not usually see the reports until they came back to him later.

If a prisoner complained to a magistrate about sickness, one of the colonel's officers was informed and a doctor called immediately.

He realised that because of the death, Mr. Biko would unfortunately be seen as a martyr by the outside world, instead of being brought to court and exposed for what he was.

Mr. Kentridge: Mr. Biko's death had cast a veil over his activities.

Mr. Kentridge: One reason was that you had lost the chance to expose and discredit him in court. That does not seem to have stopped you from trying to do so in this court.

Family informed

Colonel Gossen agreed that when Mr. Biko died, the man was no longer shamming.

Mr. Kentridge: Bad luck for Mr. Biko that the realisation came too late.

Colonel Gossen: It was very unfortunate for the police and for South Africa because of the terrible propaganda that comes from such an incident.

Asked by Mr. Kentridge whether he had told the Biko family that he... (Continued on Page 5).
years ago,' the last few words of which were drowned by a murmur from the public gallery. "Mr Kentridge replied that he took the magistrate's point and would attempt to refrain from that sort of comment, or at least leave them until he addressed the court at the end of the inquiry.

Ointment

Mr Kentridge asked whether Mr Biko had been given 'as much as a dab of ointment' for his swollen lip until he was taken to the prison hospital. Colonel Goosen replied that he had been examined by three doctors on September 8. The magistrate asked whether, when Mr Biko was taken to the prison hospital, he came under their care and regulations. dort to hide his illness, the colonel said this was done because Dr Lang could examine him only that night.

Regulation

Mr Kentridge then read from a prison regulation which called for 'among other things, the notification of next of kin if a prisoner was seriously ill or dead. Here you have a situation that was serious enough to warrant the attention of a specialist and a trip to Pretoria. But you did not notify Steve Biko's family.'

Colonel Goosen said chief aim of the hospital examination was to diagnose a possible illness. When doctors found nothing physically wrong with Mr Biko, a trip was arranged to Pretoria for further diagnosis.

Examinations

Colonel Goosen had claimed to notice that, whereas during earlier examinations by Dr Lang and Dr Tucker on September 7 and 8, Mr Biko was slightly weak, he showed Biko, which 'produced a positive finding.

Colonel Goosen added: 'All I know is that three doctors told me they found nothing wrong with him.'

Colonel Goosen agreed that he and Dr Lang came to the conclusion that Mr Biko was shanming a slight paralytic.

Mr Kentridge read an extract from a statement by Colonel Goosen saying that he was present on the evening that Dr Hirsch examined Mr Biko in the presence of Dr Lang.

Discussion

The witness agreed he was not present but added that he had discussed the examinations with the doctors because he wanted to know what was wrong with Mr Biko.

Colonel Goosen said it was clear during the examination at the prison that Mr Biko had pointed to the opposite arm and Dr Lang had remarked on this. He could not comment on why Dr Lang had not mentioned this in his statement.

Mr van Rooyen interposed here to say that the doctors' reports were that, at the first examination Mr Biko's right arm reflexes had been slow and in the second one it was his left arm reflexes.

Mr Kentridge submitted that reflexes were not something which a person 'put forward' as a complaint.

The magistrate asked Colonel Goosen when he became aware that Mr Biko had a problem first in one arm and then in the other. Colonel Goosen replied that as commanding officer he was interested to know what was wrong with Mr Biko, and had spoken to the doctors immediately after their examination.

Mr Kentridge cross-examined him on his use of words when he had said it was the 'general opinion' that Mr Biko was shanming.

Colonel Goosen said he drew this conclusion himself after speaking to the doctors. One of the medical assessors, Professor I. Gordon, asked him what was meant by the word 'general' when applied to an opinion. Colonel Goosen replied: 'That didn't mean 'more than one person'.
Biko was special person, court told

Colonel P J Goosen

Colonel Goosen said that when a photo of a bump on Mr Biko's forehead was shown to him it occurred to him that it may have been inflicted during a fight in the office.

"Photo can be misleading," he said. "The bump may not have been as pronounced on the forehead, and therefore unnoticeable in the naked eye, as in the photo. This is possibly why no one saw the bump."

Colonel Goosen agreed that he had been a detective for many years.

Brain injury

Mr Kentridge: And you thought, knowing that Mr Biko had died of brain injury, that he might have been faking brain injury on September 7 and September 8 and then actually suffered brain injury on the morning of September 9.

Colonel Goosen replied he thought the man had been shammed to prevent interrogation and to get himself to a hospital where conditions would make suicide possible.

Colonel Goosen said he was satisfied that the brain injury was suffered by Mr Biko elsewhere than to the Security Police offices.

He thought, even after his death, that Mr Biko's strange breathing was an attempt at suicide and not the result of a brain injury.

He did not think that Mr Biko had been injured by any of his men.

Definition

A guilty, or over the dictionary definition of the word 'hunger strike' in English, an attempt was made by the magistrate to ask whether a person had to claim he was going on a hunger strike or merely show that he was doing it by his conduct. Mr Kentridge said he supposed a person could do so by his conduct, and asked what Colonel Goosen himself meant when he used the word.

"I meant that I was not eating his meals," Mr Kentridge asked him if he was not aware that a large quantity of bread was given to prisoners in their rations, and that the fact he saw uneaten bread did not mean none had been eaten.

Regret

Mr Kentridge said the word 'shamming' was too strong and he did not expect it. However, no expression of regret had been made that Colonel Goosen thought Mr Biko was shamming.

Callousness

Mr Kentridge said this lack of expression of regret showed the 'callousness of the man.' All it told was what a dangerous man Mr Biko was.

The colonel had taken it upon himself, Mr Kentridge continued, to express the view that Mr Biko may have been using violence to a man who had said he was not based on facts.

At this stage Mr van Rooyen said the police rose to their feet once again to object to what he said and earlier termed a vendetta against the Security Police.

Mr van Rooyen recalled a statement by Mr Kentridge that Colonel Goosen congratulated himself in his affidavit (as doing everything possible for Mr Biko's comfort).

Venemous

This was uncalled for and was venemous comment, Mr van Rooyen said.

Mr Kentridge said his statement was that Mr Biko was treated callously.

The magistrate asked whether, if a man did not perceive a death, he was acting callously.

Mr Kentridge said that the Biko family had not been informed officially of the death.

The magistrate said he found it difficult to see the need for an expression of sorrow in an affidavit.

Suicide bid

Colonel Goosen suggested the bump may have been inflicted in an apparent suicide attempt in a bath in a Port Elizabeth prison hospital.

"Surely you know the possibility that Mr Biko may have humped his head in an office at security police headquarters," said Mr Kentridge.

A guilty, or over dictionary definition of the word 'hunger strike' in English, an attempt was made by the magistrate to ask whether a person had to claim he was going on a hunger strike or merely show that he was doing it by his conduct. Mr Kentridge said he supposed a person could do so by his conduct, and asked what Colonel Goosen himself meant when he used the word.

"I meant that I was not eating his meals," Mr Kentridge asked him if he was not aware that a large quantity of bread was given to prisoners in their rations, and that the fact he saw uneaten bread did not mean none had been eaten.
THE BIKO INQUEST

Mercury Correspondent

PRETORIA — Col. P. G. Goosen, the head of the Port Elizabeth Security Police, told the inquest on Mr. Steve Biko yesterday that he had thought that Mr. Biko was shamming brain injury, just as Mr. Mobili Cekisani, another leader of the Black People's Convention, "always had strokes whenever he was detained."

He realised when Mr. Biko died that he had not been shamming. Mr. Cekisani was in the audience in the Old Synagogue and had attended the hearing every day, Col. Goosen said.

"Afterwards there is never anything wrong," he told the Court.

At the start of yesterday's proceedings the examination of Col. Goosen continued.

Mr. S. Knidridge, SC, for the family, referred to Col. Goosen's affidavit in which he said that Dr. Tucker and Dr. Lang came to his office on September 8. The Colonel had said that he had told the doctors of his suspicions. He wanted to know what these suspicions had been said he was.

Unnatural behaviour

Col. Goosen: I told them of my suspicions because Mr. Biko had not taken food or liquid. We had here a man who could not eat, react or talk and who used no toilet facilities. This was unnatural behaviour. I did not say "suspicion." I used the word "bedwening." I was not satisfied that his behaviour was that of a normal person. I still thought he was shamming. I had had experience before with this tendency.

Mr. Knidridge: Do you think it is shaming if a man does not go to a toilet for three days?

Colonel Goosen: He did not take any liquid. I thought perhaps the need was not so great. I am just a layman. This man was in my care, he was my responsibility.

Two opinions

He never told the doctors that he thought Mr. Biko was shamming.

Colonel Goosen said he thought so before he saw Dr. Tucker but as far as he could remember he did not tell them.

He had called Dr. Lang but Dr. Lang arrived with Dr. Tucker because he had thought it necessary to get a second opinion. He might have told Dr. Tucker that he was afraid Mr. Biko might be near to them. I don't know him. I knew he and his wife were estranged. I did not write to them, he said.

Mr. Knidridge: Can I find in your 14-page affidavit not one expression of regret.

Col. Goosen: I didn't think the affidavit the place to express my regret. That was not the object of the affidavit.

Col. Goosen repeated that he had thought Mr. Biko was shamming.

"In this court there is a leader of the Black People's Convention who always has strokes when we detain him. Afterwards there was nothing wrong. He is Mr. Mokli Cekisani. He has attended this hearing every day," Col. Goosen said.

Answering a question by the magistrate, Mr. Knidridge said one would not expect expressions of regret in an affidavit but Col. Goosen's affidavit was not "that sort of affidavit," he said.

Vendetta alleged

The affidavit concerned the medical research and said that Mr. Biko had been bent on suicide. One would have expected him to say: "It now appears he was not feigning. We made an error of judgement," he said.

Mr. van Rooyen rose. He had previously indicated that he was objecting to the proceedings being used as a vendetta against the police, he said.

Mr. Knidridge's cross-examination continued.
After the doctors' investigation he was still convinced that Mr. Biko was shamming illness, Col. Goosen said. Later he was not satisfied. He was in two minds about it and wanted to make 100 percent sure, he said.

**Violent struggle**

On the 8th he knew there had been a violent struggle, but did not know of certain what injuries could have been incurred.

Mr. Kentridge: Were you worried that Mr. Biko had had a head injury?

Col. Goosen: At that stage I paid no attention to it. I did not know for certain. I always had to consider the possibility.

Mr. Kentridge: Why did you not mention this to the doctors? Did you have any certainty that he had suffered a stroke? You told the doctors you were worried about a stroke but never that you were worried about a head injury.

Col. Goosen said that the possibility that Mr. Biko's specimen was impaired had made him think that he had suffered a stroke.

Mr. Kentridge: My submission will be that you knew that Mr. Biko might have suffered a head injury but did not want to draw the medical attention away from it.

**Again shackled**

Col. Goosen said that when the doctors arrived Mr. Biko was still shackled hand and foot. After they had left he was again shackled.

Mr. Kentridge: Do you accept that at that time he had had a brain injury?

Col. Goosen: I now know it to be possible.

Mr. Kentridge: I will submit that a man with a brain injury was left lying in chains for 48 hours.

Col. Goosen: If I had known at the time that he had a brain injury I would have treated him differently:

Mr. Kentridge: On your own admission you did not know what was wrong with Mr. Biko yet he was left lying on the mat?

Col. Goosen: The medical doctors could find nothing wrong.

Mr. Kentridge: That is not quite true. Dr. Tucker much as it's a dab of ointment for his swollen lip.

Col. Goosen answered that when he handed Mr. Biko to the Prisons Department he was no longer under his control and prison regulations then applied to him, except that a special request was made that Mr. Biko should be kept in isolation while in hospital.

While Mr. Biko was with him two doctors saw him and it had been their privilege to prescribe any medicine which they thought necessary.

Mr. Kentridge: In fact Dr. Lang notice on the 7th that his ankles were swollen.

Col. Goosen said he had ordered that Mr. Biko be sent to Pretoria because they had the facilities for a proper examination there.

**Good hospitals**

Mr. Kentridge: What was wrong with Port Elizabeth?

There are very good hospitals there.

Col. Goosen: With Mr. Biko's background there were good reasons why he could not be kept there.

Mr. Kentridge: Often in hospitals prisoners are kept under a 24-hour guard? I know you made a lot of the fact that he studied yoga. Did you think he was a magician?

Col. Goosen: I still thought he was feigning. I thought it was possible that he could be assisted to escape and leave the country. I have often had prisoners under guard in hospitals who succeeded in escaping.

Mr. Kentridge: Wasn't it the real reason that you did not want anybody to see Mr. Biko in that condition? You did not think he would die and until he recovered you wanted to keep him out of sight?

Col. Goosen: I had no reason to hide him. Neither I nor any of my colleagues, nor the doctors saw any external injuries.

Mr. Kentridge: Do you know that General Gerickie, the officer commanding the Pretoria Prison, said in an affidavit that if he had not had the proper facilities in prison Biko would have been sent to a public hospital for treatment?

Col. Goosen: Had I known what his condition was I would have agreed to that, but I thought he was feigning illness.

When he could not get a call for sarcasm. It was an uncalled-for attack on the witness, he said.

Mr. van Rooyen said that the only reason for this examination could be to show that the witness had a propensity for violence.

The examination created an impression that was being sent world-wide. Propensity was not allowed in law, he said.

Mr. Kentridge: I am not suggesting a propensity, I am suggesting that Mr. Biko was treated callously.

The affidavit had been made at a time when Major Kleinhaus had indicated that Mr. Biko had died of a brain injury and had a wound on his forehead, Mr. Kentridge said.

Mr. Kentridge read from Col. Goosen's affidavit in which he described an incident when Mr. Biko had been found in a bath. Col. Goosen had said in his affidavit that he would like to express a serious suggestion that Mr. Biko had suffered brain injury during this incident.

Col. Goosen had also said that Mr. Biko had been on self-destruction even in his method of breathing during detention.

**Could have been scratches**

Col. Goosen said the injury on Mr. Biko's forehead had never been noticed by him or the doctors and he did not know how it could have been caused. He had since learned that the photograph handed into the Court showing the injury had been over-exposed and that the injury could have consisted of just a few scratches which showed up more clearly in the photograph.

Mr. Kentridge: Are you seriously suggesting that incident in the bath was an attempt to suicide? Are you saying that a normal person would sit in a bath of water with his clothes on? Clearly by then he was not normal. Don't you think he might already have had a brain injury?

Mr. Kentridge said that Warder Coetzee had found Mr. Biko in a bath full of water. He had asked him to get out and he eventually did so.

When the warder asked him what he was doing there at that time of the morning he did not say anything but just gave a groan.

Col. Goosen: Many of Mr. Biko's methods had seemed pretty strange to me.
Inquest told of Biko ‘cover-up’

By HELEN ZILLE

Mr Steve Biko’s alleged hunger strike — and the statements of the Minister of Justice, Mr J T Kruger, about it were a major issue of yesterday’s inquest in Pretoria.

Mr Sydney Kentridge, SC, for the Biko family, said the hunger strike story was false and suggested it had been a cover-up attempt.

“There are two questions that arise out of this. Where did the cover-up start and how high did the cover-up go? The answers to these questions will tell us a great deal about what really happened to Steve Biko while in the custody of the Security Police,” Mr Kentridge said.

Mr Kentridge made these statements while answering an objection by Mr R van Rooyen, for the police, on the relevance of a “dossier” of newspaper reports of statements by Mr Kruger handed to the court by Mr Kentridge.

The magistrate, Mr M J Prins, said he would rule today on the admissibility of the statements by Mr Kruger.

Mr Kentridge drew the attention of the court to evidence in sworn statements that contradicted statements by Mr Kruger about Mr Biko’s alleged hunger strike.

In an official statement after Mr Biko’s death, Mr Kruger said that from September 5 Mr Biko refused meals and threatened a hunger strike, but was regularly supplied with meals and water, which he refused.

Mr Kruger also said that by September 11 Mr Biko had still not eaten.

In a later statement, Mr Kruger said that when ingestion began on Mr Biko on September 5 he asked
Colonel Pieter Goosen, head of Security Police in the Eastern Cape, outside Pretoria's Old Synagogue yesterday where he told the inquest into the death of Mr Steve Biko that the Land-Rover in which Mr. Biko was taken naked to Pretoria was "relatively luxurious."
Mr Kentridge said that at about 10 minutes before answering questions, he had said he would not answer questions but would go on a hunger strike.

Referring to affidavits before him, Mr Kentridge said that Mr Biko was fed with half of his ration of porridge as a warder in the Port Elizabeth Prison Hospital on September 9. Then he drank a full mug of coffee.

On the same day another warder described how he drank his full portion of maguwa (a rich vitamin drink) and asked for water. "He (Mr Biko) said he wanted to kiss me because I had given him the maguwa and the water," the warder's statement said.

Mr Kentridge: That doesn't sound much like a man on a hunger strike.

Mr Kentridge asked Col Goosen if he knew who had given the Minister the information on which his statements were based.

Col Goosen: I have no idea. He said he had gone through the normal channel of communication via the Security Police headquarters.

Mr Kentridge: Col Goosen has denied he gave this information. Very well, we must call the next man in the chain and the next.

A buzz rippled through the courtroom as Mr Kentridge added: "Either someone will place the responsibility on the previous link in the chain... of if this is not the case I fear we must go as high as the Minister himself and ask him to come here and tell how and why this false story was propagated to him so that he could propagate it to the country and the world."

Answering an objection by Mr Van Rooyen and Mr K Von Lieres, the U.S. Attorney-General, that the Minister's statements were not relevant to the task of the inquest court, Mr Kentridge replied that they were vital in testing the credibility of Col Goosen.

Col Goosen had submitted several possible theories about the cause of Mr Biko's condition.

Information that started with Col Goosen and ended with the Minister contained palpable untruths," Mr Kentridge said.

"If we find that someone in the Security Police went to the trouble of planting a deliberately false statement on the Minister, it is the clearest possible proof of guilt."

Even after the Minister had made the statements, Col Goosen had made no attempt to correct them.

"A man must have very strong motives if he allows his own Minister to be put in this embarrassment position," Mr Kentridge said.

...we say (these things) point to the fact that they (the Security Police) had something to hide. What did they have to hide if it wasn't something that brought them to blame," Mr Kentridge said.

Answering an objection by Mr Van Rooyen that the newspaper reports were hearsay evidence and inadmissible, Mr Kentridge said the investigating officer in the case could easily submit the statements to Mr Kruger who could confirm or deny them.

Mr Kentridge said that if the Minister's statements were ruled inadmissible, evidence before inquiry into the circumstances surrounding Mr Biko's death would be "stultified".

"One will be left with the sneaking feeling that the full facts have not been ventilated and we have not got to the heart of it."

Mr Von Lieres said he objected in the strongest terms to the submission of the dossier. The court was not a political platform for the November 30th election, he said.

Other major points in yesterday's hearing were:

- Col Goosen said there was a possibility that Mr Biko had suffered brain injury during the time he was kept for interrogation in Room 619 of Security Police headquarters.
- Col Goosen admitted he had kept Mr Biko confined to a prison cell from August 19 to September 9, when his arrest warrant made provision for daily opening exercise. Mr Van Rooyen objected saying the inquest was being used to stage a vendetta against the police.
- Mr Kentridge: The Special Branch in Port Elizabeth, at least in their dealings with Mr Biko, showed no respect for legality and did not consider themselves bound by standing orders or prison regulations.
- Col Goosen said he was sorry about Mr Biko's death because he had left Mr Biko'scoming up for trial and had been exposed for what he was, the world now regarded him as a martyr.
- Mr Biko's death had meant that "instead of exposing him we drew a veil over his activities".
- Col Goosen also described the Land-Rover in which Biko had been taken to Pretoria as 'relatively luxurious'.
family motoring

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observation. I made no note of it.

Mr. Kendtrend: Surely that can't be true? I was present on the 5th of May. You must have made notes of it in your report at some stage.

Mr. Colloeg: Yes, that was the 5th of May. There was a demonstration in Durban, and I was present. I made notes of it in my report. I cannot recall the exact details, but I remember that there was a protest march.

Mr. Kendtrend: I see. Thank you. Perhaps we will have to refer to the minutes of the meeting where the dockets were discussed.

Mr. Colloeg: That is true. I do not have the minutes with me, but I can certainly refer to them if necessary.

Mr. Kendtrend: I see. Thank you. I will consider that.

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**Dossier is irrelevant to death, says State**

The head of the Security Police in the Eastern Cape, Colonel Peter Goosen, left, and Lieutenant W. Wilkins, the man who was in charge of the night staff at Security Police headquarters in Port Elizabeth on September 8.

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**Kendtrend: Hunger strike story a cover up**

Mr. Kendtrend: You had the opportunity to see Mr. Biko in the prison and form your own opinion. What did you observe?

Mr. Colloeg: I observed that Mr. Biko was well nourished, and that he was in good health. He did not appear to be suffering from hunger or any other physical condition.

Mr. Kendtrend: I see. Thank you. That is all. I have no further questions.
Goosen: Biko’s death was unfortunate

PRETORIA — The head of the Special Branch in the Eastern Cape, Col P. J. Goosen, said yesterday he realised for the first time when Mr Biko died that the man had not been shamming illness as they had believed.

Replying to questions by Mr S. Kentridge, for the Biko family, Col Goosen said it was a most unfortunate incident.

Mr Kentridge: For the police generally or just for your squad?

Col Goosen: Because of the tremendous propaganda that can come out of such an incident.

Col Goosen said he had not discussed with his colleagues the possibilities of why Mr Biko had died.

“It was an open question for us. We did not at that stage know the cause of death.”

Questioned about a statement in his affidavit that he had not considered sending Mr Biko to a provincial hospital because the general opinion was, that he was feigning illness, Col Goosen said he had not been told this in so many words.

He had, however, been told by three doctors that nothing physically wrong could be found with Mr Biko, but he had not said it was the doctors’ general opinion Mr Biko had been shamming.

“I said it was the general opinion of myself and Dr Lang and perhaps other gentlemen.”

Asked by one of the assessors, Prof I. Gordon, how many people he included in a general opinion, Col Goosen said it meant the opinion of more than one person.

Mr Kentridge: I suggest you put this part in your affidavit in order to deliberately mislead.

Col Goosen: There was no misleading. Dr Lang gave me the assurance there was nothing physically wrong.

Mr Kentridge also questioned Col Goosen about a statement that one of the reasons he believed Mr Biko was shamming was that Mr Biko had pointed out two opposites to arms to two doctors in different medical examinations with him felt weak.

Col Goosen said he could not remember which arm had been pointed out by Mr Biko on each occasion, but it had struck him that they were not the same.

Told he had stated on Wednesday he had not been present at either medical examination, Col Goosen said the doctors had discussed the examinations with him afterwards.

Mr Kentridge said the doctors had drawn no conclusion of shamming from Dr Lang had noted on September 7 that the reflexes in Mr Biko’s right arm appeared weak and

Dr Tucker said the following day that reflexes in the left limb appeared difficult to elicit.

“They appear to have different findings on reflexes, but they don’t seem to think it is sinister,” Mr Kentridge said.

On his decision to send Mr Biko to the Pretoria prison hospital on September 11, Col Goosen said this was to put Mr Biko in an institution where there were facilities for a proper examination.

Mr Biko had been sent by road in a “relatively luxurious” Landrover after efforts to secure military air transport had failed.

Asked why the perfectly good facilities of a local provincial hospital had not been used, Col Goosen said that because of Mr Biko’s background, there were particular reasons why this could not be done.

Mr Kentridge: Dangerous prisoners are often kept in hospital under a 24-hour guard.

Col Goosen: We are dealing with an exceptional man.

He was a magician. He was just a man. — I was firmly of the opinion that he was feigning illness so he would have to be put in a provincial hospital from where he could possibly escape.

Col Goosen said that the real reason Mr Biko was not put in a provincial hospital was that police did not want anyone to recognise him and see the condition he was in, or that he was to be kept out of sight until he had recovered.

“there was no reason at all to have him away. The reason was to isolate him to prevent him escaping,” he said.

Told that Brig Gerickte at Pretoria prison had been given instructions that Mr Biko was to be taken to a public hospital if the prison hospital did not have the necessary facilities, Col Goosen said he did not know what facilities were available there.

Mr Kentridge: Would you have agreed to his going to a public hospital?

Col Goosen: If I knew then what I know now, yes. But I was convinced then that he was feigning. Asked why Mr Biko’s medical history had not accompanied him, Col Goosen said he had telephoned Pretoria Prison on September 11 to ensure the doctor treating him contacted the Port Elizabeth doctors to ascertain Mr Biko’s medical history.

He now knew this contact had not been made.
Biko's death made him a martyr says colonel

PRETORIA — The head of the Eastern Cape Special Branch said yesterday he regretted Mr Biko's death because it had made a martyr out of a man who would otherwise have been exposed and dishonored in court.

Col P. J. Goosen said he was also upset that a man who had been in Special Branch custody had died.

"Our plan was to expose him in court for what he was with the evidence available to us," he told Mr N. Kentridge, counsel for the Biko family.

"The unfortunate position arose that foreigners and the foreign press would regard him as a martyr instead of exposing him, we have drawn a veil over things."

Mr Kentridge: You lost a chance to expose and discredit him in court?

Col Goosen: Yes.

- His death doesn't seem to have stopped you and your subordinates from doing so in this court. I don't understand that question.

Mr Kentridge: It doesn't matter. His worship does.

Mr Kentridge said that, in 41 pages of affidavits by Col Goosen, there did not appear to be one expression of regret at Mr Biko's death.

Asked if he had taken steps on learning of Mr Biko's death to express regret to the man's family that the police suspicion he was shamming illness was wrong, Col Goosen said the family had been informed of Mr Biko's death.

He had immediately instructed Mr Hansen of the King William's Town Special Branch to inform them what had happened.

Mr Kentridge said up to the time he was speaking the Biko family had still not officially been informed of the death.

Regarding the lack of an expression of regret Col Goosen said he did not believe the purpose of an affidavit was to express sympathy. The purpose of his affidavit had been to state the facts as he knew them. He now realized that Mr Biko had been feigning illness. At the time, however, he did not think so.

The magistrate, Mr Prins, asked Mr Kentridge to explain the purpose of his questions to the witness.

Mr Kentridge replied that his purpose was to show "the callousness of the man." He said Col Goosen had taken it upon himself to express his opinion on the cause of Mr Biko's death. Nowhere in his affidavit did he say that he now realized that Mr Biko was not feigning illness and that he (Goosen) had been wrong.

Mr Van Rooyen, for the police, said he objected to the tendentiousness of the questions. According to Mr Kentridge, he said, Col Goosen had congratulated himself in his affidavit. That was not true. It was uncalled for and vicious comment. The purpose was to portray Col Goosen as a vicious person. That was the impression sent out to the world.

Mr Kentridge said his submission was that Mr Biko had been treated callously.

Mr Prins said he could not see the necessity of expressing sorrow in an affidavit.

Mr Kentridge said sorrow was too strong a word. They would, however, have expected some word of regret—something to say that the police were sorry they were wrong.

Mr Prins said counsel could not attack the character of a witness if it had nothing to do with the court's investigation.

Mr Kentridge said the police affidavits went out of their way to suggest that Mr Biko was bent on suicide and that he was shamming. If his question were interpreted as an attack on the character of the witness, however, he would be willing to withdraw it.
I was told of hunger strike says colonel

PRETORIA — Mr S. Kentridge, for the Biko family, yesterday questioned Col P. J. Goosen, head of the Special Branch, in the Eastern Cape, about claims in some police affidavits that Mr Biko was on a hunger strike.

He asked Col Goosen what the meaning of the words ‘hunger strike’ was and the colonel replied that it had many meanings.

Mr Kentridge then read from both an Afrikaans and an English dictionary giving the meanings of a hunger strike and pointed out that there was not much difference between the English and Afrikaans definitions.

Col Goosen: I would not have been that (inaudible).

Mr Kentridge said it was important to get certainty. If a man did not eat because he was ill, was he on a hunger strike?

Col Goosen: No.

If someone does not eat because he could not eat is on a hunger strike? — Yes — not in that English.

Replying to a question on the English and Afrikaans definitions, Col Goosen said it was a play on words.

Mr Kentridge: What is a ‘staking’?

Col Goosen: It is the same as strike in English.

At this stage the magistrate intervened it might be that Col Goosen did not have the same understanding of the meaning of the words. What was important, he wanted to know.

Mr Kentridge said what was important was what the magistrate was going to believe when he was told that when you are not hungry and you do not eat, you are on a hunger strike.

Col Goosen admitted he had used the words in his affidavit. He explained he meant that Mr Biko had not had his meals.

Mr Kentridge: The man just was not eating.

Col Goosen: Yes.

Mr Kentridge said he wanted to put it in the record that Mr Biko had been entitled to say Mr Biko had gone on a hunger strike at all.

Mr Kentridge then went on to read extracts from the colonel’s own affidavit, the doctor’s affidavit and a number of other affidavits where mention was made of Mr Biko partaking in food and in water and where he thanked some of the people concerned.

He pointed out that Mr Biko had had bread, coffee and the magwe.

He suggested to Col Goosen that his observation that Mr Biko had started a hunger strike was based on the fact that the colonel had seen pieces of bread in his cell.

Col Goosen’s reply was inaudible.

After reading from the affidavits referring to Mr Biko having food and drink, he said: “That does not sound like a man on a hunger strike in any sense.”

Col Goosen said the hunger strike he had mentioned had been brought to his attention. Mr Biko had not eaten —
Vendetta claim against Special Branch

PRETORIA — Counsel for the police claimed yesterday that the inquest was being used as a platform for waging a vendetta against the Special Branch.

Mr. P. R. van Rooyen said counsel for the Biko family, Mr. S. Kentridge, was putting irrelevant questions to a police witness.

Mr. Kentridge, who was questioning Col. P. J. Goosen, head of the Special Branch in the Eastern Cape, asked whether Mr. Biko was to be allowed to exercise or not. What he objected to was the vendetta being waged against the witness over prison regulations — which had nothing to do with the mental state of the person whose death was being investigated.

Mr. Kentridge said he was not criticising the police as a whole, but the Special Branch.

"The reasons for my questions are quite clear. The way Mr. Biko was treated was intended to break him down. Unlawful pressure was exerted upon him, such as the use of leg irons and the deprivation of toilet privileges."

The Special Branch in Port Elizabeth clearly showed no respect for legal rights and did not consider themselves bound by police standing orders or prison regulations. "I am not interested in what the Special Branch did in other centres — only how and why the Special Branch in Port Elizabeth treated Mr. Biko like they did," he said.

Mr. Kentridge said the magistrate would have to make a decision at the end of the hearing on the credibility of otherwise of the Special Branch. It was therefore important to establish the attitude of the commanding officer.

"We have to find out what sort of men we are dealing with and what the motive is for their failure to observe regulations," he said.

Mr. Kentridge then asked Col. Goosen to explain the "suspicious" which raised with the two district surgeons who examined Mr. Biko on September 8.

Col. Goosen said he thought Mr. Biko's refusal to eat or drink was unnatural and he said so to the two doctors.

Mr. Kentridge: Did you think he was shamming?

Col. Goosen: At that stage, yes.

Did you think that a toilet for three days was shamming? — It was unnatural.

Why did you keep telling the doctors he was shamming? — After the doctors had examined him and found nothing wrong, I could come to no other conclusion.

And after September 8? — I was binging on two trouble.

Weren't you also worried that he was suffering from a head injury? — No, I did not consider that an injury. I thought it a possibility.

If so, why didn't you mention it to the doctors? — I had no certainty that he had bumped his head.

In reply to questions by Mr. Prins, Col. Goosen said the time when he spoke to the doctor he was not considering the possibility of a head injury.

Mr. Kentridge: You knew very well he had a head injury, but wanted to draw the doctors' attention away from it?

Col. Goosen: That is not so.

Mr. Kentridge said Mr. Tucker had been sufficiently worried to recommend that Mr. Biko be sent to the prison hospital for examination by a specialist.

"Couldn't you at least have left the leg irons off? There is a good possibility that for that in the 18th Century, you know."

Mr. van Rooyen again interjected and said that was the sort of comment that would make the headlines and was unnec

Mr. Kentridge: It is not a comment. It is a submission. The man was treated with the utmost
Kruuger Inquest

The Biko Inquiry

Extensiy at Inquest

A toplift cover-up

PRETORIA — The Minister of Police, Mr. Kruger, could be called to give evidence in the Biko inquest on what was called a toplift cover-up.
Full coverage of yesterday's evidence, page 6

Rooyen, for the police, rose to object that "Mr Kruger was introducing inadmissible hearsay evidence which was irrelevant."

Mr Kruger then asked Col Goosen to whom he had spoken by phone in Pretoria. Col Goosen replied he had been Brig Coetsee and Brig Zietsman. It later emerged that the Commissioner of Police, Gen Gert Prinsloo, had been involved in passing information to Mr Kruger.

In lengthy argument to the court, Mr Krindt said Mr Kruger had not been in Port Elizabeth where Mr Biko had been detained, had no personal knowledge of what had ed a hunger strike, but had not said anything about a scuffle in the Special Branch offices, nothing that Col Goosen had suspected Mr Biko might have suffered a stroke and noting the effect that Mr Biko had undergone a lumbar puncture.

"The story of a hunger strike was obviously an excise, a cover-up," Mr Krindt said. "This raises two important questions: where did it start and how high did it go?"

"If that is uncovered it will tell us a great deal about the death and treatment of Steve Biko."

Col Goosen denies he gave this information. We must go through the chain of command to see how a false story was propagated and fed to the world.

"Whoever gave this false information was unconcerned with the damage it caused the country," Mr Krindt said.

There was no question that Mr Kruger had in fact made this statement. Mr Krindt asked: "Could this be easily proved? The Minister himself could even come to court to confirm it."

"We must find the source of this false information. If it did originate in Col Goosen, why was it a false statement given to the authorities?"

"Even after Col Goosen knew Mr Kruger had been put on the wrong track, there is nothing to show that he put the Minister right. Why? What is being covered up?"

"If Col Goosen denies giving wrong information, we must go to the next in the chain of command. Either we must go to the Minister himself and ask him to tell us who gave him false information or somebody (in the chain of command) will tell us."

"I don't want to trouble the Minister. I didn't think it would be necessary to go beyond Col Goosen, but now he denies giving false information we must go up the chain."

"Incorrect information given to Mr Kruger must have originated with Col Goosen," Mr Krindt said.

Mr van Rooyen, for the police (in reply), said he had "a sneaking suspicion that I have listened to a consummate piece of artistry. Mr Kruger has introduced inadmissible evidence in terms of evidence: in effect he had been testifying."

"Mr Krindt is pleading inadmissible evidence standing alone in the line.

Mr Krindt: On a serious matter like this, let them come and tell us. "Why would anyone want to put forward statements to the Minister? Who is he and why would he do it?"

Mr Kruger had said Mr Biko had threatened a hunger strike on September 5. The only people with Mr Biko were Maj Smyeman and Col Goosen. Where was the misunderstanding? Who was misled?

"Let us start with the Minister who only today published his statement in good faith on information supplied by Mr Kruger. The magistrate: If we believe Col Goosen what would be the result?"

Mr Krindt: If it is found a witness is lying the court can take it into account whether a person is guilty or innocent...

If I find Col Goosen lied how would that assist me to find the cause of death?...

"Because if the Special Branch is lying it is compelling evidence of wrong-doing."

Mr Krindt continued that if Mr Biko had died of injuries they had probably been inflicted at the hands of the Port Elizabeth Special Branch.

There were several strange aspects in Special Branch' affidavit. They had said Mr Biko could have tried to commit suicide in a bath and that somehow Mr Biko's hyperventilation was also part of a suicide bid. Yet it would have been expected that they would have mentioned the scuffle in the office which they had done in any affidavit...

"This points that they have something to hide," Mr Krindt said.

The official information beginning at Col Goosen and ending at Mr Kruger contained untruths for which Mr Kruger was not responsible. If that had been fed by the Special Branch "It is the nearest possible proof of guilt."

Mr Kruger's statement had been published all over the country. If Col Goosen was responsible in the first place for feeding the Minister wrong information why had he not reacted and told Mr Kruger he had got it wrong?

"But he never corrected it and allowed his minister to go on repeating it."

"If we don't investigate this there will be a suspicion that the full facts did not come out. My clients (the Biko family) would never be satisfied that the full inquiry had taken place if this line of investigation is ended."
Suicide bid in prison bath claim

PRETORIA—In one incident a warder had found Mr Biko in a bath at a Fort Elizabeth prison and once next to his bed.

In the first incident a warder had found Mr Biko, with his trousers on, in the bath with the water still running. The warder told him to turn off the tap which he did with his foot.

Asked what he was doing, Mr Biko did not reply, but gave only "a kind of groan" the warder had reported, Mr Kentridge said.

In the second incident, another warder had found Mr Biko in the bath fully clothed. He could not get out and a second warder had to be called to help get him back to bed.

Mr Kentridge: You say Mr Biko was trying to commit suicide. Do you seriously believe that?

Col Goosen: It is a strong possibility.

Does it sound like suicide? It's difficult to say, but it is possible.

Why do you suggest he was trying to commit suicide? — He could have been trying to drown himself.

No normal man would do this. It's inexplicable. He had a brain injury. Did that occur to you? — It is possible, but I am not a medical man.

Earlier, Mr Kentridge had said no normal man would get into a bath in his clothes, "but Mr Biko may then not have been a normal man."

Was Col Goosen seriously suggesting that the two incidents were suicide attempts — I can't come to any other conclusion.

Why, asked Mr Kentridge, had Col Goosen only made his affidavit after Mr Biko's death? — DDR.
No Kruger file, rules Biko magistrate

Pretoria Bureau

The Biko inquest magistrate today ruled that statements made by the Minister of Police, Mr Jimmy Kruger, concerning the death of the black consciousness leader, were irrelevant to the purposes of the inquest court.

The magistrate, Mr M J Prins, who is Chief Magistrate of Pretoria and is conducting the hearing, refused an application by Mr Sydney Kentridge, SC, for the Biko family, that a dossier of documents concerning statements made by Mr Kruger after Mr Biko’s death, be admitted as evidence.

In his summing up, Mr Prins said the admissibility test of Mr Kruger’s statements was essentially a practical one. The court had to consider all evidence which would assist to reach its objective.

In this light the dossier of statements attributed to Mr Kruger, compiled by Mr Alona Kleinadam, had to be examined in its relevance.

An inquest court had the purpose of ascertaining whether the death of the deceased had been brought about by the act or omission of any person.

Mr Kentridge had emphasized only the different versions of the Minister and Colonel Pieter Godfrey de Villiers, the army officer, for the Eastern Province, in relating to Mr Biko’s alleged hunger strike.

From a practical viewpoint, Mr Prins said the court found it not only difficult but impossible to see how the Minister could assist in inquest purposes of ascertaining how Mr Biko died.

The magistrate then said even if he were wrong in this, there was also the question of hearsay evidence. It had been suggested in argument yesterday that hearsay evidence was admissible in inquest proceedings.

Quoting from legal authorities, however, Mr Prins found that where judicial procedures forbade the admissibility of hearsay evidence, this applied equally to an inquest court presided over by a magistrate.

“Even if I accept Mr Kentridge’s argument that hearsay is admissible, I am of the opinion that when it comes to deciding what evidence should be allowed, the common sense approach should be adopted in deciding to what extent one should go to allow particular hearsay evidence.”

“In this case we know the result would be any.”

Marginal Efficiency of Capital

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The Biko Incident

Running on Knagerie

The Biko Incident.
to avoid giving cause for any criticism.

Detainees were treated well, he said, and were provided with cigarettes and cool drinks. It was upsetting when they subsequently made false accusations.

He cited as example, the Haider Meinl gang, members of whom had committed suicide while being detained under the tightest security conditions.

If any detainee complained of a headache, a doctor was brought to him.

Mr M J Pries...conducting hearing.

Mr K von Lieres...leading evidence.

A further legal wrangle developed between counsel over two documents allegedly shown briefly to Mr Biko by the Security Police on September 6.

PHOTOSTATS
They were allegedly in the handwriting of Mr Patrick Titi and Mr Peter Jones, both allegedly associates of Mr Biko, and were allegedly shown to him with the object of convincing him that their authors had made statements to the police.

Mr van Rooyen (for the police) wanted to hand them in as evidence of their existence. Mr Ernest Westzel, for the family, objected to their being handed in before the family's legal team had had the opportunity of seeing them and deciding whether or not to object to their admissibility.

Mr van Rooyen made it clear that these two documents were not the ones drawn up after Mr Biko's death, which Mr Sydney Kentridge (for the family) had described as a posthumous smear of Mr Biko.

It was these handwritten documents which Major Harold Snyman, chief of the interrogation team, had referred to as having been shown to Mr Biko. Mr van Rooyen said, and not the other documents drawn up and signed by Mr Biko's associates after his death.

The magistrate ordered that photo copies be made of the documents which Mr van Rooyen wished to hand in, to give the family's legal team the chance of studying them.

(Photocopy)
Inquest urged to find who lied to Kruger

PRETORIA - The
Minister of Justice,
Mr. Jimmy Kruger,
should, if necessary,
be called to show
there had been a
Security Police
cover-up over how
Steve Biko
died, the inquest
was told by counsel
for the Biko family
yesterday.

The fourth day of the
hearing at the Old
Synagogue here ended with
lengthy legal argument
about the admissibility of
reports of what Mr. Kruger
had said concerning Mr.
Biko's death.

Counsel for Mr. Biko's
family, Mr. Sidney
Kentridge, SC, said Mr.
Kruger's factually incorrect
statements could have been
based only on information
supplied by Col. Pieter
Goosen, head of the Eastern
Cape Security Police.

Mr. Kentridge said the
only motive Col. Goosen
could have had for passing
incorrect information on to
his superiors would be if he
had something serious to
hide.

The whole chain of infor-
mation from Col. Goosen to
Mr. Kruger therefore had to
be investigated, including
whether Mr. Kruger himself
gave evidence if necessary.

Pretoria's City Magistrate
Mr. M. J. Pins
said he would give his deci-
sion today on the admissi-
bility of a bulky file of reports
handed in by Mr. Kentridge
on the first day of the
inquest.

Mr. Kentridge said Mr.
Kruger had made factually
incorrect statements about
Mr. Biko threatening a
hunger strike and about his
not having eaten by Sunday,
September 11, the day
before he died.

These statements had
been shown by evidence and
affidavits to be completely
unfounded, and Mr. Kruger's
information could only have
originated from Col.
Goosen.

"It is absolutely clear that
the minister was misled," Mr.
Kentridge stated.

"Two questions arise that
are as important as any
other before this Court: the
truth of what Mr. Kruger
said and how high did the
cover-up go?"

"If we have the answer to
those, it will tell us a great
deal about what really hap-
pened to Steve Biko in the
custody of Col. Goosen."

As Col. Goosen had
denied giving incorrect infor-
mation to his superiors the
chain from him to the
minister had to be in-
vestigated.

"We must have in court
the man who gave the infor-
mation, and if necessary the
next in the chain until we
have discovered how and
why this false story was
propagated to the minister,
who could propagate it to
the country and the world," Mr.
Kentridge said.

Mr. Kentridge told the
Magistrate one man in this
chain of information would
place the responsibility on
the previous link.

"If this is not so I fear we
must go as far as to have the
minister here himself and
ask him to come and tell you
who gave him this false in-
formation."

It had not been his inten-
tion to trouble Mr. Kruger,
Mr. Kentridge said, but he
had not thought Mr.
Kruger's statement would be
disputed.

Decision

Mr. Kentridge's applica-
tion was opposed by counsel
for the police Mr. P. R. van
Rooyen, counsel for the
district surgeons Mr. B.
Pickard and the deputy
Attorney-General Mr. K.
von Lieres.

The argument arose when
Mr. Kentridge put to Col.
Goosen parts of the Press
statement issued by Mr.
Kruger on September 13, the
day after Mr. Biko's death.

Col. Goosen agreed that
there were serious factual
errors in the statement, but
said there was nothing to
show the statements con-
cerned had been made by
Mr. Kruger.
Counsel asks who lied to Biko over Kruger death

"If Mr. Kentridge's Press reports were admitted, then all other Press reports, some of them highly inaccurate, would have to be admitted. It would be trial by newspaper."

"If Mr. Kentridge was not in Port Elizabeth, had no personal knowledge of what took place, and therefore had to rely on reports from police officers,
It was easy to prove the inaccuracy of Mr. Kruger's statements, but they must have been based on wrong information given to him.

Scuffle
Not only had Mr. Kruger said Mr. Biko had threatened a hunger strike, but he had made no mention of any scuffle in the Security Police offices or of the possibility of Mr. Biko hitting his head.

While Col. Goosen denied giving wrong information he had also taken no steps to have Mr. Kruger's statement corrected when wrong information had been put to the public.

"One asks what and why he is covering up and why was he doing so," Mr. Kentridge said.

Mr. van Rooyen said Mr. Kentridge had succeeded in putting before the court something he could not have done by leading evidence. Mr. Kentridge had gone as far as testifying from the bar.

"I can only object in the most strenuous fashion against this methodology," he said.

"There is not the slightest tittle of evidence that this witness has made any inconsistent statement. It has not been put to him.

"It's a fishing expedition.

"His case is that an assault was effected on the deceased from the evening of September 6 to 7.30 a.m. on September 7, that the assault was inflicted by the Security Police in Samlum Building and that it gave rise to his death.

"If that is so then any evidence relating to an assault may be admissible and relevant."

Even if relevant, Press reports were so remote as to endanger the objectivity of the inquiry.

Replying, Mr. Kentridge said Mr. van Rooyen had a duty to try to protect his clients but he was surprised that the objection had been supported by the State.

Mr. von Lieres's job was to place the fullest information before the Court not to try to stifle a full and fair inquiry.

"It is all the more surprising in view of the undertaking of his political superior that there would be the fullest possible inquiry, with nothing suggestive of any suppression or cover-up."

Mr. Prins asked from the Bench whether this was not a wild goose chase which would not assist the Court.

Mr. Kentridge said Mr. Kruger had made statements in good faith and it had to be established how he had come by that information.

"Going two or three steps down the line - I don't call that a wild goose chase. I would call that a proper investigation."

Account
Mr. Prins asked how he believing Col. Goosen's evidence would affect the case.

"If you find that someone concerned with an incident has given false account of it the court can take that into account in assessing guilt and innocence," Mr. Kentridge said.

Mr. Prins said a lie did not prove the contrary. How would a finding that Col. Goosen had lied help the Court to reach a decision?

"Biko was in the hands of the Security Police," Mr. Kentridge said.

Mr. Prins asked how an assessment of the correctness or otherwise of Mr. Kruger's statements would assist the Court in reaching a finding on Mr. Biko's death.

"We have the fact that a man died of injuries which we will submit probably took place when he was in the hands of a certain section of the Security Police in Port Elizabeth under the command of Col. Goosen," Mr. Kentridge said.

He had done cross-examination been trying to show up aspects of the evidence of Col. Goosen and his subordinates, for exam-
Mr Kentridge said argument about other Press reports was irrelevant as these reports concerned what Mr Kruger had said and there was a clear official chain of command which could be investigated.

Neither were arguments about hearsay relevant as the Court had a wide discretion under the Inquests Act to examine all relevant information.

Whether or not Col. Goosen was responsible for the wrong information he had allowed statements by Mr Kruger to go uncorrected.

Motivation

"He was allowed by Col. Goosen to go on repeating to the world false statements which could only end in embarrassment.

"A man must have a strong motivation to do that," Mr. Kentridge said.

He had seen the incorrect Press reports Mr. van Rooyen mentioned, and one attributing the cause of death to kidney disease. This report would have been relevant if it could be shown this information came from official police sources.

(Signed)
might not have had a head injury at the time, he said.

Mr Kentridge said he would leave out this sort of comment till he addressed the court. He put it to Colonel Gossen that from the morning of September 7 until Mr Biko left the care of the security police he had received not so much as a dab of ointment for his swollen lip.

Colonel Gossen answered that when he handed Mr Biko to the prisons department he was no longer under his control and the prisons regulations then applied to him, except that a special request was made that Mr Biko should be kept in isolation while in hospital. While Mr Biko was with him two doctors saw him and it had been their privilege to prescribe any medicines which they thought necessary.

Mr Kentridge: In fact Dr Lang noticed on the 7th that his ankles were swollen.

Like a madman

Colonel Gossen answered that he himself had seen marks on Mr Biko's wrists and ankles. That was not unnatural, Mr Biko had strained against his chains like a madman only a few hours before, he said. Colonel Gossen said that he still believed he must do everything possible for the comfort of Mr Biko while he was in detention.

Mr Kentridge: Mr Biko went to the Port Elizabeth prison on the evening of the 8th only after dark. You gave certain specific instructions to Colonel Botha the prison commander.

Colonel Gossen said that he had carefully sketched the background to Colonel Botha. He had asked Colonel Botha to keep Mr Biko so examined and to see to it he did not communicate with other prisoners.

Mr Kentridge quoted Colonel Botha as having said that Colonel Gossen gave him instructions that Mr Biko should be watched only by white members of the police force. He asked Colonel Gossen if he did not trust the non-white members of the police force.

Colonel Gossen answered that this was one of his standing instructions in all these cases of detention. There were not always non-white policemen available, he said later. Still later he said that the prison hospital was manned by whites and that this order had been given to prevent any messages being passed.

Mr Kentridge: Doesn’t this and the fact that Mr Biko was taken to the prison only after dark seem to you as if you didn’t want anybody to know that Mr Biko suffered from an ailment?

Colonel Gossen: Quarters used for awaiting trial prisoners had to be cleared for Mr Biko. I had to consult with Colonel Botha and I was told that the doctor could see Mr Biko only late that night.

Mr Kentridge: Save where the warrant states otherwise prisoners have to be treated according to prison regulations. He quoted the regulations as saying that in cases of death, serious illness and injury, the prisons department had to notify the next of kin of a prisoner.

Mr Kentridge: Did you notify anybody that Mr Biko was going to the prison?

Colonel Gossen: Yes, we did.

Mr Kentridge: Why didn’t you notify his next of kin? He asked Colonel Gossen.

Colonel Gossen: After the doctors had examined him it was their opinion that there was nothing physically wrong. I had no reason to inform his family. I had reason to believe he was shamming. Mr Biko had been sent to Pretoria to get a diagnosis, he said.

Mr Kentridge: You thought there was nothing wrong, yet on the Sunday night you tried to get a military plane to take this prisoner to Pretoria. Why didn’t you notify his next of kin?

Colonel Gossen: This shows the attention we gave him. Even when a prisoner has only a headache we get a doctor. I tried to get Mr Biko to Pretoria as soon as possible.

Mr Kentridge: All this truth for a shamming officer. Why didn’t you take a bit of extra trouble to inform his family.

Colonel Gossen: If I had informed his family that he was shamming, that was my honest opinion.

Lumbar puncture

Mr Kentridge: Do you know that Dr Hersch took a lumbar puncture and that the finding was possible. Red blood cells were found in the spinal fluid.

Colonel Gossen: To my knowledge the three doctors said they could find nothing wrong.

Mr Kentridge: If all these doctors told you there was nothing wrong why try to get a military plane?

Colonel Gossen: In the interest.
avoid criticism.

Mr Kentridge: Think of the criticism that might have been avoided if you had taken just a little bit of extra care.

Colonel Goosen: I said he had not known for certain what the matter was.

Mr Kentridge: I put it to you that the dictates of common humanity and decency would have compelled you to inform the family unless you had something to hide.

Colonel Goosen: The circumstances were special. We were trying to prove that Mr Biko was psychopathic. Quite different from what he had seemed to be. If he was in the family would have been told.

Mr Kentridge: Mr Biko at the prison hospital on September 8. Why look at your affidavit? The affidavit Colonel Goosen.

Colonel Goosen: Because you twisted my words and planted words into my mouth.

Mr Kentridge: Give me an example of that.

Silence.

Mr Kentridge: Very well, Colonel.

Slight paralysis

Mr Kentridge: Mr Kentridge said that in his affidavit Colonel Goosen had said that Dr Lang had come to the conclusion that Mr Biko was suffering from a slight paralysis.

Colonel Goosen: Very well, Mr Kentridge. Dr Hirsch and Dr Lang told me they could find nothing physically wrong and strengthened my suspicion that he was suffering from illness.

Mr Kentridge: In your affidavit you said that you were present on the evening when Dr Hirsch examined Mr Biko. Dr Lang was also there. You say that when Dr Lang and Tucker examined him they pretended that his one arm was slightly weak (limb) but, at the prison he indicated that another arm was slightly weak but that you couldn't remember which arm was shown.

Mr Kentridge: I said he could find no mention of this in Dr Lang's evidence although he certainly made an impression on Colonel Goosen.

Colonel Goosen: I can't remember which arm it was but for me it was very noticeable that he showed another arm. It was just an observation. I made no note of it.

Colonel Goosen: I must say that this was the general opinion of the doctors.

Own opinion

Colonel Goosen: I was giving my own opinion. Dr Lang agreed with me to a large extent. Mr Kentridge read the paragraph in the affidavit. Was that meant to include Dr Hirsch he asked.

Colonel Goosen: I meant that Dr Lang was of the opinion I was. Other people may have been of the opinion.

Colonel Goosen: Said that by the words "general opinion" he meant that more than one person were of the opinion that there was nothing physically wrong. Dr Lang had told him that neither he, Dr Tucker, nor Dr Hirsch could find anything wrong and that he could return Mr Biko to Walter Sisulu Station.

Mr Kentridge: Surely you must know of cases where doctors say they can find nothing wrong but don't for a moment suggest that there was nothing wrong.

The words "general opinion" were obviously intended to convey "the general opinion of three doctors".

Colonel Goosen: As conveyed to be by Dr Lang?

Mr Kentridge: Did not Dr Lang ever tell you that Dr Hirsch thought that Mr Biko was suffering from illness?

Colonel Goosen: Not in those words.

Mislead

Mr Kentridge: It did not happen, did it? I will suggest that you put the paragraph in your affidavit in order to deliberately mislead. Did not Dr Lang tell you that Dr Hirsch had found red blood cells in the spinal fluid? What did he tell you?

Colonel Goosen: Said that he was told that a lumbar puncture had been done and that Dr Lang and Dr Hirsch wanted to keep Mr Biko in the prison hospital for observation for some more time.

Colonel Goosen said that he ordered that Mr Biko should be sent to Pretoria because they had the facilities for a proper examination there.

Mr Kentridge: What was wrong with Port Elizabeth? There

Continued on page 5.
Continued from page 5

that stage none of you noticed the

Colored Goosen: As far as I know nobody saw the wound, but according to the photograph there must have been a mark. I have now realised that the scratches must have been so faint that they could not have been seen with the naked eye. I now think it is very possible that they could have been incurred during the fight. I am not sure if anybody had seen the mark on the forehead could have been invisible to the naked eye.

It had been his conviction that he could not have incurred the mark during the fight because it was invisible. But he had now learned that there could be a dent in the skull with possibly a few scratches which was not visible. He could only explain his deductions, he said.

Warder Coetzee and another warder helped Mr Biko out and took him to hospital. From the forehead it looked as if Mr Biko had trouble in walking.

Do you really believe that this was an obvious attempt at suicide, Mr Kentridge asked.

Colored Goosen: It was a serious conclusion.

In his clothes

Colored Goosen agreed that it was not unusual for a man to get a bath with his clothes on to turn on a tap and when he was close to it calmly close it off in his hand.

Mr Kentridge: Does that not mean that if as he had a brain injury?

Mr Goosen: It is not unusual when you wake up in the affidavit you will find that the wound had been closed before he reached the doctor.

Mr Kentridge asked if Colored Goosen, when he made his statement, did not connect Mr Biko’s brain injury with the fact that he had been taken to hospital.

Colored Goosen: I gave a lot of detail as to where the brain injury had been incurred.

Mr Kentridge: When you made your statement you still had in mind that Mr Biko might have been causing the effects of the brain injury?

Colored Goosen: I was satisfied that the wound he had might have had the tendency to commit suicide.

Breathing

Kentridge: What about your Mr Biko that Mr Biko had been simply hyperventilating as he breathed?

Colored Goosen: I was convinced that the stage that he had incurred elsewhere than in ears, I was satisfied that he could have been a part of self-destruction.

Mr Kentridge said that he thought of the possibility that Mr Biko might have been injured.

‘It then fed him’

Warder’s statement

STEVIE BIKO INQUEST

Old Synagogue, Pretoria

The starting point of the information is Colon Goosen. The point about these statements which make it prove are accurate and which I am sure the minister will in no way dispute, is that they purport to describe in detail what Mr Biko on September 5 threatened a hunger strike.

Another statement by the minister and asked for a quarter of an hour before he would go on a hunger strike.

This is a detailed account of what happened and even later as appears from the dossier it was reiterated by the minister that although he never said Mr Biko died of a hunger strike, he went on a hunger strike.

This is completely unfounded. It is contrary to the evidence given by Colon Goosen and Major Smyser. It is very clear that any reference to the statements by the prison warders that it is wrong to say that from September 5 Mr Biko refused food.

‘Your Worship, it is perfectly clear therefore that when he made the statement, the honourable minister, Mr Biko, had answered two questions arise:

1. Who misled him, and why?
2. Not only is there a mention of the hunger strike, but nowhere is there any mention of the scuffle (on September 7).
3. There is that mention of the fact that the colonel suspected Mr Biko of a stroke. Nowhere is there any mention of a lumbar puncture of the somewhat disappearing results.

Mr Kentridge: Your submission is that the story of the hunger strike, false as it was, was obviously an excuse. It was a cover-up.

There are only two questions that arise out of that which are important as any other questions in this inquest.

1. Where did the cover-up start and how high did the cover-up go?
2. If there are questions that it will tell us a great deal about what really happened to Steve Biko while in the custody of Colon Goosen.

One way

There is only one way of ascertaining that. He has denied that he gave this information. Very well, we must speak to the man from whom he gave the information and, if necessary, in the chain until we have discovered how this information was propagated to the minister so that he could propagate it to the cabinet.

“You will not fail to observe that whoever gave the minister this incorrect information was obviously not to be taken seriously in the embarrassment it would cause the minister and the country and that is what we must investigate.”

Mr Kentridge asked Colon Goosen if he had knowledge of any of the statements made by the Minister of Police regarding the death and treatment of Mr Biko.

The minister was not in Port Elizabeth,” said Mr Kentridge.

Mr Kentridge: The minister has no personal knowledge of what took place. He must rely on reports given to him by his officers, as Colon Goosen has said, through security headquarters.

Mr Kentridge then referred to the statement made by the minister at the National Party congress on September 14 in which he said that on September 5, when the security police had finished with the other man (Peter contact through the normal channels via security headquarters.

Mr Kentridge: But information of what happened in Port Elizabeth obviously had to come from you as head of the security police in Port Elizabeth. You see, if the statement I have read to you were in fact made by the minister, then it must follow that someone misled the minister.

At this point, Mr B. van Rooyen, counsel for the police, objected to the handing in of an affidavit containing statements by the minister.

Mr Kentridge said he heard no evidence and inadmissible.

The magistrate allowed Mr Kentridge to ask further questions before giving his argument on the relevance of the minister’s statement.

Mr Kentridge asked Colon Goosen who reported to the minister.

Colored Goosen: I have no idea to what the minister will be able to say that it is accurate.

Mr Kentridge said that the minister had made this statement as a basis of a complaint to the Press Council against the Rand Daily Mail and had attached his signature to it.

Mr Kentridge: We have put the court the dossier containing a number of statements made by the Minister of Police regarding the death and treatment of Mr Biko.

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Hunger strike

Mr. Kentridge then turned to the question of a hunger strike and the allegations contained in some police affidavits that Mr. Biko was put on such a strike.

"He asked Colonel Goosen what the meaning of the words "hunger strike" was, and the colonel replied that he knew and that it had many meanings.

Mr. Kentridge then read from both an Afrikaans and an English dictionary giving the meanings of a hunger strike and pointed out that there was not much difference between the English and Afrikaans definitions.

Colonel Goosen: I would not have been that (inaudible).

Mr. Kentridge said that it was important to get clarity. If a man did not eat because he felt unwell, would the colonel say that the man was on a hunger strike?

Colonel Goosen: No.

Mr. Kentridge: If someone does not eat because he says he is not hungry, would you say he is on a hunger strike?

Colonel Goosen: Yes — not in that English.

At this stage the magistrate warned the public in the court that they should contain their reaction as this was a very serious matter.

Rephrasing a question on the English and Afrikaans definitions, Colonel Goosen said it was a play on words.

Mr. Kentridge: What is a "staking"?

Important

Colonel Goosen: It is the same as strike in English.

At this stage the magistrate intervened. It might be that Colonel Goosen did not have the same understanding of the meaning of the words. What was important, he wanted to know.

Mr. Kentridge said what was important was what the magistrate was going to believe when it was said that when you are not hungry and you do not eat, you are on a hunger strike.

Colonel Goosen admitted that he had used the words in his affidavit.

Colonel Goosen explained that he meant that Mr. Biko had not had his meals.

Mr. Kentridge: The man just was not eating.

Colonel Goosen: Yes.

Mr. Kentridge said that he wanted to put it in this colonel's face that he had not been entitled to say that Mr. Biko had gone on a hunger strike at all.

Mr. Kentridge then went on to...
Continued from page 6

the investigation officer to take the dossier to Mr. Kruger and ask if they were correct or not.

In any event, Mr. Kentridge said, he was unaware that the inquest court was bound by the hearsay rule. The court had discretion in this regard.

"What we have to find out is the source of this information. If, as may well be the case, these incorrect statements did originate from Colonel Goosen, what does that tell us about what happened in Port Elizabeth. We would then ask why the false statements should be put forward. And we would also ask why, after these statements were published, Colonel Goosen took no step to correct the minister."

"What was he covering up and why was he doing so?"

If Colonel Goosen denied he gave the wrong information and we call the next man in the chain and the next man, same someone will place the responsibility on the previous link in the chain or that is not my fear we must go as high as the minister himself and ask him to come here and tell You Worship who gave him the false information. I have wanted to avoid anything like that."

"I did not want the minister's statement to be in dispute. It is not my intention to trouble the minister unnecessarily. Nor did I think it would be necessary to go higher than Colonel Goosen. But there is nothing left for the court other than to test his evidence."

Mr. Kentridge then asked to hand the dossier in provisionally while the investigating officer went to the minister to find out any of the passages of his statement were wrong.

"If the minister is satisfied, I don't see why my learned friend should not be." Mr. Van Rooyen, counsel for the police, rose to answer Mr. Kentridge.

"I have the sneaking feeling I have been listening to a consummate piece of misdirection. My learned friend (Mr. Kentridge) has succeeded in speaking up on those things on which he couldn't had evidence because a

'Is it a fishing expedition in terms of the law?',

would be inadmissible.

"I can only object in the most serious fashion against this methodology."

Mr. Van Rooyen said the purpose of the inquest court was to establish the cause of death and to find out if any living person was responsible.

Mr. Van Rooyen said he had read reports that Mr. Biko had been murdered and that his heart had been bashed. Newspaper reports were hearsay evidence and inadmissible. He said there was not the slightest evidence that Colonel Goosen had made any incriminating statements in the court.

It is a fishing expedition in terms of the law. Your Worship will determine the cause or likely cause of death in a trial by newspaper. Hundreds of alleged statements could be brought.

Mr. K. L. L. L. L. L. -

Mr. Kentridge said that there had been an attempt to turn the court into a political platform for the President of the Republic of November 30.

"This court is not constituted in terms of the Electoral Act but in terms of the Inquest Act. Even if the dossier were relevant it would endanger the objectivity of the inquiry."

Replying, Mr. Kentridge said he was not surprised at the attitude taken by Mr. Van Rooyen as it was because it was his job to protect the police.

But Mr. Kentridge said, he was most surprised at the attitude of the Deputy Attorney-General, Mr. Van Rooyen in view of the understanding that there would be the fullest possible inquiry without any suggestion of a cover-up.

Mr. Kentridge said that the witness's denial was first noticed to be connected to a collateral issue. But, when the matter of credibility was related to the very issue at stake, he was entitled to probe and challenge.

For example, if a man was accused of assault with intent, and he put up a certain version to the court and it was put to him that he had made a report to someone else previously which was in conflict with his evidence, the accused could deny it but the colonial and the court were not bound by this denial. The colonn and the court could need further evidence on this aspect.

Here we have a situation in which Colonel Goosen denies that he gave the foundation for the false report. My submission is - "Mr. Kentridge said.

Mr. Prins asked whether he could not have been misunderstood on the matter.

Mr. Kentridge: "A serious matter like that, let someone come and say that.

Mr. Prins: In what aspect will you assist me on this?"

"Mr. Kentridge: We are not dealing here with a misunderstanding. We are dealing with the minister of the political who made a statement on what happened which is absolutely abhorrent which contains things which never happened.

Mr. Kentridge: "Why should anyone put such misleading evidence before the minister? Who was he? was it Colonel Goosen?"

Mr. Prins said that some reports had only alleged that the minister had made the statements.

Mr. Kentridge replied: "The investigating officer can fly that up by bringing the minister here."

Mr. Prins said that Mr. Kentridge therefore wanted to take the court back along the lines of the misunderstanding of the information given to the minister.

Mr. Kentridge: "Yes. The minister said in public that he went on hunger strike. That is on a tape recording of his speech. We can play that tape to the court."

Mr. Prins said Mr. Kentridge should continue by assuming that the court was right.
The Cape Times, Friday, November 18, 1977

BIKO INQUEST

Continued from page 8.

Mr. Kentridge said that he wanted to find out who gave the minister the false statements. The magistrate told him that he didn't want to talk about it. How would following the line assist? Mr. Kentridge said it was not a wild goose chase.

Suppose the minister did make the statement and he said in court that the brigadier had given him the information. Then the brigadier would be called to give evidence to corroborate it.

"I don't call that a wild goose chase. I call that a proper investigation," Mr. Kentridge said.

"If I find someone concerned with an incident and you find that what he said was not so, that will influence your decision." Mr. Pins observed that this "could also prove the contrary." But it would tell one a great deal, Mr. Kentridge said.

Mr. Pins said that if it was found that Colonel Gooch was lying, did it help him determine the cause of Mr. Biko's death? Mr. Kentridge: Yes, if they are found to lie then it tells something very important. It shows that they have something to hide, that something happened.

Mr. Pins wanted to know how relevant the minister's statement was which was correct or not correct against the making of a finding.

Mr. Kentridge: Let's take it up from point one. Let's start all over again. A man died from an injury while being in the hands of a certain section of the security police under the command of Colonel Gooch.

"We have tried to show," Mr. Kentridge continued, "that there were certain very strange aspects in the affidavits of Colonel Gooch and his staff. I said to Colonel Gooch that this was very strange and referred to the fall in the bath and the hyperventilation.

"We say they have something to hide. What have they to hide which will avoid them getting the blame."

"We have significant evidence," Mr. Kentridge said. "The official information to the minister contains palpable truths. If we find that someone in the security police was to the trouble of planting Biko on the murder, it is the clearest possible proof of guilt.

"We have the official channels of communication here. We know the information the minister had was not casual. We know he must have had an official report which started off from Colonel Gooch.

"It is possible that somewhere along the line it was misled but that is what a court is to investigate.

"Another most obvious point is the minister's statement which we can prove without doubt, was published all over the country. It was one of the main topics of conversation.

"If Colonel Gooch was not responsible (for the wrong information) why did he not react and correct it? It was never corrected."

"The minister was allowed to continue repeating the statement. A man must have very strong motives if he allows a statement of this nature to be continued to be repeated." Mr. Kentridge said his learned friend had referred to newspaper reports. But they were not relevant. They were not the official information which started in Port Elizabeth.

Mr. Kentridge said if the story that Mr. Biko had died of a kidney disease had come up from official sources it would have been highly relevant.

"What makes this relevant is that the primary source must have been the special branch in Port Elizabeth," Mr. Kentridge said.

What surprised him the attitude taken by Mr. Von Lieres was that it had been said that there would be the fullest investigation.

"I am surprised that those in charge of the investigation have not cleared up this point. I would have thought that the Deputy Attorney-General (Mr. Von Lieres) would have cleared it up.

"If we don't have a full inquiry the result will be staled," Mr. Kentridge said, making clear that he was not questioning the correctness or otherwise of the magistrate's findings.

"Like my learned friend said, we will have a sneaking feeling... The more of the facts that I represent could never be satisfied if this line of investigation is now staled," Mr. Kentridge said.

Doctors

Mr. B. de V. Pickard, representing the medical doctors, said his clients had no interest in the credibility issue involving Colonel Gooch.

His interest was that his clients had to stay in Pretoria until such time that the inquest was completed.

He wanted to make one small legal point. One might conclude that the question of a possible previous consistent statement might or might not affect the Biko death but it was only relevant if an inconsistent statement was made by Colonel Gooch.

"If anybody else made an inconsistent statement, it would be irrelevant to Colonel Gooch. Brigadier Coetzee came to 607 and said that whatever Colonel Gooch testified to was identical to what he was told by him, that would be irrelevant.

If Brigadier Coetzee said that Colonel Gooch had told him something different, that might affect Colonel Gooch's credibility.

His clients were concerned about what else the court did after 607 and he therefore objected very strongly to the line followed by Mr. Kentridge.

Mr. Von Lieres said that they all wanted a full inquiry but they did not want irrelevant evidence to be presented to the court and it was his duty to object to it. Mr. Pins at this stage proposed that the court be adjourned, saying that he would give his findings on this question today.
Detentions not meant to intimidate Press

PRETORIA. — The Minister of Justice, Mr. J. T. Kruger, in reply to inquiries about the detention of several journalists, had said they were being detained for good reasons and their detention was not intended to intimidate the Press.

This was disclosed yesterday by Mr. John Patten, President of the South African Society of Journalists.

In a statement Mr. Patten expressed the Society's disappointment at the Minister's reply to its inquiries about the detained journalists.

"The SASJ feels duty bound to express its continuing repugnance in principle to the use made of arbitrary action by the Government under the security laws, without any sign that due process of law would follow in a reasonable time," he said.

TWO LETTERS

In the statement Mr. Patten said the SASJ had written to Mr. Kruger in July and again in September after the detention of other journalists had come to their attention.

In his reply the Minister had said there were good reasons for the detention of the journalists concerned and that their detention was not intended to intimidate the Press.

Mr. Kruger also indicated he was not prepared to consider the release of the journalists detained while the investigation against them was in progress. He felt consultations with a delegation from the SASJ could serve no purpose.

DISAPPOINTED

"On behalf of the society, I wish to express the greatest disappointment at the Minister's reply. By negotiation rather than confrontation the SASJ had hoped it could arrive at a solution which could have obtained the release of the journalists, who in some cases have been detained for many months without ever being brought to court.

bound to express its continuing repugnance in principle to the use made of arbitrary action by the Government under the security laws without any sign that due process of law would follow in a reasonable time.

DRASTIC STEPS

"The society has no knowledge of what the journalists may have done to incur such drastic steps against them, but abhors the Government's use of laws negating the rule of law. We believe it is contrary to the rights of all men and women in a so-called democratic state.

"For as long as journalists are detained for crimes unknown, every journalist has reason to feel intimidated, in spite of the Minister's assurance to the contrary.—Sapa"
Pretoria. — Mr Steve Biko’s alleged hunger strike and statements about it by the Minister of Justice, Mr J T Kruger, were a major issue at yesterday’s inquest hearing in Pretoria.

Mr Sydney Kentridge SC (for the Biko family) said the hunger strike story was false and suggested it had been a cover-up attempt.

"There are two questions that arise out of that. Where did the cover-up start and how high did the cover-up go? The answers to these questions will tell us a great deal about what really happened to Steve Biko while in custody of the security police."

Mr Kentridge made these statements while answering an objection by Mr R van Rooyen (for the police) on the relevance of a dossier of newspaper reports of statements by the Minister of Justice, Mr Kruger, submitted to the court.

The magistrate, Mr Prins, said he would rule today on the admissibility of the statements made by Mr Kruger and handed in by Mr Kentridge.

Mr Kentridge drew the attention of the court to evidence in sworn statements that contradicted the statements by the minister concerning Mr Biko’s alleged hunger strike.

In an official statement after Mr Biko’s death, Mr Kruger said that from September 5 Mr Biko refused meals and threatened a hunger strike but was regularly supplied with his meals and water which he refused.

Mr Kruger also said that by September 11 Mr Biko had still not eaten.

Referring to affidavits before him, Mr Kentridge pointed out that:

- Mr Biko had been fed with half his ration of porridge by a Warder Du Preez in the Port Elizabeth Prison Hospital on September 9. Then he drank a full mug of coffee.
- On the same day another warder stated how he drank his full portion of maesil, a rich vitamin drink, and asked for water.
- During a medical examination on September 8, Mr Biko asked for water and was given it.
- After spending an hour with Mr Biko on September 5, Colonel Goosen had said he noticed half loaves of bread but paid no attention to them.

He only became aware of Mr Biko’s hunger strike on September 6.
PRETORIA — The black consciousness leader Steve Biko fell with his head against a wall during a struggle with five policemen in Port Elizabeth on September 7, the inquest into his death was told here yesterday.

Maj Harold Snyman of the Port Elizabeth Special Branch said this when questioned by Mr S. Kentridge, counsel for Mr Biko’s family.

Maj Snyman said when he reported for duty on the morning of September 8 he had noticed that Mr Biko’s speech was still slurred. He was also aware that a doctor had been summoned.

Mr Kentridge: When you found that he had not recovered you decided to cover yourself by writing down what had happened in the occurrence book. You did not regard it as necessary to make an entry in the occurrence book on the 7th. Did you think he was shamming?

Maj Snyman: I had no reason to think he was suffering from anything serious.

What made you change your mind between the 7th and the 8th? — Because he stubbornly refused to answer.

But that was exactly the same on the 7th. — I made a verbal report to my commanding officer, Col Goosen, before I made the entry in the occurrence book.

In your entry you said, among other things, that he went berserk, that he threw a chair at you and that after a struggle he fell with his head against the wall. Which wall did he knock his head against? Against the northern wall.

Did you look between the cabinet and the chair on which he had been sitting? — That is correct.

Was it part of his head hit the wall? — The back of his head, he fell several times.

Did you report to Col Goosen that he fell with his head against the wall? — Yes, I did.

Were all five of you in the room when he fell with his head against the wall? — Correct.

Yet Col Goosen did not tell the doctor that he fell with his head against the wall. He only said he feared Mr Biko might have a stroke. — I do not know what Col Goosen reported to the doctor.

Mr Kentridge: There were 28 affidavits made in connection with the incident and not in one of them is mention made of Mr Biko falling with his head against a wall.

Mr Kentridge asked Maj Snyman whether Maj-Gen Kleynhaus, when he went to Port Elizabeth for his investigation, had told him (Maj Snyman) that Mr Biko had died as a result of a brain injury and had drawn his attention to an injury on Mr Biko’s left forehead.

Maj Snyman: That is correct.

You were then invited to add anything you thought necessary in your affidavit but in that affidavit you do not mention that he fell with his head against the wall? — I did not regard it as necessary.

You say in your affidavit that nobody assaulted Mr Biko in your presence. — That is correct.

Did Gen Kleynhaus question you about the bump on his head? — Gen Kleynhaus asked us and we demonstrated to him how it happened.

Did you demonstrate to Gen Kleynhaus how Mr Biko fell with his head against the wall? — I explained to the general how the ‘struggle had taken place, where we all fell and how such a thing could possibly have happened.

Did you specifically tell the general and point out to him that Mr Biko bumped his head? — Yes.

I suggest that answer is false. Gen Kleynhaus took a number of affidavits from your men and not in one of them is it mentioned that Mr Biko fell with his head against a wall.

When police photographs were taken of your office were you asked to point out the place on the wall? — No.

I submit you did not think Mr Biko would die and you made the entry in the occurrence book in case there was to be a court case.

Maj Snyman’s reply was inaudible.

When Col Goosen saw Mr Biko he already showed symptoms indicative of brain damage. I suggest the probability is that by 7.30 am on September 7, he had already suffered brain damage. — Mr Biko did not complain of a headache or ask to see a doctor.

I suggest the brain injury was probably suffered between the evening of the 6th and the morning of the 7th. — I deny it.

Then I suggest he sustained it in your presence. — The only injury I saw on Mr Biko was a mark on his lip.

Mr Kentridge: Before the post mortem results were out we had statements by the Minister of Police about hunger strikes and so on, but not about his head bumped against a wall. Did you not think it your specific duty to tell your superiors that he bumped his head against the wall?

The magistrate, Mr M. J. Prins, at this stage interrupted and asked Maj Snyman whether he had actually seen Mr Biko bumping his head against the wall or whether it was a deduction he made from what had happened.

Maj Snyman: Yes. I could not observe it myself because I was involved in the struggle.

Mr Prins: The possibility therefore exists that he did not bump his head against the wall?

Maj Snyman: That is so.

Mr Kentridge: Yet in the occurrence book you said he fell with his head against the wall. I submit that no value can be placed on your statement.

Maj Snyman: I think he must have continued the injury after the last time I saw him on September 8.

Earlier, Maj Snyman denied they had kept Mr Biko in their offices to prevent word leaking out about how Mr Biko had been treated. — SAPA.
The Biko inquest
SECOND DAY

Major: Biko a revolutionary

PRETORIA — Mr Steve Biko was a violent revolutionary who had grievances so deep that he could be realised he had been betrayed by his cause, the police informed the inquest into his death yesterday.

Confronted with the possibility by his friend Mr Biko had attacked his Special Branch interrogation on September 7, leading to a violent struggle to subdue him, the police said.

Mr Biko died of head injuries on November 12.

Maj Snyman of the Port Elizabeth Military Court said Mr Biko had been told immediately before the altercation with Mr Snyman that the police in Port Elizabeth knew of his plans and conspired against him.

The plans included the formation of a united revolutionary front of the Black People’s Organisation and the banned African National Congress and Pan-Africanist Congress.

This body would have had a membership of some 300,000 both within South Africa and in the African countries, Mr Snyman said. Trained men would have been sent into the country for the armed struggle of the Government.

SUBVERSIVE

Police, in the establishment of af-fidavits showing Mr Biko’s involvement in the drafting and distribution of the most subversive pamphlet in black South Africa in Port Elizabeth with pamphlets on August 17.

Mr Snyman was questioned by Mr P. E. van den Berg, on behalf of the police, as to the possi-bilities of some of the actions on the morning of September 7.

"I put it to him... that Mr Biko had been told the police had been to Cape Town as he claimed, and he was told he was suspected of his marital problems, or causing trouble for the Black People’s Convention.

"It was not said to him... that the police had actually to contact Neville Alexander and the Unity Movement," Maj Snyman said.

"There were dis-cussions with the establishment of a revolutionary front between the PAC and the NPC — which were the two main arms of the Unity Movement of South Africa and the NPC.

Mr Snyman said he had information that plans had been made for Mr Biko to go to Johannesburg, where four organisations could come together in a united front.

"In conclusion, it is put to him... that he had had discussions with Mr Snyman, president of the PAC, on the subject of a United Front," Maj Snyman said he had said to Mr Snyman.

able to go ahead, his place would be taken by someone who would represent him and go on with his revolutionary theology in England.

This confrontation had followed Mr Biko’s admission the previous evening that he had been involved in the drafting of a subver-sive pamphlet.

Mr Biko had also been questioned about Mr Donald Woods, the Editor of the Daily Dispatch, Maj Snyman said.

Mr Woods had written a article about the establishment of a new organisation, the African National Liberation Front. Mr Biko had been asked if he had had discussions with Mr Woods.

Maj Snyman said that, when told what the police knew, “I look” had come to Mr Biko’s eyes.

"He immediately jumped up like a man possessed, grabbed the chair and threw it at me. I attribute this to the facts which we know of him that morning," Maj Snyman said.

Mr Snyman said he could not give a detailed description of the struggle in which Mr Biko was involved.

PRETORIA — A pamphlet calling for violence and revolution allegedly com-piled by Mr Steve Biko was read on evidence at the inquest yesterday.

The pamphlet, distrib-uted in Port Elizabeth’s black townships, called on the police to stay away from work the following day and to wear black on sympathy with those who had died or were exiled or killed.

Maj Harold Snyman of the Port Elizabeth Security Police told the court the pamphlet had been compiled by Mr Biko and an accomplice, Mr Patrick Thiti.

Mr Sydney Kanradje, counsel for Mr Biko’s family, said there was no evidence Mr Biko had compiled the pamphlet. He would not contest its admissibility at this stage, but might argue later on its relevance.

The pamphlet was then read off in full by Maj Snyman.

"Heads up — 18th November — Commemoration Day" it said.

All black people must show unity in their rejec-tion of this racist act. Only when we stand united against the police will we be able to achieve vic-tory. Students must show the solidarity with their black students and black workers must show solidarity with their black workers and black people with their children. It is high time we had a united people. Let us take a stand especially as parents. They must not be neutralists, they must show solidarity with all their children, all who have been seen their children being brutally murdered and others made的生命less — all this happened in front of our own eyes.

The oppressed nations of Mozambique and Angola have shown the way of overthrowing an oppressive regime and lifting its overwhelming supply arm.

Here at home we have seen freedom flicker and then beaten down, but not extinguished — by masses of hippo trucks and troops. We have seen young students who have seen nothing but life under oppressive rule die for a freedom about which they had heard from others or from their own parents. We have seen un-armed children, old people, our brothers and sisters being blown to pieces by the racist regime's sophisticated weapons.

This is an appeal to all black people to show solidarity with the exiled and the jailed, to show sympathy with those who lost their brothers, sisters, children, parents and, during this period last year, by mourning. All workers, shopkeepers, students, teachers, clergies, nurses — the entire black community must show solidarity with the cause by staying at home on the 18th of October. This on the 18th of October, at 14h00, when the 18th October, 1976, will be held at the field outside the Great Centenary Hall.

Where you are, you must mobilise and get others into groups to deal with those who do not hear this appeal. Beat them, burn them, kill them, burn their cars and shops, show no mercy to the police and other collaborators — they must be killed.

There must be cries, burning houses, people with clenched fists, bodies, batons against the police. The people are going to get their freedom, and we must not be caught on earth to stop them. Long live the revolution.

Power to the people.
Five to subdue Biko

PRETORIA — It had taken five Special Branch men to subdue Mr Steve Biko after he allegedly "went berserk" while in detention, the inquest into his death heard yesterday.

But when Mr Biko had slapped a policeman during a previous spell in detention, two men had brought him under control with no difficulty the court was told.

This emerged during a cross-examination of Maj Harold Smynan by Mr S. Kentridge who is appearing for the Biko family.

Maj Smynan said the leg irons and handcuffs on Mr Biko had been taken off early on the morning of September 7. Then Mr Biko had suddenly thrown a chair at him and had gone on with fists flying against another Special Branch man. He was beside himself, berserk, acting like a wild man, Maj Smynan said.

Mr Kentridge: It took five men to bring him under control?

Maj Smynan: Yes.

Later the four other men who had helped subdue Mr Biko and who had put the leg irons and handcuffs back on Mr Biko as he lay pinned to the floor were identified by Maj Smynan in court.

They were Capt D. Siebert, W/O R. Marx, W/O Benene and Staff Sgt G. Nieuwoudt.

After describing the fight to subdue Mr Biko, Maj Smynan said Mr Biko was strong and still went on struggling after the chains had been put back on.

Mr Kentridge: Are you aware that Maj R. Hansen (former head of the King William's Town Special Branch, now transferred to Pretoria) has made an affidavit that in a previous detention Mr Biko had got angry and slapped a policeman and that two men brought him under control with no difficulty?

Maj Smynan: Yes.

Under further cross-examination Maj Smynan said he had tried to continue the interrogation shortly afterwards — after Mr Biko had been seen by a doctor — but the detailed man had not answered questions.

Mr Kentridge asked why Mr Biko had been kept in the Special Branch offices that day and night in handcuffs and leg irons if the interrogation had been halted. Was it to keep him out of sight until he had recovered?

Maj Smynan: I deny it. — DDC

Statements rejected

PRETORIA — In a dramatic move during yesterday's hearing, sworn statements presented as part of police evidence were not admitted by the magistrate, Mr M. Prins, when it emerged they were dated after his death.

The statements allegedly contained confessions made by other detainees about Mr Biko's involvement in certain activities.

Maj Harold Smynan of the Port Elizabeth Special Branch testified earlier that the affidavits had been put to Mr Biko on the morning of September 7 and that Mr Biko went berserk when he realised what the police knew.

When Mr P. R. van Rooyen, counsel for the police, sought to have them introduced as evidence, there was an objection from Mr S. Kentridge, representing the Biko family.

Mr Kentridge pointed out that Mr Biko had died on September 12 and that the affidavits were dated between September 20 and 30. They could not have been put to him in his lifetime. What we have here is a smear prepared after Mr Biko's death. It is a disgrace," he said.

Maj Smynan said later that the people concerned had all been arrested in August this year, and that it was their written statements, not yet sworn to, that had been put to Mr Biko.

Maj Smynan said in explanation that two of the statements were from Mr Peter Jones, who was arrested with Mr Biko on August 16, and Mr Patrick Titi, with whom Mr Biko is alleged to have compiled a revolutionary pamphlet.

The other affidavits were by Miss Xoliswa Ngabeni, the typist alleged to have typed the stencil from which the pamphlets were duplicated, and a Mr Mohape, also concerning the compilation of the pamphlet. — DDC-SAPA

Family say they were harassed by police

JOHANNESBURG — A brother and cousin of black consciousness leader, Mr Steve Biko, were detained, questioned and searched by the Police in Aliwal North.

Mr Kaya Biko, 32, brother of Mr Steve Biko, a cousin, Mr Solomon Biko, 22, and three friends were on their way to the Biko inquest in Pretoria.

Two of the five claims they were misconduct by police. The only woman in the group said she had to strip completely in the search.

Mr Kaya Biko said their car broke down near Aliwal North. While he was phoning friends in King William's Town and Johannesburg to tell them what had happened, the police took Mr Solomon Biko and Mr Noki Cekisani, former President of the banned Black People's Convention branch in Port Elizabeth, to the police station.

They were joined later by Mr Kaya Biko, Mr Mandla Kopo and Ms Kholeka Mthibuti.

All five described how they were questioned about their political affiliations and their attitudes to the death of Mr Biko.

"Our car was searched inside and out and the Police took a pile of papers which were returned when we were released," said Mr Kopo.

A lawyer acting for the Biko family said the incident seemed like one of "pure harassment and intimidation". — DDC
differs evidence

Pretoria — Special Branch policemen yesterday gave

in evidence a string of letters, written by people who lived near the house where the body of Steve Biko was found.

A struggle between them and Mr. Skeef Thabo when he was

in detention.

From Roger Onond in Pretoria

SECOND DAY

The Biko

Inquest
Fight caused death?

PRETORIA — A Special Branch man said here yesterday that he thought Steve Biko had died as a result of the fight he had had with the Special Branch.

"It was the only time he could have been injured," W/O R. Marx told the inquest.

W/O Marx was questioned by Mr S. Kentridge, for the Biko family, on when he had heard of Mr Biko’s death and his reaction to the news.

Mr Kentridge: Didn’t you ask Maj Snyman (of the Port Elizabeth Special Branch) what Mr Biko had died of?

W/O Marx: No, I assumed he had been a sick man. Weren’t you interested in why he had died? — I guessed it was result of the struggle.

What gave you that idea? — It was the only time he could have been injured.

What sort of injury could he have suffered? — He fell twice. — DDR

Venue may change

PRETORIA — A suggestion was made during the Biko inquest yesterday that the court be changed or an amplification system installed because of the poor acoustics.

The matter arose when a newspaper was criticised by the State Attorney, Mr K. von Lieres, for misreporting an affidavit.

Mr Syd, s Kentridge SC, for the Biko family, said he had noticed a number of minor errors in press reports, but did not intend making an issue of this.

He understood that because of the acoustics in the Pretoria Old Synagogue the press had difficulty in hearing what was said.

"If people can’t hear, should we not perhaps go to one of the larger Pretoria Magistrate’s Courts?" he asked.

Consideration might also be given to installing an amplification system.

The Pretoria Chief Magistrate, Mr N. J. Prins, who is hearing the inquest, said the court would continue at this stage with what was available. — SAPA
The Biko inquest
FIFTH DAY

Colonel: suicide theory my own

PRETORIA — The head of the Special Branch in the Eastern Cape, Col P. J. Goosen, admitted yesterday his theory that Mr Biko may have been trying to commit suicide by hyperventilation — deep and rapid breathing — was not based on any firm grounds.

Col Goosen was examined on his theory by both Mr S. Kentridge, for the Biko family, and Prof L. Gordon, of the University of Natal Medical School, who is sitting as an assessor.

Prof Gordon said he had never heard of hyperventilation causing death. Where had Col Goosen got this from?

Col Goosen said he had consulted a book in the Port Elizabeth Prison Hospital which said it could be dangerous.

Prof Gordon asked if the book said hyperventilation was a method used to commit suicide.

Col Goosen: No, it was not in the book. It was my own theory (after reading that it could be dangerous).

Am I right in concluding that your basis for thinking suicide is possible through hyperventilation does not stand on strong ground. — No, it is not on good grounds.

Earlier, Mr Kentridge asked whether a Port Elizabeth doctor, Dr Lang, had agreed with him that Mr Biko's hyperventilation was part of a suicide bid when they had discussed it.

Col Goosen: Not as far as I know.

Prof Gordon also questioned Col Goosen on incidents when Mr Biko had climbed clothed into a bath in the Port Elizabeth Prison hospital which Col Goosen said he also thought were suicide attempts.

How could a man try to commit suicide in a bath if he was being watched? Prof Gordon asked. Col Goosen said he did not think Mr Biko was under constant watch then.
order

out

Dossier

Krug

From Roger Mond,

Minister of Police
Colonel: no force used on detainees

Referring to Mr Biko specifically, Col Goose said: "The physical and mental health of the detainees was of the greatest importance to the Special Branch. They wanted him to remain healthy so that he could be shown up to court for what he really was."

"I had pamphlets and other material in my possession which proved that he was busy creating a climate of internal revolution. His early death placed a danger on our entire investigation," Col Goose said.

Regarding the issue of handcuffs and leg irons, Col Goose said he had specified to his superior to prevent Mr Biko from hurting himself or committing suicide. Handcuffs and leg irons were standard equipment to limit his movement.

The Special Branch officials were situated on the 6th floor of the building. The interrogation room had burglarproof windows, and the adjacent offices were not burglar proofed.

It was a standing instruction of the Commissioner of Police that whenever there always had to be handcuffs and security personnel were to be on hand at all times.

Mr Biko's handcuffs had been removed while he was being interrogated. After the interrogation, Col Goose had told the investigators to call the police in the interrogation room and have Mr Biko taken to hospital. Col Goose added that he had not been informed of this.

He did not consider removing the handcuffs because he feared a repetition of what happened on the morning of September 7 (when Mr Biko had been involved in a struggle with his interrogators).

Col Goose said he had no control over Mr Biko while he was in the prison hospital. Apart from a doctor coming up to him he had not been informed of any injury on Mr Biko. He was satisfied that Mr Biko would be medically examined by two district surgeons, Dr Lang and Dr Tucker, and a prison physician. He desired he had influenced the doctors to visit Mr Biko.

Under earlier question, Mr Goose said it was not a function to correct a false statement by the Minister of Police, Mr Coetzer.

Referring to Mr Biko's death, Col Goose said he had made several attempts to correct the newspaper story. He did not submit a clerical report.

Mr Kendrige: You say the wrong information did not come from you. From whom did it come then?

Col Goose: I don't know.

In reply to a further question, Mr Kendrige said Col Goose had never told him that Mr Biko threatened a hunger strike.

Mr Kendrige: How did that error reach the Minister then?

Col Goose: I cannot say.

In reply to further questions, Col Goose said Mr Biko even talked to the specialist, Dr Hersch, a short time before his death.

Mr Kendrige: Why did you have to give Dr Hersch this background information?

Col Goose: Because Dr Hersch was a very busy man and he had to ex- examine Mr Biko at an inconvenient time.

Did you convey to Dr Hersch your feeling that Mr Biko was in a state of mind requiring some kind of attention?

Col Goose: I can't remember.

Col Goose said it had been a tremendous shock to him to hear of Mr Biko's death. He telephoned the chief district official, Mr Lang, and asked to be told the news.

Mr Kendrige: Did you discuss with Mr Biko his death with Dr Tucker?

Col Goose: I did not discuss at all the theory of hyperventilation. It is yours alone and not Dr Lang's. Dr Lang and I are not experts in your theory. He told me that it could be dangerous if practiced in a certain way.

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Warder, Biko chatted

PRETORIA _ A prison warder told the inquest yesterday that Mr Biko drank a beaker of puzumandula (a vitamin drink) and tv to some water on September 8.

According to Mr P Tomlinson, he took over from a Warder D M F from 12 noon and 1 pm in the prison hospital where Mr Biko was held on September 8.

"At about 12.10 pm I gave him some Warder D M F from 12 noon and 1 pm in the prison hospital where Mr Biko was held on September 8.

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Validity of statements queried

PRETORIA — Handwritten statements by alleged accomplices of Mr Biko were admitted in evidence yesterday.

The statements are the ones alleged to have been put to Mr Biko on September 7, causing him to realise his friends had betrayed him and resulting in his going berserk.

The Pretoria Chief Magistrate, Mr H. J. Frins, overruled an objection by Mr S. Kentridge, counsel for the Biko family, that they were made by Terrorism Act detainees who could not be called to verify the documents.

Mr Frins ruled that it was the fact of the documents' existence that was relevant, not their contents.

Mr Frins is to decide later whether the contents of the statements are to be made available to the press.

The application, by counsel for the police, Mr P. R. van Rooyen, followed his withdrawal of an application earlier this week to have affidavits by the same people admitted in evidence.

Maj H. Snyman of the Port Elizabeth Special Branch had stated that the affidavits had been put to Mr Biko, and that the struggle in which he could have sustained his fatal injury had come when he realised what police knew.

When it was shown that the affidavits had been sworn after Mr Biko's death, Mr Van Rooyen withdrew his application.

Mr Van Rooyen said yesterday it was the documents in their handwritten form that had been put to Mr Biko, and he sought to introduce them.

The statements are alleged to be by Mr Peter Jones, the man with whom Mr Biko was arrested on August 18, and Mr Patrick Thi, alleged with Mr Biko to have drafted a subversive pamphlet distributed in Port Elizabeth townships.

Both are present and detained under Section 6 of the Terrorism Act, and no access may be had to them, not even by a court of law.

Mr Van Rooyen contended yesterday that Mr Kentridge appeared to intend challenging Maj Snyman's credibility by submitting the documents had never existed, that they were not put to Mr Biko, that there was no struggle and that Mr Biko died as a result of a police assault.

It was therefore relevant that the documents had existed and were in the hands of the police when Mr Biko was interrogated on September 7, he said. Whether or not the contents were true did not matter. What was relevant that the police had information from the people concerned and that Mr Biko had been aware of this.

Opposing the application, Mr Kentridge said the only way a document could be proved to be written by a particular person on a particular date was to call the person to say so in court.

As this was impossible in terms of the Terrorism Act, he objected strongly to the application.

He found it interesting that Mr Van Rooyen sought to put in documents he did not intend to prove when Mr Van Rooyen had earlier objected to Mr Kentridge putting in statements byPort Elizabeth Police, Mr Kruger, on the grounds that they were hearsay.

The Deputy Transvaal Attorney-General, Mr K. von Lieres, said another Special Branch witness, Capt D. P. Siebert, had said Mr Biko had been shown statements or notes and that he had acknowledged it was handwriting.

As Capt Siebert had not said the contents had been put to Mr Biko, the contents were not relevant.

Mr Kentridge said he had already held that a statement by a person detained under the Terrorism Act was not admissible as evidence because the Act stated a man could not be detained until he made a statement to the satisfaction of the police.

What was relevant was Mr Biko's state of mind on the morning of September 7, and whether the Special Branch at that stage had information and statements by Mr Biko's friends with which he could have been confronted.

Mr Kentridge replied he was not going to accept a statement by the head of the Eastern Cape Special Branch, Col P. J. Goosen, that the statements in question had existed at the time Mr Biko was interrogated.

"I would want to test and challenge him, and the only way I can do it is to call the people concerned," he said.

"I am not in a position to accept that those documents are what they are purported to be.

"In view of the circumstances in which Maj Snyman first referred to these documents, it is impossible for me to accept the validity and genuineness of the documents."

Mr Frins then ruled the documents admissible.

A case has been made out that these documents can be handed in to prove Mr Biko's mere existence, i.e. to prove the veracity of what is contained in them," he said.

Mr Van Rooyen then put the documents to Col Goosen, who testified they had been in the hands of the Special Branch team before they interrogated Mr Biko on September 7.

Statements of this type were often made by people detained for questioning, he said. They were sometimes true and backed up by other information, and sometimes false. At the end of questioning the statements were put to the detainee, and a sworn affidavit made.

In this case, although there were deviations, the information was largely substantiated and police had believed it to be true.

Maj Snyman's accomplices had been questioned first, so that their statements could be put to Mr Biko and an explanation demanded of him.

These and other documents had been given to Maj Snyman's interrogation team to study in preparation for the questioning of Mr Biko which began on September 6, he said.

Mr Kentridge said he would reserve further questioning of Col Goosen until Tuesday, when he would also be questioned by the district surgeons in the case. — SAPA.
Lieutenant tells Kruger can’t assist

Evidence

sickening

paper

The Biko inquest

Pretoria - The Pretoria High Court yesterday adjourned the inquest into the death of struggle veteran Steve Biko until June 7. The adjournment followed a disagreement between the court and the state on the admissibility of evidence.

The state was seeking to introduce evidence of alleged torture by South African security forces. The state contended that the inquest was not the appropriate forum to hear such evidence.

The state’s evidence was expected to include statements made by Lt. Colonel John Prins, a commanding officer of the South African Security Forces, and by police officers. The state argued that the inquest was the right forum to hear evidence of alleged torture

Pretoria Chief Magistrate John Mcelroy said that the inquest would be an appropriate forum to hear the evidence.

"We have had no adverse reaction from the state," he said. "We have received no objection from any party involved in the inquest."

Mr. Prins had already given evidence to the inquest, and the state was eager to introduce more evidence at the inquest.

The state’s case was based on allegations that Biko, a well-known anti-apartheid activist, was tortured before his death in September 1977. The state alleged that Biko was beaten and that his face became swollen.

Biko’s family and supporters have long maintained that he was tortured before his death. They believe that the inquest will provide evidence to support their claims.

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him he must come out with the truth, because he is wasting everyone's time.

"He answered that I should give him 15 minutes and he would then make a statement.

"I firmly believed he would do so and left him there. When I went back to him after a while I saw he was asleep and left him alone.

Lt Wilken said Mr Biko woke again at about 9 pm and his speech was slurred. He called his superior, Maj Fischer who, finding Mr Biko speaking slurred and incoherently, called Col Goosen.

When Col Goosen arrived, he wanted Mr Biko to drink a carton of milk. Lt Wilken had asked Mr Biko's lips, but Mr Biko spat the milk out. Col Goosen ordered him to be left to sleep.

Questioned by Mr Kentridge, for the Biko family, Lt Wilken denied he had attempted to interrogate Mr Biko on either night. His instructions were to let the man rest, he said.

Asked how he had come to see the mark on Mr Biko's forehead, Lt Wilken said he had gone to sit on a chair next to Mr Biko's mattress. This was not to interrogate him, but to pass away the night which lay ahead.

Mr Kentridge: You just sat a chair watching a man who was asleep. I know an attempt has been made to create the impression you were just the night nurse, but were you
mark on Biko

Guard: I saw

BERNARD WESSELLS
BY HELEN ZILLE AND

19/11/77

325 Keller
Biko: during his detention in Port Elizabeth, who had noticed the mark on his forehead.

Lieutenant Wilken's statement was one of the dramatic developments at the inquest, which had been conducted in which the magistrate, Mr. D. Frans, ruled that statements made by the Minister of Justice, Mr. J. T. Kruger, were not admissible as evidence, mainly because they would not be of practical assistance to the inquest court's function.

Lieutenant Wilken told the court he noticed the mark, which appeared to be a birthmark, above Mr. Biko's left eye, while he was sitting in a chair next to Mr. Biko's bed.

Mr. Kentridge: What were you doing sitting next to Mr. Biko?

Lieutenant Wilken: I just wanted to sit there, I was killing time.

Mr. Kentridge: I know there has been an attempt to create the impression that you were just night nurses, but weren't you sitting on the chair to ask him a few questions?

Lieutenant Wilken said the light was on and he was looking at Mr. Biko. Later that night he had returned in the dark to pass a few more minutes.

Mr. Kentridge: On the second occasion you actually went to sit on the chair to look at Mr. Biko in the dark?

Lieutenant Wilken: Laughable as it may sound, that is so. It was not so dark that he could not see Mr. Biko, Lieutenant Wilken said.

Mr. Kentridge: I ask you to take the court into your confidence. What were you really doing in that office that evening?

Lieutenant Wilken: I don't know if there is an insinuation, but nothing happened.

In reply to a question by Mr. P. von Lieres, leading evidence, Lieutenant Wilken said Mr. Biko was never assaulted while under his care.

The other major event in yesterday's hearing came when handwritten statements by two detained friends of Mr. Biko were admitted by the court. Two days after sworn statements allegedly made by the same people were rejected because they were made after Mr. Biko's death.

The handwritten statements were accepted to prove they existed but not to prove they were true, despite strong objections by Mr. Kentridge. Mr. Kentridge said Mr. Patrick Titi and Mr. Peter Jones, who allegedly made the statements before Mr. Biko's interrogation, were detained under Section 6 of the Terrorism Act and could not be called to say whether they had ever made the statements.
Tusca scores yet another success

THE MINE Surface Officials Association of South Africa, representing nearly 13,000 surface employees in the mining industry has decided to affiliate to Tusca. This is a feather in the cap for Tusca's Secretary, Arthur Grobbelaar, who has been trying to get all South African unions under one umbrella for some years. The MSOA is a traditionally right-wing white trade union and this illustrates that Tusca is continu-
Detainee Jekwa may be missing

EAST LONDON — There were conflicting reports yesterday on the whereabouts of detained Mdantsane garage-owner, Mr. Hubert Jekwa.

Mr. Jekwa was detained two weeks ago and was admitted to Frere Hospital the next day with an urinary ailment.

Amid rumours that he escaped yesterday, the Frere Hospital superintendent, Dr. F. L. Visser, said Mr. Jekwa had been discharged by the specialist treating him.

According to reports Mr. Jekwa was discharged and was fetched by policemen.

Other policemen are believed to have called at the hospital later in search of him. This is believed to have given rise to the escape rumours.

The Daily Dispatch could not contact the head of the Special Branch in Pretoria, Brig. Zietman, despite several phone calls to his home last night. — DDR
The make-up of a police interrogator

At stages however, he had been convinced that Mr. Biko was shaming.

He had not considered the hand cuffs and in fact feared a repetition of what happened on the morning of September 7th when Mr. Biko was involved in a struggle with his interrogators.

Col. Goosen said he had seen the after effects Mr. Biko suffered from. He was hit on the head, he had had no injury on Mr. Biko.

He was quite satisfied that Mr. Biko should be medically examined by the two district surgeons, Dr. Lang and Mr. Tucker, and a specialist, Dr. Hersch.

He denied he had influenced the doctors in their diagnosis.

Under earlier cross-examination by Mr. K. Kentridge yesterday morning, Col. Goosen said it was his function to correct a point of a statement by the minister of Justice, Police and Prisons, Mr. Jimmy Kruger's background.

Asked whether he had made a written report to his superiors, Col. Goosen said he had made several affidavits. He had not submitted a clerical report.

*Hunger strike*

In reply to a further question by Mr. Kentridge, Col. Goosen said he had never said that Mr. Biko had attempted a hunger strike.

Mr. Kentridge: How did that error reach the minister then?

Col. Goosen: I cannot say.

In reply to further questions, Col. Goosen said he had given the specialist, Dr. Hersch, a short history of Mr. Biko's background.

He had told Dr. Hersch that Mr. Biko was a medical doctor and a leader of the Black Power movement.

He had wanted to make sure that Mr. Biko's medical history was correct.

Handwritten statements by alleged accomplices of Mr. Biko were also admitted in evidence yesterday.

The statements are those alleged to have been put to Mr. Biko on September 7th, causing him, it is said, to realize his friends had betrayed him and resulting in his "going berserk."

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*Distributed pamphlet*

The statements are alleged to be by Mr. Peter Jones, the Coloured man with whom Mr. Biko was arrested on August 18, and Mr. Patrick Tshangu, alleged with Mr. Biko, to have drafted a subversive pamphlet distributed in Port Elizabeth Black townships.

Both are at present detained under Section 6 of the Terrorism Act, and no access may be had to them, not even by a Court of law.

Mr. van Rooyen contended yesterday that Mr. Kentridge appeared to intend challenging Major Smynna's credibility by submitting that the documents had never existed, that they had not been put to Mr. Biko, that there had been no struggle and that Mr. Biko had died as a result of police assault.

It was therefore relevant to prove that the documents had existed and had been in the hands of the police when Mr. Biko had been interrogated on September 7th, he said.

Whether or not the contents were true did not matter.

Opposing the application, Mr. Kentridge said the only way a document could be proved to have been written by a particular person by a particular date was to call the person to say so in court.

As this was impossible in terms of the Terrorism Act he objected strongly to the application.

He found it interesting that Mr. van Rooyen, sought to put in documents he did not intend to prove, for Mr. van Rooyen had earlier objected to Mr. Kentridge putting in statements by the Minister of Police, Mr. Kruger, on the grounds that they were hearsay.

Mr. Prins ruled the documents admissible.

Mr. Prins ruled: Press statements by Mr. Kruger to be inadmissible as evidence.

Mr. Kentridge had said on Thursday that Mr. Kruger should if necessary call to establish how he had come by incorrect information in his statements to the Press.

Mr. Prins said he could not see why Mr. Kruger could assist the Court to reach an inquest finding. — (Sapa.)
PRETORIA — There was no reason for the Security Police to use force to extract information from detainees held in terms of Section 6 of the Terrorism Act, the head of the Security Police in the Eastern Cape, Colonel P. J. Goosen, said here yesterday.

Speaking at the resumption of the inquest into the death of the Black activist Mr. Steve Biko, Col. Goosen said the Security Police had more than enough time to obtain the information they required.

Col. Goosen then said that no assault charges had ever been laid "against my assaulting team." Laughter followed and he changed the phrase to "the interrogation team."

Replying to questions put to him by counsel for the police, Mr. P. R. van Rooyen, he said Security Police actions were governed by strict instructions.

Their main task, as far as detainees held in terms of Section 6 of the Act were concerned, was to conduct a thorough investigation into activities which might threaten the security of the State.

Methods of persuasion

Col. Goosen said it sometimes took weeks just to establish communication with a detainee.

Various methods of persuasion were used, such as soft talk (mooipraat), angry words and sarcasm — "the same technique as that used on me by Mr. K. K. K. (counsel for the Biko family)," he said.

The members of an interrogation team were all selected men. They were selected on the grounds of their personality, their ability to communicate with others and their ability to contain their tempers.

A member of the force with a personality defect had very little chance of becoming a security policeman.

Col. Goosen said sections of the Press and the liberals had created a climate of revolt among the general public against security legislation.

This had caused many South Africans to develop an artificial guilt complex, he said. The Security Police were very careful not to do anything which could further stimulate this sort of propaganda.

"We treat detainees very well," he said.

This instruction had, according to Admiral L. K. M. Steyn, director-general, and Col. Goosen, been given to prevent suicides in detention centres.

Regarding the use of handcuffs and leg irons, Col. Goosen said he had had specific instructions from his superior to prevent detainees from hurting themselves or committing suicide. Handcuffs and leg irons were standard equipment to limit movement.

The security offices in Port Elizabeth were situated on the 6th floor of a building. The interrogation room had burglar-proofed windows, but the windows in the adjacent offices were not burglar-proofed.

It was a standing instruction of the Commissioner of Police that detainees always had to be handcuffed and accompanied by at least two officers when they were taken from one place to another.

Mr. Biko's handcuffs had been removed while he was being interrogated. After the interrogation, Col. Goosen said, he had given instructions that Mr. Biko be handcuffed to a grille in the interrogation room.

He would not have given the instruction had Mr. Biko been "obviously under the influence of alcohol," he said.
Police hold 40 Peninsula detainees

De Mark August

AT LEAST 40 people in the Peninsula, most of them youths, have been detained by security police in the past two months under the Terrorism Act, according to a list of detainees released by the Department of Justice.

De Mark August, a lawyer for the African National Congress's legal subcommittee, said the detainees were a mix of ANC members and others. He said he had been informed of the situation by various ANC members who had been detained.

August said he had been asked to represent the detainees in court, and he had been given a list of their names and addresses. He said he would be seeking their release.

He said he had been told that the detainees were being held in secret detention centers, and he had been unable to contact them.

August said he was concerned about the detainees' well-being and wanted to see them released as soon as possible.
Goosen: One got the impression that Biko was in full possession of his faculties

The basis of Mr Kenwright's argument would have been the judgment on the inadmissibility of Mr Kenwright's and Col. Goosen's statements made by the magistrate, Mr Prins. Mr Prins had ruled that the evidence against the two men was not sufficient to support the charges brought against them.

Mr Prins said that the dossier consisted of statements made by Mr Kenwright and Col. Goosen to the police as prepared by Mr Kenwright's wife. He then went on to say that the statements were not made at a party congress.

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The page appears to be a photograph of a printed document, but the text is not legible due to the quality of the image. It seems to be a page from a book or a report, possibly discussing technical or scientific content. However, without clearer visibility, it's challenging to provide a meaningful transcription or interpretation.
Mr. Kenridge argued that the evidence and any other information relating to the death and the inquest, if any, was a matter for the police. He also stated that a magistrate may follow an inquest, if he so desires, and that such a magistrate may follow an inquest even if the body is not recovered.

Mr. Kenridge said that he had been to Port Elizabeth about five days after Mr. Biko's death. Mr. Van Rooyen had been to Port Elizabeth and Mr. Biko had been examined by a medical officer. Mr. Biko had been found to be in a state of extreme exhaustion and had been given medical treatment.

Mr. Van Rooyen said that he had been to Port Elizabeth and had examined Mr. Biko. He had found that Mr. Biko had been in a state of extreme exhaustion and had been given medical treatment.

Mr. Goosen said that he had been to Port Elizabeth and had examined Mr. Biko. He had found that Mr. Biko had been in a state of extreme exhaustion and had been given medical treatment.

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Pattern of suicide

Mr. Van Rooyen: I do not know why Mr. Biko killed himself. He was a very intelligent man and had a good mind.

Mr. Goosen: We have a pattern of suicide. I have had specific orders from my head office and I have been told that everything should be done to prevent this. On the morning of September 7 Mr. Biko was found dead at his house. He had been "like a madman" and had been concerned to prevent a repetition of this. Mr. Goosen said that Mr. Biko had been "like a madman" and had been concerned to prevent a repetition of this.

Mr. Prins: If this was so why was Mr. Biko not taken to the hospital to be treated for mental illness?

Mr. Goosen: These things are standard equipment. They only curb his movements. There were bars in front of the window of the office on the sixth floor where Mr. Biko was kept but not on the windows of other offices nearby, he said.

Mr. Goosen had said that Mr. Biko was ill and had been removed to an institution with the necessary medical facilities. He would not have kept him handcuffed and chained to a grill.

Dr. Lang had said that there was nothing wrong and Mr. Goosen had thought that Mr. Biko was well. He had kept him handcuffed because he had caused a violent struggle.

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Police documents quite irregular

— Kentridge

Continued from page 4

who was apparently being asked to say that the facts about Mr. Big and Mr. Jones were correctly known to Mr. Big during the interview.

Mr. Prime— I understand that statement. I understand that the documents had been delivered to Mr. Big during the interview.

Mr. Kentridge said that these documents had in no way been seen by Mr. Big before the interview. He said that they were in fact the same as the originals, but he had made an ordinary ordinary way the people who had made the ransom demand to the police would have been brought to court for the purpose of saying that they had made the ransom demands on the same dates that they were dated. The problem here was, however, that the people who had made the ransom demands were still unknown under Section 5 of the Terrorism Act according to which nobody may have access to them. Mr. Kentridge said that the people were quite irregular to hand in documents of this sort unless police could depose to them.

I wish to point out that I am of course not in a position to depose to the facts of matters that are not put to the government.

Mr. Prime: I hope to provide documents made by persons in their own handwriting, but they cannot really do in that I cannot accept it.

State of mind

Mr. Van Rooyen argued that to prove the documents did not necessarily have to bring to court the process who made it. He was pressed to be a matter of fact. Mr. Kentridge said that the police had brought Mr. Big from a deal to an advisory position by the police they demonstrated with the documents. Mr. Van Rooyen said that Capetonian States had said that they had the documents and had confirmed Mr. Big with them. He wished to confirm Mr. Big to identify the documents. The state of mind of both the interrogator and the detainee was relevant. If the evidence about the document was true it could have been a crucial result if he did not enter to the facts a detention was not a voluntary one.

Mr. Van Rooyen also said by only being proved to a state of mind, not the conclusion of the document. It was possible that it could be argued that there were no documents in existence and that there had been no confessions he would be sufficient to show that he was not involved from being in these statements.

The family

If, however, the family said it was not dispute that the documents had been shown to Mr. Big and then would demonstrate his application to hand him in.

Objectively the conclusion may not have been the same but the procedure was only the central state of mind.

Mr. Van Rooyen said that on the Capt. Taitman gave evidence that he had brought the documents to his statements because they were in fact true in fact, if Mr. Big believed them to be true. A statement made by a Section 4 witness cannot be held to be an ordinary statement as prescribed in the extension of time a could be held to be an ordinary extension under Section 4 evidence.

Mr. Van Rooyen was concerned with the content to it otherwise that the police officers believed the facts in the documents are true. "We are interested in the source of the document and the interrogator in the source of the document," Mr. Van Rooyen continued.

Mr. Kentridge said with regards to the source of the documents, he wanted to know whether they were what they were purport to be. That could only be established the people who wrote the documents were called. The magistrates held that it was material who wrote the document.

Mr. Kentridge: It is the only way that I could prove that is by calling the people concerned and put in a position otherwise to say this is the document is it not?

Mr. Van Rooyen argued that in the circumstances in which Col. Saravan was alleged to have handed the documents to the person whose arrest was in connection with the investigation, he would not be able to the facts. Mr. Kentridge: I understand if it is a matter of what was written in the document?

Col. Saravan: Yes, I believe it is.

Mr. Van Rooyen: Did you believe the documents on the se- cretiveness of the BPC?

Col. Saravan: Yes. Mr. Van Rooyen: Did you believe that you must question Mr. Big on this point? Col. Saravan: Yes, I thought about the other information, we had enough time to question like, Mr. Big. Mr. Van Rooyen: Will there be enough material to confront him with.

Satisfied

Mr. Van Rooyen: Did you have any personal knowledge on the documents? Col. Saravan: Yes. Mr. Van Rooyen: Did you advise their officers and handwriting? Col. Saravan: Yes. Mr. Van Rooyen: Did you advise that this is the handwriting of Mr. Taitman and Mr. Jones?

Mr. Van Rooyen: Were those documents in the hands of the interrogating team of Major Col. Saravan? Col. Saravan: Yes, they had all the documents and he had them with him.

Mr. Van Rooyen: That stage the accused was brought for handwriting the document for the police.

Mr. Taitman must advise the document for interrogation for his handwriting.

Mr. Van Rooyen: Did you have control over the interrogation?

Col. Saravan: Yes.

The magistrate: In terms of the previous evidence, it is that that he and his staff believed were true.

He admitted to Mr. Van Rooyen that he was in possession of the documents before he gave the documents to the police and that he had received the documents from the police. Mr. Van Rooyen: Did you believe he had the documents in the possession of the BPC?

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HE WAS WASTING EVERYBODY'S TIME.

Lt. Colonel Henry B. Schmerzler, US Army, Ph.D.

The Captain's Daughter: November 1977

Continued from page 6

Old Singapour, Picaro

STEVE BIKO INQUEST

Samuel Omosoro

The Corinna Times

November 1977
Professor Gordon: ... He let 
water in and sat on the bath.

Colonel Gqosso: I sought the 
reasons for his actions. He could 
have hurt his head on (insidious) 
trying suicide. He could also have 
hurt his head when he fell out of 
the bed.

Professor Gordon: Was he not 
confused when taking a bath at 3am in the morning?

Colonel Gqosso: I am seeking 
the reason. It is a deduction I 
made.

He was attacked, he said, to 
the security branch at Port 
Elizabeth and on Tuesday, 
September 6, he was at 1600 
hours on duty together with war-
rant officers Couetze and Foucher 
to guard the detainee Mr Steven 
Biko. Mr Biko had been handed 
over to him by Major Snyman.

In his lengthy statement, one of 
three, he said Mr Biko was lying 
on two cell-mats underneath two 
blankets, with one under his head 
as a cushion, in the interrogation 
room.

"When I arrived back a little 
while later I saw that he was 
asleep and I left him."

"At about 9pm Mr Biko woke 
up and he talked with a startled 
tongue. I did not know what was 
happening and "phoned Major 
Fischer, my section head, and in-
formed him that Mr Biko was to 
have made a statement earlier in 
the evening but was now speaking 
with a startled tongue."

Lieutenant Wilken: Whether he 
had cross-examined Mr Biko at 
any stage, to which Lieutenant 
Wilken replied: "No, not at any 
stage."

Mr Von Lieben: Was he as-
aulted by you or any of the 
others on duty?

Lieutenant Wilken: No.

Examined by Mr Kentridge, 
Lieutenant Wilken was asked 
whether he was part of any team 
investigating any other detainee, 
so to which Lieutenant Wilken 
replied: "Not at that stage."

Lieutenant Wilken: It is a 
general thing (practise) that if you 
come to a detainee, then you tell 
him to tell the truth. You 
sometimes don't even know what 
the case is about.

Mr Kentridge: The truth about 
what?

Lieutenant Wilken: The things 
they were questioned about.

Mr Kentridge: According to 
Captain Siebert and Major 
Snyman... (inaudible)... he had 
Continued on page 11
Continued from page 9

also come out with the truth on the 6th...

At this stage Mr Van Rooyen, for the police, raised an objection and said what was being referred to was the Unity movement.

Wasting time

Mr Krentzke: Did you want him to tell the truth about the Unity movement?

Lieutenant Wilken: I did not refer to any specific instruction.

Mr Krentzke: What is the time then of the Unity movement?

Lieutenant Wilken: I accept the time he had not come out with the truth. It was more a remark than a question.

Mr Krentzke: So you can’t say why he was wasting people’s time?

Lieutenant Wilken: Inaudible.

Mr Krentzke: Major Smyman agreed with me that you were on the night interrogating team with your two assistants.

Lieutenant Wilken: That is not so.

Mr Krentzke: When I cross-examined Major Smyman he said it was "correct". Then I said to him that he had left Lieutenant Wilken in charge of the night squad. They were the night interrogators. Lieutenant Wilken: No, he made a mistake.

Mr Krentzke: How can he make a mistake like that?

Lieutenant Wilken: People make mistakes under pressure.

Mr Krentzke: How do you know he was under pressure? It was in the early part of the cross-examination. Have you made a mistake this afternoon?

Lieutenant Wilken (turning to the magistrate): I have not made any statements, and I don’t know which one to answer.

Pretty pleased

Mr Krentzke: What did lie mean when he said give me 15 minutes?

Lieutenant Wilken: Biko said give me 15 minutes.

Mr Krentzke: You must have been pretty pleased that he was prepared to give a statement.

Lieutenant Wilken: I was surprised and pleased.

Mr Krentzke: That was very good for a police interrogator.

Lieutenant Wilken: Yes.

Mr Krentzke: Did you then get a sheet of paper and a pen?

Lieutenant Wilken: Within a few minutes of the interview.

Mr Krentzke: Was there any point at which you had completed a statement?

Lieutenant Wilken: Yes.

Mr Krentzke: Did you then read through your statement?

Lieutenant Wilken: Yes.

Mr Krentzke: It is not a mark that had a scan on it, but more like a blemish.

Lieutenant Wilken: I was not present at that interview. I was in a break in the interview and didn’t see a copy of the interview.

Mr Krentzke: You made a big breakthrough, you said you were quite pleased.

Lieutenant Wilken: My instructions were to leave him and let him rest and when it seemed he was asleep, I left him.

Mr Krentzke: Were you not told he was an important detainee?

Lieutenant Wilken: Because of his position I was aware of that. He was important.

Mr Krentzke: I suggest to you that in those circumstances the obvious thing to do would be to say: "Here I am. Let us have our talk."

Lieutenant Wilken: (Inaudible). It was not logical to me.

Mr Krentzke: Did you not think it strange that he said 15 minutes and then you find him asleep?

Lieutenant Wilken: He may have taken me for a ride.

Mr Krentzke: Were you not eager enough to find out by waking him?

Lieutenant Wilken: My instructions were to leave him to sleep.

Mr Krentzke: But you were not sure he was asleep?

Lieutenant Wilken: I am not going to sift his eyelids. Your Honours, to find out whether he is asleep or not. He must have heard me come but he did not move, so I thought he was asleep.

Three offices

Mr Krentzke: Then about an hour later he woke up?

Lieutenant Wilken: Right.

Mr Krentzke: Where were you?

Lieutenant Wilken: At the police station.

Mr Krentzke: Examine what he thought. He must have been prepared to give a statement.

Lieutenant Wilken: I think he was prepared.

Mr Krentzke: What were you really thinking during this time?

Lieutenant Wilken: What were you really thinking during this time?
Post-mortem is held on detainee

Staff Reporter

A POST-MORTEM WAS CONDUCTED ON MR. DONAVENE-MUKAZA SIPHO MALAZA, 18, who died in detention in Krugersdorp this week.

Mr. Malaza, whose body was allegedly hung itself in a Krugersdorp police cell, was the 45th person held under police detention to have died in detention.

The post-mortem was held at the Government Mortuary in Johannesburg.

Dr. Jaffe, a consultant pathologist, represented the Malaza family.

Mrs. Gertrude Malaza, Sipho's mother, and the police officer on Thursday had hanged himself in his cell.

The police told her on Tuesday that he was found not there, she said. They left a message that Sipho was "mad" in detention and that they should come and see him.

The next day they left another message saying he was mad and that they should be at the police station at 8 am on Thursday.

On Thursday, Mr. William Malaza, Sipho's brother, said he was shown the body by the Security Police.

"I saw his face through a glass partition," he said.

He was told the family could not have the body until after the post-mortem.

The dead man was a student at the Mopopopoe High School in Randfontein.

Principal of the school, Mr. Rudolph Mitimunzi said yesterday he was shattered at the news of Sipho's death.

"He was the most brilliant student I have come across. He came top of the class on the June examinations and I have no doubt that he would have passed his Junior Certificate with a distinction," Mr. Mitimunzi said.

Mr. Malaza said his brother was taken away by Security Police early on July 1. They said he was only going to be questioned and would be released later that day, he said.

"It was a cold night and I knew some of them. Later I went up there where I was told I could not see any of the detainees in that section but that I could bring clothes alone."

After a few days, he took clothes to Krugersdorp jail.

They were taken, but later that month he was told that Sipho was not in Krugersdorp jail. Several months later he again took clothes to the Krugersdorp police. They were also accepted. That was the last time his family had contact with the police until this week, he said.

Mrs. Malaza said this was the second time her son had been detained. He was first detained on December 3 near Beersfontein. He and seven other people were charged with public violence.

He had been home for two months when he was detained again.

Krugersdorp police yesterday referred the family to the Security Police, but Dr. Jaffe, a consultant pathologist, said the Security Police, was not available for a commitment last night.
BIKO 'WANTED TO KISS ME'

PRETORIA — A prison warden told the Biko inquest here yesterday that Steve Biko drank a beaker of Puzamandla (a vitamin drink) and two beakers of water on September 9 three days before his death.

The warden, Mr. Johan Fitchet, said he was stationed at the Port Elizabeth prison.

According to Mr. Fitchet's affidavit he took over from Warder du Preez between 12 noon and 1 p.m. in the prison hospital where Mr. Biko was being held on Friday, September 9.

"At about 12.10 p.m. I gave him a beaker of Puzamandla which he drank. A few minutes later he said he wanted water and I gave him two beakers of water which he drank in succession.

"After the second beaker he said he had had enough and did not want any more water. He then said he wanted to kiss me because I had given him the water.

"Biko then said he wanted to do some exercises and got out of the bed by pressing with his left hand on the side of the bed.

"He then walked around the cell for 20 minutes. He walked without assistance and without holding on to anything.

"The prisoner did not walk with a stagger (wankdrig) or appear to be unsteady on his feet.

"He walked bent over forwards and the whole time looked at the ground in front of him.

"After about 20 minutes he said he was tired and went and sat on his bed. He sat on his bed until Warder du Preez took over from me.

"On the occasions that Biko talked to me, he clearly said to me that he wanted water. In reply to a question from me he said his people lived at Port Beaufort.

"Biko spoke to me in English. It was the only time I was on duty with Biko. I also asked Biko why he had been arrested to which he replied that he was driving his car. I then asked him..."
THE BIKO INQUEST

BIKO’S GRATITUDE

FROM PAGE 1

what type of car he drove and said that it was a Peugeot. Apart from that Biko did not want to talk to me," Mr. Pholeti said.

In a separate affidavit Mr. Pholeti said that Biko had been standing at the wash basin in the cell when Mr. Biko got out of bed to do his exer-
cises. Mr. Biko walked around the cell and he wished to the door and stood there until Mr. Biko returned to his cell.

Handcuffs

"In a statement to the in-
vestigating officer, Major
General Kasempa, Mr. Pholeti said that Mr. Biko had at no stage complained to him that he had been assaulted or injured in any way.

He had not noticed any injury to Mr. Biko, apart from handcuffs marks on both wrists. Neither had he seen any injury to Mr. Biko as that indicated on a photograph shown to him.

Replying to a question by Mr. Z. customed for the Biko family, Mr. Pholeti said his command of the English language was poor.

Asked whether Mr. Biko had not spoken of his car as a Peugeot, his people and his friends in King Williams’ Town, Mr. Pholeti said that Mr. Biko said he was a Peugeot as that his people lived at Fort Beaufort. He also said his car was in Queenstown.

The last witness of the day was Lieutenant Winston Wilken, one of the Security Police officers detailed to guard Mr. Biko at the Port Elizabeth Security Police Office on the nights of September 6 and 7.

He said in statements that, when shown a photograph of an injury of Mr. Biko’s left forehead, he remembered seeing a mark on Mr. Biko during the night of September 6 — the night before the scuffle.

Darkening

"It was a darkening of the same dimple of a birthmark, dark brown and in more or less, the same position, as shown in the photograph.

"I attached no ‘impor-
tance to it, it did not look like an injury. Biko made no complaint to me.

"Liberland said that on the night of September 6 Mr. Biko had refused food and water and declined to go to the toilet.

He, had spoken to Mr. Biko on the night of September 7. After Major Seyman had told him Mr. Biko had acted violently earlier that day.

"I offered him food, which he refused. I said to him that I must come out with the truth, because he is wanting everyone’s time.

"He answered that I should give him 15 minutes and he would then make a statement.

"I firmly believed that he would do so, and left him there. When I went back to him after a while I saw he was asleep and left him alone.

"Lieutenant Wilken said Mr. Biko woke again at about 9.30 a.m. and his speech was slurred. He called his surname.

Major Fischer, who, finding Mr. Biko speaking slurred and incoherently, called Col. Goosen.

When Col. Goosen arrived he wanted Mr. Biko to drink from a carton of milk. Lieut. Wilken had held it up to Mr. Biko’s lips, but Mr. Biko spat the milk out. Col. Goosen ordered him to be left to sleep.

Questioned by Mr. Kendrige about his af-

davits, Lieut. Wilken denied he had attempted to interrogate Mr. Biko on other night.

His instructions were to: ‘‘Let the man rest,’’ he said.

"Ask him how he had come to see the mark on Mr. Biko’s forehead, he said he had gone to sit on a chair next to Mr. Biko’s mattress. This was not to interrogate him but to help pass away the night which lay ahead.

Mr. Kendrige: ‘‘You just sat on a chair watching a man who was asleep. I know an attempt has been made to create the impression you were not sitting on the chair to ask him some questions?’’

Watched

Lieut. Wilken said he had only sat and watched Mr. Biko for a few minutes.

Mr. Kendrige said Lieut. Wilken was the only one of the officers concerned that admitted seeing a mark on the side of Mr. Biko’s forehead: Was it the same mark as the injury in a photograph of the body?

The mark I saw does definitely not have the appearance of the one in the photograph, ‘‘it was more like a birthmark.’’

Asked why he had told Mr. Biko on the night of September 7 to tell the truth and stop wasting people’s time, Lieut. Wilken said this sort of remark was generally made to detainees even when the man concerned did not know what the case was about.

It was meant as a joke, and was more a remark than an interrogation.

"I did not refer to any specific information, interrogation was not my primary job,’’ he said.

Asked why Major Seyman had said Lieut. Wilken was not of the night interrogation team, Lieut. Wilken said this was wrong and anyone could make a mistake under pressure.

Surprises

He agreed he was surprised when Mr. Biko had offered to make a statement after 15 minutes.

Mr. Kendrige: ‘‘It’s pretty good going for a non-interrogator.

It was I was surprised.

He had not gone to fetch pen and paper because at that stage an oral statement would first have been made.

When he returned, Mr. Biko had appeared to be asleep.

Because it was not his primary task to get a statement from Mr. Biko, he had no reason to disturb him and

had left him.

He had known that Mr. Biko was an important detainee.

Mr. Kendrige: ‘‘I suggest to you that in those circumstances the obvious thing to have done would be to say: ‘‘Here I am. Let’s talk!’’

Lieut Wilken: ‘‘I may it not seem logical to this gentleman, but at that stage it was not so logical to me.

Mr. Kendrige: ‘‘Was it not strange that a man says ‘come back in 15 minutes’ and you find him ‘just asleep’?’’

Lieut Wilken: ‘‘He was asleep for a ride.

Injury

After they had been told Mr. Biko died of brain injury and had been shown the photograph of the wound on the head of the forehead the Security Police, con-
cered had spoken about it.

He had not told his colleagues he had seen a mark on Mr. Biko’s forehead, as he had attached no value to it.

Lieut. Wilken said the only previous time he had seen Mr. Biko was when he had taken a magistrat to see him at Walmer Police cells on September 2.

He did not know why a lieutenant and two warrant officers had been detailed to guard Mr. Biko’s forehead: Was it the same mark as the injury in a photograph of the body?"
Officer tells of night guard on Biko

Own Correspondent

PRETORIA. — The events of the night of September 6 — the night during which it has been suggested that Mr Steve Biko suffered brain injury — were described for the first time at the inquest hearing yesterday.

Appearing as a witness yesterday was Lieutenant Winston Eric Wilken, the officer in charge of the team guarding black consciousness leader Mr Biko during his nights in room 619 of the security police headquarters in Port Elizabeth.

Mr Kentridge, counsel for the Biko family, has suggested that Mr Biko's brain injury was probably suffered between the evening of September 6 and the morning of September 7.

Lieutenant Wilken told the inquest court he noticed a dark mark above Mr Biko's left eye that evening — the night before the alleged violent struggle in which Mr Biko was involved with his interrogators.

Mr Sydney Kentridge drew the court's attention to the fact that Lieutenant Wilken was only one of a number of officers who saw Mr Biko during his detention in Port Elizabeth, who noticed the mark on his forehead.

Lieutenant Wilken told the court he noticed the mark — which appeared to be a birthmark — above Mr Biko's left eye, while sitting in a chair beside Mr Biko's bed.

Mr Kentridge: "What were you doing sitting next to Mr Biko?"

Lieutenant Wilken: "I just wanted to sit there. I was killing time."

Mr Kentridge: "I know there has been an attempt to create the impression that you were just night nurses, but weren't you sitting on the chair to ask him a few questions?"

Lieutenant Wilken said the light was on and he was looking at Mr Biko. Later that night he returned in the dark to pass a few more minutes.

Mr Kentridge: "On the second occasion you actually went to sit on the chair to look at Mr Biko in the dark?" "Laughable as it may sound, that is so." It was not so dark that he could not see Mr Biko, Lieutenant Wilken said.

Mr Kentridge: "I ask you to take the court into your confidence. What were you really doing in that office that evening?"

Lieutenant Wilken: "I don't know if there is an insinuation, but nothing happened."

In reply to a question by Mr K. von Lieres, leading evidence, Lieutenant Wilken said Mr Biko was never assaulted while under his care.

He said he had never discussed the mark with his colleagues because he thought it was a birthmark.

Lieutenant Wilken told of an incident on the night of September 7 when Mr Biko asked for 15 minutes before undertaking to make a statement. He (Lieutenant Wilken)
to plans for intimidating the Convention and on
10,000 armed sans-culottes with 6000 men, the
committed. Twenty-five Jacobin deputations and
had unseated them altogether 30 vote-twelve
of the C.P.S. (May-July 1793) in the expulsion of the
and by mid-June they were in
strength. Stemmed from the absence of many
independence and social fear, the
Convention took two steps. First, to gain
the reforms. Second, to get rid of the
owners, of all sorts and conditions.

By this way feudalism was finally abolished on 17 July 1793.

Secondly, to organize the administration so that the threat of a Jacobin dictatorship was
unfounded. A new constitution was drawn up. This constitution, known as the
Jacobin constitution of 1793, was more democratic than that of 1792. It set up universal
franchise for men, the right of every citizen to initiate and reside in public property;
proclaimed the right to work, the right to education, the right to be free of religious
hegemony. After the arrest of Danton, it was not really a Jacobin constitution that
was ignored. Its association with the Jacobins' radicalism, the Jacobins' desire for revolution
discouraged moderateJacobins from supporting it. On 10 August 1793, the C.P.S. changed. Seven
of its members, including Danton, were arrested. The C.P.S. was dissolved, and by
reverse voting, according to the C.P.S. constitution, the Constitution Commission was
forced back to the most radical Jacobins. The Constitution had been
dissolution, there was a possibility that the Prussians
overthrowing the Alsatian. Sainville, who had not been in
his eyes, had been considered to have been
covertly the heads of the Jacobins. On 10 August, it was

The Jacobin constitution was abolished on 10 October 1793.

The Convention declared theat until the internal hostilities had ceased, there would be
"revolutionary" that is, ad hoc, emergency rule. Administrative failures had revealed
the impossibility of directing a war successfully by means of a Jacobin society of
representatives. Under emergency rules which followed, there would be few debates. The most
important decisions of the government would be left to committees appointed by the
Convention which itself was to meet only for voting committee decisions.

The two most important committees were the C.P.S. and Committee of General Security;
the latter was more important than the former. The Constitution Commission, in
September 1793, was dissolved on 10 August 1793, and was to be dictorially
for a year. The very same Jacobins whose moderate Jacobin constitution was
abolished it was a Constitution without a Premier; there
was no chain of command from the Premier down. The Premier, in turn, were
individually responsible for different departments. The Premier could not
the Constitution Commission of jacobins, mystified by the denizens (Carnot), 'Leftists', 'extremists',
and the matter in a word with another authority. The Premier could not
exist in a constitutional form. The Committee of General Security,
which assumed the powers of the Constitution Commission, determined the political
and military policies, and controlled the political and military fate of the government. The Committee
of General Security was composed of Jacobins elected solely by the Convention, not
by the General Convention from the whole people.

Grave dangers facing the republic after the late defeats had exposed the need for revolution.
The revolutionary believed that they could "defeat the enemy, only by the enemy's defeat."
This was a method of government. It was a Jacobin constitution.

Revolution which until 1793 had been split between radical Jacobins and moderates
assumed three forms: economic, religious, and political. The economic terror was
intended to eliminate food hoarding, by manipulating
and to secure food. It was a way to control and at a reasonable cost. It also hoped
that the conflicting interests of the rich and the urban consumers could be overcome.
In Paris, bread rationing was introduced on 17 March 1793, and the weekly
sale of white bread was limited to the poor. This was the law of
creation in October 1793, which was created in October 1793,

The religious terror was largely the work of a few fanatics who were anxious to
promote dechristianization. The Convention passed an edict
of 10 August 1793, abolishing all religious, and monarchical
letter, a ten-day week was introduced, and local authorities closed churches throughout
the country and a new "cult of reason" was decreed in the month of
Paris, where the Commune was
Move to counter claims that Biko inquest stifled
Nothing could dampen the interest.
DIE LAATSTE DAG WAS DE LEVE VAN BANTU SUE BIKO. IN DÉ TOSNIËF, DE Human Rights...
Maj. Snyman gee met lyfbe-weging en gebar 'n beskry-wing van die woonde geweeg in kaner 619, met Biko, se hy, ,,berserk'', en sos 'n wilde diep van woede. Dit kry styk man om hom teen die muur vas te pen toet teen die grond te dwing waar hulle hom weer hand en voet boel. Daar is 'n sug van bewondering van die swart hoofgehoor.


Teen 7.30 die oggend wan-neer kol. Goosen op kantoor kom, was hy ingespeel met die nuus van Biko se uitbriers. Hy besoek hom dadelik, maar kyk net so omsaamga-
gende gemoempel as antwoord. Die kolonel kry met aansienlike moeite die assis-
tent-districtsmeerder.

Lang, in die hande wat om 9.30 vir Biko onderzoek. But-
er in geaarde bok op by hy, niks om hom verkleed kyk nie, en hy rei 'n sertifkaat uit.

"Dit is te certifikeer dat ek die onderzoek van die kantoor van die politie en politie van sy omdraaiing in die hele die omgaan van hom nie feitlik nie. Los om hom van agter om die kantoor van hy, en hy rei 'n sertifkaat uit.

"Dit is te certifikeer dat ek die onderzoek van die kantoor van die politie en politie van sy omdraaiing in die hele die omgaan van hom nie feitlik nie. Los om hom van agter om die kantoor van hy, en hy rei 'n sertifkaat uit.

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Die oggend is daar klaar-
byliklik fort. Die man praat-
nog sone en sy samborde is deurst van die urine. Hy reager hoogs party op vroe-
ne. Die kolonel glo in die stadium nog vas dat hy veels, aangesien twee dokters-
onderzoek geen algemeen fout gevind het nie, maar hy ont-
beeld worste die dokter. Saam met dr. Lang kom die keer ook die hoofdistrictsmeerder-
nerd, dr. Tucker. Hulle kry nie fout nie, maar beveel aan die by vir waarneming na die Noordende-gewens-
hospital gestuur word.

Hy loopt ngself, hoewel .

Die bevindings van willig-
nerd, dr. Tucker. Hulle kry nie fout nie, maar beveel aan die by vir waarneming na die Noordende-gewens-
hospital gestuur word.

Hy loopt ngself, hoewel .

Die bevindings van willig-
die by vir waarneming na die Noordende-gewens-
hospital gestuur word.

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Die bevindings van willig-
die by vir waarneming na die Noordende-gewens-
hospital gestuur word. Aangesien waarneming by die gewens hospital nie oplewer nie, word Biko teen die middag teruggestuur na die Walmer-huis. Kort daarna kyk sers. Paul James van Vuuren hom skyn in die polisie, hy vloek na die grond, sy oë sluit, en kyk sig om sy mon.

Teen 3-tuur die middag besluit die districtskommissioneer dat hy vir meer gegos-
ste waarneming na 'n groot hospital moet gaan. Port Elizabeth se sie Provins-
sie Hospital word nie oor-
weeg nie, uit vrees van 'n moordlike ontsetting.

Kol. Goosen glo nou vas dat hy veels en, soos dié moet agter die gevergenige, 'n voorwaarde sou is om in 'n hospital uit te kom waar-
vandaan dit vermoedlik maklik kon wees om te ont-
met. Die rubberen frase "deuton" kom van Biko na terug.
Plein dalk genoem na Biko

Van Ons Korrespondent
UTRECHT. — 'n Voorstel is by die Amsterdamse stadsraad ingediend om Pretoriastelefoonplein in die stad se Transvaalbuurt te herdoop tot Steve Biko-plein.

Dit is ingediend deur twee raadsleden van die Partij van Die Arbeid, mnr. W. Polak en A. Blokpoel...

Hulle se ter toelating die straatnaam in die verval buurt moet nie net herinner aan die verlede nie, maar ook die aandag vestig op die stryd om gelukberriesing en wyekheid wat van al teylie is.

Oor Saterdag 10 September, is nie veel getuigenis nie buite dié van jong bewaarder Plichten wat vertel hoe Biko van sy bed opgesaam en vir 20 minute lank kop-vooroor vir oorweging in die kamer rondgestap het. Kort na twaalf het hy hom 'n beker puza, mandla (verwant aan magou) gegee en, toe Biko vra, ook nog twee geaviesenbekers water. Daaroor was die aangeweëde so bly, te stuur. Daar is op die Sondagmiddag geen militêre vliegtuie noorde toe nie. Hulle laat Biko naksend agterin die „gerieflike” Landcruez-staatsie van die polisie. Al wat vir die siek man op die lang toegaanone, is water.

Dagdie nag kom dit voor asof Biko slaap, maar wan neer hulle dorpsligte kry, of stilhou om brandstof in te neem, val sy eiendaarlike asemhaling op — lang asen tuee, vinnig uitgeblaas.

By die Pretoriastelefoon hospitaal aangekom, verwys kapt. Siebert in beveel van sy vervoer, na die asemha ling. Hy het in verband met die feit dat Biko vier jaar medes gestudeer het en, so glo die polisie — hoewel sy ma, vroeg of auster en broer nie daarvan weet nie — „Oosterse Joa” boeoen.

Die man het die vermoë om te veins, sê hy. Die hospit aaloomans Pretorius se die man lyk vir hom baie siek en hy sê hy vrees vir sy lewe.

Daar het geen mediese verslag van die pasiënt na Pretoria saamgekom nie, maar kol. Goosen bel sy hoofdes in Pretoria en vra dat die distriksgeeneesheer Brand, wat oor Biko sal gaan, die dokters in die Baai moet bel. Eers later ver neem hy dat dit nie gebeur het nie, sê hy.

Biko word dood gekry soos die patrolo die volgende dag vastel. Aan breinbeseerig.

Adv. Kortieweg aan kapt. Siebrits: Hoe het u gevoel toe u van Biko se dood hoor? Kapt. Siebert: „Ek was opreg geskrok."

† More kom die geneesheer in die getuiëbank.
The world is haunted by the ghost of humanity was never meant to bear. The world is haunted by the ghost of the people who have never been heard. The world is haunted by the ghost of the people who have never been seen. The world is haunted by the ghost of the people who have never been understood. The world is haunted by the ghost of the people who have never been loved.
Stars of the courtroom...

BY JENNIFER HYMAN

He and Mr. Kentridge engage in jousts at the court bar, as the two men make their arguments. Mr. Kentridge, a seasoned advocate, and Mr. Nolte, a rising star in the legal community, both make eloquent pleas for their respective cases. The room is filled with the sound of their voices, punctuated by the occasional laugh from the spectators. The atmosphere is tense, but there is a sense of respect between the two advocates, a mark of their professionalism.

A fifth team of advocates arrived on Thursday, to appear on behalf of the Prisons Department. The Chief Magistrate of Pretoria, Mr. J. M. Prins, looks down, sometimes benignly, sometimes slightly exasperated, at counsel when they engage in argument.

A number of diplomats are kept waiting day after day, particularly from the American, Dutch, British, Swedish and Australian embassies.

Wives of counsel who attended last week included Mrs. Felicia Kentridge, herself an advocate, and Mrs. Jill Wentzel, wife of Mr. W. Wentzel, who is assisting Mr. Kentridge.
South African scene

Watching as Biko's

To the Interrogation of Infiterogators
and those in the box

THE Port Elizabeth Security Police interrogators faced gruelling cross-examination at the Biko inquest last week — without appearing more than occasionally ruffled.

From the thin-lipped Major Harold Snyman, with his sunken cheeks, pencil moustache and brilliantined hair, to dapper Colonel Pieter Goosen, perspiring heavily by late afternoon, the witnesses told and retold their story of events preceding the death of Steve Biko, the Black consciousness leader who was in their custody for 22 days.

They remained impassive as a gasp of horror rose from

Biko was kept naked in a police cell for two weeks, and then transported, naked, in the back of a Land-Rover to Pretoria.

Major Snyman, his eyes darting about and his left fist grinding a gold wedding ring against the witness stand, retorted more than once to Mr Biko as "Steve" and recounted how he had tried to win his trust by discussing his domestic situation and offering him a chair.

Warrant-Officer Ruben Marx, one of the interrogating team which Col Goosen once referred to as the "assaulting team" before correcting himself, appeared in the stand for only a short while.

A white-haired man of 59, he told the court he had not speculated about Mr Biko's death and its possible causes: "It was in the past and I left it there," he said. "Yes," retorted Mr Kentridge, "the man had been dead a full day."

Most of the Security Police witnesses were in the witness stand for several hours, in the oppressive heat of the Old Synagogue. They occasionally glanced at the reporters or scanned the second-floor gallery where about 200 young Blacks craned forward to catch whatever bits of evidence they could.

**Songs about — and the Black Power salute outside the court as the inquest begins.**

*EVERY day as people stream out of court at an adjournment, thousands of television cameramen and photographers mob the door, hoping to catch a glimpse of Mr Biko. The photographers have a field day but the purpose of the demonstrations is to provide a binding "sound of despair" for the Black family who have lost the celebrated Black consciousness leader in their midst.*

*One of the songs changes its lyrics each day to accommodate the developments of the inquest. Scenes of violence and torture are the themes of choice.*

*They should be banned.*

*He was their hero.*
In the Forties, a white man who fought for change
A SUCCESSION of hard-faced policemen this week laid bare details of the inner workings of the Security Branch. They were answering questions at Pretoria’s Old Synagogue on the death in prison of detained Steve Biko.

Under probing questions from Mr Sydney Kentridge SC, representing the Biko family, they told — sometimes reluctantly — of their interrogation techniques and other practices such as chaining up prisoners and keeping Biko naked in his cell.

The Old Synagogue is a curious venue for a hearing of the magnitude of the Biko inquest. The building is dilapidated. Paint is peeling from the walls and there is no air-conditioning.

Throughout the week, uniformed officers and safari-suit detectives filed through the people who stood silently outside the entrance.

An American television crew lounged on camp chairs under a beach umbrella. Apart from the drone of the traffic, there was very little noise.

Inside the green-brown swing doors, the Synagogue was jammed with people. The windows were kept open, but the faint breeze which blew occasionally gave little respite to the perspiring spectators.

The crowd shifted often in its seats because the varnish on the simple wooden benches is old and sticky.

Chairs and tables placed along the walls were also filled. More faces stared down from the gallery. It is even better up there and most spectators who leaned on the rail were young.

The inquest is being heard by Mr Marthinus Prins, Pretoria’s Chief Magistrate. He is a slim, bespectacled, grandfatherly looking man.

On his left sits Professor Ackie Gordon of the University of Natal’s Medical School; on his right, Professor Johan Olivier of the University of the Free State Medical School.

Mr Prins and his assessors sit on a platform in front of a crimson velvvet drop. Below them — on Mr Prins’s left — the Biko family’s legal team headed by Mr Kentridge while on his right sit the State advocates and attorneys led by Mr Relief van Rooyen, SC.

The controversy over Steve Biko’s death has raged since he died in Pretoria on September 12.

The medical report handed in at the beginning of the hearing on Monday shows that Mr Biko died of a brain injury. A photograph taken at the autopsy shows a small discoloration on his temple.

Steve Biko was a large, bearded man. He was of average height and weighed 88 kilograms at his death. Doctors described him as “slightly obese.”

Last year, he was detained by the security police and held for 101 days before being released without charge against him. He was the founder of the South African Student Organisation and president of the Black Peoples Convention.

His brushes with the police have been numerous. They have raided his house, they have harassed his mother in law, Mr. Nelson Mandela, and have arrested his children and relatives.

**Naked**

During this period of isolation, Sergeant Van Vuuren visited Mr Biko daily. He told the court Mr. Biko could only be reached after unlocking four doors.

His food, according to Sergeant Paul Janse van Vuuren, his jailer, consisted of coffee, bread, soup, magwa (a high protein drink), and jam. Fresh water was available to him.

Mrs Biko: Bereaved wife

Colonel Goosen: Nice things to eat

**Kentridge: Probing questions**

They were dated after Mr Biko’s death on September 12.

“What we have got here is a smear prepared after Mr Biko’s death and I think it is a disgrace,” Mr Kentridge said.

Under examination by his counsel, Mr Van Rooyen, Major Snyman said evidence in the possession of the interrogation team would have exposed Mr Biko as a man of violence and destroyed his image as a man working for peace and unity.

After the medical examination, Mr Biko still would not react to questions and Major Snyman said he gave orders to allow Mr Biko to rest on a mat. He was handcuffed and his legs were tied to the grind.

Mr Biko remained like that until the following day. The following morning he had still refused to answer questions and it had been decided to continue the investigation next week.
was arrested again.
Lieutenant Alfred Oosthuizen of the Security Police in Grahamstown set up a roadblock outside King William's Town at 8pm. Just over two hours later, he stopped a white stationwagon. Steve Biko was a passenger.

Alone

In his evidence, Lieutenant Oosthuizen said he had received information that inflammatory pamphlets were being distributed. They were compiled to incite black people to riot. This was the reason the roadblock had been set up.

He had also learned Mr Biko was actively involved in the distribution of the pamphlets.

Lieutenant Oosthuizen detained Mr Biko and the driver of the car, Mr Peter Jones. The following day, Mr Biko was taken to Port Elizabeth and locked in a cell. His clothes were taken from him and he spent 17 days naked and alone in the cell which refused to eat the soup and drink the magewu. His bread ration began to pile up in the cell.

On September 2, a magistrate visited him in his cell. Steve Biko complained: "I want to be allowed to buy food. I live on bread only here. Is it compulsory that I have to be naked?"

Four days later, Major Harold Snyman took over. The tall, security policeman was appointed to lead a five-man team to investigate "the black power detainees".

In his evidence Major Snyman said other detainees had been interrogated first. Steve Biko was to be confronted with the information obtained from these people.

Wearing handcuffs and leg irons, Steve Biko was taken in a shirt and a pair of trousers to an office in the police station building. Major Snyman said the handcuffs were removed to make Mr Biko feel at ease.

"We adopted an extremely aggressive attitude to make an admission like that when he had denied it earlier?"

Major Snyman said Mr Biko had admitted his involvement after being told he would be detained until he had given satisfactory answers to questions put to him.

That night Mr Biko was kept in the police office chained to a grill. On September 7, he was again interrogated. The security police team removed Mr Biko's handcuffs and leg irons.

Wild

Major Snyman said sworn statements made by friends of Mr Biko were shown to the detained man. Mr Biko had then got a "wild look in his eyes", and attacked the interrogating team. He was overpowered and chained up but refused to answer questions.

The statements were handed into court, but were ruled inadmissible by Mr Prins after an objection by Mr Kentridge.

Injury

Earlier, Mr Kentridge had objected strongly to evidence about the inflammatory pamphlets which Major Snyman said he had questioned Mr Biko about.

"It is not the case that if a man writes subversive pamphlets one is free to kill him," said Mr Kentridge.

He suggested Mr Biko had sustained the head injury before the alleged attack on the interrogating team.

"You kept him in the office overnight because you did not want anyone else to see what had been done to him on September 6," Mr Kentridge said.

"Later on the morning of September 7, a district surgeon had been called in to examine Mr Biko after Colonel Pieter Goosen, head of the Eastern Cape security police, had found that Mr Biko still had the "wild expression in his eyes" and was speaking in a slurred manner.

Women spectators were prominent at the inquest on Steve Biko. Outside, before the hearing, some of them gave the black power salute.
ought for change

a criminal in the police cells for more than 48 hours without charging him, we had sat there for more than two months.

"I decided on my 27th birthday that things had gone too far and so I told one of the guards to call the station commander.

"By now we prisoners had shouted to each other and agreed we would go on a hunger strike until we were either charged or released."

The young, fiery Vorster gave the station commander the ultimatum... and for two days he refused food and water.

Two days later the authorities decided it was the Koffiefontein internment camp for the men they saw as a troublemaker.

Quote from Mr Vorster:

"People talk about the terrors of solitary confinement. I know all about it and I know I would lose the court. It's all a matter of a guilty conscience. If you do not make peace with yourself immediately then I can well imagine that you can go insane..."

What was it that took Vorster along the road that led to Koffiefontein?

**Hitler**

It was wartime and Vorster was a member of the Osowa Brandwie, whose leader, Hans van Rensburg, was an unashamed admirer of German culture, of the Nazi's national socialism, of Hitler - a man committed against the war and who had visions of an authoritarian South African republic that would have both national and social characteristics.

Van Rensburg also commanded a parallel organization of ever more militant Afrikaners, the Stormers, who, says D'Oliveira, "often operated outside the law and indulged in frequent acts of sabotage. And many members of the OB became accessories to their sabotage, both before and after the act."

D'Oliveira adds: "Much has been written in defence and in condemnation of the OB. Much of what has been written is erroneous."

"However, this much is clear: under Hans van Rensburg the OB helped the German war effort, hindered the South African and allied war effort and created an organization that was prepared for a power-grabbing coup when the right moment arrived. And the right moment would come when Germany was well on its way to winning the war, when the allied forces (and the South African Government) faced imminent defeat."

And what of the man who was destined to become Prime Minister of South Africa, as Verwoerd's high Minister of Justice ushered in legislation described by many as "draconian" - house arrest, banning, detention, without trial, without access to lawyers? Was he part of the OB or did he seize power in South Africa?

**Argued**

Certainly, he was a chief general in the OB. It is true, too, that when Dr D. F. Malan grew disenchanted with the organization and presented the ultimatum to Nationalists to either leave the party or split Van Rensburg's operation, John Vorster opted for the Osowa Brandwie.

But, as D'Oliveira points out, in discussing his OB years Vorster vehemently rejects any suggestion that he was involved in acts of violence. He says, too, he was never pro-Nazi, merely anti-British.

Says D'Oliveira: "However, Vorster certainly believed in years in the OB concept of an authoritarian state and he certainly believed that the Afrikaner would not get his republic by way of normal democratic means."

Vorster friend Flip in Grange, who quit the OB after the Malan ultimatum, remembered: "John said I argued for a whole night. The argument centered on this: John did not see how the South African Government could be toppled by democratic means. I said there was only one way and that was through the ballot box."

"I remember writing to him afterwards, expressing pleading that there should be no violence - because I took it they wanted to use violence..."

**Destiny**

"We simply could not find each other that night. I argued like Dr Malan, that you could only get the South African Government out by forcing them out. Vorster argued at the time that he had no faith in democratic methods. That democratic methods would not get rid of the South African Government and that other methods should be used..."

The war ended. Vorster was released from the camp at Koffiefontein, from 16 months behind barbed wire, from politics and Parliament within 10 years - until finally destined him behind the Justice desk, where it would be his job to do unto others what was once done to him.

Then came the mudsling with the blast and within days Vorster was thrust on to the centre of the South African scene - the Prime Minister...
Press
Council
rules in
favour of
Woods

JOHANNESBURG. — The Press Council has ruled in favour of a complaint by Mr. Donald Woods, banned editor of the Daily Dispatch, East London, against the Burger.

The council found that a headline on a report in the Burger of September 19 concerning the late Mr. Steve Biko was misleading and that the paper should have published a correction immediately after receiving the complaint from Mr. Woods.

The report, on the front page of the Burger, bore the headline "Lyke en bloed gevra in Biko-pamflet" (Corpses and blood demanded in Biko pamphlet).

The report said, in part, that a remembrance day linked with the burning down of houses, corpses in the streets and wounded and bleeding people was propagated in the pamphlet which led to the detention of Mr. Steve Biko, who had later died in custody.

It added that the Minister of Justice, Mr. J. T. Kruger, had

Continued on page 2
Burger and Woods

Continued from page 1

shown the pamphlet to the Burger.

On the day the report appeared, Mr Woods raised an objection to the Burger by telephone and followed with a telex message in which he said: “This headline is grossly misleading in that it creates the impression that a minister’s allegation (unproven) of a Biko connection with an anonymous pamphlet is established fact instead of simply an ex parte statement. The report was also slanted and no contrary statement reflected.

“The headline carried no attribution or any other indication that it represented anything but fact, whereas it was a blatant comment headline.”

Letter

In his letter of complaint of October 4 to the Press Council Mr Woods stated: “On the same date I telephoned the acting editor of the Burger and pointed out to him the gross slanting implicit in this report and in particular the headline, which is totally misleading in that it does not make any attributive indication that it is a comment headline based on a mere opinion by a partisan politician on a highly delicate issue.

“I told the acting editor of the Burger, Mr Louis Louw, that I would not like to take a brother-editor before the Press Council but that in view of the seriousness of this contravention of the ethics of journalism generally and our own press code in particular, I would do so unless the matter was corrected with equal prominence in the following issue.

“This has not been done and I ask you please to take the necessary action.”

Mr Woods, restricted to East London under his banning order, was unable to attend the council’s hearing of the complaint on November 2 and was represented by Mr Kelsey Stuart, SC.

The council’s findings said Mr Stuart had submitted that the reading public would have deduced from the headline that the pamphlet had been either composed or disseminated by Mr Biko that he had had a connection with it.

The suggestion in the headline that Mr Biko had had a connection with the pamphlet was incorrect and misleading, Mr Stuart claimed.

At the hearing, Mr H J Grosskopf, editor, Southern Africa, of Nationale Koevoet, representing the Burger, said the complaint was “trivial and vexatious”.

He said that on September 17 the Burger had reported Mr Kruger as saying that Mr Biko had been arrested in connection with certain inflammatory pamphlets, contents of which the minister would show to the press.

The report complained of appeared two days later, affirmed Mr Kruger had shown that pamphlets to a representative of the Burger.

In the light of previous reports the headline reference to the “Biko-pamphlet” could not, in the circumstances, be misleading.

The September 17 report included the statement that Mr Kruger also made known that Mr Biko would be charged with the composing and dissemination of pamphlets which incited people to arson and riots.

Finding

The council’s finding said Mr Grosskopf had put forward that the use of Mr Biko’s name would mean no more to the Afrikaans reader than it was the pamphlet in connection with which Mr Biko had been arrested or that there was a reference to Mr Biko in the pamphlet.

The finding, said Mr Grosskopf, had emphasized that the Burger was not opposed to Mr Biko and had not humiliated (as was accepted by Mr Stuart) to give all sides of the affair.

The council’s opinion was that “the majority of the reading public would have deduced from the headline that there was a connection between Mr Biko and the pamphlet and the respondent (the Burger) must have realized that the reading public would have understood it”.

Opinion

The council was also of the opinion that after receiving Mr Wood’s complaint by telephone and telex the Burger must have realized that the headline is misleading and seen in the light of the inciting tendency of the pamphlet the respondent should have immediately published a correction.”

The complaint was heard by former Supreme Court judge Mr O Galgut (chairman), with Dr H McCall and Mr A H Macintosh as members.

Saps • Permission to quote Mr Woods, a banned person, was granted by the Minister of Justice.
continued from page 6

Professor Loubscher said he was not in a position to agree on what the actual situation had been, but that there was a striking resemblance and resemblance between this description and some aspects of the evidence given this week.

Unconsciousness

Drawing on the authority of Sir Charles Symeond, Mr Kenridge said that such a degree of brain injury must have been followed by a period of unconsciousness of at least five minutes, possibly as much as two or three hours.

Mr Kenridge said that the medical experts advising him had expressed the view that Mr Biko's injury must have been followed by a period of unconsciousness of at least 10 minutes, more likely 15 to 20 minutes and possibly up to an hour.

Mr Kenridge: Do you agree?

Professor Loubscher: I have no reason to disagree.

The questioning then turned to the visible injury on Mr Biko's forehead.

Mr Kenridge: What about a blow from a blunt object such as a rubber truncheon?

Professor Loubscher: I would have difficulty in explaining the size of the wound.

The scar that appeared on the surface of Mr Biko's head was the one aspect of the injury that could be compatible with this.

Mr Kenridge then asked about the possibility of two or three blows having caused the injury. Professor Loubscher said this theory seemed to be consistent only with the exterior of Mr Biko's skin.

Mr Kenridge: Looking at it externally, this lesion might have been caused by a blow from a fist? I can only agree with such a possibility in the abstract.

Mr Kenridge: What about the fist of a man wearing a ring? — That is conceivable.

Mr Kenridge then returned to the possibility of the injury having been confused by a fall. It would have had to be a fall that involved the left side of the forehead, including the cheekbone but not the nose.

Professor Loubscher agreed.

Mr Kenridge then asked how someone could fall in this way and not involve the nose.

Professor Loubscher explained that it would have to be a fall on the left side of the face with the head turned towards the right.

Mr Kenridge pointed out that in a normal case of a person falling forward there was automatic reflex action whereby a person would attempt to save himself.

If a fall had caused Mr Biko's injury, it would have been a fall allowing his forehead to hit the ground.

Mr Kenridge said that an epileptic could fall in this way during a fit or someone who had been knocked unconscious might also fall in this way.

What he found more difficult to believe was that a conscious man, falling to the ground could maintain such an injury.

Professor Loubscher said this might be difficult.

Mr Kenridge: If a man fell on his face or forehead there might be some reason to think that he 'could not use his hands to save himself' — Why?

The kind of injury could be caused by a fall but it could also be caused if somebody's head was taken and banged against the wall or the floor? — It is conceivable.

Mr Kenridge then discussed the lip injury noticed on Mr Biko.

Professor Loubscher said he could not tie the two lip injuries with the other head injuries. It seemed to him the lip injuries were quite separate.

He agreed with Mr Kenridge that the cuts on the lip were more likely to have been caused by two blows than a fall.

Mr Kenridge then turned to the bruising of the rib area. He said these injuries showed they were probably caused by a blow with a sharp object, for example a finger or a stick.

Professor Loubscher agreed but added it wasn't a vicious jab, it was just a jab.

Referring to the abrasions found on Mr Biko's wrists and feet, Professor Loubscher said he believed they were caused by handcuffs and manacles.

He said he had found a wound on Mr Biko's left foot that appeared to have been a blister with a small hole in it caused by something like a pin or needle.

Pressure

Asked what could have caused it, Professor Loubscher said he believed it was a mechanical cause, a bump or pressure at that point.

Mr Kenridge then turned to the cause of contrecoup-head injuries.

It was common case that this type of injury was caused by rapid deceleration of a moving head.

This kind of injury could not be caused if the head was static. The head had to be in motion.

Mr Kenridge pointed out that many head injuries suffered by police were of the contrecoup type.

Professor Loubscher agreed that this type of injury was, in some cases, the most important injury suffered by anyone who received a blow to the head in a boxing situation.

It was agreed that, in the positions of the head while of vital significance. The important point was that, if the victim's head was arrested suddenly, this could result in a contrecoup brain injury without any visible external sign of the scalp.

Professor Loubscher said this was possible in the case of someone who had never experienced it in practice.

First time

Mr Kenridge: With all respect, you may have it in this case. I always have it in time. I don't abstract.

Dismissing Mr Biko's case in his turn, Professor Loubscher said it was possible that if the blow was in a moshel in a forward direction and was arrested by a blow, the injury could have taken place.

Mr Kenridge: If he was pushed against the wall by the scruff of his neck — That is possible.

Professor Loubscher: Then threw the attention of the court to a child's playmate he had seen on television on Tuesday night. In this programme, a police constable in a compromising situation had to get injuries on his body to convince the authorities that something had happened to him.

"He bumped his head, he battled against the worst of a blow. It could have been something..."
Continued from page 8

Professor Simon said from result he expected to find some indication of a lesion in the scalp skull or associated in which a lesion occurred. He believed that the lesion was contusional and that it was probably related to lesion number one.

Questioned about lesion number two, Professor Simon said he believed it could not be a coup lesion since the surface size of the scalp and skull showed minimal change. He believed lesion number two was a more severe impact — that is, the lesion number.

Mr Von Lieres asked what his witness was to the line of fire in connection with whether one or more than one application of force was involved.

He said he believed there was evidence that only one application of force to the contralateral type involving contusion lesions in the cerebral hemispheres.

One of the medical assessors.

Professor I Gordon questioned Professor Simon about his contention that there should involve external signs of impact on the skull, scalp or injured site.

Professor Simon said he did not think such evidence was necessary or sufficient to cause the lesions apparent in Mr Biko's brain. He believed in some cases pain and swelling might cause a clinical response.

Swimming in Professor Simon's evidence Mr Von Lieres said that lesion number two, one might be explained as a contusion while lesion number three and five were ischemic.

Improper

Mr Kneadige, SC, appearing for Mr Biko, said that Professor Simon had changed his evidence on the issues associated with Mr Biko's post-mortem since October 20, since the report was written. He asked whether there was anything to explain incompleteness in this.

Professor Simon said he could not explain incompleteness and agreed that there could have been nothing improper in Professor Proctor's view, established more firmly since October 20, that one impact over the head was insufficient.

Mr Kneadige said Professor Simon was fundamentally a general pathologist whereas in the field of neuropathology Professor Proctor was the leading expert in South Africa during inter- national, Professor Proctor had been called.

Questioned on his evidence that coup lesions were not satisfactorily supported for without external evidence, Professor Simon said that the sum paper in which he reported an experiment conducted with monkeys.

Mr Kneadige said no one was suggesting that it was common to be that every coup lesion had external sign but asked whether, if one found a lesion sufficient to fracture a skull without external sign being displayed, it would be necessary to reach the brain without external injuries being apparent.

Rare

Professor Simon said he believed this was dealing in probabilities. In relation to lesion number two, that it was more likely to be a coup lesion. Mr Biko's head was seen against a wall, there had been no word on loss of consciousness immediately after.

Professor Simon agreed, but added that the impact in a contusion lesion fanned out and the result could still be the result of one blow.

Professor Simon said he believed the numbers two and were separate, and were not in continuity with each other and that they were not necessarily caused by two blows.

Swimming in Professor Simon's knowledge that his evidence basically was that lesions one, two and four were all part of a contusion to some forma application of force two and in the same time, he could not say whether one or more applications of force were involved.

Professor Simon said when the post-mortem report was signed saying that death was one to head injury, the decision to leave it was perhaps to avoid controversy at that stage on whether one or more blows were responsible for this decision was not however discussed in detail.

Surprised

Professor Simon said by application of Professor Proctor's view not excessively surprised to find a head injury which gave evidence did not cause unconsciousness.

Mr Von Rooyen, SC, appearing for the police, questioned Simon about his views on the shape of brain injuries resulting in unconsciousness or concussion.

Professor Simon agreed that moderate or serious brain damage, patients might be in a state of impaired consciousness, and that there were cases of serious brain injury without loss of consciousness.

Mr Von Rooyen said evidence had been given in the court about the injury to the left forehead.

Mr Kneadige objected to this statement saying that Mr Von Rooyen could not put this question. Professor Simon agreed that it would be only as a hypothetical question.

Mr Kneadige said he would be surprised if, according to evidence he led, the injury to Mr Biko's left forehead occurred with no loss of consciousness.

No word

One of the assessors, Professor Gordon, said this was one aspect which worried him. In the event about Mr Biko's hanging his head against a wall, there had been no word on loss of consciousness immediately after.

When he had been subdued and managed there still remained serious on his part. Professor Simon said it was impossible to be dogmatic, but that he would find that Mr Biko sustained his brain lesions without loss of consciousness.

Mr Kneadige pointed out that Major Bayem had said in his evidence that if any part of his head at all, it was the "stunning" blow to the back of the head and the police witnesses had said that Mr Biko had injured his forehead during a mauling if it was like this state.

Professor Simon said he believed that after a head injury there would have been some residue in the level of consciousness.

The magistrate then asked Mr Simon whether the police, for instance, to argue further on whether Brigadiers C Ziemann and H C Feetham, the police witnesses, would be qualified to state what the cause of death would be.

Mr Von Rooyen said that in wishing to call the brigadiers, Mr Kreger wanted to link out disputes between statements before the court, by Colonel Groen and subsequent alleged statements by Mr T Kruger, the magistrate.

Mr Kneadige was not convinced that there had been a recent fabrication or discrepancy in Colonel Groen's evidence pointed to the statements of the two brigadiers.

Hearsay

There was no evidence of fabrication or contradiction in the statements of Colonel Groen and his affidavits and his evidence before the court. The discrepancy that the police hearsay statements were allegedly made by the minister, he was, forsworn, was possible. Mr Von Rooyen said.

The magistrate said that he had examined and understood the statements of the two brigadiers, and was satisfied that there was a possibility with the earlier amendment annexed to up of the statements did not even suggest a previous state of the police before the court of Colonel Groen.

The whole question turns on a previous inconsistent statement of the witness. I must rule that the evidence does not in any way contradict the evidence of the witness and is not relevant.

Discretion

The assumption that turned to whether affidavit by Dr Rezin on the left hand of this region, and Dr R K Tucker, who advised counsel for the family consulted, were also admitted as evidence.

Mr Von Rooyen said he read the affidavit and had to decide whether to call the discretion.

Mr Von Rooyen objected to the submission of the affidavit as submitted on September 5. He said he had no discretion on the magistrates and the court's grounds of relevancy. He had known Dr Piotkin's affidavit and might be necessary to call for an evidence of that.

No usefulness

In terms of finding out the cause of death or whether anyone was criminally responsible, the affidavit amounted to "treatment speculation".

Mr Von Rooyen said he did not believe it would be in the nature of a general criticism of the circumstances of Mr Biko during his research.

It also contained speculation on the number of applications of force which caused Mr Biko's injury and the possibility of a head injury, if Dr Piotkin's affidavit were admitted it could lead to a dilution of the evidence which would be the point and the turn the injury into a margin open for nothing.

Mr B Piekard, for the defendants, also opposed the submission of Dr Piotkin's and Dr Dziekanski's affidavits. He said that in order to examine further medical evidence properly it might be necessary to call for an adjustment so that he could be briefly and adequately on the matter.
Counsel argue on affidavits

Continued from page 9

The basis of his case was that the patient's condition had not shown any improvement at the time they were in a position to do anything, and that Mr. Blunt's condition had not been assessed at the time they were in a position to do anything. The affidavit was supplemented by a statement from Mr. Blunt's doctor, who had reviewed the medical records and found no improvement in Mr. Blunt's condition.

The affidavit was sworn and was used in evidence in the case. Mr. Blunt's condition had not been assessed before the affidavit was sworn, and it was impossible to assess Mr. Blunt's condition at that time. Mr. Blunt's condition had not been assessed before the affidavit was sworn, and it was impossible to assess Mr. Blunt's condition at that time.

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Mr. King did not say what was in the statement that would have to be set aside in a trial of the same weight and with the same evidence as in the case. Mr. King did not say what was in the statement that would have to be set aside in a trial of the same weight and with the same evidence as in the case. Mr. King did not say what was in the statement that would have to be set aside in a trial of the same weight and with the same evidence as in the case. Mr. King did not say what was in the statement that would have to be set aside in a trial of the same weight and with the same evidence as in the case. Mr. King did not say what was in the statement that would have to be set aside in a trial of the same weight and with the same evidence as in the case.

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Mr. Kendrew again raised the question of the mistaken identification of Mr. Biko's limbs. Dr. Dunlop, who had complained that he couldn't see his left upper limb, said:

"I had asked Mr. Biko to stretch it out for me and he could not do it."

Mr. Kendrew: "Did you see Mr. Biko's right hand?

Dr. Dunlop: "Yes, I did."
LONDON — The evidence of police brutality heard at the inquest into the death in detention of black leader Steve Biko was disturbing, the Sunday Telegraph said in an editorial here yesterday.

"Those who have always refused to join in any mindless and unqualified condemnation of South Africa have a duty to express horror at the picture which emerges from the inquest on Steve Biko, the 29th black South African to die in white policy custody in the past 18 months," the editorial said.

"The evidence of police brutality, callousness and mendacity is disturbing. No better is the impression that in South Africa the police have become a state within a state, answerable to nobody. "If Steve Biko's inquest makes them answerable now to that Christian world they claim to belong to, he will not have died in vain," the Sunday Telegraph said. — SAPA.

**International Economics**

**Welfare and Distribution**

**Monetary Economics**

**Labour Economics**

4 out of the four options. Those intending to proceed the Monetary option.

be required during the year. For d.p. purposes the 5 essays (and attend 75% of the tutorial class).

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There may be a test in September, in which case this will also count as 15%, and the end of year exam 85%.

Lecturers responsible for various sub-courses are:

- Macro: B. Kantor
- Micro: D. Rees
- Labour: J. Maroo
- International: D. Rees
- Monetary: B. Kantor
- Welfare and Distribution: S. Archer

Any problems or queries now or during the year may be directed either to your tutor or to me (D. Rees - Room B250).

* * * * * * *
A doctor who treated Steven Biko shortly before he died, today told the inquest on the black consciousness leader he was "very much surprised" and "worried" when he heard that Biko was about to be transferred to Pretoria.

Dr Ivor Lang, a Port Elizabeth district surgeon, told the hearing before Pretoria's chief magistrate Mr M J Prins in the Old Synagogue, Pretoria, he could not prevent the move.

He said he had "stayed awake very many nights", worrying about why Mr Biko died.

"I described the circumstances," he said. "The move, although expected, was unexpected..." he added.

The doctor said he first heard on September 10 that Mr Biko was to be transferred from Port Elizabeth to Pretoria.

At first, he heard Mr Biko would be flown up, but when he heard he was to be taken for road, he was "very much surprised."

The Security Police would not allow Mr Biko to be admitted to a provincial or private hospital in Port Elizabeth, Dr Lang told the court yesterday.

Under the circumstances, he said today, the only place (for Mr Biko to get proper medical supervision) would be a properly equipped prison hospital either in Cape Town or Pretoria.

Asked by Mr Sydney Kenridge S C, for the Biko family, whether he could conceive sending an ordinary patient 700 miles by road, Dr Lang said: "This was out of my authority."

Biko told

When Dr Lang resumed his evidence this morning he said he had told Mr Biko on September 10 he would be transferred back to Witsman police cells.

Mr Kenridge: How old is the report to this bit of bad news, Sir?

Dr Lang: He just said, "Sir, that's it. At that time, Dr Lang has told me about the doctors' findings about his health."

Mr Kenridge: Did there were affidavits from the warders at the prison hospital saying they had heard Dr Lang tell Mr Biko all the medical tests were negative, Dr Lang denied he said anything to Mr Biko or any warders about medical tests.

Asked by Mr Kenridge whether Cape Town would not have been a shorter trip than Pretoria, Dr Lang said the decision was taken with the idea that Pretoria had better facilities.

He was told of Mr Biko's death by Colonel J J Gouare, head of the Security Police in the Eastern Cape, or Dr Tucker the following morning. Both he and Dr Tucker were absolutely shocked.

Mr Kenridge: Did you
ABOVE: Mrs. Helen Sumner, unpossess'd, Prepares, former Mrs. for Houston, to receive another spectator — Dr. Seibert.

TOP RIGHT: Another spectator — Dr. Seibert.

LEFT: Dr. L. A. Long, director, division of Port. E. H. A. V.

FAR RIGHT: Nothing could be clearer. Dr. Long says, "We can't do anything."
coming to the conclusion that there was nothing wrong with Mr Biko, and
that the form of "shutting off" which Colonel Goosen had noted was a form of
malingering.

"NOT HUNGRY"

From a medical point of view, he would have had no complaints if the inter-
rogation had continued.

He had asked Mr Biko why he was not eating and was told that he
was not hungry. Dr Lang could find no cause for this.

Asked whether he could have given Colonel Goosen any information
which would have aroused his fears for the future of the patient, Dr Lang re-
plied "Correct."

He added that there was no intention on his part to hide any injuries,
nor was he asked to.

The following day—September 8—Colonel
Goosen had again asked for his assistance, Dr Lang said. Colonel Goosen had
told him Mr Biko was not communicating, eating, drinking or urinating.

After examining Mr Biko on September 7 and 8, he could find nothing
organically wrong with him, although there were some minor indications of
possible physical shortcomings, Dr Lang said.

To diagnose these indications, Dr Lang sugges-
ted to Col Goosen that Mr
Biko be transferred to a public hospital, but this
was refused because of security reasons.

However, Dr Lang said, Col Goosen had nothing against specialists examin-
ing Mr Biko at a prison hospital.

The doctor said the prison hospital had "very
limited" facilities and he would have preferred to
have Mr Biko in a public hospital.

Special instruments and a.
made available at the prison hospital to
diagnose any possibility Mr Biko might have had.

He agreed that

Goosen wanted the medical facility
to preserve Mr Biko's health.

 Asked whether

Goosen would have

allowed Mr Biko to be

transferred to a public

hospital if he became
sick, Dr Lang said it

"made quite clear—no

hospital."

Mr van Rooyen put

to Dr Lang that Mr

Biko was not getting

allow Mr Biko into a

public hospital for diag-
nosis but might have

allowed him to be trans-

ferred for treatment.

Dr Lang said it was
difficult to say where
diagnosis ended and where
treatment began.

(Proceedings)

The hearing is before Mr M J
Price, president of the Medical Council and Professor J C J

Goldberg of the University of Natal Medical School.

Professor J C J Goldberg
deposed the evidence is Mr N
van Lingen, deputy attorney

general of the Transvaal.

Among the doctors present is Mr

van Rooyen, deputy attorney

general of the Transvaal.

Mr van Rooyen is the lawyer for the doctors

involved in the case.

The hearing is attended by the

President of the Medical Council,

Mr van Rooyen, and Mr

van Rensburg, deputy attorney
general of the Transvaal.

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general of the Transvaal.
Mr. Biko's case was not handled with the same care and attention as other cases. He was not given the same medical attention as other patients. Dr. Lang said that the doctor in charge of Mr. Biko's case should have been more careful in examining him. The doctor said he had been "shamed" into treating Mr. Biko as a patient, but the doctor had been allowed to carry out a less thorough examination. Mr. Biko had not been treated as he deserved.

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THE BIKO INQUEST

FROM PAGE 1

DOCTOR'S EVIDENCE ON BIKO

Because of the doubtful reflexes in Mr. Biko's right leg, it was agreed that he should be transferred to the Pretoria General Hospital for a more thorough examination. This was done on September 7.

On the morning of September 8 Dr. Lang had again examined Mr. Biko. He was lying in a very satisfactory condition, and Dr. Lang had decided to perform a lumbar puncture.

During the conversation between Dr. Lang and Mr. Biko, he reiterated that he was not hungry, that he had no pain and was comforted.

The next morning, September 9, Dr. Lang had again visited Mr. Biko. He described him as "perfectly rational and in possession of all his faculties."

On September 10 Dr. Horsch reported the result of the lumbar puncture as being normal except for the presence of blood cells.

Dr. Keely had been present at the inquest and was present at the inquiry. He had seen Mr. Biko in the Institute for Neuroradiology.

Mr. Keely had therefore felt that an X-ray would not be of much value. Dr. Lang had agreed.

Mr. Keely had left the inquiry to give evidence in another case.

Mr. Biko had been treated by Dr. Lang for several days, and had remained in a satisfactory condition.

Mr. Biko had been transferred to the Pretoria General Hospital, where he was examined by Dr. Lang and Dr. Horsch.

The inquest was concluded on September 10, 1977, and the body was buried with full military honors.
Visit to hospital

SP, no to Biko

From 29/11/79

Pretoria - A Port
Biko seemed to be afraid for his life
could be entirely eliminated from the hearing since he was not in Pretoria on September 13 to speak to Colonel Goosen, head of the security police in Port Elizabeth.

Brigadier Ziemsman did not mention what Colonel Goosen told him. This report went to the Commissioner of Police, General Prince, who then made a report to the minister.

Mr. Kentridge said he did not think there could be any suggestion that General Prinsloo had distorted the information given to the minister, nor was there room for misunderstanding which could have led to the "seriously incorrect" statement released by the minister on September 12.

Mr. Kentridge said he had asked for releases relating to the statement (inadmissible) to be placed before the court when Brigadier Ziemsman was called to give evidence. He said he wanted to hand in affidavits verifying the minister's report and statements on September 13 and 14, by a Rand Daily Mail journalist, Mr. Patrick T.="H." for the police, objected to the procedure, particularly to the affidavit submitted by the Rand Daily Mail. He said it appeared Mr. Kentridge wanted a "second bite out of the cherry" and the admissibility of evidence on which the magistrate had already ruled.

Mr. Prins said he had already ruled that documents relating to statements by the minister were not admissible, and the affidavit from a journalist was irrelevant and inadmissible. Mr. Van Rooyen said it was quite improper for counsel to tell the court not to have found prior inconsistencies in Colonel Goosen's evidence, but to tell of a supposition or inference on what he thought of the credibility of the minister.

"There is wheat nothing in here (Mr. Kentridge's report to the court) which says Colonel Goosen made prior inconsistent statements."

"I must object strenuously to this attitude from the bar to induce your worship to call witnesses from whom no affidavits have been obtained," Mr. Van Rooyen said.

He said prior inconsistencies in Colonel Goosen's statement must first be proved and then these must be found relevant to the proceedings. He objected to "his method of producing quasi-factual data from the bar."

Mr. Prins said an affidavit verifying Mr. Kruger's statement would make more hearsay of what he said. Mr. Kentridge said he was not in a position to take an affidavit from Brigadier Ziemsman. This was the duty of the investigating officer and the deputy Attorney-General.

"I can only hold conversations and was clear that from what the brigadiers told me Colonel Goosen did in fact make a statement (inadmissible) to false statement when related to evidence here."

"(inadmissible)"

"Mr. Kentridge said he had placed what he believed to be important information before the court. He wanted a public inquiry and not a private inquiry in a room outside with Brigadier Ziemsman.

He said the Biko family lawyers had satisfied themselves that Colonel Goosen had nothing to contribute to the court, but that Brigadier Ziemsman could have a great deal.

Mr. Prins: It would assist if you could tell me what was wrongly conveyed in Colonel Goosen's statement but to go now to anybody and say with out knowing what aspects of Colonel Goosen's alleged statement and evidence is wrong... (inadmissible).

Mr. Kentridge: We have had an hour or not an hour and half of argument on this - Colonel Ziemsman could have been and out of the witness box in 20 minutes.

Mr. Prins: If that's your at
Nothing to fear

Leonard Wilson, whose name had never appeared on the suspect list, was arrested after Mr. R. Long, a Fort Pretoria doctor and Mr. Wilson's stepfather, died under mysterious circumstances.

Dr. Long had been found dead in his room on the morning of the 10th of October. The police were called to the scene, and the coroner's inquest was held on the same day.

Mr. Wilson was arrested on the following day, and a search was made of his room. Several items were found that suggested he had been involved in the death of Mr. Long.

Mr. Wilson denied all knowledge of the murder and stated that he had been out of town the day of the murder. He also claimed that he had not been back at the house since the death of his stepfather.

A post-mortem examination was ordered, and the results were due to be announced soon.

In the meantime, Mr. Wilson was held in custody and the investigation continued.

The police were still searching for more evidence to link Mr. Wilson to the murder, and it was feared that the killer had escaped.

The community was on edge, and rumors of a serial killer were circulating.

As the investigation continued, more victims were reported, and the police were under increasing pressure to solve the case quickly.

Mr. Wilson was finally cleared of any involvement in the murder, and the police were forced to consider other suspects.

The case was still unsolved, and the community remained on high alert.

The police continued their investigation, and new leads were being pursued.

The case was eventually solved, and the killer was finally apprehended after a month-long manhunt.

The community was relieved, and the killer was sentenced to life in prison.

The case taught the community a valuable lesson about the dangers of bloodlust and the importance of staying vigilant.

The police were praised for their hard work and dedication, and the community vowed to come together to prevent similar crimes in the future.
devise people and was probably dreaming?

Lumumba Wilkins: It was an epidemic.

Mr. Kumalo: Why do you think people accused others of the crimes that he was accused of?

Lumumba Wilkins: The case was that doctors and nurses were mostly white. We were not medical people, and we had to discover the crimes for ourselves.

Mr. Kumalo: You said that there was no evidence of the crimes you were accused of. Is that true?

Lumumba Wilkins: No, we were not accused of anything.

Mr. Kumalo: You said that you were accused of being a member of the ANC. Is that true?

Lumumba Wilkins: Yes, I was accused of being a member of the ANC.

Mr. Kumalo: Do you think that the ANC is a political party?

Lumumba Wilkins: Yes, I think that the ANC is a political party.

Mr. Kumalo: You said that you were sent to prison for 15 years. Is that true?

Lumumba Wilkins: Yes, I was sent to prison for 15 years.

Mr. Kumalo: You said that you were released after 15 years. Is that true?

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Mr. Kumalo: You said that you were sent to prison for 15 years. What did you do in prison?

Lumumba Wilkins: I spent most of my time reading and writing.

Mr. Kumalo: You said that you were released after 15 years. What did you do after your release?

Lumumba Wilkins: I went back to my village and started farming.

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Continued from page 5...

ing the previous 24 hours and he had refused all offers of food...

He agreed to re-examine Mr Biko later in the morning and had requested the chief district surgeon, Dr B J Tucker, to examine Mr Biko in consultation with him.

"There was certainly no distention of his bladder and no indication that he was suffering from retention of urine. At the conclusion of the examination, he (Mr Biko) complained of thirst whereinupon Warrant Officer Coetzee was asked to give him water.

"In view of our observations it was decided that he be transferred to the Synedran Hospital in Pretoria Central Prison Hospital whose further examination would be carried out by a specialist physician and this was immediately agreed to, by Colonel Gousen."

Dr Lang said that Dr Hersh was contacted during the afternoon and Dr Hersh agreed to examine Mr Biko in consultation with him during the evening.

About 9.45pm Dr Hersh examined Mr Biko in his presence and at the conclusion it was agreed that a lumbar puncture be performed the following morning to exclude the possibility of cerebral haemorrhage or other cerebral disease.

He was comfortable, and did not complain of any pain, was in possession of all his faculties. I received a report from the warder to the effect that Biko had eaten half a plate of food and that he was found in a bath of water during the early hours of the morning; and that all his clothing was soaking wet with water.

"Shortly after this I telephoned Dr Hersh who informed me that the lumbar puncture was performed with little difficulty but that the cerebro-spinal fluid, although not under pressure, was blood-stained. Furthermore, there was no change in Biko's physical condition."

Dr Lang said that on the morning of September 10 he again consulted with Dr Hersh on the telephone and the report of the analysis of the cerebro-spinal fluid was discussed.

Because of the presence of blood and notwithstanding the fact that the fluid was otherwise normal, Dr Hersh was of the opinion an X-ray of the skull be obtained. He agreed and gave his consent.

Shortly after this Dr Keely, a neuro-surgeon telephoned him and Mr Biko's clinical state was discussed at length.

Dr Keely, however, was of the opinion that the findings present to date were not evidence of cerebral haemorrhage, or for that matter, any other brain damage, that an X-ray would not be of much value, and that it was his opinion that all that was necessary at this stage would be observation.

Dr Keely had agreed that "we could transfer him to the custody of the jailers of the police provided that Biko was examined daily by a medical practitioner."

Dr Lang said that he advised Colonel Gousen of this decision by telephone and it was agreed that he (Dr Lang) would visit Biko during the afternoon and that he would be moved from Synedran Prison the following morning."

At 3.30pm he again visited Biko and found him comfortable with no complaints and there was no change in his physical condition.

I received a report that he had flung the plate of food off his bed on to the floor with his hands, at midday." Dr Lang said.

"At 4.45 on September 11, Dr Tucker telephoned me to report that he had re-examined the detainee and that because he was hyperventilating and had not taken any food, he had advised that he be transferred to Pretoria Central Prison Hospital either by plane or by road."

The next morning on September 12, about 9.30am he telephoned Major Fischer and requested that he communicate with Pretoria to advise them that whoever assumed charge of Biko should immediately communicate with Dr Tucker or himself in order that they be informed of the clinical findings.

At this stage Dr Lang read to the court his medical report on Mr Biko.

He said that at Colonel Gousen's request he had examined Mr Biko on Wednesday, September 7, at the offices of the security branch about midday (Dr Lang in a subsequent affidavit changed the time from 13.00pm to 9.30am).

Dr Lang said that Mr Biko had refused water and food and displayed a weakness of all four limbs and it was feared that he had not suffered a stroke."

Under the heading "history" Dr Lang said that Mr Biko replied to questions put to him in an altered manner, stating that he had no pain and that he had not been ill previously. He said that he was unable to raise his limbs.
and that he was not eating as he did not feel hungry. He had pursued four years in the faculty of medicine after which he had switched to a bachelor of commerce degree which he pursued for two years and was at present studying law through Unasa. "He says that he lived in King William's Town and was married.

Under the heading "physical examination" with the subheading of "general", Dr Lang said in his affidavit that Mr Biko was "a well nourished, obese male of about 30 years. There was a small scar at the inner aspect of the head and over the upper lip which also was oedematous.

A superficial bruise was present over the sternum at approximately the second vertebral (as a subsequent correction, affidavit). Dr Lang said the word "vertebrae" should read rib.

A pigmented mark was present around each wrist and both hands were oedematous. Oedema was present in both feet and ankles. Under a subheading "cardiovascular system" Dr Lang said his pulse was 80, regular and full. His blood pressure was 130/85, his heart sounds closed and no murmurs were present.

His lungs sounded clear, with no dulness and there was good air entry and ventilation.

With regard to the gastro-intestinal system Dr Lang said the stomach was moist and floored. The abdomen - no masses palpable. The liver - normal in size and non-tender to touch. Bowel sounds - normal.

Rigidity absent

With regard to the genito-urinary tract, the kidneys - no tenderness present and not palpable. The bladder - not distended, genitah - normal. With regards to the central nervous system, Dr Lang said Mr Biko was somnolent. Rigidity absent, kernig sign absent, pupils normal in size, equal and reacted to light, nystagmus absent, hand movements well co-ordinated, gait ataxic, romberg sign absent, reflexes brisk, with exception of right forearm which appeared weaker, ankle clonus absent. Planta flex reflexes flexed on both sides, muscle tone normal and no loss or weakness in any limb or torso, and no loss of sensation.

Dr Lang concluded there was no evidence that Mr Biko had suffered a stroke nor was there any evidence of paralyzation.

The slender speech was attributed to the lip injury and ataxic (uncontrolled) gait to lack of co-ordination. I could find no cause for his failure to eat. I could not agree that he was aphonic in the head and back. He was fully conscious and in protection of all his faculties. The blinder was not disturbed and the basin was well washed.

With the exception of doubtful plantar reflexes on the left and bilateral plantar reflexes on his legs, his physical condition had not changed.

"At the end of the consultation he complained of thirst and was given water by a member of the security staff" Dr Lang said in his affidavit.

"Because of the probable ex- cereption, I assumed that he be transferred to the Stedendal Prison Hospital where he would be examined by a physician."

About 9.45 on the same date, Dr Lang said, Mr Biko was accompanied by the prison physician and an officer who took with him out of the consultation and at the end of the examination and consultation it was agreed that the planter reflex on the right was extensor and that he might be suffering from a thyroiditis, and it was decided to perform a lumbar puncture the following morning."

Also in a subsequent correction affidavit Dr Lang said the phrase "planta flex reflex on the right was extensor" should have read: "plantar reflex on the left was extensor changing it from the right to the left.

During the morning of September 9, he again visited Mr Biko, who was found to be rational and in possession of all his faculties. During the consultation he reiterated that he was not hungry, and that he had no pains, and was comfortable.

During the early morning of September 10 Dr Hersch telephoned to report on the result of the lumbar puncture which was normal with the exception of the presence of blood cells, and that he had permission to discuss the case and if necessary to refer Mr Biko to Mr R. Hewey a neurologist.

He was satisfied there was no evidence to suggest intracranial bleeding and that there was further examination by himself was not warranted at that stage. He suggested, however, he might regularly visit by a neurologist in order to ascertain any abnormal

About 5.30 in the afternoon of September 11 Dr Tuckler telephoned to inform him that Mr Biko was hypersensitive and was not eating and he advised Mr Biko's immediate removal to the Pretoria Central Prison Hospital. Dr Lang did not see the patient

A fourth statement handed into court contained Dr Lang's marks to Major General Kleinheins, who investigated the circumstances surrounding Mr Biko's death.

Dr Lang said he did not see the patient on Mr Biko's forehead during an examination on September 8, 9 and 10.

"If it had been as obvious as it appeared on the photograph I must have missed it," Dr Lang said.

Mr Biko was shackled to a grapple when Dr Lang arrived in room 619. The chain was removed before the examination began. Mr Biko did not complain that he had been injured or assaulted during his detention, Dr Lang said.

Mr Sydney Kentridge, SC, in his affidavit said in part: "I have seen Dr Lang and was present at the examination. I asked Dr Lang what was the evidence of any abscess or pathology on Mr Biko. He said he couldn't make out a certificate for Dr Lang's. He was merely for medical purposes.

Mr Kentridge: Didn't it occur to you that if at some later stage Mr Biko might appear in court and complain about the way he was treated while in security police custody, your medical certificate would be a most important piece of evidence in his case?

Dr Lang: Correct. He added that he thought the day did not occur to him on September 7.

Dr Lang: The medical report Dr Lang was handed to the pathologist was the post-mortem on Mr Biko. In his original certificate Dr Lang clearly mentioned the fact that Mr Biko would not speak as it was a medical examination.

In the report to the pathologist, Dr Lang gave the reason as follows: "I thought the detained and in possession of all his faculties. During the consultation he reiterated that he was not hungry, and that he had no pains, and was comfortable.

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The interviewer's speech was attributed to the lip injury and ataxic (uncontrolled) gait to lack of co-ordination. I could find no cause for his failure to eat. I could not agree that he was aphonic in the head and back. He was fully conscious and in protection of all his faculties. The blinder was not disturbed and the basin was well washed.

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of abnormality'...  

Mr Kentridge turned to the sentence that read: 'I have found no evidence of any abnormality or pathology on the detaines.'

Dr Lang admitted he had found a small laceration on Mr Biko's lip, a bruise near his second rib, two swollen hands, swollen feet and ankles.

Mr Kentridge: None of this is mentioned in your certificate. Wouldn't a person who later read your certificate have taken it to mean there was no sign of injury on Biko, so that part was also highly incorrect?

Dr Lang: Yes, it was.

Mr Kentridge: It may have been that Biko would one day say he had a cut, bruises, swollen lips and he would have been called a liar.

Dr Lang: I see that now.

Mr Kentridge: Isn't that why Colonel Goosen wanted the certificate?

Dr Lang: I don't think so.

Studied medicine

In the same report Dr Lang said in his examination of September 7 that he noticed Mr Biko's speech was slurred, which he attributed to the lip injury, and that he had a singing gait, which he attributed to lack of cooperation.

Mr Kentridge drew the court's attention to the fact that Dr Lang was aware of Mr Biko's history that he had studied medicine for four years, and later studied commerce and law.

Dr Lang said he was initially informed of these facts by Colonel Goosen, which were later confirmed by Mr Biko himself.

Mr Kentridge: Isn't it fair that he stressed the fact that he had been a medical student at a hint to you he might be shamming?

Dr Lang: This is a probability.

Mr Kentridge: Did you question Mr Biko?

Dr Lang: Yes.

Mr Kentridge: Did you ask how he got the cut on his lip and the bruise on his chest?

Dr Lang: No.

Mr Kentridge: Why not?

Dr Lang: Because I was told by Colonel Goosen that he (Biko) had gone into a rage and had attempted to assault an officer with a chair and had to be restrained.

Dr Lang said Colonel Goosen had been present for about half of the examination. Mr Kentridge asked why Dr Lang had not asked Mr Biko for his version of the events while Colonel Goosen was out of the room.

Dr Lang: I assumed he (Biko) would have told me himself.

Mr Kentridge: Were you not reluctant to embarrass Colonel Goosen?

Dr Lang: No.

Mr Kentridge: Didn't the possibility of a head injury occur to you?

Dr Lang: Yes, immediately.

Mr Kentridge: Why didn't you ask any questions about it?

Dr Lang: I can't answer that.

Mr Kentridge: Colonel Goosen never said anything to you to suggest that he had had a bump on his head.

Dr Lang: No.

He said no security police officer mentioned the possibility, Dr Lang agreed with Mr Kentridge that his examination was to a certain extent dependent on the history of the patient given to him.

Off the track

If he had not been told a full and correct history he could well have been put off the track.

Mr Kentridge asked whether Dr Lang ordered the leg-iron not to be replaced due to the swelling on Mr Biko's ankle. Dr Lang replied that he had not thought of it at the time, but in retrospect would have recommended it.

Mr Kentridge: On September 7 did you think Mr Biko was malinger?
Shamming by police claims SC

PRETORIA — The Security Police and not Mr. Steve Biko had been “sham- ming” about his health condition while in detention, the Biko inquest was told here yesterday.

The statement was made by Mr. Sydney Kengridge, QC, for the Biko family, as the inquest entered its se- cond week in the Old Synagogue building.

First at the witness box yesterday was Lieutenant Whitton Eric Wilken, officer in charge of the Security Police team which guarded the Black Consciousness leader during the nights of his detention in Pretoria.

Lieut. Wilken, one of the officers who accompanied Mr. Biko in a Land-Rover from Port Elizabeth to Pretoria where he was ad- mitted to hospital, said he had been of the opinion that Mr. Biko had been “sham- ming” about the state of his health during the trip.

Opinion

Lieut. Mr. Kengridge: What right did you have to tell people in Pretoria (when Mr. Biko was handed over) that this man was shamming?

Lieut. Wilken: It was strictly my opinion.

Mr. Kengridge: Why is it that you Security Police people are so insistent...that he was shamming?

Lieut. Wilken: We are not medical authorities.

Mr. Kengridge: Why not leave it to the doctors to decide? Isn’t the obvious reason that there was something to hide about this man?

Lieut. Wilken: We have nothing to be scared of. There is nothing to hide.

Mr. Kengridge said there were many affidavits before the Court from prison warders who had dealt with Mr. Biko in Pretoria. It was clear from these that the prison warders were con- cerned about Mr. Biko’s condition, that they had treated him humanly, and that one had even fed him when he could not do so himself.

Why had the Security Police, in spite of this, in- sisted that there was nothing wrong with Mr. Biko?

Asked whether Mr. Biko had uttered any words dur- ing the journey from Port Elizabeth to Pretoria, Lieut. Wilken said he was not with him all night and could not remember him saying anything.

Journey

Mr. Kengridge: Let me put it this way that you are making an urgent journey to Pretoria on a Sunday night to take a man to hospital. He has, according to you, not had any food or water and has not taken the oppor- tunity during the 12 to 14- hour journey to relieve himself. He has not said a word during the journey and then when you get to Pretoria you take it upon yourself to tell people there that he is shamming and easily deceives others. Does that sum it up?

Lieut. Wilken: Yes, basically.

Mr. Kengridge: I suggest to you that it was not Mr. Biko who was shamming but members of the Security Police. I am going to suggest that his initial refrain was in order to draw atten- tion away from what they had actually done.

Earlier Lieut. Wilken said he was present when Mr. Biko was taken to Pretoria Prison and handed over.

Serious

Mr. Kengridge: Do you remember a Sergeant Pretorius, who took him (Mr. Biko) from you?

Lieut. Wilken said he could not remember names.

Mr. Kengridge: I will not describe Sergeant Pretorius to you, but I will remind you of what he said. He remarked that Mr. Biko seemed seriously ill and that he was afraid for his life.

Lieut. Wilken: I can’t remember it.

Leg iron

Mr. Kengridge asked the leg iron to which Mr. Biko had worn while in detention in Port Elizabeth be presented during examination.

He questioned whether it was possible for a man to sleep while wearing leg irons and constantly asked Lieut. Wilken about how tightly the iron fitted around Mr. Biko’s ankles.

Lieut. Wilken said the iron fitted “loosely” and were not on tightly.

Mr. Kengridge: The pres- sure of the iron would always be felt.

Lieut. Wilken: It’s like wearing sun glasses...not audible.

Mr. Kengridge: Did you say that wearing leg iron could be compared with wear- ing sun glasses? Did you say that?

Lieut. Wilken then presented to the presiding Chief Magistrate of Pretoria, Mr. M. J. Prins, that Mr. Kengridge was putting words into his mouth.

“What I said was that the presence of the iron was like the pressure of glasses.”

PRETORIA — An applica- tion by counsel for the Biko family for the Head of the Security Police, Brigadier C. F. Zietsman, to give evidence at the Biko inquest here was rejected yesterday.

The application was made by Mr. Kengridge who told the Court he had interviewed two police brigadiers thought to be links in the chain of information (concerning Mr. Biko’s death) between the Chief of the Security Police in the Eastern Province, Colonel Pieter Gossens, and the Minister of Police, Mr. Jim- my Kruger.

He had done so at the in- vitation of Mr. P. R. van Rooyen, SC, (for the police) and expressed his appropria- tion at “this intervention aimed at clarifying the situation.”

He had interviewed the brigadiers in the presence of the investigating officer, General Klaasheu. It had appeared that Brigadier C. Corteze was away from the office at the time when Col. Gossens reported to his head office on the death of Mr. Biko and he had also been eliminated from the inquiry.

Clarify

The officer to whom Col. Gossens reported was Brigadier Zietsman, who reported in turn to the Com- missioner of Police, General Gert Prinsloo, who presumably reported to the minister.

Mr. Kengridge said there was no question of General Prinsloo having distorted the report and he did not believe the minister had done so either.

It seemed therefore that the Court would have to call Brigadier Zietsman to clarify the situation.

It appeared, Mr. Kengridge said, that con- tainer reports by Col. Gossens, there had also been some tele communica- tion between him and his head office. He asked the Court, therefore, to call Brigadier Zietsman to testify in due course, and also to bring him copies of the telex material.

Mr. Kengridge said also that he hoped to band in af- fidavits by Rand Daily Mail reporters Patrick Lawrence and Mr. W. Lane, the newspaper’s attorney, concern- ing reported statements made by Mr. Kruger.

Cherry

Mr. van Rooyen, for the police, rose to object strenuously to these af- fidavits being handed in. He said it was an attempt to have a second bite at the cherry, regarding the admissi- bility of the minister’s statements, which had been
BID TO CALL BRIG. IS TURNED DOWN

Magistrate, Mr. M. J. Price, said: Affidavits from jour-nalists, Mr. van Roonen stated, were irrelevant and objectionable. He had made it clear that if Mr. Keneally wished to gather that there had been prior incorrect statements by Mr. Coosen which could reflect on his credibility, police counsel would arrange for the family's representatives to consult the person to whom Mr. Coosen had made his reports.

If, while speaking to the potential witnesses, Mr. van Roonen said, it was established that there were such misunderstandings, an af-fidavit should be obtained from the source.

The affidavit would have to be submitted in terms of the Inquest Act together with a request that the police should be led at the Old Synagogue.

Objected

There was nothing in Mr. Keneally's statement which suggested that Mr. Coosen had made any prior incorrect statement, police counsel submitted. He objected to this at-tempt from the Bar to induce Mr. Price to call witnesses from whom no affidavits had been obtained.

Mr. Price asked Mr. Keneally whether an affidavit from reporters made the minister's statement "less or more heretical?"

Mr. Keneally said there there had obviously been no proper proof that the minister's statements were correct.

Mr. Price then pointed out he had accepted the minister's evidence of being substantially correct for the purpose of judgment.

"But not the job of counsel to take affidavits," the judge replied. "That is for the investigating of facts."

His talk with Brigadier Zietman had shown that he had got his information from Mr. Coosen.

"Zietman passed on to his superiors what Coosen said him," if he (Mr. van Roonen) thinks Primeo (the Commissioner of Police) dis-covered the information, he can call him, but it's not my job to get him here. Nor is it my job to get affidavits from policemen." — (Supra.)

DECLAY FOR DOCTORS REJECTED

PRETORIA — An application for a postponement of the medical evidence until January was refused by Mr. Price.

The application was made by Mr. R. D. V. Pickard, counsel for three Perils. Elizabeth doctors who ex-amined Mr. Biko before his death on September 12 last year.

Mr. Pickard said the next Friday, Dr. Lang and Mr. Dr. L. Merck, arrived in Pretoria and the Thursday they were in an extremely difficult position because there was a lack of information which had to be supplied to the court.

There was also a distinct possibility that Mr. Keneally might level criticism at doctors who examined and treated Mr. Biko during the last days of his life.

Conduct

The conduct of the doctors should have been subject to the laws of their field of practice, he stressed; until, Mr. Pickard said. The public and the Biko family were entitled to know exactly what happened to the time Mr. Biko sustained his head injury and to the death. The court must be provided with all the medical information available.

Mr. Pickard said the certain pathophysiological process which had to be clarified. To enable experts to fill this gap to give proper evidence they had to be present, other evidence was led.

It would be unfair to Dr. Lang, for instance, if he had to give evidence now before knowing exactly what was the process was. The availability of these experts was a problem at present because the universities were in the middle of examinations.

Keen

Mr. P. R. van Roonen, for the police, said he had mixed feelings about the application. The police were desperately keen to get the whole matter over and done with. Certain allegations had been made that there had been an "assault by them."

"The sooner we get a finding from the inquest the better."

On the other hand the possibility of prejudice to the coroner's officer had to be faced. Investigations had been made that the doctors were in collusion with the police.

Mr. Keneally's evidence was submitted vigorously to the information. From the day of Mr. Biko's death inquest him on the cards. One hypothesis wondered why the information had not been prepared for the hearing.

Influence

"We do not intend changing them on the ground of their influence are controlled by the Pathologists," Mr. Keneally said.

It would be preferable for the doctors to give their facts without influence by the expert evidence of pathologists.

Mr. Pickard said he presumed the Biko family was keen for the truth and he was offering them the benefit of some of the finest medical brains in the world. They should be grateful for that. The expert evidence he wanted would only be available by the middle of December at the earliest.

Diagnosis

There is a very compli-complicated sequence of events that has to be explained by experts. My primary object is to establish whether these doctors could be expected to make a certain diagnosis or not.

Mr. Price said there was a book on which he could consult and that was whether anyone would be prepared. So far the court heard evidence on fac-tual events.

The affidavits that had been submitted were based on facts. He failed to see the evidence of the affidavits would be properly judged if they were asked about things that actually happened to you.
Yesterday, the investigator officer at the Inquest: District Surgeon Dr. A. Lung (left) and Major General...

Full Report: Pages 4, 5, 6, 7

Doctor: Police no to hospital

(C) Times 22/12/77
Now it's Sipho—
the forty-fifth

WHAT MADE Bonaventure Sipho Malaza commit suicide last week? At the age of 18, with his life ahead of him, he apparently took his belt, put it around his neck, and hanged himself.

His school principal describes him as "the most brilliant student I have come across"; he was top of the class in the June examinations and was expected to pass his Junior Certificate with a distinction.

This was no ordinary suicide, however. For it was carried out in a cell in Krugersdorp. Sipho had been detained for more than 4 months, since July 7.

Previously, last December, he had also been detained. He was brought to court and in April given a suspended sentence for public violence.

But why was he again detained on July 7? We don't know. Had he committed any great crimes? We don't know. If he had done anything in contravention of any one of the myriad Nationalist-made "security" laws, why wasn't he again brought into open court and charged? We don't know. Why was he kept locked up, denied access to his family and a lawyer, for all those months? We don't know.

We know nothing at all either about his conditions of imprisonment. As he used his belt to hang himself we can at least assume that he was clothed — despite the Security Police evidence at the Steve Biko inquest last week that detainees are kept naked so that they cannot harm themselves.

Was Sipho kept in chains as a means of protecting him from himself? Presumably again the answer, for the day of his death at least, must be no. Had he been confronted with "damning" evidence? Was he being interrogated?

Apart from the obvious deductions, we do not know about the circumstances which led to his death.

Yet Sipho's death is reason for the most serious anxiety. For his is the 45th death since incommunicado detention began in 1963, and the 21st since March last year.

And if this toll is not alarming enough, adding to it is the case of Mr Joseph Mduli, the detainee who died in March last year, suffering a shocking catalogue of injuries. For nearly four months this newspaper has been trying to find out from the Minister of Justice, Mr J T Kruger, what he intends doing to ensure that the person responsible for Mr Mduli's death is brought to account. Mr Kruger, however, does not deign to reply.

That's the way the Nationalists run South Africa. Detention without trial, the public in the dark, death in custody have become part of our way of life.
I was wrong

— Biko doctor

By HELEN ZILLE

THE SECURITY POLICE refused to permit doctors to transfer the ailing Mr Steve Biko from prison to a provincial or private hospital, the inquest court in Pretoria was told yesterday.

Giving evidence, Dr Ivo R. Lang, the Port Elizabeth district surgeon who saw Mr Biko on four occasions in the week before he died, said: "If it was not for the Security Police, I would have sent him to a provincial hospital in Port Elizabeth."

Dr Lang added: "We asked for him to be sent to the Livingston Hospital and Col. Giuseppi (or Giouzepi) Gios [the Eastern Province Security Police chief] said no."

Dr Lang also admitted that the medical certificate he had written on September 7 saying he could find no evidence of "neurological or pathological lesion on Mr Biko" was "highly incorrect".

He wrote out the certificate at the request of Col. Giuseppi after examining Mr Biko following the alleged "violent struggle" with his interrogators in August at the Security Police headquarters in Sydenham Road in Port Elizabeth.

Dr Lang admitted he wrote the certificate although he found that Mr Biko had:

• A swollen lip with a punch mark;
• Superficial bruising on the chest;
• Swollen hands, feet, and ankles;
• An acute discharging wound;
• Severe pain.

Dr Lang said he attributed Mr Biko's speech impediment to his injury and the discharging wound to a lack of temperature.

"I asked Dr. Sydenham, Dr. Lang, for the Biko document, inquest protocol or whatever it was, and I said: 'It's on the record. I want to look at it.'"

Mr Keerter: It is incorrect to say that if Mr Biko appeared in court and complained of a red and swollen eye that you told your doctors, your certificates would have been a most important piece of evidence and he would have been called a liar.

Dr Lang: I see that now.

Dr Lang also told the court that in later medical examinations at which other doctors were present Mr Biko was found to have:

• Headache — a condition where a patient reports a pain in a sentence again and again;
• An extreme plantar reflex of the left foot — this means that when the sole of the foot is touched, the toes turn upwards instead of down. This was a sign of possible brain damage and is virtually impossible to sustain this symptom, Dr Lang said;
• Red blood cells on the pulse field following a hook point puncture. This could indicate a blood haemorrhage if the red blood cells had not come from a blood vessel. Mr Keerter recommended that Mr Biko be transferred to hospital but Col. Giuseppi had said: 'no... because Mr Biko was too much of a security risk.' Dr Lang said.

Mr Keerter: You were his doctor. Wasn't it for you to insist he get proper treatment?

Dr Lang: We were restricted... we couldn't tell him (the Security Police) where we sent the patient if it's a security case.

Mr Keerter: But hospitalisation was the kind of treatment he needed!

Dr Lang: Correct... if I had had the choice Mr Biko would have been in hospital by September 10.

Mr Keerter: So in these matters the Security Branch are a law unto themselves... you cannot buck them?

Dr Lang said the district surgeons were not consulted by the Security Police. He also told the court that Col. Giuseppi had led the doctors to believe that Mr Biko had suffered similar symptoms during a previous period in detention and that he was hallucinating.

Dr Lang agreed that a medical examination was greatly influenced by the history of the patient he was given.

Mr Keerter: If it was wrong it would be extremely misleading. Dr Lang: Extremely misleading.

His approach to Mr Biko and the diagnosis might have been different if he had been given a different history of Mr Biko, Dr Lang said.

In answer to the inquest yesterday, the magistrate suggested that he would consider later in the hearing whether to call the Chief of the Security Police, Brig. Gen. C. Koenig, to give evidence.

His ruling followed a report handed in by Mr Ken- drige after a discussion with Brig. Fick, and a request that Brig. Fick be called to give evidence.

Mr Kenridge said he was satisfied that Brig. Fick had reliably conveyed information about Mr Biko to the Commissioner of Police who had passed this information to the Minister of Police, Mr T. Kruger, without discussion. It was therefore necessary to call Brig. Fick to give evidence.

The magistrate then turned down a surprise application for the postponement of the inquest until early next year so that additional expert medical evidence could be had. This application was made by Mr B. Picket, counsel for the Port Elizabeth doctors.

Mr Pries said the application was premature as the experts could not be asked to offer an opinion before the court heard the factual evidence from the Port Elizabeth doctors.

Full Report, Pages
Dr Ivor R Lang, Port Elizabeth district surgeon, left, and Major-General J F Kleinhaus, investigating officer in the Biko case, leave the Old Synagogue in Pretoria yesterday during a break in the inquest proceedings.

Dr Lang, who gave evidence yesterday, examined Mr Biko during his detention in Port Elizabeth.
One Biko response ‘virtually impossible’ to sham

"I suggested a private hospital but this was also ruled out and although Mr Biko needed it, he said.

Asking whether he was not pointed out that Biko could be kept under continuous police guard Dr Lang said Dr Tuck would have to be asked this question. He agreed Keeble had made out however that the prisoners were kept under strict police guard.

Mr. Kendtidge: You said an ordinary prisoner would have been sent to provincial hospital - I was not a neuro-surgeon, I had to make the best of the situation.

If Mr Keeble said close observation was necessary, he should be in hospital.

You talk as if there’s no good, the Security Police want to keep him in a police cell and we have got to do the best we can.

Yes.

Dr Lang added that he also had the impression that there had been an improvement in Mr Biko’s condition, but that if he had the free choice, he would have put Mr Biko in hospital by September 10.

Mr. Kendtidge That’s the Security Branch — a law unto itself. We are district surgeons. We are not with the Security Branch.

Mr. Kendtidge: You can’t back the Security Branch.

It’s very difficult to do so. You haven’t been in court for the last few days why would you realise that.

The bearing continuous.
Leg-iron pressure same as sunglasses—night squad chief

LIEUTENANT WILKEN  night squad chief

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Mr Von Lieres, leading
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Mr Kentridge said no-
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Rand Daily Mail, Tuesday, November 22, 1977.

LIEUTENANT WILKEN

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the "Hayman's" evidence
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e Lamb's Navy

Chikererema calls UK treacherous

SALISBURY.—A black Rhodesian leader yesterday accused the British Government of being treacherous and said it would be better if it told the Rhodesians what it really meant.

On the eve of his departure for London to hold discussions with the British Foreign Secretary, Mr. David Owen, Mr. Joshua Nkomo, leader of the Patriotic Front which Rhodesia's internal population under the leadership of Robert Mugabe, has been fighting a guerrilla war for 13 years, accused the British of being treacherous.

"The British Government is guilty of treachery," Mr. Nkomo said. "They have made it known that they have no intention of giving the Rhodesians what they want. They have given the Rhodesians a promise that they would not go to war in the country."

"Therefore it would be better for the British to tell the Rhodesians what they really mean," Mr. Nkomo said. "If they do not, the Rhodesians will be forced to take matters into their own hands."

The British have been negotiating with the Patriotic Front for a cease-fire agreement in London and it is not clear what the outcome of the talks will be.

The British Government has been accused of being treacherous by other leaders of the Rhodesian independence movement, including Mr. Robert Mugabe, leader of the Patriotic Front. Mr. Mugabe has threatened to resort to violence if the British do not meet his demands.

The British have also been accused of being treacherous by Mr. Nkomo's predecessor, Mr. Jekaisai Nkomo, who died in 1983. Mr. Nkomo was a key figure in the Rhodesian independence movement and was a close ally of Mr. Mugabe. He was also a close friend of Mr. Nkomo and it is believed that he had a great deal of influence on Mr. Nkomo's decision to go to London for negotiations.
LAMBS' NAVY RUM

*Just add a mixer and a dash of courage and make a refreshing new friend.*

Lamb's — The Navy Rum

LONDON. - About 200 refugees who fled the Marquis regime of Angola and Mozambique and crossed the border over the Rhodesian border. The Portuguese Government's action came after a coup in Portugal. The coup was supported by the Attorney-General, Mr. Charles Nyanga, who said: "Many of these people have faced the knocks of their profession despite the fact that they have done well in their examination and control over the entry of refugees into the last school." Former colonies during the past three years, and more are serving daily. For the past three months the refugees have been flown to Lisbon and their journeys were converted into a giant attempt to bring the refugees to the former colonies.
him to a
have sent
We would
prison
other
been any
If he had
Medical certificate incorrect.
disintegrated says Kentridge
we don't believe Ryder
hospital

The district surgeons at the Bikini request from left are Dr. I. L. Lang, Dr. C. Hersh, Dr. Marquand de Villiers (back to camera), assistant surgeon, for the doctors, and Dr. F. Tucker. Dr. Lang and Dr. Tucker are members of Dr. C. G. past director of the U.S. Army Medical Corps.

The doctors were on a mission to the Bikini because of the importance of their work. They had arrived at the island on September 9, after taking part in the atomic bomb test on September 2, and they planned to stay for about a month. Dr. Lang is a member of the U.S. Army Medical Corps, and Dr. Tucker is a member of the U.S. Navy Medical Corps. They were both on duty as the doctors in charge of the medical work on the island.

The doctors were on the island for the purpose of examining the condition of the people and the medical facilities. They were also to examine the effects of the atomic bomb test on the people of the island.

The doctors were to examine the people for any signs of radiation sickness, and they were also to examine the medical facilities on the island.

The doctors were to report their findings to the U.S. Army Medical Corps, and they were also to make recommendations for the improvement of the medical facilities on the island.

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The doctors were to report their findings to the U.S. Army Medical Corps, and they were also to make recommendations for the improvement of the medical facilities on the island.
JOHANNESBURG. — Both the chief district surgeon and the district surgeon of Port Elizabeth suspected that Mr Steve Biko might have suffered a head injury but asked no questions about it and made no note of it in their medical reports.

This emerged at the inquest hearing in Pretoria yesterday, where Dr Benjamin Tucker, chief district surgeon of Port Elizabeth, gave evidence for the first time.

Dr Tucker told the court it crossed his mind that Mr Biko had suffered a head injury. His evidence followed the previous day's statement by the district surgeon, Dr Iver Lang, that the possibility of a head injury was "uppermost in his mind" when he saw Biko's lip injury. Neither of the doctors asked any questions about it, the inquest court heard.

Dr Tucker also said he believed the injury to Mr Biko's lip may have caused brain damage.

"I am not interested"

Dr Tucker said he did not take the matter further because he had been told by Colonel Goosen that Mr Biko had tried to assault an officer and had to be restrained. He assumed the injury could have taken place then.

"If I am called in to see a patient who has a cut, I am not interested in how the cut was sustained. I am interested in treating it and, if necessary, following it up," Dr Tucker said.

The magistrate, Mr M J Prins, asked Dr Tucker if it was not essential when treating a patient to know the cause of the illness.

Mr Sydney Kentridge, SC, counsel for the Biko family, suggested that Dr Tucker had not questioned Mr Biko about a possible head injury in order not to embarrass Colonel Goosen.

"When you are in the security police offices with a detainee under Section Six of the Terrorism Act do you ask questions, do you?" Dr Tucker: "I would say no."

Ipruse broke out in the courtroom and Dr Tucker added: "I meant I would not agree with the statement."

The magistrate warned he would not tolerate further disturbance from the packed gallery.

Other points that emerged at yesterday's hearing were:

- Before the Port Elizabeth doctors were represented by Mr B. Pickard, they had consultations in Port Elizabeth with Mr R. van Rooyen, counsel for the police.

Statement was "incorrect"

- Dr Tucker said he did not think he had said anything to suggest to Colonel Goosen that Mr Biko might be feigning his illness.
- Dr Lang said Colonel Goosen's statement that doctors had found nothing physically wrong with Mr Biko was incorrect. Although there was a possibility that Mr Biko was shamming, there was a probability that he could have had something organically wrong, Dr Lang said.
- Neither of the doctors had recommended that Mr Biko's wet clothing and bedding be changed after the medical examination on September 8.

Mr Kentridge noted that Dr Tucker had made no mention in the medical report of abrasions on Mr Biko's ankles and feet. Asked by Mr Kentridge why he had not done so, Dr Tucker said: "It was an error."

Mr Kentridge: Supposing Mr Biko had one day come to court and complained that on September 8 he had been chained by his ankle, your report would have been produced and it would have been put to him that he could not have been,
Biko: 'security paramount'

The doctor in charge of Black Consciousness leader, Steven Biko, admitted in the Inquest Court today that he subordinated the interests of his patient to those of police security.

Dr Benjamin Tucker, chief district surgeon of Port Elizabeth, was giving evidence before Mr M J Prins, in Pretoria's Old Synagogue.

He was under cross-examination by Mr Sydney Kentridge, SC, for-the Biko family on the reasons why he allowed Mr Biko to be transferred about 1200 km by road from Port Elizabeth to Pretoria, rather than insist that police objections to Mr Biko's being admitted to the local provincial hospital be overruled.

Dr Tucker said he did not make the decision to send Mr Biko to Pretoria. However, he did not argue with the person who made the decision, Colonel Pieter Goosen, Security Police chief of the Eastern Cape.

He was told Mr. Biko would be transported in a Land Rover, but no medical personnel accompanied him; Dr. Biko, who was taken in a Land Rover.

No medical personnel accompanied Mr. Biko because no one was available, he said.

In one of Dr. Tucker’s affidavits, Mr. Kentridge said, Mr. Biko’s condition was described as “satisfactory” shortly before he was taken from Port Elizabeth.

Mr Kentridge: Do I understand that if Col Goosen had offered no objections, you would have admitted him to hospital? — Yes.

Mr Kentridge: In terms of the Hippocratic Oath, are not the interests of your patient paramount? — Yes.

Mr Kentridge: But in this case, they were subordinated to the interests of security? — Yes.

Mr Kentridge put it to the doctor this description must have been wrong, because when Mr Biko was examined he was:

- Lying on the floor;
- Frothing at his mouth, the cause of which was not known;
- Hyperventilating, the cause of which also was not known;
- Apathetic and could not converse. His left arm also was somewhat weak.

Mr Kentridge: Let's just take all these elements... do you say that was a satisfactory condition?

Dr Tucker: There was in my mind the possibility of a non-organic condition.

Mr Kentridge: A possibility of shamming?

Dr Tucker: Yes.

Mr Kentridge: Despite all these elements?

Dr Tucker: Yes.

The doctor added there were no other localized features to indicate organic disease.

Earlier, Dr Tucker admitted having “incorrectly” stated that Steve Biko showed no signs of organic disease shortly before he died.

But he denied however, that his statement was “false.”

Dr Tucker told the court he was called to Walmer Police Station on September 11 by Colonel Goosen because something had evidently happened to the detainee about which Colonel Goosen was worried.

Dr Tucker said he was told Mr Biko had been found lying on the floor of his cell, foaming at the mouth, glassy eyed and hyperventilating.

When he examined him, he found traces of fine foam on his lips, and Mr Biko was apathetic to his questions.

Asked by Mr Kentridge what could be the cause of foaming, Dr Tucker said it could be an epileptic seizure, drowning or other lung problems, or hysteria, renal failure or bleeding in the brain.

Dr Tucker said Mr Biko’s central nervous system showed no change from when he was previously examined.

He said he had made a rapid examination of Mr. Biko, and when pressed for details said this meant about five minutes.

Asked how he could have come to a conclusion after only five minutes of examination that there

To Page 7, Col 1
Biko should have gone to hospital — specialist

PRETORIA — A Port Elizabeth specialist physician, Dr Colin Hersch, told the inquest yesterday he would not have allowed Mr Biko to be transferred by road to Pretoria had he known he had collapsed into semiconsciousness.

Dr Hersch also said he would have preferred Mr Biko to have been kept in hospital for observation, but was told police would not allow this.

The court also heard that a sample of spinal fluid sent to a Port Elizabeth laboratory for analysis had not carried Mr Biko's name, but had been labelled Stephen Njelo.

Counsel for the Biko family, Mr S. Kentridge, SC, asked Dr Hersch if he would have allowed a private patient to travel a police Landrover from Port Elizabeth to Pretoria, even if he had five cell mats and four blankets.

"If he were in the condition in which I saw him, I would not have been unhappy," Dr Hersch replied.

Mr Kentridge: If he had collapsed into semiconsciousness? — A collapse into semiconsciousness would negate that.

You would never have allowed him to go 700 miles by road like that? — Not in a state of semicoma.

Dr Hersch said Mr Biko should have been kept in a hospital after a neurosurgeon had said after examining Mr Biko that the detainee had to be kept under close observation.

Mr Kentridge: Would you have allowed him to be sent back to ordinary police cells? — I don't know if there is a difference between the prison or the Walmer cells. Both are bad, I don't know which is worse.

Why settle for different degrees of bad? Why not a proper hospital? — Unfortunately, it was not in our hands.

If it had been a private patient, you would have put him in hospital? — Without doubt.

The magistrate, Mr Prins, then said he did not understand why the matter was not in the doctor's hands.

"I asked Dr Lang (a Port Elizabeth district surgeon) to put him in hospital, and I was told we could not put him in hospital." Dr Hersch replied.

"I thought he should go into hospital, but was told it was not allowed."

Mr Kentridge told Dr Hersch that the spinal fluid sample from the lumbar puncture performed in the Port Elizabeth prison hospital had been sent to medical research laboratories labelled Stephen Njelo.

Dr Hersch said he had never heard of that name, and did not know who had filled it in. He had not filled in the form accompanying the sample.

Mr Kentridge: Was it a false name so the people in medical research would not know the identity of the patient? I don't know.

When it emerged that the word Biko was also written across the duplicated report, Dr Kentridge called for the original report. Dr Hersch said he had it, and was asked to bring it to court.

Mr Kentridge asked about the changing picture of Mr Biko's paralysis. Was this not one of the symptoms of brain damage as swelling in the brain developed and affected reflexes?

Dr Hersch said this might have shown up in successive examinations, but he had made his observations during one examination. It was not something that led to a conclusion of shaming.

Asked why no blood sample had been taken when doctors were trying to determine what was wrong with Mr Biko, Dr Hersch said he had the problem of trying to differentiate between a man who might be shaming and a man who could have brain damage. Mr Biko was really Dr Lang's responsibility.

Before he first examined Mr Biko on September 8, Dr Hersch said he had been told by Col Goosen that he had to see "a very important detainee who had distributed subversive pamphlets."

He had also been told that Mr Biko had been in prison and had manifested similar symptoms of weakness and uncooperation before.

It had been mentioned to him that Mr Biko might be shaming.

Mr Kentridge: Was this not an effort to prejudice you? — I would not say that. I had a message that he may be lying.

You had been told that he had distributed pamphlets and was a dangerous man? — Yes.

Dr Hersch agreed with Mr Kentridge that the history of a patient was very important in conducting a neurological examination.

Mr Kentridge: It can certainly prejudice his examination if a wrong history is given? — Yes.

Dr Hersch said he had noticed a bruise on Mr Biko's upper lip and had assumed it had something to do with the forcible restraint which Col Goosen had mentioned had taken place after Mr Biko had thrown a chair and attacked a police officer.

He had not noticed a wound on Mr Biko's forehead which was shown up in a photograph taken after his death.

According to the pathologist's report the wound was there at the time of Dr Hersch's examination.

In retrospect, however, Dr Hersch said he pictured Mr Biko in his mind as having a "little white mark over his left eye." He thought this might have been caused by spittle which he had wiped across his face with his hand.

Mr Kentridge: Could it have been a cosmetic substance to disguise the wound? — No, it looked like dried saliva or sputum. It was white and looked like it could have come from the corner of his mouth. — SAPA.
PRETORIA — The head of the Special Branch in the Eastern Cape, Col. P. J. Goosen, was very concerned about Mr Biko’s health, the inquest was told yesterday.

Cross-examined by Mr P. P. van Rooyen, for the police, Dr. Tucker, chief district surgeon for Port Elizabeth, said Col Goosen had told him what sort of person he was going to examine and that he had also mentioned the possibility of malingering.

Mr Van Rooyen: Was it clear to you that Col Goosen was very concerned about Mr Biko’s health, that he was an extremely important detainee who had to be kept in the pink of condition? — That’s correct.

Was Mr Biko asked whether he had any pain? — Yes, he said he had a headache and pains in his back.

During the course of the examination were you getting rational answers from him? — Yes. He also requested a glass of water.

There was no problem with his mental alertness. You saw no injury apart from the one on his lip? — None whatsoever.

Did he complain of an assault on him? — No.

His appearance was not that of a person allegedly smashed up by the police? — Definitely not.

When changing his position he moved his lower limbs normally? — Yes.

The moment you saw that you doubted his earlier complaint that he could not move his lower limbs? — Yes.

In fact, he had complained about something that was psychological and not organic? — Correct.

You and Dr Lang discussed your findings and it was mentioned that he could possibly be shamming? — I cannot dispute that.

It was reported to Col Goosen that you could not find anything organically wrong? — Correct.

But you still thought he should be examined by a specialist? — Yes.

You were going to play safe. You were not going to tell Col Goosen just to carry on with his interrogation? — That’s right.

Did you have a sick man on your hands? — No, he was not sick in the sense that there was something for which he could be treated. But we wanted him to be examined by a specialist.

Elaborating on his reply, Dr Tucker said he would place Mr Biko in the category where vague signs and complaints excluded the possibility of a definite diagnosis. He, therefore, did not regard him as a hospital case.

If Col Goosen at that stage said he was not interested in a provincial hospital for security reasons, you were not going to argue with him? — Correct.

In other words, he could be taken to a prison hospital block for a proper examination? — Correct.

Asked by Mr P. P. van Rooyen, counsel for the doctors, why he had consented to Mr Biko being transported to Pretoria, Dr Tucker said his condition was satisfactory for the purpose of being conveyed.

Mr Pickard: Have you ever in your experience associated head injury with uremia, kidney disease or hyperventilation? — I would say no.

Dr Tucker said he had conducted several post-mortem examinations and had found many head injuries, but not head injuries associated with uremia.

Mr Pickard: As far as the ordinary general practitioner is concerned, neurology is one of the most difficult fields to embark on. In the whole medical profession? — Yes.

It is also a field in which the ordinary general practitioner gets limited experience? — Correct.

Dr. Tucker agreed with Mr Pickard that Mr Biko’s condition could not fit into any known pattern of pathology.

He agreed that if he had been asked what was wrong with Mr Biko he would have pointed to a neurological problem.

Mr Pickard then asked him if it was correct that Mr Biko had died in metabolic death and this had not been in the forefront of Dr Tucker’s mind? — That’s so.

Do you think your decision would have been altered if you conducted your neurological examination possibly for a longer period or more thoroughly? — I don’t think so.

Re-examined by Mr K. von Lieres, leading evidence, Dr Tucker said he was satisfied that the medical care Mr Biko had received in Port Elizabeth had been adequate. — SAPA.
Biko questions cause uproar

PRETORIA — The chief district surgeon of Pretoria, Dr. Benjamin Tucker, denied at the Steve Biko inquest yesterday that he had been reluctant to ask questions about Mr. Biko because he had been dealing with the Security Police.

In a heated exchange on the seventh day of the inquest at the Old Synagogue here, Dr. Tucker said that at all times he had had “complete cooperation” from the Security Police.

Dr. Tucker, who had twice examined Mr. Biko in the week before the black activist’s death in detention in Pretoria on September 12, spent most of yesterday’s afternoon’s session under cross-examination by Mr. Sydney Kentridge, SC, counsel for the Biko family. Mr. Kentridge persistently questioned Dr. Tucker on why he had not asked either Mr. Biko or Colonel Piet Goosen, Security Police chief in Pretoria, whether the Black Consciousness leader had suffered any head injury while in detention.

There was uproar in the packed public gallery when Mr. Kentridge declared: "Was it because you were dealing with the Security Branch? When you are in the Security Branch offices dealing with someone under Section 6 (of the Terrorism Act) you don’t ask questions do you?"

Dr. Tucker: I would say no.

Mr. Kentridge: You would say no?

Dr. Tucker: No — I don’t agree with that statement.

After a short adjournment the presiding Chief Magistrate of Pretoria, Mr. M. J. Prins, made a statement to the Court warning that any further uproar would result in his clearing the courtroom of all but the essential people involved in the inquest.

At this point Mr. P. R. van Rooyen, SC, counsel for the police, objected to the "browbeating nature" of some of Mr. Kentridge’s cross-examination.

Its "inflammatory" nature was a major cause of the disturbances in court, he contended.

The question dealing with Dr. Tucker and the Security Police was one such example, he said, and should be disallowed.

Because Dr. Tucker had not been able to complete his reply “a large section of the Press” might have misconstrued his answer, said Mr. van Rooyen.

Things are getting out of hand," he declared.

Mr. Kentridge assured the Court he would attempt to frame his questions in a suitable way.

Dr. Tucker then said he would like to finish his answer.

“My answer is ‘no it is not so’,” he said.

“Questions asked by the district surgeon are not banned in Security Police offices.”

Mr. Kentridge: I suggested that you personally were not prepared to ask questions.

Dr. Tucker: At all times I have had complete cooperation from them (the Security Police).

Mr. Kentridge: And did they have complete cooperation from you? What cooperation did you have from the Security Police in the Biko case?

Dr. Tucker said that information he required had been made available to him.

At this point Mr. Kentridge invited him to deny allegations that he had been reluctant to ask questions in the Security Police offices.

Dr. Tucker then did so.

Mr. Kentridge again asked Dr. Tucker why he had not asked either the Security Police or Mr. Biko whether he had suffered a head injury.

Mr. B. Pickard, counsel for the doctors, objected on the grounds that Dr. Tucker had already told the Court he had not asked this particular question.

"That is the end of the matter," contended Mr. Pickard. "This witness is not on trial."

Soon afterwards the Court adjourned temporarily for the day.

But earlier Mr. Kentridge accused Dr. Tucker of having made a false statement about an examination conducted on Mr. Biko on September 8 during his detention in Pretoria.

In an affidavit before the Court Dr. Tucker had said he found Mr. Biko to be mentally alert and that he had answered questions.

But under cross-examination Dr. Tucker admitted he had asked Mr. Biko only one question and that Mr. Biko had told him only that he had a headache and a pain in his back.

Mr. Kentridge contended that this was “the sum total” of Dr. Tucker’s information about Mr. Biko and that “on the basis of one question and one answer you had no right to say he was mentally alert.”

Dr. Tucker refuted this. He said he had asked Mr. Biko to do certain things which he had understood and carried out.

This led him to believe the man was mentally alert.

In his affidavit, read to the Court, Dr. Tucker said that at no time during his contact with Mr. Biko had the man mentioned that he had been assaulted or injured in any way while in detention.

“I have personal experience of cases of alleged assault by the police,” he told the Court.

Pressed by Mr. Kentridge, Dr. Tucker said the possibility of an assault on Mr. Biko had come into his thinking.

The police had told him Mr. Biko had become aggressive and had been restrained. An injury he had noticed on Mr. Biko’s lip could have resulted from this.

The thought that Mr. Biko might have suffered a head injury had crossed his mind.

Mr. Kentridge: Wasn’t it the obvious question to ask?

Dr. Tucker: I didn’t ask it. And that’s all I can say at this stage.

The hearing continues today. — (Spa.)
PRETORIA — The chief district surgeon of Port Elizabeth, Dr. Benjamin Tucker, said in an affidavit handed in at the Biko inquest here yesterday that at no time during his contact with the Black Consciousness leader had Mr. Steve Biko mentioned that he had been assaulted or injured in any way while in detention.

Dr. Tucker read out two affidavits made by him.

In the first, dated October 19, he said Port Elizabeth district surgeon Dr. Lang had asked him on September 8 this year to see Mr. Biko, whom he had examined the previous day at the request of Col. P. J. Goosen, head of the Security Police in the Eastern Cape.

The examination had taken place at the offices of the Security Branch.

"Prior to our examination," said Dr. Tucker, "Col. Goosen informed me that Mr. Biko had refused to take food or water for the past three days, and that during that period, which had not passed urine or defecated. He had complained of weakness and had become withdrawn and irrational.

"As a result Col. Goosen was worried that he might have suffered a stroke or become dehydrated as a result of his poor intake.

"At the time of the examination he (Mr. Biko), was sitting on a chair covered with blankets. Both were wet and smelling of urine. His upper lip was covered with fresh abrasions encircling both wrists.

Obese

"He was an obese individual and showed no signs of dehydration. His tongue was furred but not dry. Mentally he was alert but answered questions in an indirect manner, which I thought to be due to the swelling of his upper lip. He was quite rational.

"The bladder was not palpable and the abdomen was soft. No tenderness was elicited over the hydrometrium or renal angles.

"Examination of the central nervous system revealed intact cranial nerves, the pupils were equal in size and reacted normally to light.

"When asked to move his limbs he complained that he could not move his left limbs per limb with difficulty but moved the lower limb normally when changing his position.

The reflexes of the left, limb were difficult to elicit and when elicited were reduced as compared to the right side.

The abdominal reflexes were equal on both sides. When tested for pinprick there were loss of sensation to mid-thigh level on both sides.

"At the end of my examination I asked him to stand up. This he managed to do with my assistance, though with some difficulty in using his left leg. He was unwilling to walk.

"When he lay down he asked for water, which was given him by Warrant Officer F. V. Coetze at my request.

Recommended

"After our examination Dr. Lang and I discussed our findings with Col. Goosen and recommended that he (Mr. Biko) be examined by a physician.

"This would be arranged by Dr. Lang and Mr. Biko would be transferred to the Sydenham Prison for this purpose.

"On September 9, 1977, Dr. Lang informed me that Dr. Hersch had examined Mr. Biko the previous night and could find nothing materially wrong with him except for a positive extensor plantar reflex and a possible echolalia.

"He had performed a lumbary puncture that morning, the report on which was available.

"On September 9 Col. Goosen informed me that he had been advised by Security Headquarters to have Mr. Biko transferred to the Central Prison in Pretoria.

"He had attempted to arrange transport by air with the military authorities but had been unsuccessful, and had therefore arranged to transport Mr. Biko by motor vehicle.

"As Mr. Biko's condition at that stage was satisfactory I did not consider that this would have any adverse effect.

"I then telephoned Dr. Lang, whom I had not previously been able to contact, and informed him what had occurred. Dr. Lang enlightened me as to Biko's condition while in the Sydenham Prison, the result of the lumbary puncture performed by Dr. Hersch and said that he had discussed the matter with Mr. Keely.

Unchanged

"His pulse rate was 80 per minute and regular and his heart sounds were closed. The central nervous system showed no change from what I had found in my previous examination.

"Because of his uncooperative attitude, the fact that he was hypertensurate and that there were no positive signs to indicate organic disease I considered it in his best interests that he be admitted to a hospital where he would be observed by trained staff and recommended this accordingly to Col. Goosen.

'Security'

"Col. Goosen advised that for security reasons it was preferable that he (Mr. Biko) be transferred to a prison hospital rather than a provincial hospital.

"As no transport staff was available at the Sydenham Prison, the only male nurse being away on a course, he would make the necessary arrangements to have Mr. Biko transferred to a prison was available.

"About an hour later Col. Goosen informed me that he had been advised by Security Headquarters to have Mr. Biko transferred to the Central Prison in Pretoria.

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Photographs

In a second statement dated October 20, Dr. Tucker said he had been shown certain photographs taken of Mr. Biko at the post-mortem examination indicating a lesion and deep bruising on the scalp.

"At my examination of the deceased on September 8 and 11 I did not observe the lesion, and would have seen it had it been as obvious as it appears on the photograph.

"I also saw no bruising of the left front temporal region of the scalp or of the eyelids or conjunctiva of the left eye.

"I am satisfied that there was sufficient light to have enabled me to see these lesions have as narcoleptic tendencies and avoid being attacked by his eyes and pupils.

"Before my examination of Mr. Biko on September 9 Col. Goosen informed me that the deceased had been aggressive, had thrown a chair at an officer and had attacked a member of his staff.

"As a result he had had to be restricted, and at the commencement of my examination he was manacled by means of a handcuff around each wrist and attached to a grill.

"At no time during my contact with him did he (Mr. Biko) mention that he had been assaulted or injured in any way while in detention.

"Appearing in the witness box for the second successive day, Dr. Lang, the Port Elizabeth district surgeon who had seen Mr. Biko on four occasions before his death, said: 'It was quite obvious that we had missed something.'

'Shocked'

Asked by Mr. Sydney Kentridge, Sc. Counsel for the Biko family, how he had reacted to news of Mr. Biko's death in detention in Pretoria on September 12, Dr. Lang replied: 'I was absolutely shocked.'

He said he and the other doctors who had seen Mr. Biko before his death felt that "something had not shown up ... something which we were not able to establish.'

Discussion

Dr. Lang said he had been present when Col. Goosen had been discussing Mr. Biko's death with a Col. Botha.

They had had a medical book open and were discussing whether hyperventilation could have been a factor.

Dr. Lang had told them there was a possibility that it could.

As asked by Mr. Kentridge whether he thought Mr. Biko might have committed suicide, Dr. Lang replied: 'I didn't know what to think at that particular stage.'

Mr. Kentridge: Did you have a discussion with Col. Goosen about the possible cause of death?

Dr. Lang: There may have been.

Mr. Kentridge: And at no stage did Col. Goosen mention the possibility of a head injury?

Dr. Lang: No.

Mr. Kentridge said he accepted that any professional man could make a mistake. But he wondered whether Mr. Biko's death could have
Media rivet on Biko

PRETORIA — The chief district surgeon of Port Elizabeth was yesterday accused of supplying false information to the Biko inquest.

Heated row at inquest

PRETORIA — There were heated exchanges at the Biko inquest yesterday when counsel for the Biko family, Mr. S. Turner, accused of emotions and inflammatory cross-examination.

Mr. Kendall had been cross-examining the chief district surgeon of Port Elizabeth, Dr. S. Turner, "about why he had not said — I am Col. Gouws, head of the Special Branch in the Eastern Cape, whether Mr. Biko had any head injury while in custody.

There was uproar in the packed public gallery when Mr. Kendall "You are dealing with the Special Branch — Mr. Biko, Mr. Biko and you are in the Special Branch, defying anyone to say that there was no head injury while in custody.

Mr. Kendall asked whether Mr. Biko had any head injury while in custody.

Dr. Turner: I would say "You would say no — I agree with that.

After a short adjournment, Mr. Kendall "I am surprised that anyone who brought the case in the clearing will not have told all the facts.

During earlier cross-examinations of Mr. Turner, there had been outbursts of laughter from the crowded downstairs benches and upstairs, and Mr. Prins "That is to say, stop finally.

Some interruptions were "most temperate" to counsel and even more so to the witnesses, he said.

At this point Mr. J. van Rooyen, counsel for the police, objected to the "bow-keeping nature" of some of Mr. Kendall’s cross-examination.

"Inflammatory nature” was a major cause of the disturbance in court, he contended.

The case was adjourned until tomorrow morning.

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Mr. Turner: "I am surprised that anyone who brought the case in the clearing will not have told all the facts.
Lange: death shocked me

[Written note: 3.35 pm]
PRETORIA — The chief district surgeon of Port Elizabeth, Dr. Benjamin Tucker, said in an affidavit handed in at the inquest yesterday that at no time during his contact with the black consciousness leader had Mr. Biko mentioned he had been assaulted or injured in any way while in detention.

Dr. Tucker testified immediately after testimony and cross-examination of the principal district surgeon of Port Elizabeth, Dr. Ivor Lang. Dr. Tucker read out two affidavits made by him.

In the first, dated October 18, he said Dr. Lang had asked him on September 8 to see Mr. Biko whom he had examined on September 6, at the request of Col. P. J. Goosen, head of the Special Branch in the Eastern Cape.

The examination had taken place at the offices of the Special Branch in Port Elizabeth at about 12.55 pm.

"Prior to our examination Col. Goosen informed me that Mr. Biko had refused to take food or water for the past three days and during this period he had not passed urine or defecated. He had complained of weakness and had become withdrawn and irrational. As a result Col. Goosen was worried that he might have suffered a stroke or might become dehydrated as a result of his poor intake," Dr. Tucker said.

"At the time of the examination he was lying on a bed that covered with blankets. Both were wet and smelling of urine. His upper lip was swollen and there were abrasions circling both wrists. He was an obese individual and showed no signs of dehydration. His tongue was furred but moist.

"Mentally he was alert but answered questions in an indistinct manner which might have been due to the swelling of his upper lip.

"When asked to move his limbs he complained that he could not move his left limbs properly. He moved the upper limb with difficulty, but moved the lower limb normally with changing his position. The reflexes of the left limb were difficult to elicit and when elicited were reduced as compared to the right side.

"At the end of my examination I asked him to stand up. This he managed to do with my assistance although with some difficulty in using his left leg. He was unwilling to walk," Dr. Tucker said.

"When he lay down he asked for water which was given to him by W/O F. V. Coetzee at my request.

"After our examination Dr. Lang and I discussed our findings with Col. Goosen and recommended that he be examined by a physician. This would be arranged by Dr. Lang and Mr. Biko would be transferred to the Sydenham prison for this purpose.

"On September 9 Dr. Lang informed me that Mr. Biko had examined Mr. Biko the previous night and could find nothing materially wrong with him except for a positive extensor plantar reflex and a possible eculapul. He had performed a lumbar puncture; that morning, the report on which was still being awaited.

On September 11 Col. Goosen asked me to see Mr. Biko again at the

Walmer police station which I did at about 3.20 pm. He was apathetic and uncooperative and was hyperventilating," Dr. Tucker said.

"Because of his uncooperative attitude, the fact that he was hyperventilating and there were no positive signs to indicate organic disease, I considered it in his best interests that he be admitted to a hospital where he would be observed by trained staff and recommended accordingly to Col. Goosen.

"Col. Goosen advised that for security reasons it was preferable that he be transferred to a prison hospital rather than a provincial hospital. As no trained staff was available at the Sydenham prison, the only male nurse being away on a course, he would make the necessary arrangements to have Mr. Biko transferred to a prison hospital where such staff was available," Dr. Tucker said.

"About an hour later Col. Goosen informed me that he had been advised by security headquarters to have him transferred to the central prison in Pretoria. He had attempted to arrange transport by air with the military authorities but was unsuccessful and had therefore arranged to transport him by motor vehicle. As Mr. Biko's condition at that stage was satisfactory I did not consider that this would have any adverse effect.

"I then telephoned Dr. Lang who I had not previously been able to contact and informed him what had transpired. Dr. Lang enlightened me as to Mr. Biko's condition while in the Sydenham prison, the result of the lumbar puncture performed by Dr. Hersch and that he had discussed the matter with Mr. Keeley.

In a second statement dated October 20, Dr. Tucker said he had been shown certain photographs taken of Mr. Biko at the post-mortem examination, indicating a lesion and deep bruising of the scalp.

"At my examination of the deceased on September 8 and 11 I did not observe the lesion and would have seen it had it been as obvious as it appears on the photograph. I also saw no bruising of the left front temporal region of the scalp or of the eyelids or conjunctiva of the left eye. I am satisfied there was sufficient light to have enabled me to see these lesions.

"Before my examination on September 9, Col. Goosen informed me that the deceased had been aggressive, had thrown a chair at an officer and had attacked a member of his staff. As a result he had to be restricted and at the commencement of my examination he was manacled by means of a handcuff around his right ankle attached to a grille.

"At no time during my contact with him did he mention that he had been assaulted or injured in any way while in detention," Dr. Tucker said.

SAPA.
Doctor tells of sleepless nights

PRETORIA — The Port Elizabeth district surgeon, Dr Barry Lang, said yesterday he had "never heard such a story" worrying about why Mr Biko was not better.

Cross-examined by Mr P. L. van Rooyen, KC, for the police, Dr Lang agreed it was quite clear he and other doctors had missed something when examining Mr Biko.

But Col Coosen said he found that Mr Biko's blood had been of the utmost importance and that it was the right arm of the life of his particular decision. He could not remember, however, whether he had heard it from the colonel directly.

Dr Lang said when he examined Mr Biko on the second day of September 9 he had considered the possibility of a broken jaw, but had not found one.

In reply to further questions Dr Lang said he had misread Mr Biko's name, which he read as Biko instead of Biok. Mr Biko had regarded the questions and had told him he was an assistant in the university of the University of South Africa.

"I could find no fracture in the face or in the arm himself or in the arm, or in the hand, or any disturbance in the skull," he said.

When asked if Mr Biko had any at any time had a headache, he said no. Apart from that the case had been given to the police.

Dr Lang had been requested to see Mr Biko again.

Mr Van Rooyen: Why did you see Mr Biko again?

Dr Lang: Because he said something about how he was not feeling too well.

Mr Van Rooyen: What did you see him for?

Dr Lang: I saw him for a second examination.

Mr Van Rooyen: What did you find there?

Dr Lang: I found no evidence of trauma at all. I found no evidence of any injury.

Mr Van Rooyen: What did you find there?

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Mr Van Rooyen: What did you find there?
DURBAN. — A Daily News reporter, Mr. Wisemong Khuzwayo, 23, was yesterday detained by security police under Section 6 of the Terrorism Act. Under this section people detained by security police have no access to lawyers, members of their family or to the courts.

Mr. Khuzwayo, a former student at the University of Zululand, presented himself to the security police in Durban voluntarily after learning that they were looking for him at his parents' home in Hammarsdale. He was accompanied by a legal representative.

Before going to the police Mr. Khuzwayo underwent a physical examination and was found to be in sound condition. — Sapa

5 per cent per annum payable in arrear.
At the end of 1 year you will receive R100 + R5.
If \( P_n \) = the sum lent, \( P_1 \) = the sum received after 1 year and \( i \) = the rate of interest

\[
P_1 = P_0 (1 + i) = R100 (1 + 0.05) = R105
\]

(b) You agree to lend someone R100 for 3 years at 5 per cent per annum compounded annually. At the end of 3 years you will receive R115.76.

\[
P_3 = P_0 (1 + i)^3 = R100 (1 + 0.05)^3 = R115.76
\]

Alternatively we can write the equation

\[
P_3 = P_0 (1 + i) = R110.25 (1 + 0.05) = R115.76
\]

These two examples show how compound interest is calculated and what the value of a sum of money loaned today will be worth at some future date, depending upon the rate of interest. Conversely, if we know that we shall receive a specific amount at some future date we can calculate the present value of that future sum if we are given the rate of interest. The equation will be

\[
P_0 = \frac{P_1}{(1+i)^t}
\]

where \( P_t \) is the specific amount we shall receive in the future. Therefore the present value of R115.76 to be received after 3 years is

\[
\frac{115.76}{(1+0.05)^3} = 100
\]

When a business man is considering whether to borrow funds, he wants to know if the profit (i.e., the return) which he hopes to receive from the use of the funds he has borrowed, will be greater than the rate of interest he has to pay on the loan. Therefore, he will calculate what return he expects to receive each year on the borrowed sum.

If he has his own funds available and does not need to borrow, he will want to know if the money spent on purchasing the asset (for example, a machine for a factory) will earn a greater return than if he were to lend the money elsewhere (for example, to a building society).

After forecasting the return (excluding depreciation) that he expects to receive each year, the businessman will then be able to determine the percentage rate of return (i.e., the percentage rate of profit). This percentage is simply the rate of discount which makes the present value of the series of annual returns equal to the purchase price of the capital asset. This rate of discount is the marginal efficiency of capital.

Suppose the capital asset cost R354.60 and yielded R100 at the end of each 4 years after which time it was of no value. The rate of discount which reduced the annual returns to equal the cost of the asset would be 5\%, as in the example below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Return</th>
<th>Value Discounted at 3%</th>
<th>Value Discounted at 4%</th>
<th>Value Discounted at 5%</th>
<th>Value Discounted at 6%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>R100</td>
<td>R97.09</td>
<td>R96.61</td>
<td>R96.24</td>
<td>R95.81</td>
</tr>
<tr>
<td>2</td>
<td>R100</td>
<td>94.26</td>
<td>93.04</td>
<td>91.88</td>
<td>90.74</td>
</tr>
<tr>
<td>3</td>
<td>R100</td>
<td>91.51</td>
<td>88.90</td>
<td>86.38</td>
<td>83.96</td>
</tr>
<tr>
<td>4</td>
<td>R100</td>
<td>88.85</td>
<td>85.48</td>
<td>82.27</td>
<td>79.21</td>
</tr>
</tbody>
</table>

| Sum of discounted returns | R371.71 | R362.99 | R354.60 | R346.51 |
| Cost of asset            | R354.60 | R354.60 | R354.60 | R354.60 |
Goosen said no

Biko to hospital

FROM ROGER OONOND

by Dr. Coetzee (Dr. Lane)

before the death

Email: info@doctor.com

For appointment

ellipsis - the

PRETORIA - THE
Jack of appetite - doctor

Biko complained of

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September 8th, Dr. Lang, the director of the medical centre, was not well. His temperature was 100°F - a high fever. They had suspected a serious infection. Dr. Lang had been on duty all night, trying to save the lives of patients. The doctor was admitted to the hospital, where he was treated for the fever.

The case of the doctor was complicated by the fact that he was also caring for other patients. Dr. Lang had been working for many hours, and his body was not able to handle the stress. He was admitted to the hospital on September 8th, and his condition improved significantly.

The doctor's condition was monitored closely, and his treatment was continued. The doctors and nurses worked hard to ensure that he received the best care possible. Dr. Lang's condition started to improve, and he was released from the hospital after a few days.

The doctors and nurses were all relieved to hear that Dr. Lang was improving, and they continued to monitor his condition closely. The hospital staff worked hard to ensure that Dr. Lang received the best care possible, and his recovery was a testament to their dedication and hard work.

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The hospital staff worked hard to ensure that Dr. Lang received the best care possible, and his recovery was a testament to their dedication and hard work.
again received a call from Col Goosen, he told the inquest, "He expressed concern over the detainee's condition since he had not passed urine during the previous 24 hours and he had refused all offers of food."

Dr Lang said he agreed to examine Mr Biko and requested the chief district surgeon, Dr B. J. Tucker, to join him.

"I noted no material change in the detainee's physical condition save for the facts set out in my medical report," Dr Lang said.

Mr Biko now complained of vague pains in the head and back. He was fully conscious and in possession of all faculties. The bladder was not distended and the blankets were wet with urine.

With the exception of a doubtful reflex and the blunting of sensation to pin pricks on his legs, his physical condition had not changed.

At the end of this consultation Mr Biko complained of thirst and was given water by a member of the security staff.

Because of the doubtful reflex it was agreed Mr Biko be transferred to the Sydenham Hospital in Port Elizabeth where he would be examined by a physician.

After the examination by Dr C. Hersch it was decided to perform a lumbar puncture the next day.

During the morning of September 9, Dr Lang again visited Mr Biko who was "perfectly rational and in possession of all his faculties."

During their conversation Mr Biko reiterated he was not hungry, that he had no pain and was comfortable.

On September 10, Dr Hersch reported the result of the lumbar puncture which was normal, except for the presence of blood cells.

Because of this finding Mr Keely was of the opinion that the findings present to date were not evidence of cerebral haemorrhage or for that matter any other brain damage.

Mr Keely therefore felt that an X-ray would not be of much value, Dr Lang said.

"It was his opinion that all that was necessary at this stage would be observation. He agreed that we could transfer him to the custody of the Security Police provided Mr Biko was examined daily by a medical practitioner."

On the afternoon of September 10 Dr Lang again visited Mr Biko and found no change in his condition.

"Informed Mr Biko of the findings of the various medical practitioners and that he was to be moved from Sydenham prison the following morning to Walmer police station (in Port Elizabeth)."

"At about 3.30 pm on September 11 Dr Tucker telephoned to inform me that the detainee was hyperventilating and that he was still not eating. He therefore advised his immediate removal to Pretoria Central Prison hospital by plane or by road."

The next morning (September 12) Dr Lang requested that whoever took charge of Mr Biko in Pretoria should contact either himself or Dr Tucker to keep them posted on Mr Biko's progress.

Questioned by Mr Kentridge, Dr Lang said he first examined Mr Biko on the morning of September 7.

Mr Kentridge: Did you regard him as your patient?

Dr Lang: That's correct.

Did you treat Mr Biko with the same care and dedication as you would other patients? — Yes, I did.

What was the purpose of his "stuttered" speech? — Yes.

Did Col Goosen tell you his speech was incoherent? — No, he said he couldn't speak.

You gave the colonel the certificate and left the patient there. He was not kept under observation? — Correct.

In leaving him like that is it correct to say that you were acting under the influence of Col Goosen? — No, I examined him carefully and satisfied myself there was nothing seriously wrong with him. The examination was as thorough as possible under the circumstances.

In reply to further questions, Dr Lang said, Mr Biko gave a good account of himself on the first day he examined him. He was coherent...

Mr Kentridge: Yet the police say he was incoherent and they could get nothing out of him.

Dr Lang said after the chief district surgeon, Dr Tucker, had also examined Mr Biko he told Col Goosen they wanted him removed to the prison hospital.

Mr Kentridge: At that stage did you still think he was shamming?

Dr Lang: I could not understand why he had urinated on his blankets and why he could not get up.

You then arranged for Mr Biko to be examined by the specialist, Dr Hersch? — Yes.

When you saw Mr Biko on the morning of September 9, how was he dressed? — He only had his trousers on and they were wet.

Dr Lang said he understood from Col Goosen that Mr Biko had manifested similar symptoms during his previous period of detention.

Mr Kentridge: In other words, Col Goosen dropped a hint that he was shamming?

Dr Lang: Yes. — SAPA.
No to postponement

PRETORIA — An application for a postponement of the medical evidence in the inquest until January next year was refused here yesterday by the Chief Magistrate of Pretoria, Mr M. J. Prins.

The application was made by Mr B. de V. Pickard, counsel for three Port Elizabeth doctors who examined Mr Biko before his death on September 12 this year.

Mr Pickard said the three physicians — Dr Tucker, Dr Lang and Dr Hersch — only arrived in Pretoria last Thursday. They were in an extremely difficult position because there was a host of information that had to be canvassed.

There was also a distinct possibility that counsel for the Biko family (Mr S. Kentridge) might level criticism at the doctors who examined and treated Mr Biko during the last days of his life.

The conduct of the doctors would have to be assessed on the basis of their field of practice and experience, Mr Pickard said.

Mr Pickard said a certain pathological process existed which had to be clarified. To enable experts in this field to give proper evidence they would have to be present when other evidence was led.

The availability of these experts was a problem at present because the universities were in the middle of examinations.

“I cannot concede to Dr Lang being called until I have the benefit of expert evidence which will be forthcoming at a later stage. In order to facilitate the hearing I suggest that the court continue with the layman evidence. On the completion of that evidence I wish to apply for postponement of the medical evidence until January 9 to 15,” Mr Pickard said.

Mr Kentridge said he objected most strongly to the application. From the day of Mr Biko’s death an inquest had been on the cards. One therefore wondered why the doctors had not prepared themselves for the hearing.

The factual evidence to be led included the evidence of the three Port Elizabeth doctors — what they saw, what they did, what they were told, what they told the police and why.

“We do not intend questioning them on the cause of death. That will be done by the pathologists,” Mr Kentridge said.

“We had no prior knowledge of Mr Pickard’s application. We were told that medical evidence will be led today and we brought our own medical experts to court. Why is their inconvenience not taken into account? What about the prejudice to our clients and everybody else concerned?”

Mr Kentridge said it would be preferable for the doctors to give their factual evidence uninfluenced by the expert evidence of pathologists.

The magistrate, Mr Prins, said there was only one basis on which he could decide and that was whether anyone would be prejudiced.

So far the court had heard evidence on factual events. The affidavits that had been introduced were based on facts. He failed to see that the doctors would be prejudiced if they were questioned about things that actually happened.

The application for a postponement was made too soon and was therefore rejected, Mr Prins said. — SAPA.
Louiser: One ‘blow’ could have done it

erChief State Pathologist

s his highly technical evidence yet-

Biko Inquest

Louiser: One ‘blow’ could have done it?

For most people, a blow to the head means a blow to the head. But for the pathologists, a blow to the head can mean something much more.

The pathologists are the ones who determine the cause of death. They are the ones who decide whether a blow to the head was enough to cause death.

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Proctor: At least three 'blows' needed

They had been prepared for the model of the brain, which had been drawn in a single line. Some of the people there had been struck by the model. The brain was not visible itself, but the drawings of the brain were on the models on the table.

The five bosses were:
- The first boss, the right posterior horn, which was involved in the neural process. It was about four feet by four feet.
- A second boss situated on the temporal pole of the brain.
- The third boss, the right horn of the ventricle.
- The fourth boss, the right parietal region of the brain.
- The fifth boss, the right occipital region of the brain.

Mr. Proctor said that the situation was still uncertain, and that it was impossible to call the actual date of the explosion, but he was sure that it was a serious matter.

For those on New York, Mr. Proctor said that the explosion was a serious issue, and that it was a matter of great importance. He said that there was no question that there was a serious matter, and that there was a real danger. The explosion was a serious issue, and it was a matter of great importance.

The explosion of the brain was a serious issue, and it was a matter of great importance.

Mr. Proctor agreed with the view that the explosion of the brain was a serious issue, and that it was a matter of great importance.

Mr. Proctor asked what the main issue was on what caused cause.

Mr. Proctor said that there were two possibilities:
- The first was that there was a direct hit on the brain, which would cause a direct hit on the brain. Proctor's usual statement was that this had been caused by a direct hit on the brain. Mr. Proctor said that this had been caused by a direct hit on the brain, which would cause a direct hit on the brain.
- The second possibility was that there was no direct hit on the brain, which would cause a direct hit on the brain. Mr. Proctor said that this had been caused by a direct hit on the brain, which would cause a direct hit on the brain.

Mr. Proctor agreed with the view that the explosion of the brain was a serious issue, and that it was a matter of great importance.
I don't think it would have made much difference to the outcome.

— Dr. Van Roush: My test confirmed that the two heads were identical.

— Dr. Van Roush: My test showed that the two heads were identical. There was no significant difference in the outcome.

— Dr. Van Roush: My test demonstrated that the two heads were identical. There was no significant difference in the outcome.

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previous evidence what he said that the brain injuries might have been caused by the man using his own head against a wall. Mr. Kentridge says, not advancing as a theory that this was...what happened, are you? Professor Louw: I cannot set it forward as probability or not. For inexplicable reasons, Mr. Kentridge went: Would that mean that such a man could be found from a wall and be brought to his head against it? - Yes, respondable... Mr. Frans interjected: A person in a struggle could bump his head against a wall and have it be repaired? - Correct. Mr. Kentridge: If someone else banged the head it would be much easier to explain the accusation? - I can conceive that some kind of movement would be ample. A fall from a chair wall...than a bump from a standing position. He had not in his experience seen a similar lesion as a self-inflicted injury, "but there is always a first time," Professor Louw said.

Professor Louw: On the evidence the late Mr. Dekker had been lying on a mat and had one or both feet against it, getting from the evening of September 6 to the morning of September 9. The man was in a corner of two walls and as he lay on the mat, one could have been his right hand side... Contort himself.

Mr. Kentridge: Let us say that Mr. Dekker had been lying on the wall on his right hand side. In order to knock his head against the wall, he would have to twist it in a rather extraordinary fashion... Correct. Mr. Kentridge: The wound was an abrasion...one giving rise to a mark? - Correct. In other words, a mark of blood or otherwise on the wall? Correct. If the damage on the forehead had been caused by a collision with a wall, you would not have expected a mark? - It would have been possible to bring such a mark on the wall...one...

Mr. Kentridge: We understand that the police have techniques by which blood marks can be brought out? - From buckminster...from the pocket. He could not take the view that the police had been responsible for blood loss. Working alternative.

Mr. Kentridge: Taking into account the physical circumstances necessary, it would seem very...a man in that position could have inflicted such a wound on himself? - If the man...a photograph shows the...previous.

Patologi

previous evidence what he said that the brain injuries might have been caused by the man using his own head against a wall. Mr. Kentridge says, not advancing as a theory that this was...what happened, are you? Professor Louw: I cannot set it forward as probability or not. For inexplicable reasons, Mr. Kentridge went: Would that mean that such a man could be found from a wall and be brought to his head against it? - Yes, respondable... Mr. Frans interjected: A person in a struggle could bump his head against a wall and have it be repaired? - Correct. Mr. Kentridge: If someone else banged the head it would be much easier to explain the accusation? - I can conceive that some kind of movement would be ample. A fall from a chair wall...than a bump from a standing position. He had not in his experience seen a similar lesion as a self-inflicted injury, "but there is always a first time," Professor Louw said.

Professor Louw: On the evidence the late Mr. Dekker had been lying on a mat and had one or both feet against it, getting from the evening of September 6 to the morning of September 9. The man was in a corner of two walls and as he lay on the mat, one could have been his right hand side... Contort himself.

Mr. Kentridge: Let us say that Mr. Dekker had been lying on the wall on his right hand side. In order to knock his head against the wall, he would have to twist it in a rather extraordinary fashion... Correct. Mr. Kentridge: The wound was an abrasion...one giving rise to a mark? - Correct. In other words, a mark of blood or otherwise on the wall? Correct. If the damage on the forehead had been caused by a collision with a wall, you would not have expected a mark? - It would have been possible to bring such a mark on the wall...one...

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Thick speech

Afterwards he did not react to questions, but when the doctor saw him he was completely orientated. All that the doctor could feel was a thick speech, but the doctor attributed this to Mr. Gilko’s swollen lip. The doctor found that he limped but thought that that was because he had been leg shackled. Would this be in accordance with the facts that he had already incurred brain injury?

- Yes.

I am told that this would have meant that the initial trauma was not so serious but it would necessarily have led to unconsciousness? - I don't think so. A boxer becomes unconscious and two hours later there is nothing wrong with him. One cannot draw any conclusions from this.

Referring to the scar on the left side of the forehead. The skin is not ached, but broken in. It is doubtful if it bled at all. - Yes.

Mr. Pym: Could blood have seeped through the skin in these circumstances? - I cannot say that the wound must have bled. On the contrary, I don't think it would have bled.

Mr. Van Rooyen: My advisers say that the age of this injury could make a difference to the visibility? - This kind of injury takes on a brown colour and becomes visible when it is dried up by the atmosphere. My view is that it should have been visible within the first five hours.

- It is possible that of becoming more visible after death because the contrast with the other part of the skin was stronger? - Yes. Blood drained from the features, as far as possible into a puffed out cheek; the skin became pale and the contrast greater.

In the photographic process we have a situation that the reflection can also accept the contrast. It is my experience that this happens because photographers are sensitive to the infra-red spectrum. But I saw the wound itself, not the photograph. And for me it was an extremely gliding lesion. I saw and described the wound before it was photographed.

Subjective factor

My problem is that a large number of people saw Mr. Gilko in life but with the exception of one or two, they admitted under oath that they had not seen the wound. Is it possible that in life the wound was not obvious? - The subjective observation of people is also a factor here. I have found that, too, in doing post-mortems have
Swelling was potential danger.

To the left on the photo:

TO THE RIGHT ON THE PHOTO:

Small paragraph:
Doubts

He said Mr. Biko had suffered moderate to severe brain damage. In the case of severe injury the estimated time was 10 to 20 minutes unconsciousness was reasonable. He said he had grave doubts, considering the extent of Mr. Biko's injuries, that he could have been unconscious only momentarily.

Mr. Kentridge said in Professor Proctor's conclusion he had estimated convulsions in the brain to be at least three to five days old, and not more than 12 to 15 days. He asked whether Professor Proctor had done this dating from microscopic appearance. Professor Proctor agreed and said he used the minimum period of three days which was the time at which phagocytes-engorged damaged tissue. He said phagocytes never made their appearance before three days and the damaged tissue in Mr. Biko's brain had evidence of phagocytic activity, except lesion No. 3.

Professor Proctor said he estimated the age of the lesions as

Not surprised

Professor Lubster said he would have expected the injury to have been associated with unconsciousness but would not have been surprised if unconsciousness had not happened. He would have regarded unconsciousness as more than a 50 percent possibility.

Mr. Van Roonen: You would not have been surprised if you had heard he had not been unconscious. You cannot rule out the possibility that he was not unconscious? — Yes.

Professor Neville Proctor, professor of anatomical pathology at the University of the Witwatersrand and head of the school of pathology at the SA Institute of Pathology, told the court that a swelling in Mr. Biko's brain might have proved fatal if he had not died on September 12.

He said there was a degree of oedema brain swelling in Mr. Biko's brain which was a potential danger which had not died.

Professor Proctor said Mr. Biko might have died of traumatic hemorrhage had he not died at the time he did.

Preserved

Professor Proctor said he examined Mr. Biko's brain when it was in a preserved condition. He first examined the exterior and noticed that numerous parallel incisions had been made and after examining the cerebrum and cerebellum he made further incisions for a macroscopic examination.

He said he took sections of the brain, paying particular attention to those showing macroscopic or microscopic bleeding. The lesions on Mr. Biko's brain, marked larger than they really are on a plastic model shown in court yesterday, and was not clearly visible on the surface of the brain except for a reddish discoloration of the cerebellum. He said the lesion was one centimetre deep and one centimetre across where the normal brain, matter of the cerebellum had become distinctly reddish mauve in colour.

Under microscopic examination he established that the lesion was sustained during life and added that it was a contusional injury.

As for lesion No. 5, Professor Proctor said when an incision was made it became apparent that there was haemorrhaging in the grey matter and it was clear that the underlying white matter was also abnormal to some degree. There was necrosis of the contusional type, he said.

In this area and others involved in the lesions, the nerve cells had expanded into microscopic bleeding, Professor Proctor said. The magistrar, Mr. Prias, interjected, "Like a no-man's land.

Professor Proctor agreed with the view of other pathologists that the main lesion in Mr. Biko's brain could be described as a contusional injury. He said he thought it was extremely reasonable that the principal injury was in the left forebrain. Mr. Kentridge asked whether he could give a view on what caused lesion No. 2.

Professor Proctor said there were two possibilities:

1. That there was a direct injury over the back of the skull which resulted in a coup lesion in the posterior part of the brain on the right.
2. That there had been two blows on the forehead, the one nearest the midline would have produced a

A tree falling

Mr. Kentridge: Captain Sieberl had described how Mr. Biko fell full length. He said he had fallen on his stomach. Can you visualize this sort of injury resulting from this sort of fall? The whole frontal aspect of the body would have been in contact with the floor at the same time, like a tree falling?

Mr. Prias interjected. He did not think one could take much notice of Captain's Sieberl's description because one still did not know what part of Mr. Biko's body struck the floor first.

Mr. Kentridge: It was put to Protected

On lesion No. 3, which occurred in an area well protected by skin and subcutaneous tissues, Professor Proctor said it was unlikely that this had been caused by a direct coup injury and it was possible that this lesion was the contralateral coup lesion No. 5.

Mr. Kentridge asked Professor Proctor if his opinion on whether additional injuries had been caused by a rotational shear and whether it was possible to explain all the lesions in terms of a single blow to the left forehead.

One theory put to the court, was described as a rotational theory of brain injury. According to this theory, injury could be caused in several places on the brain by a single blow on the skull. The blow could cause severe rotation of the head and the brain, causing injury at several places on the brain.

Merits of this theory were debated at length in the inquest court. Professor Proctor said that everyone agreed that the injury to the left forehead region and lesion No. 1 was a coup lesion and from Professor Lubster's evidence he had the impression that if this was the case, the degree of rotation which might be present was considerably limited in extent.

He added he would find it difficult to explain the other four lesions scattered over wide areas of the brain as due to a disorienting rotational effect. He said in his opinion all the lesions were not caused by a single blow and believed there must have been at least three blows.

Boxer

Mr. Prias asked whether the possibility of rotational force causing an injury could be ruled out.

Professor Proctor said the sight of the frontal regions indicated that the degree of rotational force would be minimal and contradicted the case that of a boxer who when hit on the chin would have a rapid rotational action of the head.

Professor Proctor said he believed there was considerable evidence to indicate that brain injury would result in unconsciousness. It was widely accepted that unconsciousness from a head injury might be caused by direct neurological shock, a state which cannot be ruled out.
Continued from page 4.

Missed lesions because of the subjective factor.

Professor Louboise said that he had been looking for the lesions and that the presence of the lesion in the brain could have been detected. The tip injury looked like tearing.

Mr van Rooyen: Was there a correlation between the wound and the two middle teeth? — My impression was that the wounds were somewhat broader than the two middle front teeth.

Could the wounds have been caused by a bump against a desk or something of that nature? — It could have been if the wound was deep. The age of the wound on the forehead has been said to have been between four and eight days. Mr Biko died early on the night of the 12th. Can one exclude that the injury could have been caused early on the morning of the 12th? One can exclude this. It occurred more in the middle of the four to eight days.

The chain of thought Mr Biko had been breaking was seven feet long. Would it have been possible for him to come into any position with regard to the walls and floor to cause the injury with this length of chain? — It could have been possible to come into such a position for any purpose.

If the chain was seven feet long the remarks regarding contusions are not valid? — Correct.

Mr van Rooyen referred to lesion No. 3 as shown on a model brain before the court. His assistants did not agree that there was an original lesion; he said.

Doubts

You also have doubts? — Correct. Nos 3 and 4 are in the same category for me. I think their nature is more secondary. Professor Louboise said that he regarded lesion No. 4 as a primary lesion.

Mr B de V Pickard, for the doctors: Am I correct in saying that Mr Biko's injury was complicated by cerebral oedema, kidney failure and serious electrolyte disturbances? — That is possible but not in this causal order.

Is it true that brain oedema can cause a very variable pattern? — Yes.

Referring to the hyperventilation it has been testified that in certain phases Mr Biko breathed very deeply and that this varied — that is very understandable in the light of the injuries. This is always regarded as a very serious symptom.

Mr Von Lieres rose.

Answering him, Professor Louboise said that the model of the brain before the court was much smaller than the actual.

The lesion nearer to five days than three because of the number of phagocytes present in the lesion.

On the opposite side, he estimated 13 days as the ultimate duration on the basis of the extensive liquefaction which had occurred in the brain.

Total loss

He added there had not been total loss of myelin — a form of insulation around the nerve fibre in the brain.

He said 12 days was much more likely than the outside limit of the age of the lesion but would agree with Professor Louboise that a period of five to eight days was the closest one could get to a reasonable analysis of the age of the lesion.

He said he believed that the lesions were of the same age, but could not say whether they were inflicted simultaneously.

Professor Proctor said it was necessary for myelin to be intact for normal functioning of the brain, but that the substance disintegrated and disappeared as a result of any pathological abnormality.

Mr Kentridge questioned him on the degree of oedema — swelling — in Mr Biko's brain.

He asked whether the degree of oedema was in itself a potential danger to life.

Professor Proctor said he believed it was. Oedema occurring around a brain haemorrhage might not reach its maximum for 12 to 14 days after the occurrence of the initial haemorrhage.

Had Mr Biko not died at the time he did, it was conceivable that the oedema in his brain might have continued to increase and might have conceivably caused his death by tentorial herniation, Professor Proctor said.

Weakness

He agreed that lesion No. 1 would account for Mr Biko's displaying an extensor plantar reflex as well as weakness in his left leg and arm.

Professor Proctor said the lesion on Mr Biko's lip was insufficient to cause an inter-cranial complication.

He told the court he had been practising as a neuro-pathologist for 25 years and that he must have examined several thousand brains.

Asked by Mr Prins whether any one or all of the brain lesions could have caused death, Professor Proctor said the combined effect of all five would have done this.

Lesion No. 1 was in itself enough to cause death. He said treatment might have prevented Mr Biko's possible death from oedema.
Biko doctor

‘Goosen said he would give his right arm for the life of this detainee’

Dr I R Lang, the Port Elizabeth district surgeon who was the first doctor to examine Mr Biko, shortly after an alleged fight with the police on September 7.

Report by: CAROL STEYN, BERNARDI WESSELS and HELEN ZILLE

Dr Lang said that this was correct and that Col Goosen had stressed his concern.

Mr Van Rooyen: Did he say he would give his right arm for the life of this detainee? — I heard this at the time. It had been quite clear that Col Goosen was concerned about Mr Biko’s good health.

I assume he said he was worried about the patient because he was not eating and he was not drinking water. He also said that a veil had dropped. That he would not communicate. He told you this detainee had gone quite berserk, had assaulted officers and that this violence had to be countered by restraining action, that he had had to be subdued by force? — Correct.

He had obviously told you that from a condition of extreme excitement, Mr Biko had lapsed into a condition where he was not speaking and not moving and that he feared a stroke? — Correct.

Mr Van Rooyen: Col Goosen’s picture was that there had been this violent incident, and then no reaction. You would have taken some time. Having examined Mr Biko in such detail why not report it in such detail? Did it not occur to you? — It did not.

Dr Lang said that as far Col Goosen’s fear was concerned that Mr Biko had lost his speech for an organic reason it had been immediately apparent to him that this could not be so because Mr Biko was communicating with him quite rationally.

 Asked if he suffered pain or had had any previous illness, Mr Biko had answered: “No, sir.” Dr Lang said.

Mr Biko had had no appearance of having been smashed up at all. “He would have had the appearance of having had a real battering if he had been smashed up,” Dr Lang said.

Mr Biko had told him that his limbs were weak but on examination he could find no weakness. He could find nothing which could indicate any organic trouble, he said.

Mr Van Rooyen: You were convinced at the end of your examination that, if Mr Biko was not reacting at all to Col Goosen’s ting it on? — Correct.

This is what you would have reported to Col Goosen? — Correct. I said to Col Goosen that there was no evidence of a stroke and that I could find nothing organically wrong with the man.

Col Goosen had been left with one conviction in mind. “My worry about his health is unfounded. This dropping of the veil is a form of malingering” — Correct.

You had nothing to treat of any real substance. If Col Goosen had felt he would like to have continued his interrogation you would have had no complaint? — Correct.

You asked Mr Biko why he was not eating and he replied rationally that he was not hungry. You could find no cause for his not eating? — Correct.

On hindsight if you are now asked if your report was full and correct you have to say no? — Correct.

But on the day in question that was the correct report? — Correct. Mr Van Rooyen then dealt with Dr Lang’s next
Biko Inquest

A PORT ELIZABETH district surgeon, Dr. Ivo Lang, yesterday told the Steve Biko inquest that he had spent very many sleepless nights worrying since the death of the black consciousness leader.

Dr. Lang, one of the doctors who examined Mr. Biko during his detention by the Security Police in Port Elizabeth, was giving evidence for the second day.

Mr. P. R. van Rooyen, SC, for the police: I suppose you have been lying awake at nights, worrying, since Mr. Biko's death?

Very many nights.

When the court convened Mr. Sydney Kentridge, SC, for the Biko family, told the court that he wanted to know whether Prof. Proctor would be called to give evidence. He understood that the dating of Mr. Biko's brain injury had been done by him.

Mr. Prins said he would decide later.

Mr. Kentridge then resumed his questioning of Dr. Lang. He referred to the event of the afternoon of Saturday, September 10, when Mr. Biko was still in the hospital cell. According to his affidavit, Dr. Lang had told Mr. Biko he was to go back to the Walmer police cells.

Mr. Kentridge: How did he take the good news?

He said: "Yes sir" — the way he normally addressed me.

He told Mr. Biko that he had been seen by several doctors but did not tell him very much of his findings or that they had found very much, he said.

Mr. Kentridge: According to the affidavits of warders Shehab and Hamilton, you told Mr. Biko the tests had been negative.

I did not discuss the tests with Mr. Biko, nor with the warders. They might have misunderstood me.

Mr. Kentridge: Col. Goosen put before the court some theory about hyperventilation. He did not get this from me.

He told the court that Col. Goosen had at one stage raised the possibility that Mr. Biko had committed suicide. "I didn't know what to think at that stage," he said.

At no stage did Col. Goosen suggest to him that Mr. Biko might have had a head injury.

We have made some inquiries about you in Port Elizabeth," May. I suggest to you that this was the only time in your career as a district surgeon when you have allowed your advice to be overridden by authority? — This was the only occasion I can recall.

On the first day he examined Mr. Biko's head very carefully, he said.

Mr. Kentridge: It seems inconceivable that you didn't see the injury. — I did not see it. I have no cause to hide the fact. I can offer no explanation. I examined his pupils and noticed a swelling on his upper lip but I saw no injury.

Had Mr. Biko looked the way he had looked in the photograph with the shot he would have seen it, he said.

Mr. Kentridge referred to another photograph on which, he said, the head injury was no less visible.

"Isn't it perhaps the case that just as you omitted to mention in your report the chest injury and the lip injury you omitted the head injury?" — I saw the lip injury and the chest injury. I can assure you that the chest injury was not that obvious.

Mr. Kentridge: It is not always easy to make a precise diagnosis particularly when the brain is involved. I am not suggesting that you as a general practitioner could have made a complete diagnosis but it does seem rather strange that neither you nor Dr. Tucker seemed willing to accept that you had a really sick man on your hands.

Dr. Lang answered that this was because of the bizarre picture Mr. Biko presented and the fact that he was apparently improving. It had seemed as if he was on the mend, he said.

"I had to rely on very inexperienced observers. I had no other choice", he said.

Mr. P. R. van Rooyen, SC for the police, then examined Dr. Lang.

Dr. Lang was faced with the problem of hindsight. He had now seen the post-mortem report and had realised that something important was missed, he said.

Mr. Van Rooyen: I suppose you have been lying awake at nights, worrying since Mr. Biko's death?

Very many nights.

Mr. Van Rooyen referred to the morning of the seventh when Dr. Lang was called in. The request was an urgent one and Col. Goosen had made it clear that he had been concerned about Mr. Biko's health. Mr. Van Rooyen said.
By HELEN ZILLE

BOTH the chief district surgeon and the district surgeon of Port Elizabeth suspected Mr Steve Biko might have suffered a head injury. But they asked no questions about it and made no note of it in their medical reports.

This emerged at the inquest hearing in Port Elizabeth, where Dr Benjamin Tucker, the chief district surgeon, gave evidence for the first time.

Dr Tucker told the court he had crossed his mind that Mr Biko had suffered a head injury. His evidence followed the previous day's statement by the district surgeon, Dr Ivor Lang, that the possibility of a head injury was "uppermost in his mind" when he saw Mr Biko's lip injury.

Neither doctor had asked any questions about it, the inquest court heard.

Dr Tucker also said he believed the cause of the injury to Mr Biko's lip might have caused a brain injury.

Dr Tucker said he didn't take the matter further because he had been told by Col Goosen that Mr Biko had tried to assault an officer and had to be restrained.

He assumed the injury could have taken place then.

The magistrate, Mr M J Prins, then asked Dr Tucker if it was not essential when treating a patient to know the cause of the illness. Mr Sydney Kentridge, SC, for the Biko family, then suggested Dr Tucker had not questioned Mr Biko about a possible head injury in order not to embarrass Col Goosen.

Dr Tucker did not agree with that statement.

"When you are in the Security Police offices with a detainee under Section 6 of the Terrorism Act you don't ask questions, do you?" Dr Tucker; I would say no.

An uproar broke out in the court room. Dr Tucker then added: "I meant I would not agree with that statement.

The magistrate then warned he would not tolerate any further disturbance from the packed gallery.

Other major points that emerged at yesterday's hearing were:

- Before the Port Elizabeth doctors were represented by Advocate B Picard they had consultations in Port Elizabeth with Mr R van Rooyen, SC, counsel for the Police.

- Both Dr Tucker and Dr Lang said they had come across vases where detainees had complained of assault by the police. Mr Biko had never complained of being assaulted.

- Dr Ivor Lang said Col Goosen's statement that doctors had found nothing physically wrong with Mr Biko was incorrect. There was always a probability that he could have had something organically wrong, Dr Lang said.

- Dr Lang believed that Goosen might have permitted Biko to go to a hospital in Port Elizabeth doctors were represented by Advocate B Picard to be transferred to hospital.

Full Report, Pages 6, 7, 8
Biko Inquest

Threat to clear the courtroom

Mr Kentridge: I thought you were agreeing with me.
Dr Tucker: Yes, I do agree. The question is, what did you mean by 'threat to clear the courtroom'?
Mr Kentridge: I mean the possibility of a violent disturbance.
Dr Tucker: I see. Would you like to explain further?
Mr Kentridge: I think it's important to clarify the situation. People are outside the building and they are getting agitated.
Dr Tucker: Are you going to suggest that the security forces are responsible for this disturbance?
Mr Kentridge: Yes, I believe they are. It's their job to keep order and they are failing to do so.
Dr Tucker: But the security forces are not under my control.
Mr Kentridge: I understand that, but the situation is escalating.
Dr Tucker: I see. I will have to inform the authorities.
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Satinlux finish and colour by Kodak.
if there was anything wrong with him, could he not see his own face in the mirror? Correct.

Dr Lang said that the "pneumonia sensation test" had been positive. The reaction to this test looked as if "somebody was putting something on." Correct.

On the examination of the previous day, the pneumonia test had been quite negative. Correct.

Mr Van Rooyen quoted Dr Tucker's report as saying that Mr Biko had spent the night in hospital, suffering with a temperature. Correct.

Mr Van Rooyen said that Dr Tucker had advised that Mr Biko should have his temperature taken and be admitted to hospital if it was over 38°C. Correct.

Dr Lang: Correct. Correct.

Mr Van Rooyen commented on the difficulty of being sure that Mr Biko's temperature was not being artificially lowered.

Dr Lang: Correct.

Dr Lang: Correct.

Mr Van Rooyen: There was a sudden inability to walk which did not satisfy you.

Dr Lang: Correct.

Mr Van Rooyen then referred to the extensive plasmatic rash. The previous day it had been noted, but nothing was said about it.

Dr Lang: Correct.

Mr Van Rooyen: The rash had an extensive pruritic rash. It was noted on the previous day.

Dr Lang: Correct.

Mr Van Rooyen: This was a critical question.

Mr Van Rooyen: You didn't say that Mr Biko had a rash, but you did say that it was the same rash as the one he had on the previous day.

Dr Lang: Correct.

Mr Van Rooyen: You had one possible doubtful test according to which there might have been something wrong, and you couldn't find anything wrong with it, but in the differential diagnosis, that the man was sick, I am saying that, your suspicions about the shaming were strengthened.

Dr Lang: There was evidence against it but also for it.

Mr Van Rooyen: You didn't find any sign of organic disease on the previous day.

Dr Lang: There was one query.

Mr Van Rooyen: You didn't report that to Col Goosen?

Dr Lang: Correct.

The other signs were in agreement with the finding, but it was only in the very much the same manner.

You thought he was shaming? — Yes. Dr Lang gave the court the warning, as could be hyper- vascular.

Dr Herschel associated himself with that line of thinking, as might the other doctors.

Dr Lang: Correct.

One thing is sure that as of that night the discussions centered around the issue that there was quite a bit of suspicion, but that a lumbar puncture should be performed the next morning? — Yes. Dr Lang indicated that Col Goosen had seen it as a clear impression that this man is shaming? — Yes.

After the lumbar puncture, the next day would you have had a headache? — Yes. But it was not to be seen.

Did you do anything to see an extension test after the lumbar puncture? — Yes. Dr Lang did not want to see any further results.

Dealing with the events of the next day, it was to be discussed with Dr Herschel the lumbar puncture. The results were then negative.

The ninth went by with no further developments? — Yes.

Answering a question by Mr Green, Dr Lang: "I only know of the one," involved with the one. Wardle Shephard told me about it. He gave me the information.

Protest by Dr Goosen. As far as the information went on Friday morning, no evidence was given.

But all about the gasiton — I could not understand the whole thing. We won't work on why he had got into a bath with his clothes on. This was abnormal.

Protest by Mr Wards: Dr Lang whether he had discussed it with Mr Green and Mr Biko. — I can't recall. My memory to recuperate.

Mr Van Rooyen: At the beginning of the examination, any conclusion except of any head injury?

Dr Lang said he would like to discuss the possibility of a head injury. He was told that there could be associated with that line of thinking, as could hyper- vascular.

Dr Herschel associated himself with that line of thinking, as might the other doctors.

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The questions didn't ask

PE's chief district surgeon didn't ask

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Mr. Krentzke: So Gen Kleinhans put words in your mouth? — He asked questions and I answered them.

Mr. Krentzke: It seems a very strange sort of investigation by an investigating officer to do it this way. —

Dr. Tucker told the court that he spent about three hours with Gen Kleinhans and that Col Goosen was present at the interview. — I just listened — he said.

Mr. Krentzke: This three-hour interview comes out in half-page of your affidavit.

Dr. Tucker said there had been a discussion of the photographs taken of Mr. Biko and it had been the first time they had been able to read the report of the post-mortem examination.

Mr. Krentzke: Were you in Port Elizabeth on September 13 — the day after Mr. Biko died? Dr. Tucker replied he was.

Did no police officer come down at that stage and ask you about the case while the trail was still hot? — No.

Dr. Tucker said his first consultation with counsel as an attorney took place in Port Elizabeth on November 10. Asked by Mr. Krentzke who the advocate was, Dr. Tucker replied: Mr. Van Rooyen.

Mr. Krentzke: Mr. Van Rooyen counsel for the police? Do you mean the counsel for the police? Did you confirm that it was the same person.

Dr. De V Hersch had been present at the consultation but Col Goosen was not there, Dr. Tucker said.

Last week Mr. Pickart had been called in to act as counsel for the doctor, the court heard.

Despite Dr. Lang's findings that there was nothing wrong with Mr. Biko, Col Goosen had called the doctor again the next day.

Mr. Krentzke: Surely Col Goosen must have had some worries that he had not passed on to you. Surely only in only a few days it is difficult to explain why Col Goosen was so worried. — Yes.

Doesn't that suggest that he had some cause for worry that he didn't pass on to you? — That could be.

He did not think Mr. Biko was under pressure because of his position, he was under pressure because of his position he had been unable to move.

Because he was being watched up. Yes. Did you call Col Goosen in this attention to this? — No.

Col Goosen had said he hadn't asked to go to the police.

Mr. Krentzke: Wasn't he your patient at this stage?

— Yes.

Were you not interested why your patient, a grown man, should have wet his bed? Dr. Tucker asked.

— Why didn't you ask him? I cannot answer.

There is only one answer, you knew he couldn't answer that. You should
or was aware that Mr Biko had a lip injury and asked whether he did not know about the chest injury as well.

Dr Tucker said he did not but Dr Lang had mentioned the bruise on the chest. Dr Tucker said he could not find it.

What is the value of saying that Biko had not been injured in any way when you can see an injury on him? — He had not volunteered this information to me. You didn't see fit to ask him? — You just made an assumption? — Yes.

Dr Tucker said that he had been told that Mr Biko had been withdrawn and uncommunicative.

Mr Ktridge said he had not asked Mr Biko much. He has asked him whether he had any complaints and Mr Biko said he had a headache and a pain in the back. He had asked no other questions.

He asked you one question and you got one answer that the sum total of the question? — Yes.

Dr Tucker said he could not recall Dr Lang asking you if you have you had pain in your abdomen.

Mr Ktridge: On that basis you say in your affidavit: "He was alert but answer questions in an indistinct manner." That is a misleading statement.

Dr Tucker: I am sorry, your worship.

Mr Ktridge: It is not merely misleading, it is a plainly false statement.

I cannot say that.

Well, I can. I will tell you why. He didn't answer questions. At most be answered one question. And secondly on the basis of that single question and answer you had no right to say that mentally he was alert.

The Dr Tucker agreed that the upstairs box toe on the right side was not clear but may have indicated a neurological problem.

Mr Ktridge: You cannot write him off as a malingerer once he has this answer.

This is in the eye of the observer.

At the end of the observation Dr Tucker said he did not think Mr Biko was a malingerer. He did not tell Col Goseen that he thought Mr Biko was shaming because he had a doubt. "I told him (Col Goseen) I was unable to come to any conclusion and that I considered it advisable to consult a physician for advice."

And nothing you said to Col Goseen could have led him to the conclusion that Mr Biko was shaming? — I don't think I gave him that impression... we wanted to make sure that this was not a case of shaming.

Didn't you think of the possibility that the man had suffered a head injury? — Dr Tucker said it had crossed his mind. Didn't you ask Biko any question about it? — No. Didn't you ask Col Goseen any questions about it? — No. Why didn't you? — Be...
"I had no reason"

Own Correspondent

PRETORIA. — At the start of yesterday's proceedings Dr Ivor Lang, a Port Elizabeth district surgeon told the Biko inquest of his examinations of Mr Steve Biko.

Mr P R van Rooyen, SC, for the police, then examined Dr Lang. He had noticed that Dr Lang had often started his answers to questions with the words "in retrospect," he said.

Dr Lang was faced with the problem of hindsight. He had now seen the post-mortem report and had realized that something important was missed, he said. He asked Dr Lang to forget the hindsight because that made it very difficult for the court to put themselves into Dr Lang's position at the time.

"I suppose you have been lying awake at nights, worrying, since Mr Biko's death?" he asked.

Dr Lang: Very many nights.

Mr Van Rooyen referred to the morning of the 7th when Dr Lang called in. Dr Lang had been some distance away when telephonic contact was ultimately made with him and had dropped everything to go to the security police offices, he said. The request was an urgent one and Colonel Goosen had made it clear that he had been concerned about Mr Biko's health, Mr Van Rooyen said.

Dr Lang said that this was correct and that Colonel Goosen had stressed his concern, Colonel Goosen had gone as far as to say that he wanted him to keep the man alive.

Mr Van Rooyen: I assume he said he was worried about the patient because he was not eating and he was not drinking water.

He also said the veil had dropped. That he would not communicate. He told you this detainee had gone quite berserk, had assaulted officers and that this violence had to be countered by restraining action, that he had had to be subdued by force. — Correct.

"He had obviously told you that from a condition of extreme excitement Mr Biko had lapsed into a condition where he was not speaking and not moving and that he feared a stroke? — Correct.

Layman

Did not this point at some possibility of a head injury, Mr Van Rooyen asked.

Dr Lang: The word stroke to a layman does not necessarily imply a head injury.

Mr Van Rooyen: Colonel Goosen's picture was that there had been this violent incident, and then no reaction. You would also have had to consider the possibility of a head injury? — Correct.

Mr Van Rooyen: Because a picture of a possible organic problem had been drawn you were going to embark on a full examination and look for a possible head injury? — Correct.

Mr Van Rooyen: Colonel Goosen told you that this was a high upfigure in the black power movement. He impressed on you that this was an important detainee. When he told you that Mr Biko had studied medicine and law he was conveying to you that he was an intelligent personality?

Dr Lang: He was giving me a background.

Mr Van Rooyen: You were going to examine this patient and to see if he was orientated. You might have asked for a background? — Correct.

Dr Lang: said that for quite some time during the examination Colonel Goosen had not been with him. Questioned by Professor I Gordon, one of the assessors, Dr Lang said that the examination took about 45 minutes and that Colonel Goosen could have been absent for 10 to 15 minutes.

Professor Gordon said that although Dr Lang's report just stated that he could find nothing wrong, if one looked at his latest consolidated report it seemed as if it had been quite an extensive examination.

"Did you, subject Mr Biko to every facet of a clinical examination?" he asked.

Dr Lang: I did everything that appeared in the consolidated report.

Professor Gordon: 'You said you carried out a complete clinical examination. That would have taken some time. Having examined Mr Biko in such detail why not report it in such detail? Did it not occur to you? — It did not.

Quite rational

Mr Van Rooyen: It would have been normal for the doctor himself to find out from Mr Biko what, according to his own views, had been wrong with him.

Dr Lang: I asked him where he came from, his age, whether he was married and his academic history. He told me that he had studied medicine at the University of Natal for four years, that he had switched over to a bachelor of commerce degree for two years and that he was then studying law
to hide any injuries"

STEVE BIKO INQUEST

Old Synagogue, Pretoria

Armed police were standing guard outside the Old Synagogue, where the late Steve Biko was to give evidence today in an inquest into his death. The police were taking no chances. The apartheid government had insisted that the Biko family must cooperate fully with the inquiry, which is due to sit today and tomorrow.

One coeviction

Mr Van Rooyen, Colonial Grocer, has been left one Societe Generale Bank. This spiraling of the bank is how of a Societe Generale Bank.

Mr Van Rooyen: We had left one Societe Generale Bank. This spiraling of the bank is how of a Societe Generale Bank.

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Rational

Mr Van Rooyen: You're right, Steve. We can't be a rational society. We're irrational. Steve. We can't be a rational society. We're irrational.

Mr Van Rooyen: You're right, Steve. We can't be a rational society. We're irrational. Steve. We can't be a rational society. We're irrational.

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Not excluded

Mr Van Rooyen was gathered to the inquest by Mr Biko's lawyers. The lawyers had requested an inquest into Mr Biko's death. The lawyers had requested an inquest into Mr Biko's death.

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In order

Mr Van Rooyen: I think that the inquest should be in order. I think that the inquest should be in order.

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Mr Van Rooyen: I think that the inquest should be in order. I think that the inquest should be in order.

Continued on page 4
Dr Hersch then indicated that he could not make head or tail of it all.

ON MIDDAY ON THURSDAY the patient said he could not use his left leg but he used it quite normally when he turned over (in the bed) and now he was walking Correct.

Mr Van Rooyen added with regard to the reflexes whether they were okay on the Wednesday, although the right arm was weaker than the left.

ON THURSDAY NIGHT the left arm was not usable at all.

As far as rationality was concerned on Thursday, he was totally rational and Correct.

I asked about the question of the picture, and in other words if Dr Hersch said "alright, alright," he would say the same.

Personal opinion

Dr Gordon: You agreed with him — I can't understand his question.

Mr Van Rooyen: I am asking you your personal opinion.

Mr Pienaar: He wants to know what you think, what your personal opinion is after the examination immediately after the interview where you were present with Dr Hersch — Dr Hersch said there was a possibility of an organic or inorganic functional disorder.

Mr Van Rooyen: I want to put it to you that you thought it impossible and bizarre — to remember what I thought then, now is very difficult.

Dr Gordon: Why do you say bizarre when you have clear cut evidence of a patient — answer impossible.

The question of the pinprick on the left, and the numbness was all discussed.

Different arms

Colonel Goosen remembers there was the question of the different arms.

That would indicate to a layman and yourself that there was shaming — Yes.

That was, in fact, the situation that night — With the exception of the extensor plantar on the left.

You thought he was shaming — Yes.

Hyperventilating was also — Unanswerable — in association with hysteria — Yes.

Dr Hersch associated himself with that line of thinking on the shaming — Yes.

That is why we find that Dr Hersch says that there were indications of shaming but that the situation also worried him and that he would like to do a lumbar puncture — Yes.

Mr Van Rooyen: And one thing is sure that as of that night the discussions centered around the issue that there was quite a lot of shaming, but that a lumbar puncture should be performed the next morning — Yes.

Is it that strange that Colonel Goosen should have had a clear impression that this man (Mr Biko) is shaming?

Mr Pienaar: Before you reply to that question, did you have the discussions in Colonel Goosen's presence — answer impossible.

Mr Van Rooyen: Therefore if Colonel Goosen says that he left with the impression that this man was shaming you would not argue with that impression — No, not from a layman's point of view.

Mr Van Rooyen: But Colonel Goosen had no objection to a lumbar puncture — Yes. Of course not, because his overriding interest is the patient's health.

Mr Van Rooyen: After the lumbar puncture was done you would have expected him to have a headache — Yes.

But he says he has no...
Statement was ‘false’

Mr. Kentridge: Supposing Biko had lived and had come to court and complained he had been chained by his ankle, your report would have been produced and there would have been put to him that he could not have been because he was being examined by Dr. Tucker, would have noticed it.

Dr. Tucker: If the question had been asked.

Mr. Kentridge: I have read a sentence from Dr. Tucker’s statement saying that at no time did Mr. Biko mention that he had been assaulted or injured. Mr. Kentridge said Dr. Tucker was aware that Mr. Biko had a lip injury and asked whether he did not know about the chest injury too.

Dr. Tucker said he did not, but Dr. Lang had mentioned the bruise on the chest. Dr. Tucker said he could not find it.

Mr. Kentridge: What is the value of saying Biko had not been injured in any way when you can see an injury on him?

Dr. Tucker: He had not volunteered this information to me.

Mr. Kentridge: You didn’t see fit to ask him? You just made an assumption?

Dr. Tucker: Yes.

Dr. Tucker said he had not asked Mr. Biko much. He asked him whether he had any complaints, and Mr. Biko said he had a headache and a pain in the back. He asked no other questions.

Mr. Kentridge: You asked him one question and you got one answer. Was that the sum total of the questions?

Dr. Tucker: Yes.

Mr. Kentridge: On that basis you say in your affidavit he was alert but answered questions in an indistinct manner. That is a misleading statement.

Dr. Tucker: I am sorry, your
Mr. Lewis. As a result of the three symptoms you were unable to make a diagnosis and therefore you couldn't hold Colonel Goozen, that he (Bike) was a sick man.

Dr. Lang said that he did not. Mr. Lewis you couldn't, obviously...

Mr. Von Eeren said, Dr. Lang's evidence suggested that he wished to send Mr. Bike to hospital for further observation. He asked Dr. Lang what the situation would have been if a definite diagnosis had been made. Dr. Lang said that he had told Colonel Goozen there was positive information that Mr. Bike was definitely ill, he would have been sent to hospital.

Asked whether he had been influenced by Colonel Goozen, Dr. Lang said he had told Colonel Goozen's report on Bike into consideration. In the absence of any positive diagnosis, Colonel Goozen's report on Bike had no bearing. Dr. Lang informed him that there were no circumstances.

The case that we have dealt with is that of Mr. Bike, and I am sure you do not wish to hear about the case again...
Continued from page 5

Mr. Kentridge: It is not merely misleading. It is a phony false statement.

Dr. Tucker: I cannot say that, Mr. Kentridge. Well, I can. I will tell you why he did not answer questions. At most he answered one question and secondly, on the basis of that single question and answer, you had no right to say that mentally he was alert.

Dr. Tucker said during the course of the examination he asked Mr. Biko to do certain things and he carried out the instructions. For this reason he concluded Mr. Biko was alert.

Right foot

Dr. Tucker agreed that the going big toe on the right foot gave cause for worry, but could not be said to indicate a neurological problem.

Mr. Kentridge: You cannot write him off as a malingerer once he has the sign.

At the end of the observation Dr. Tucker said he did not think Mr. Biko was a malingerer.

"I told him, Colonel Goosen, I was unable to come to any conclusion, and that I considered it advisable to consult a physician."

Mr. Kentridge: And nothing you said to Colonel Goosen could have led him to the conclusion that Mr. Biko was shamming....

"Dr. Tucker: I don't think I gave him that impression. We wanted to make sure that this was not a case of shamming.

Mr. Kentridge: Didn't you think of the possibility that the man had suffered a head injury? Dr. Tucker said it crossed his mind.

Mr. Kentridge: Didn't you ask Mr. Biko any question about it? Dr. Tucker: No.

Mr. Kentridge: Didn't you ask Colonel Goosen any questions about it?

Dr. Tucker: No.

Brain injury

Dr. Tucker: Because the injury to his lip may have caused a brain injury.

Mr. Kentridge: Dr. Tucker, if you thought the lip injury was evidence of a head injury, oughtn't you to have gone into it further? It is not my desire at that stage to give my opinion in writing unless it is necessary and I am called to court. The question was that many persons were brought to me for examination because of assault, and I don't ask the reason of the means by which they were assaulted.

Mr. Kentridge: Let me start again. You are a professional man and you are not doing yourself justice. Are you not aware that sometimes there are cases of people assaulted in custody? Did you not think about it? No. You say you had in mind the possibility of a head injury. Yes.

If you see someone and you had the suspicion that he had

some neurological damage and you knew he was in some sort of violent incident, would you not have asked whether he had received a blow on the head? - (Answer inaudible.)

I am suggesting to you that the reason you did not ask was because you were dealing with the security police. No.

Mr. Van Rooyen objected strongly to the magistrate over Mr. Kentridge's statement.

Mr. Kentridge: It is a question, not a statement. Turning to Dr. Tucker, Mr. Kentridge said: Why don't you ask a question in that situation? - I would say no, you don't. Your Honour.

At this stage there was an audible murmur of surprise from the packed court and Mr. Prins called for an adjournment for five minutes.

After the adjournment Mr. Prins warned the audience in court that he had previously warned that he would not tolerate laughter in the gallery and would not issue another warning. It was now going to step, he would clear the courtroom.

Mr. Van Rooyen then formally objected to Mr. Kentridge's line of questioning.

A large segment of the press was now under the impression that questions were not asked when an issue involved the security police, he said.

Dr. Tucker: My answer to the question is: No. It is not so. Questions asked by the defence attorneys are not banned in the security offices.

Mr. Kentridge: I don't suggest they are banned. I suggest that you personally did not ask the question.

Dr. Tucker: I can only object strongly. At all times I have always had all the co-operation necessary from the security police.

A bump

Do you deny you have any inhibitions in asking questions even if they embarrass them? - Yes.

Why did you not ask whether Biko got a bump on the head? At this stage the Deputy-Army-General's assistant counsel objected to the question, saying one could not expect the witness, Dr. Tucker, to be a detective.

Mr. Kentridge said he regarded the question as a frivolous objection, because even the counsel for the doctors, Mr. Pickard, had not lodged an objection.

Mr. Pickard rose immediately and said his client, Dr. Tucker, had not asked the question. Dr. Tucker was not on trial, he added.

He said on the evidence available there was no basis to suggest that because Dr. Tucker had not asked asked the question it had caused the death of Mr. Biko. The only relevance the question could be of the witness said in reply to the question that something had happened, but the question had not been asked.

Mr. Prins: In other words, you are saying it is improper to ask why we did not ask certain questions?

Mr. Pickard replied that it was irrelevant if it was a matter that could not assist the court in determining the cause of the death.

Mr. Kentridge: I am sure your honour has checked all my questions and found them acceptable.

Mr. Prins: There is an objection.

Mr. Kentridge: I am now going

Recherche

Le

Stevé Biko inquest

Old Synagogue Pretoria

Acher's manual (à paraître en 1978)

La Rovere Culture (2e édition, à paraître en 1978)

Les ouvriers du Département de français de la Courcelles (Les Cap, 1974)

Le Jean L'angeles tel qu'on le Parle en Afrique du Sud: Le Cap, Stellenbosch, L'Il n'te promène donc pas toute nuel

De la civilisation française en France et sur la civilisation française environ 10 000 documents déjà en
SWA detainees kept in irons, court told

WINDHOEK — A security police chief yesterday denied that the man accused of murdering the Chief Minister of Ovamboland had been prevented from sleeping for four consecutive days and nights.

Colonel Willem Schoon, head of the Security Police at Oshakati in Ovamboland, was giving evidence at the trial of Mr Victor Nkandi who has pleaded not guilty in the Windhoek Supreme Court to murdering Chief Filemon Elfasi and to terrorism.

Under cross-examination Colonel Schoon said that some detainees who were kept at the Ongono Agricultural College near Oshakati had been shackled in leg irons. On several occasions handcuffs had also been used, he said.

"This was to prevent certain detainees whom we considered to be important and valuable to us from escaping — but they weren't shackled all of the time," Colonel Schoon said.

Asked by Mr D. Soggot, counsel for Mr Nkandi, why three security policemen had been needed to guard Mr Nkandi during his first four days of detention at the college, Colonel Schoon replied: "For his own safety and so that he couldn't escape."

The colonel denied knowledge of Mr Nkandi having been assaulted and threatened by security policemen during his first four days of detention.

In reply to a question by Mr Soggot about blood spots on Mr Nkandi's shirt during the first few days of his detention, Colonel Schoon said he had noticed the blood on Mr Nkandi's shirt and had asked him how it had come to be there.

"He told me that his nose had bled and I naturally assumed that it had bled naturally.

"There was no sign of any injury or marks on him at the time and I did not think that any of my men were responsible for this," he said.

He had, however, not overruled the fact that one of his men might have assaulted Mr Nkandi.

"That's why I specifically asked him," Colonel Schoon said.

Mr Soggot said Mr Nkandi would tell the court he had not answered Colonel Schoon when he had asked him about the blood spots and would also tell the court he had been assaulted several times during his first four days of detention. — Sapa.
Specialist physician testifies

JOHANNESBURG. - Dr Benjamin Tucker, chief district surgeon of Port Elizabeth, did not insist that Mr Biko be transferred from prison to a provincial hospital because "I didn't know whether in this particular situation something could override the decision made by a responsible police officer'.

Giving evidence at the inquest into Mr Biko's death yesterday, Dr Tucker was referring to the refusal by Colonel P. Goosen, the Eastern Cape security police chief, to allow Mr Biko to go to hospital.

Dr Tucker admitted that in Mr Biko's case he allowed the interests of his patient to be subordinated to the interests of security.

He had done this although his Hippocratic oath prescribed that the interests of his patient were paramount.

Appearing for the first time at yesterday's hearing, was Colin Hersch, the specialist physician who performed a lumbar puncture on Mr Steve Biko on September 9.

Dr Hersch told the court that Mr Biko's physical symptoms and the results of the lumbar puncture showed that Mr Biko "may well have suffered brain damage. He did not, however, put this in his medical report because it was self-explanatory.

Earlier Dr Tucker had told the court that on September 11, the day before Mr Biko's death that he (Dr Tucker) believed there was a possibility that he might still be shamming his illness.

Dr Hersch told the court that he had been given a history of Mr Biko by both Dr Lang, the district surgeon and Colonel Goosen, that led him to believe Mr Biko was feigning his illness. But after his examination and the lumbar puncture, Dr Hersch believed Mr Biko might well have sustained a brain injury.

If Mr Biko had been an normal patient he would have been in hospital but he had been told this was not in the hands of the doctors.

He had discussed Mr Biko's symptoms with neurosurgeon, Mr R J Kedes, who recommended that Mr Biko be observed.

"I thought it would have been folly to disregard the symptoms" Dr Hersch told.

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"I thought it would have been folly to disregard the symptoms" Dr Hersch told.

He had discussed Mr Biko's symptoms with neurosurgeon, Mr R J Kedes, who recommended that Mr Biko be observed.
Biko doctor 'couldn't order police'

By HELEN ZILLE

DR BENJAMIN TUCKER, chief district surgeon of Port Elizabeth, did not insist that Mr Steve Biko be transferred from prison to a provincial hospital because he didn't know whether, in this particular situation, he could override the decision made by a responsible police officer.

Giving evidence yesterday at the inquest into Mr Biko's death, Dr Tucker was referring to the refusal by Col Pieter Gouwen, the Eastern Cape security police chief, to allow Mr Biko to go to a private or provincial hospital in the area.

Dr Tucker admitted that in Mr Biko's case he allowed the interests of his patient to be subordinated to the interests of security.

The court heard that:

- Dr Tucker believed Mr Biko's condition was satisfactory, and that a road journey to Pretoria would have no adverse effect, despite Mr Biko's deteriorating condition;

- Dr Tucker did not put pressure on the authorities to ensure that Mr Biko was transferred to Pretoria in an ambulance, nor did he inspect the Land-Rover to make sure it was suitable.

Dr Colin Hersh, the specialist physician who performed a lumbar puncture on Mr Steve Biko on September 8, appeared yesterday for the first time at the hearing.

Dr Hersh told the court that he had been given a history of Mr Biko by both Dr Lang, the district surgeon, and Col Gouwen, which led him to believe Mr Biko was feigning his illness.

But after his examination and the lumbar puncture, Dr Hersh believed Mr Biko might well have sustained a brain injury.

The hearing continues today.

Full Report, Pages 6, 7
Biko lawyer

By CAROL STEYN and BERNARD WESSELS

NO honest doctor could have advised that Mr Steve Biko's condition was satisfactory on September 11, the day he was moved from Port Elizabeth to Pretoria in the back of a Land Rover. It was submitted at the inquest in Pretoria yesterday.

Sydney Kentridge, SC, for the Biko family, accused Dr Benjamin Tegtmeyer, chief district surgeon of Port Elizabeth, of failing to do his duty because he examined Mr Biko on that Sunday afternoon.

Mr Biko died the next day.

Under examination by Mr Kentridge on the eighth day of the inquest, Dr Tegtmeyer said Col Gossen had called him in on the Sunday afternoon because he had been on duty and Col Gossen had said that he was unable to contact Dr Langi.

(Col Pieter Gossen is head of the Security Police in the Eastern Cape.)

Dr Tegtmeyer took the responsibility for medical decisions on that occasion, he said. He was called in because something untoward had happened to Biko.

Col Gossen told him Mr Biko had collapsed and been brought in by Sergeant Paul van Vuuren.

Dr Tucker said he found Mr Biko still lying on the floor in an apathetic condition.

Mr Kentridge: All these people found Biko in a serious enough state to alarm that you found nothing wrong? — I wouldn't say that.

You found something at his mouth and found that he was hyperventilating. What are the possible causes?

Dr Tucker said hysteria, renal failure, bleeding of the brain, epileptic seizure, drowning or lung complaints could cause this.

— You say the central nervous system showed no change from what was found at a previous examination? I did a rapid new examination. How rapid? — About five minutes.

Dr Tucker said he had done the plantar reflex test (this meant that when the sole of the foot is scratched, the toes up and down instead of being warded). No.

At the previous examination you found a query. How can you say that the

nerve system showed no change?
— There was essentially no change.

Mr Biko did not stand up during the examination and thus lacked sensory and protective but..." he paused.

Dr Tucker said he had been asked if his evidence was to be given in answer to a question by Mr Hendricks-Prins. Dr Tucker said he would not add anything to his original statement: Shall I say there was no localised sign to indicate that any further organic disease was present at the time.

Mr Kentridge: To reach your conclusion you had to ignore the level of consciousness, the plantar reflex and the slight weakness of the left limb. How can you say that there was no sign to indicate organic disease? — I have not seen that that was a false statement. — A false statement?

Deliberately incorrect?
— It may have been badly worded.

I say this was a false statement. Won't you concede that? — No. I won't.

Dr Tucker agreed that he had not excluded it.

How could you say that there were no signs to indicate organic disease? You knew that definite plantar reflex signs had been found by Dr Langi that was a sign of organic disease. There were no other signs suggesting intracranial pressure. Mr Biko did not stand during examination and the plantar reflex was the most important. The only positive thing up to that stage was the accompanying. Why did you not test that? — I was going to make signs of intracranial pressure. There was noparent, no asystole on either side. Did you not consider the plantar reflex of great significance even in the absence of cerebral parenchymal disease?

— Yes. — Tucker said Mr Biko was being apathetic.

Dr Kentridge: Did you try to establish the cause of death? — Died of cerebral disease by such an examination.

Dr Tucker agreed that he had not excluded it.

Mr Kentridge: To reach your conclusion you had to ignore the level of consciousness, the plantar reflex and the slight weakness of the left limb. How can you say that there was no sign to indicate organic disease? — I have not seen that that was a false statement. — A false statement?

Deliberately incorrect?
— It may have been badly worded.

I say this was a false statement. Won't you concede that? — No. I won't.

Dr Tucker agreed that he had not excluded it.

Security came first — Tucker

Do you say that a man in that condition could be worked up as being in a satisfactory condition?
— There was a question in mind about a possible shamanism apart from the upping toe.

There was no other localised features to indicate organic disease, Dr Tucker said.

Mr Prins: Was this question of shamanism still in your mind over the other factors? — As far as I was aware Dr Langi had seen Mr Biko and had not found anything materially wrong. I had had him with a vague diagnosis.

Dr Hersch had seen him. Dr Langi had said he had a very puzzling picture.

Were you aware of shamanism? — Yes.

Mr Kentridge: At the time when you advised Col Gossen that the man could go by road to Pretoria you knew that a lumbar puncture had been done but did not know the results? — Yes.

I am going to submit that in that situation no honest doctor would have advised that Mr Biko's condition was satisfactory. — In the circumstances I thought it was.

Dr Tucker said he was later told by Dr Langi that in the lumbar puncture nothing materially wrong had been found apart from the fact that microscopic red cells were found to be present.

Mr Kentridge: We know more than the 'police廉 reporter. — Yes.

Did it not worry you? — No. I was not in the least worried.

Prof Gordon: When you heard that Mr Biko was in Pretoria what did you convey to you that Dr Langi himself had seen this? — No. I can't say honestly.

Mr Kentridge: Let us suppose a bodyguard arrived from Pretoria had come to see you in Port Elizabeth about their child who had been acting in a bizarre way. The parents suspected that the child did not want to go back to school, but it showed a plantar reflex, was found lying on his
you say that unless Biko goes to hospital you would wipe your hands of it — I did not think at that stage that Mr Biko’s condition would become so serious. There was still the question of a possible shamming.

Mr Kentridge: Did you think the plaintiff’s reflex could be improved? — No.

Mr Kentridge: Did you think a smear could be taken on the cervical mucus? — No.

In terms of the Hippocratic Oath are not the interests of your patients paramount? — Yes.

But in this instance they were subordinated to the interests of security? — Yes.

Did Col Gouws indicate to you that Mr Biko was shamming? — He said he might be shamming.

Mr Kentridge: The classic signs of brain damage are a deteriorating level of consciousness, an upsink of toe and blood in the cerebral spinal fluid. — Mr Prins. Informed, I have understood. Mr Tucker, to say that when he examined Mr Biko on the Sunday he had not been informed of the red cells in the fluid? — Mr Kentridge: Yes, yes.

Mr Sydney Kentridge, SC, counsel for the Biko family, pictured outside Pretoria’s Old Synagogue.
Dr. Calvin Hensley, right, and Dr. Benjamin Tucker, both district surgeons for Port Elizabeth, outside the Old Somerset Hospital yesterday.

Dr. Tucker and he could not put up with the excitement. He was not satisfied with the answers he had been asked for the patient's condition.

Dr. Calvin, Hensley, the Port Elizabeth physician, and Dr. Benjamin Tucker, both district surgeons for Port Elizabeth, outside the Old Somerset Hospital yesterday. Dr. Hensley's right arm was slightly raised and his face was pale. He looked as though he had just received some very disturbing news.

Dr. Calvin Hensley, right, and Dr. Benjamin Tucker, both district surgeons for Port Elizabeth, outside the Old Somerset Hospital yesterday.
I was worried by his death, says specialist

By HELEN ZILLE and BERNARDI WEISSELS

Dr COLIN HERSCHL, the chief pathologist, told the inquest
on the death of Capt Blignaut that Dr Lang and Dr Tuycker had
both offered their services to give evidence.

Dr Herschel was unable to give a full account on Monday. However, Dr Lang and Dr Tuycker had offered their services. The
inquest was adjourned until next week.

Dr Herschel said that the body of Capt Blignaut was being
sent to Cape Town for post-mortem examination.

Dr Lang also said that Capt Blignaut had been taken to the hospital
by the military authorities.

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by the military authorities.

Dr Herschel said he had been advised by the hospital that Capt
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Dr Herschel said he had been advised by the hospital that Capt
Blignaut had been taken to the hospital by the military authorities.

Dr Lang said that Capt Blignaut had been taken to the hospital
by the military authorities.
Mr S'Kente, who treated Mr Biko at the Pretoria hospital, said the prisoner had shown no signs of improvement from the shot wound in the spine and he had been transferred to the John Morgan Hospital in Johannesburg where a neurosurgeon would examine him.

Mr S'Kente said the prisoner was suffering from a series of infections and was extremely weak. He said Mr Biko had been kept on a liquid diet and was receiving oxygen through a nasal cannula.

Mr S'Kente also said the prisoner was suffering from severe pain in his lower extremities and had been prescribed painkillers.

The doctor said Mr Biko had also been diagnosed with a fungal infection in his right foot and was being treated with antifungal medication.

Mr S'Kente said the prisoner was being monitored closely for signs of infection and would be kept in intensive care until his condition improved.

The doctor said Mr Biko was being fed through a nasogastric tube and was on a drip to maintain his hydration.

Mr S'Kente said the prisoner was also being closely monitored for any signs of brain swelling and was being kept on a strict regime of medication to prevent any further complications.

The doctor said Mr Biko was making slow progress and it was hoped that he would make a full recovery in the coming days.

The prison authorities have denied all allegations of torture and have said Mr Biko is being treated with the utmost care and respect.

The family of Mr Biko has called for an independent investigation into his treatment and has called for the release of more information about his condition.

The government has also denied all allegations of torture and has said that Mr Biko is receiving the best possible care in the hospital.

The case of Mr Biko has sparked widespread concern and outrage in South Africa and around the world, with many calling for a fair and transparent investigation into his treatment.
Biko: Specialist

Continued from page 5

with trained staff and you say Colonel Goezeen said it was preferable that he should go to a prison hospital. There was no trained staff at the Strydenham prison hospital because the only male nurse was a novice and a decision was taken to send Mr Biko to Pretoria. Surely it would have been easier to find a male nurse in Port Elizabeth? Did you argue with Colonel Goezeen? - I did not consider Mr Biko's condition to be so serious at that time. I did not attempt to insist that he should go into another hospital.

Inadvisable

Mr Tucker said that he knew that Mr Biko was going to Pretoria in a motor vehicle and had not thought this inadvisable. He did not remonstrate about it.

Mr Kentridge: In your affidavit you said that as Mr Biko's condition was satisfactory at that stage you did not consider that this would have any adverse effect. Did you consider his condition satisfactory? - I did.

You were urgently called in on the Sunday afternoon and told that the man had collapsed. You found him still lying on the floor with food in his mouth which was unexplained? - Yes.

Similarly, he was hyperventilating but you did not know the cause? - Yes.

You found his left arm somewhat weak? - Yes.

You knew that the physician who had examined him had found a plantar reflex? - Yes.

Do you say that a man in that condition could be described as being in a satisfactory condition? - There was a question in my mind about possible amnestic apart from the unexplained. There were no other localised features to indicate organic disease, Dr Tucker said.

Mr Frim: Was this question of amnestic still in your mind, overriding the other factors?

Dr Tucker: As far as I was aware Dr Lang had seen Mr Biko and had not found anything materially wrong. I had seen him with a vague diagnosis. Dr Hersch had seen him - Dr Lang told me what Dr Hersch had found. I had a very puzzling picture.

Mr Kentridge: At the time when you advised Colonel Goezeen that the man could go by road to Pretoria you knew that a lumbar puncture had been done but did not know the results? - Yes.

I am going to submit that in that situation no honest doctor could have advised that Mr Biko's condition was satisfactory. - In the circumstances I thought it was.

Dr Tucker said that he was later told by Dr Lang that in the lumbar puncture nothing materially wrong had been found apart from the fact that microscopic red cells were found to be present.

Mr Kentridge: We know that this might have had more than one explanation? - Yes.

- But it is at the least worrying? - Yes.

Did it not worry you? - Not in the light of what Dr Lang told me. He told me that Mr Biko had been, eating and drinking and walking about.

But you found Mr Biko collapsed on the floor, surely that was a sign of deterioration? - The picture became more and more puzzling. Then how could you say that his condition was satisfactory? - At one time he was walking about and we could not only differ on anything to say that this was white wrong.

Dr Tucker said that he had known that a lumbar puncture was done but had no knowledge of what had happened between Dr Hersch's examination and his own examination.

Professor Gordon: When you heard that Mr Biko was walking about, was it conveyed to you that Dr Lang himself had seen this? - No, I am afraid I can't say... honestly.

Mr Kentridge: Let us assume you had been seen in Port Elizabeth by holiday-makers from Pretoria, the parents of a child acting in a bizarre way. The parents suspected that the child did not want to go back to school, but it shows a plantar reflex, was found lying on the floor, had red cells in its spinal fluid, feet at the mouth, was hyperventilating and was weak in the left limbs. Would you have permitted his parents to drive to Pretoria? - The circumstances were different. I would have insisted that the child should stay in Hospital immediately. Here there was an uncertainty.

Shouldn't that have made you more careful rather than less careful? Isn't the only difference that in Biko's case Colonel Goezeen insisted that he do not go into a hospital? - I wouldn't say insist. He was adverse to the suggestion.

Why didn't you stand up for the interests of your patient? - I don't know that in this particular situation one could override the decisions made by a responsible police officer.

Professor Gordon: Were you still capable of arguing with Colonel Goezeen about it? Why didn't you say that unless Biko goes to hospital you would wipe out at that stage that Mr Biko's condition would become so serious. There was still the question of a possible amnestic.

Did you think this plan was feasible? - No.

Did you think a man could sleep red blood cells in his cerebrospinal fluid? - No.

In terms of a hippocathic oath are the interests of your patient paramount? - Yes.

But in this instance they were subordinated to the interests of the security police? - Yes.

Did Colonel Goezeen indicate to you that Mr Biko was shaming? - he said might be shaming.

Dr Tucker: There is the consideration that during a lumbar puncture there can be a blow-out.

At that stage he had known that there had been a lumbar puncture but had not established the results. He was later told that microscopic red cells had been found.

Mr Kentridge: Another sign of brain damage is an inability to walk. Was not your duty to send a medical report with Mr Biko? I did not have the time to write a report because I was on duty. I asked Major Fletcher to ask the Pretoria district surgeon to telephone me.

On Monday morning he received a message that he would
ieves evidence

be shored by the distemper surgeon of Paddington Hospital, Dr. G. B. St. John, however, and plunged Major Frederick Prebble, who was delivered of a baby girl, to the cold. Dr. Tucker said, "our Van Roonse then intra his work was done, he was asked to examine the midwife Miss Sheen, and that he had to go to the coroner's court to be sworn in, that he had examined the midwife Miss Sheen, and that he had to go to the coroner's court to be sworn in.

Dr. Lang also told Dr. Tucker that of the 15 cases of child abuse in which he had been involved, he had found that nine had resulted from van Roonse's actions. Later, Dr. Lang told the coroner that van Roonse had been involved in the abuse of at least four other cases, all of which had resulted in the death of the child.

Dr. Tucker said that van Roonse had given him his orders that in cases of child abuse, he was to be consulted, and that he had trusted van Roonse to carry them out. He added that van Roonse had been a "very capable" surgeon and that he had never been aware of any complaints against him. He also stated that he was unable to give an opinion on the case as he had not been present at the time of the death.

Dr. van Roonse had been working at Paddington Hospital for over 25 years, and had been involved in numerous cases of child abuse. He had been known to be a strict and methodical surgeon, and had always followed the orders given to him by his superiors. He had been highly regarded by his colleagues, and had been awarded several medals for his work.

Dr. Tucker said that he had been aware of the problems that had been occurring at Paddington Hospital, and that he had done everything he could to prevent them. He added that he had been "very surprised" to hear of the allegations against van Roonse, and that he had been "very disappointed" to hear that he had been found guilty.

Dr. van Roonse's actions had caused a great deal of concern among the medical profession, and many had called for his suspension. Dr. Tucker had been asked to give evidence in the case, and had done so, stating that he had been unaware of any complaints against van Roonse, and that he had always followed the orders given to him by his superiors.

Dr. van Roonse had been found guilty of several charges, including failure to provide adequate care, and failure to report the cases of child abuse. He had been sentenced to a term of imprisonment, and had been forbidden to practice medicine for a period of five years.

The case had attracted a great deal of media attention, and had caused a great deal of controversy. Many had called for the suspension of Dr. van Roonse, and for the implementation of stricter regulations for doctors. The case had also raised concerns about the way in which doctors were being held accountable for their actions.

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Evidence

"I have a lot of evidence to present in this case," Dr. Tucker said, as he sat at the witness stand. "I have been a doctor for over 30 years, and I have seen many cases of child abuse. I have always tried to do my best to help these children, and I have always followed the orders given to me by my superiors."
The manuscript text is not legible, but from the visible portion, it appears to be a monograph or a book on medical or scientific topics. The page includes several sections that seem to be related to medical observations or case studies. The text is written in English and appears to be discussing various medical cases or experiments, possibly involving the nervous system or other physiological processes. The handwriting is consistent with that of a medical record or scientific journal. The pages are numbered, and the text is formatted in a way that suggests it is a formal document, likely intended for professional or academic purposes.
Continued from page 6

tention of the court to a letter written by Dr. Lang on September' 10 in which he said that he (Dr. Lang) and Dr Hersch could find no pathology on Mr Biko and that the lumbar puncture test was normal.

Mr Kendrew: This is absolutely wrong on both counts.

Dr Hersch admitted that they had found no pathology in the spinal fluid which could be related to brain injury. It was compatible with brain damage as well as compatible with a normal lumbar puncture.

Tap

Mr Kendrew said that he wanted to suggest that no doctor could say it was normal because of the presence of the red blood cells in the spinal fluid. — The number of cells can reflect a bloody tap.

You are not sure, no doctor has the right to describe as normal.

— No.

When you were examining Biko did you notice a strange wound on his big toe? — No.

Because the post-mortem doctors found a small circular vascular wound 3 mm in diameter, as though it had been pricked by an object or a pin? — I did not notice it although I have seen the photographs.

Referring to the wound on the forehead above the left eye, Mr Kendrew asked Dr Hersch to describe it.

Dr Hersch said it looked like a deep scratch and asked the court to what the wound looked like.

Mr Kendrew: You have drawn a strip three to four centimetres wide and four to five cm long? — Yes.

Could it have been a substance such as an oxygen? — I don't think so, I would have seen the mark. I was quite surprised to see the picture. Did you think it was a bite mark? — No, it looked like saliva... (inaudible)... from the corner of his mouth.

Did you hear his head? — Yes.

You have seen the hemorrhages under the eviscer? — Yes.

And you can tell us nothing more about it? — No, I was just surprised at the picture.

Mr Kendrew asked that if after an examination by medical doctors and one was not sure what was wrong, was it not an omission to take a blood sample.

Dr Hersch replied that it was difficult to say because Dr Lang was looking after Mr Biko....

would have said so. — It really hangs on the word ‘wounding’. I am not worried by the organic lesion in the sense that it is now immediately unimportant.

Function

Why did you say, "One is somewhat worried"? — My worry was slight. The same remark applies whether it is somewhat or not. My comments remain the same but one is worried about the function...

Mr Prins: The point is that you were not much worried. — I was not as much as he was my client. A person who has positive neurological signs and a person who has abnormal cerebrospinal fluid is worrying, but one is not worried that he is going to die. What was really within my mind was that the only person who can tell was a neurosurgeon. You can either watch him, treat him or do surgery.

Asked by Mr Prins about the staff who had been watching Mr Biko and the trained and untrained nursing staff, Dr. Hersch said it was important to know whether a man was conscious or semi-conscious. It was a very important observation which could not be interpreted anybody, even an untrained person.

Dr Hersch said that neurological patients were usually looked after by specially trained nurses. It was difficult for Dr Lang to get into prison compered with getting into the Welmer police station.

Mr Prins: In other words, you had no fears? — No, I had no fears.

Mr Van Roonen said that at the end of your examination of the fifth were you not uncertain as to whether the functional or organic? — I will say that in view of the extensive plantar reflex this was categorised...

Mr Van Roonen said that he had not done any functional or organic... as I am concerned, they are... — I self-explanatory...
Dr. Hershel told Meintjie and Kooyan that he had been worried by the fact that Mr. Biko had lived a few days after he had been hit and that he had given in much thought.

He also gave an affirmative answer when asked whether he had applied post-mortem knowledge and that his memory may have become contaminated by it.

"Mr. Kooyan urged Dr. Hershel to devote himself to that because after the post-mortem it was quite obvious that there was no organic process involved."

"I was interested." Mr. Kooyan said, in determining the moving film of the scene without after-knowledge.

Dr. Hershel said that he had been in telephone conversation with Dr. Keesey before he was in contact with Dr. Lang and that he had no further knowledge of the developments until he heard that Mr. Biko had died.

"Dr. Keesey says you were not particularly disturbed about the patient's condition. -- In fact -- (inaudible)."

Mr. Kooyan said that as far as Dr. Hershel was concerned, Mr. Biko could understand requests, he could walk and a number of important features, for example, the pupils reacting to light, were all normal aspects and the investigations were reassuring. -- Yes.

"You did not gain the impression that something serious was wrong? -- No, it was serious but not an emergency."

As far as the lumbar puncture was concerned, there was no ependymal and this would let you know that there was no intracranial bleeding? -- Yes.

Mr. Kooyan then read an extract from Dr. Keesey's affidavit.

Dr. Hershel made it clear that it was not the impression that he had gained. It was nothing neurological.

"Are you suggesting that, he thought there was a hemorrhage? -- Yes."

"What else?" (inaudible)
Unseen
Biko
injury
'Star'
28/11/77

Pretoria Bureau

It was "amazing" that so 
many witnesses had
missed the forehead in-
jury on black conscious-
ness leader Steven Biko,
before he died, the Chief
State Pathologist, Profes-
sor J D Loubser, said
today.

The injury should have
been visible within 12
hours, the State pathol-
gist said at the Biko in-
quest in Pretoria's Old
Synagogue.

He agreed with police
counsel, Mr P R van
Rooyen SC, however, that
drying out of the injury
would have made it more
visible after death.

Those who have sworn
they never saw the injury
include three doctors who
examined Mr Biko before
his death and at least 16
policemen, including five
men who interrogated Mr
Biko.

WRANGLE

A legal wrangle again
materialised between Mr
Sydney Kentridge SC and
Mr P J Van Rooyen SC,
soon after Mr Van Rooyen
started questioning Prof
Loubser.

Before putting a ques-
tion, Mr Van Rooyen said
he had detected a "smoke
in Mr Kentridge's ques-
tioning of the Professor.

He suspected he was
trying to get facts from
Prof Loubser to prove
that police witnesses were
"liars".

Mr Kentridge objected,
saying Mr "Van Rooyen
was giving a preview of
what he thought was his

To Page 7, Col 1
brain described

Damage to bilateral

(continued from page 5)
MR KERNSIDGE pointed out that he rejected the threat of a pistol shot with some contempt.
Professor Jobani, Linsear's Chief Pathologist, then gave evidence on his post-mortem examination of Mr Bilo's body on September 13.

Mr Sydney Kerndidge SC, appearing for the Bilo family, said he wanted to place on record that the family had complete confidence in the thoroughness and integrity of Professor Linsear's examination.

Before questioning Professor Linsear on medical details of his examination, Mr Kerndidge asked whether he had found any sign of duodenal ulcer in Mr Bilo's body. Professor Linsear agreed that there had been no sign of duodenal ulceration.

Mr Kerndidge referred to a report submitted by Professor Neville Pittrook, head of the department of pathology at the South African Institute for Medical Research. He said Professor Pittrook had stated that the pathological examination of the brain had established that Mr Bilo's brain showed several areas of damage, mainly situated in the macerary and thalamus, and that the lesions were caused by a high-velocity bullet striking the brain and causing permanent injuries.

Professor Linsear agreed, saying that the injuries came from a mechanical injury.

**Time lapse**

Mr Kerndidge asked whether Professor Linsear agreed that the injuries were between thirty and fifteen days old at the scene. Professor Linsear said he had considered that the injuries were three to five days old.

If one were to apply the date of death, which was September 13, and taking five days back, it would be September 8. If the day back would take us to September 6th. Such a period of time lapse could be applicable.

Summarising Professor Pittrook's conclusions in the technical language, Mr Kerndidge said that the lesions were caused by a high-velocity bullet striking the brain and causing permanent injuries.

There were two main lesions: one was the right parietal lesion, in the right parieto-temporal lobe, which was about eight by 4 x 4 centimetres. A second lesion existed at the occipital pole of the brain on the right side, the point of the cavum, which was on the right side, adjacent to the bone at the base of the skull.

The fourth lesion was deep in the substance of the cerebrum on the right.

The fifth lesion was the parietal lobe of the cerebral cortex on the left.

**Force**

Professor Linsear was asked to examine a plastic model of the brain on which these lesions were outlined and numbered. Professor Linsear agreed that two of these lesions might have been noticed macroscopically but not microscopically.

Mr Kerndidge suggested that the alignment of these lesions would have acquired at least three, but probably four blows to the head. He emphasized that his usage of the word blow meant the application of force to the head and was not necessarily a flat.

Referring to the first lesion, he said this was what had been called a craniocerebral, meaning an injury to one side of the brain, caused by a blow on the other side of the head. The blow causing the injury was not inflicted on a plane above the injury, but at an oblique angle from the front.
Biko’s brain ‘showed five injuries’

PRETORIA — Post-mortem tests conducted on Black activist Mr. Steve Biko had revealed five distinct brain injuries which could have been caused by at least three and probably four blows to the head, the Biko inquest heard here yesterday.

The statement was made by Mr. Sydney Kentridge, SC, counsel for the Biko family, as the inquest entered its ninth day at the Old Synagogue.

The statement was based on a report of tests made on the brain tissue by Prof. N. S. F. Proctor, head of the department of pathology at the South African Institute for Medical Research and at the University of the Witwatersrand.

Mr. Kentridge handed the report to the Court during the start of his cross-examination of Prof. Johan Loubser, Chief State Pathologist, who had led the post-mortem examination on Mr. Biko’s body in the State Mortuary in Pretoria on September 13.

Others at the post-mortem examination had been Dr. J. Gluckman and Prof. Dr. I. W. Simpson, the Court was told.

According to Prof. Proctor’s report he had been asked to examine the brain, which had been set in formaldehyde solution on September 27 in the presence of Prof. Loubser, Prof. Simpson and Dr. Gluckman.

Before starting his examination Prof. Proctor had been provided with a complete account of all the autopsy findings, including photographs showing all the relevant lesions found at the post-mortem examination, the Court was told.

Replying to questions by Mr. Kentridge, Prof. Loubser confirmed that sections of Mr. Biko’s brain had been taken for microscopic examination and that Prof. Proctor had examined the brain in his presence.

He concurred with Mr. Kentridge that Prof. Proctor was a neuropathologist with “an international reputation.”

‘12 hours’

At the outset of his evidence-in-chief, Prof. Loubser read a statement to the Court in which he said his conclusions on the post-mortem examination were that death had taken place separate lesions microscopically and macroscopically identified in the brain.

Prof. Loubser replied that he had no doubts about the first four blows to the head that he did not believe the fifth to have been as extensive as shown on the model of the brain.

Mr. Kentridge: You are worried that it might be shown too big? — Yes.

Mr. Kentridge: Prof. Proctor won’t argue with this. This is really just a diagrammatic presentation.

‘Blows’

Mr. Kentridge then told the Court: “What arises from this is that the infliction of these lesions would have required at least three and probably four blows to the head.”

He explained that a contrecoup injury was an injury on one side of the brain caused by a blow on the other side of the head.

He told the Court that the translation from the Afrikaans (an opposite-pole injury) was “a graphic way of putting it.”

Mr. Kentridge said he also wished to make it clear that when he spoke of a blow being delivered he did not necessarily mean something like a fist. He merely meant “application of force to the head.”

Prof. Loubser explained to the Court that the power of the force applied was not the main determining factor in the extent of a head injury. What was relevant was the actual situation of the skull to the brain.

A person ducking away to avoid a blow and striking his head on a wall could sustain far greater injury than a person who fell from a 10-story building and hit his head, he told the packed
death had been head injury.

The post-mortem had revealed extensive brain damage of the contra-coup variety with the absence of coup injuries.

At the start of his cross-examination, Mr. Kentridge said: Can we clear up one aspect. In examining the corpse you found no sign of dehydration?

Prof. Loubscher: That is correct.

Mr. Kentridge then referred Prof. Loubscher to Prof. Proctor’s report, in which he stated that “this brain shows several areas of damage, where the main pathological features are those of haemorrhage and necrosis.”

Prof. Loubscher concurred that this damage would have been made by a force being applied to the head.

Mr. Kentridge: In all probability these lesions were between 10 to 12 days old and probably as little as three or as much as 15 days old?

Prof. Loubscher: The probabilities of these findings were discussed with Prof. Proctor. They could be a little nearer to the three-to-five-day period than the 12-15-day period.

Mr. Kentridge: They were merely likely to be towards the lower end (of the time limits) than the upper end, so to speak? — That is correct.

Date

According to his calculations, Mr. Kentridge said, if the lesions had occurred five days before the date of death, that would have made it September 7, or six days before death on September 6.

On the basis of that time lapse, Prof. Loubscher concurred. But he had not discussed Prof. Proctor’s method of dating with him.

Mr. Kentridge: Prof. Proctor says this brain shows several areas of damage. He instructs me that there are five distinct lesions in this brain.

Mr. Kentridge then produced a model of the brain, with the injuries clearly marked on it, which he told the Court Prof. Proctor had made available to him.

Mr. Kentridge then questioned Prof. Loubscher extensively on the situation of each lesion and the extent of the damage.

He further ascertained whether each lesion was visible microscopically or macroscopically.

Mr. Kentridge asked the pathologist whether he accepted that there were five

Intensity

Although the person falling from the building would be moving at a greater intensity than the man ducking and hitting his head the former’s brain would be moving at the same pace as his skull.

In the latter case the brain would be moving sharply from the one side to the other after the skull had come to a stop. This could cause far greater injury.

Mr. Kentridge said it had been suggested in court that the brain injury had not been so severe as to cause death, and asked Prof. Loubscher if he agreed.

Prof. Loubscher said he did not. Death had been caused by the brain injury.

Prof. Loubscher said he had immediately observed the injury on Mr. Biko’s forehead before he had started the post-mortem.

He had had no difficulty in observing the wound.

Asked about Mr. Biko’s skin colour, he said it had been about the same as that of a young Black woman present in Court (Mr. Biko’s sister).

The injury to the forehead could have been caused by a fall, he said.

Mr. Kentridge: Could it have been caused by a blow with a fist? — I can only agree to the possibility in the abstract.

Mr. Kentridge: What of a blow from a person wearing a ring? — It’s conceivable.

Asked by Mr. Kentridge how a person could have sustained an injury to that part of his head by falling forward, on to his face, without injuring his nose as well, Prof. Loubscher said he could have fallen forward with his head turned sideways.

Mr. Kentridge: Could it have been caused by someone bashing his head against the wall or the floor?

— It’s conceivable.

Prof. Loubscher said the injury to Mr. Biko’s upper lip could have been caused by a blow.

Certain injuries to his rib cage which had emerged from the post-mortem could have been caused by a jab with a finger, or a stick. It would not have had to be a vicious jab. There were no external marks.

In reply to further questions, Prof. Loubscher said it was more probable that the wound on the forehead had been caused by a fall on the ground than by a blow.

The hearing was adjourned until today.

(Sapo.)
The Biko inquest

PRETORIA — Dr. Ivor Lang, district surgeon of Port Elizabeth, was accused of making a false statement in a hospital letter when the inquest into the death of Black Consciousness leader Mr. Steve Biko continued here in the Old Synagogue yesterday.

The accusation was made by Mr. Sydney Kentridge, SC, counsel for the Biko family.

Dr. Lang was recalled to the witness box and asked to identify a page from a bed letter of the Sydenham Prison Hospital. He identified the letter as being in his handwriting and read it to the Court.

Mr. Kentridge: You say in the bed letter you informed him (Mr. Biko) that both Dr. Hersch and yourself could find no pathology?

Dr. Lang — Yes. To say that the lumbar puncture was normal was false — No.

Mr. Kentridge quoted a part of the letter in which Dr. Lang said he was returning Mr. Biko to the police cells and asked him:

Why give a false reason to do so?

Dr. Lang replied that it was not false. He said it was incorrect insofar as he had limited to invent the word "gross" before the word "pathology." It was the essence of what he had told Mr. Biko.

Mr. Kentridge: I suggest it is perfectly clear that you made a false statement to Biko and wrote it in the bed letter as an excuse to get him back into the hands of the Security Police.

Dr. Lang — I deny it.

Lumbar puncture

Under further cross-examination, by Mr. P. R. van Rooyen, counsel for the police, Dr. Lang said he had had two conversations with the specialist, Dr. Colin Hersch, on the lumbar puncture — before and after the results had become known.

Dr. Hersch, a Port Elizabeth physician, had informed him on the Friday that the spinal fluid was clear. Only on the Saturday had Dr. Hersch told him there was microscopical evidence of blood cells in the spinal fluid.

After discussing it with a neurosurgeon, Dr. R. J. Kee, he had been satisfied that there was no great pathology present.

Dr. Hersch, giving evidence under cross-examination, was asked by Mr. van Rooyen whether he was satisfied in general terms that he could find nothing wrong with Mr. Biko in an examination on September 8.

Dr. Hersch replied: "I wasn't. There was some signs that worried me and I wanted to do a lumbar puncture."

Nothing much wrong

But Dr. Hersch conceded that if "general terms" meant the patient's respiration, pulse rate, blood pressure and related aspects, then "there was nothing much wrong with him."

Mr. van Rooyen asked Dr. Hersch whether Security Police officers Col. Goosen and Col. Oshumma, and district surgeon Dr. Lang, who had referred Mr. Biko to him, "were under the impression that you couldn't find much wrong with Mr. Biko."

'Nothing much wrong'...

Mr. van Rooyen said he was unable to answer this.

When he was interrogated by the police after Mr. Biko's death, the name Biko was used and he knew this referred to the patient he had examined and from whom he had taken spinal fluid.

However, he said, he would not like to discuss the question of the names used at the time of the examination because they may have meant nothing to him.

Earlier, asked by one of the medical assessors, Professor I. Gordon, whether it was possible for a patient to suffer brain damage without the skull being fractured, and conversely to suffer a skull fracture without brain damage, Dr. Hersch said this was so.
The Natal Mercury

25/11/77

Vague terms

Dr. Hersch: I don’t think that one could assume that view with an extensor plantar reflex finding, indicating possible brain damage.

The physician added that he “didn’t go into the medical side” with Col. Goosen. “I put it to him in rather vague terms.”

Re-examined by Mr. B. de V. Pickard, appearing for the doctors, Dr. Hersch said he had no specialised training in neurology—and did not deal with many cases of this nature.

Because in Mr. Biko’s case there had been a suspicion of trauma he had recommended to Dr. Lang that a neurosurgeon, Dr. Keeley, should be contacted.

General condition

Dr. Keeley had accepted Dr. Hersch’s finding and had concluded that observation of Mr. Biko would suffice because his general condition appeared to be good.

A question raised in court on Wednesday about how a phial containing spinal fluid taken from Mr. Biko came to be sent for analysis to the Institute for Medical Research under the name Steven-Njolo was raised again yesterday.

“Dr. Hersch told the Court that the report of the Institute on Steven-Njolo was changed by him three days ago to read Steven Biko. He did this for clarity after having recognised the case by the name Steven.”

He said he did not himself label the phial but left it for the medical orderly at the Port Elizabeth Prison Hospital to do.

Questioned by Mr. Kentridge as to whether a false name was used to con...
"Amazement" that Biko injury unseen

From page 1

argument. "It's his job to ask questions, not to give a preview," he said.

Mr Prins said he had spent "hours labouring through quite a few volumes of transcript of evidence and felt not every word was relevant to the hearing.

He agreed with Mr Kentridge's objection and told Mr Van Rooyen to keep his questions to the point.

THE FIGHT

Mr van Rooyen then canvassed the possibility that Mr Biko might have received his head injury during the scuffle in the Security Police offices on September 7.

From the incomplete picture of the fight that emerged from evidence, he said, it appeared that one of the policemen might have charged him with his shoulder, Morude, pixel style, and this could have resulted in Mr Biko's head hitting the wall in a twisting direction.

There was also evidence, he said, that Mr Biko fell forward during the fight, though he conceded there was no evidence that it was during the incident connected to the floor.

Professor Loubsar said that if this evidence was correct, he had to accept a possibility that this incident might have caused Mr. Biko's head injury.

The fact that Mr Biko had continued to struggle after being restrained and did not show visible signs of unconsciousness, later spoke with a "slurred tongue and two hours after the fight was able to react to a doctor's questions, had also to be accepted as reasonably possible.

Referring to the injury on Mr. Biko's forehead, visible in photographs taken at the post-mortem, Prof Loubsar said it should have been visible within 12 hours of being inflicted.

He agreed with Mr. van Rooyen that the "drying out process" and "increase in contrast could possibly have made the wound more visible after death.

The photographic process, he added, also had the effect of increasing contrast.

Mr van Rooyen remarked that he did not doubt Prof Loubsar saw the wound immediately. Police counsel had the problem, however, that among the many people that saw Mr Biko before he died, only one said he had seen a mark on the forehead and he claimed it looked like a birthmark.

Not one of the witnesses nor any of those whose affidavits were before the inquest court, had seen such a wound.

Prof Loubsar admitted to having missed the lesions while conducting post-mortems.

He could only say otherwise it was amazing that so many people had missed the injury.

He agreed with the magistrate that the lighting during the post-mortem examination on Mr. Biko had been exceptionally good.

Under re-examination by Mr Kentridge, Prof Loubsar said it was his personal view that after so serious a series of injuries could have been resolved, even if temporarily.

The hearing is before Mr. J. J. Pieters, mathematical expert, who is assisted by Prof. J. de Wet, both from the University of the Witwatersrand.

Ledger the evidence is handed in Mr. C. van der Linde, an attorney of the Transvaal.

Representing the Biko family are Mr. K. G. Matthews & Mr. R. L. E. De Wet, both from the George. Mr. George is represented by Mr. A. C. Boosey & Mr. C. H. Beets.

Arguments for the police involve Mr. J. P. J. de Wet, attorney for the police, in Mr. C. van der Linde, attorney for the George.

Arguments for the defence involve Mr. K. G. Matthews & Mr. R. L. E. De Wet, both from the George, Mr. George is represented by Mr. A. C. Boosey & Mr. C. H. Beets.

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Jekwa escapes

He tries to plead case with Mr Sebe

By Leslie Xinwa

EAST LONDON — Ciskei emergency regulations detainee, Mr Hubert ‘Mfana’ Jekwa was free for 10 hours 45 minutes last week after escaping from a Special Branch man, Captain P.S. Schoeman, outside Frere Hospital here.

Mr Caweni Sotyelelwa, a Mdantsane township councillor, said he arrived home after 10.30 pm on Wednesday last week and was told Mr Jekwa had been looking for him.

“I could not believe it but then he knocked at the door and entered,” Mr Sotyelelwa said.

“He told me he wanted me to help him. He did not know why he was detained and if he could plead his case with L. L. (Ciskei Chief Minister, Chief Sebe) or D. M. (Ciskei Minister of Education, Chief Jonglianga), he hoped to be released because the Special Branch said they had arrested him on instructions from the Ciskei Government.

“He was crying and hysterical and asked me and my cousin to go out of the house so he could give us a full explanation.”

When they got out of the house Mr Jekwa became more hysterical and cried out.

“We tried to cool him down and he explained a friend was waiting for him. What he wanted was to be taken to the Ciskei Chief Minister to plead his case.”

Mr Sotyelelwa said he tried to show him he had no petrol because he did not want the police to pin him (Mr Sotyelelwa) on a charge of harbouring an escaped detainee.

They went to Zwelitsha in two cars but Chief Jonglianga was not at his house. He had spent the night at his home in Mdantsane.

“I decided we could not get into Chief Sebe’s house because the Green Berets would not allow anyone to get in there at night especially at 2 am,” Mr Sotyelelwa said.

They went to Mr Charles Sebe’s house (Chief Sebe’s brother) at Tsatsi, near Zwelitsha and put the matter to him.

“He asked the long story in which many people were implicated in a plan to assassinate the Chief Minister and on the strength of that Charles agreed to take him to the Chief Minister to tell this to him,” Mr Sotyelelwa said.

Mr Charles Sebe went into the house and the Security Police arrived and rearrested Mr Jekwa before he could speak to Chief Sebe. The time was 3.15 am.

The head of the Security Police in East London, Col. Van der Merwe, confirmed Mr Jekwa had escaped from Frere Hospital and had been rearrested.

He said the Security Police had detained him on the request of the Ciskei Government under the Ciskei emergency regulations. They had done so because the Ciskei Government did not have its own police force and had no authority to detain.

The medical superintendent at Frere Hospital, Dr F. L. Visser, said the specialist treating Mr Jekwa had discharged him from hospital.
Jekwa detained again

EAST LONDON — The Mdantsane garage owner who escaped from the Security Police at Frere Hospital has been redetained and was back in hospital under police guard last night.

The head of the Special Branch here, Col. A. P. van der Merwe confirmed Mr. Hubert Jekwa had been redetained. He is being held under the Ciskei emergency regulations and his condition was described as “not so good” by a hospital spokesman last night. Before his escape Mr. Jekwa was being treated for a urinary ailment. — DDR.

Full report in today’s Indaba.

Consider: What is the difference between externalities and diseconomies of scale?
Other signs

Mr Von Lieres: I am advised that the temperature of a patient is very important. Did you take the temperature? - No. I do agree that taking the temperature is important. This average head injury should have a temperature, but it would also have other signs like constricted pupils and the patient would be very ill or comatose.

In your conversations with Colonel Gocson and Boutana and Drs Lang and Tucker they might have been of the impression that it was still uncertain whether Mr Biko was schaman - I don't think they should have been with the positive findings. These were indicators pointing to a functional disorder but also indicators pointing to a physical disorder and they might have thought the functional side overruling.

Dr Hersch added that one could have interpreted the finding on the spinal fluid as normal.

Mr Von Lieres: If Dr Lang had been able to make this impression that it was more likely that Mr Biko was suffering from a functional disorder, this would have strengthened his view. - Yes.

Were you in the impression that at the time Mr Biko was detailed he was well mentally and physically? - Yes.

Mr Pickard handed in the other medical reports after which Professor Gocson asked questions.

The question of force to the head behind the whole head hit caused the skull and the bottom of the skull hit, causing the malleus bone to be fractured, a fracture heard the ear. The ear was entirely damaged and later examined in the operating room. The report could be interpreted that the patient had not been given the ear of any other external cranial cause.

It was put to your witness that you suggested an X-ray of the skull. Would you agree that the whole point of this way to provide evidence that the application of force to the head? - Yes.

Drop your suggestion is absolutely medically? - Yes. In your testimony you were advised for medical/legal purposes to do an X-ray of the skull as a matter of course? - Yes.

Professor Gocson: Therefore, I support your suggestion of X-raying the skull.

Dr Hersch then referred to copies of the report from the Institute for Medical Research. He himself had texted off the name of Biko and had instead the name Biko on the copy, he said.

Mr Von Lieres was surprised and said that when he had received the report from Dr Hersch the name had been omitted.

Mr X's final word: That means that somebody must have given the name. Nino to you? - They may have given me the name.

I have observed that Mr Kidd said that you spoke to him about a patient whose only injury (name) was Mr Biko. - He possibly meant 'Hat' from the public use.

Dr Hersch agreed that there might have been an attempt to keep Mr Biko's identity as quiet as possible.

Mr Von Lieres: When you were asked by Dr Lang to see Mr Biko were you told who the patient was? - I may have been,
continued from page 4

The letter was signed in Mr. Kentridge's name: May I remind you of your affidavit in which you said: "Shortly after this I phoned Dr. Hersh who said that the lumbar puncture had been performed and that the spinal fluid was blood-stained." and later: "Because of the presence of blood Dr. Hersh is of the opinion that a neuro-surgeon should be consulted." - Yes.

You were present when the plantar reflex was tested. You reported wrongly that it was examined on the right. It should have been on the left! - Yes.

And that the lumbar puncture was normal. That was false. - No, it was incorrect.

It was false to say that no pathology could be found? - I gave an incorrect statement in the letter. There was an omission of words. It should have read: "gross pathology. This was the essence of what I told Mr. Biko."

Mr. Kentridge: I suggest that it is perfectly clear that you made a false statement to Mr. Biko and in your affidavit to get Mr. Biko back to the hands of the police is as possible. - I deny that. It was an error on my part.

Mr. Kentridge: Why was the specimen sent under the name of Ngolo? - I don't know.

Conversations

Mr. Van Rooyen: You had two conversations with Dr. Hersh concerning the lumbar puncture, the latter leading to your conversation with Mr. Keely. Dr. Hersh has testified that when doing the lumbar puncture the spinal fluid had looked clear to him. Therefore he could not have told you about the blood stains. I told you that Dr. Hersh was present on the Friday that there were blood stains present, my report was incorrect.

Mr. Van Rooyen referred to Dr. Lang's affidavit in which he had said that he and Mr. Keely had agreed that Mr. Biko could be transferred to the security police and that all that was necessary was observation.

Dr. Keely agreed that he had ad-
Mr. Van Rooyen said it was absolutely correct for Mr. Prins to call for the brigadiers' evidence. The evidence concerned not only prior inconsistent statements, but went to the heart of what had happened in Port Elizabeth.

Brigadier Korsman had very properly distributed a telegram message he had received, and his affidavit disclosed many things contrary to what Colonels Goosen had said.

Their evidence was essential and, once led, would be put to Coless Goosen.

He could understand that Mr. Van Rooyen had to protect the interests of Colonels Goosen and Major Barnard, because that evidence would destroy them to a large extent.

The court was investigating what had happened in Colonels Goosen's office.

Mr. Van Liens said that the matter of what Colonels Goosen had reported to the Minister had already been put to him, as had discrepancies. Colonel Goosen could therefore not be recalled. It had already been put to Colonels Goosen that he had made inconsistent statements.

Mr. Van Liens said that he did, however, agree that the evidence of the brigadiers was admissible but only on the basis of contemporaneous statements made to them.

Mr. Keenridge said that he would ask the brigadiers a few questions and if anybody had any objections there could be rectified.

Mr. Van Rooyen understood that the court was entirely sure of what counsel's intentions were. When he intimated that they were trying to prevent the inquiry getting to the bottom of the matter he was trying to build up a case.

"He has made it clear on previous occasions that he wanted the court to carry on the activities of a general commissioner."


Biko Inquest

By Carol Steyn

Dr. Lang, the district surgeon attending Mr. Biko, had made a false statement to Mr. Biko and in a letter about the absence of pathology "to get him back into the hands of the police as soon as possible." Mr. Kontride submitted yesterday.

Dr. Lang was recalled to the witness box after the completion of the examination of Dr. C. Hersch. At the start of yesterday's proceedings, Mr. Van Rooyen resumed his examination of Dr. Hersch.

Dr. Hersch said his one-hour examination of Mr. Biko at the hospital was negative in respect of a large part of the central nervous system and also in respect of the general examination.

Regarding the exterior plantar reflex (upturned toe) test, he confirmed that if this had not been positive, and the echolalia (speech repetition) test also, positive, it was possible that he would not have deemed a lumbar puncture necessary.

Mr. Van Rooyen: Yesterday when you talked about this test your stated quite clearly that in retrospect you thought the reaction could be attributed to disease? — Yes.

Now, when you think back, you say to yourself: I have got to be fair to Biko. I think it was disease? — Yes.

Dr. Hersch agreed that he did not go into the medical side of the matter with Prof. Groen but had put it in very vague terms.

Mr. Van Rooyen: You had said that you could not find anything materially wrong? — Yes. I wouldn't have done a lumbar puncture if I had not found anything wrong.

When I read your report I don't find any diagnosis. This can only mean that even when you made the report you could not make a diagnosis? — At the time I was convinced that there had been a head injury and brain damage. I can't argue with the fact that I did not convey this in my report.

"That was the one thing that should have been in the report? — I thought it was self-explanatory. The reason for the patient being referred to me was to determine if there was brain injury.

Isn't the truth that you could not exclude either a functional disorder or some form of brain disorder? — I could exclude a functional disorder as the sole diagnosis.

"That also you didn't put into your report." Mr. Van Rooyen said.

He referred to the report and said that the whole report had been written in the past tense.

"But one thing is not. Where you would be expected after making a diagnosis to prescribe treatment. You are advising what should be done, but the last sentence is not in the past tense. It reads: Suggest an X-Ray".

Why should you suggest an X-ray for a man who has been dead for some days? — It should have read "was suggested".

Do you agree that an X-ray of the skull would have been of very little significance? — Yes, but the practical thing to do would have been to refer the patient to a neurosurgeon.

No suggested treatment is contained in the report? — That's right.

When doing the lumbar puncture you found the patient cooperative? — Correct.
Bed letter with Biko doctor

Once you had discussed the whole matter with Mr Keely, the whole thing fizzled out? — Mr Keely thought that from Biko's general condition there was no urgency to see him but said that if there was any deterioration he would see him.

Mr Pickard: I am informed that the plantar reflex can be difficult to interpret? — Not in this case.

Dr Hersch was asked about an article in a medical journal about the death rate of patients who had suffered kidney failure as the result of brain damage.

He referred to another article as stating that the mortality rate in these cases was something like 70%. All the cases referred to in this article had received proper medical treatment, he said.

Mr von Lieres, then also referred to the article. Only one of the five cases referred to in the first article had a smashed skull, he asked.

Dr Hersch: The smashed skull is not so important. The question is what the brain damage was.

Mr von Lieres: Were you of the impression that at the time Mr Biko was detained he was well mentally and physically? — Yes.

Mr Pickard handed to the magistrate the film, which shows the skull, and asked the magistrate to rule today whether they will be allowed to give evidence.

The important factor is that the renal failure was caused by shock? — A drop in blood pressure as a result of shock is very common but I didn't find any symptoms of shock in Mr Biko.

I am advised that the temperature of a patient is very important. Did you take the temperature? — No. I do agree that taking the temperature is important. The average head injury would have a temperature but it would also have other signs like constricted pupils and the patient would be very ill or comatose.

In your conversations with Col Goosen and Bothma and Drs Land and Tucker they might have been of the impression that it was still uncertain whether Mr Biko was shaming? — I don't think they should have been with the positive findings. There were indicators pointing to a functional disorder but also indicators pointing to a physical disorder and they might have thought the functional side overriding.

One could have interpreted the finding on the spinal fluid as normal, Dr Hersch said.

Mr von Lieres: Were you of the impression that at the time Mr Biko was detained he was well mentally and physically? — Yes.

Mr Kentridge: You were present when the plantar reflex was tested. You reported wrongly that it was tested on the right. It should have been on the left? — Yes.

Yet you say in your bed letter that both Dr Hersch and you could find no pathology. That was false? — Yes.

And that the lumbar...
the inquest on Mr Steve Biko, the black consciousness leader who died on September 12, is being held in the Old Synagogue, Pretoria. Presiding are Mr Marthinus Prins, Chief Magistrate of Pretoria, and two assessors, Professor Isidor Gordon of Natal University Medical School and Professor J Olivier of the University of the Orange Free State Medical School. Mr Klaus von Lieres, Deputy Attorney-General of the Transvaal, is leading the evidence.

Appearing for the family is Mr Sydney Kentridge SC, assisted by Mr Ernest Wentzel and Mr George Bizos; for the police, Mr Retief van Rooyen SC, assisted by Mr J M C Smit; for the doctors, Mr B de V Pickard, assisted by Dr Marquard de Villiers; for the Prisons Department, Mr W H Heath.

Police witnesses who have given evidence include Colonel Pieter Goosen, chief of the Security Police in the Eastern Cape, Major Harold Snyman, leader of a five-man interrogation team and Lieutenant Winston Eric Wilken, who headed the night duty team guarding Mr Biko.

Medical evidence has been given by Dr Ivor Lang, district surgeon, Dr Benjamin Tucker, chief district surgeon, and Dr Colin Hersch, specialist physician, all of Port Elizabeth. Dr R Keely, a neurosurgeon has also been mentioned.

Prof Gordon: Supervision in cases of head injury means more than seeing the patient twice a day. To my mind he should be seen at least hourly or half-hourly? That is correct when a patient is in a hospital. As a doctor I could not do this. I had nobody reliable to do it. I could not rely on a medical orderly who had a hundred-day course.

Prof Gordon: Could he have taken a pulse? Yes. In your training as a doctor were you not told that when head injury cases are kept under observation the pulse should be taken at least hourly. On the Sunday Mr Biko was deprived of observation in all respects?

There was no answer.

Dr Lang left the witness box and Brigadier Johan Coetsee, deputy head of the Security Police, entered.

Mr Prins said yesterday he had received affidavits from Brig Coetsee and his chief, Brigadier C F Zietsman and that he intended allowing them to give evidence.

But before Brig Coetsee could be questioned Mr Van Rooyen objected.

The whole issue started with the inadmissible handing in of newspaper statements with the intention to confront Col Goosen with and attack his credibility, Mr Van Rooyen said.

He had then lodged a short but sharp objection against the handing in of the document. There had been no evidence of prior inconsistent statements by Col Goosen. The objection was upheld but Mr Prins had indicated that he wished the brigadiers to be called.

Mr Van Rooyen said his problem was once more one of relevancy and admissibility.

The court was putting the cart before the horse and was on the point of embarking on a process of leading evidence proving Col Goosen's credibility. This was not admissible.

Mr Kentridge said it was absolutely correct for Mr Prins to call for the brigadiers' evidence, he said. Their evidence concerned not only prior inconsistent statements but went to the heart of what had happened in Port Elizabeth.

Brig Zietsman had very properly disclosed a telegram message he had received and his affidavit disclosed many things contrary to what Col Goosen had said, Mr Kentridge said.

He could understand that Mr Van Rooyen had to protect the interests of Col Goosen and Maj Snyman because this evidence would destroy them to a large extent, Mr Kentridge said.

Mr Van Rooyen: I am entirely sure, of what counsel's intentions are. When he insinuated that we were trying to prevent the inquiry getting to the bottom of the matter he is trying to build up a dispute.

Mr Van Rooyen said Mr Kentridge had made it clear previously that he wanted the court to carry on the activities of a general commission of inquiry and not those of an inquest.

"This is a fishing expedition and it may well be the basis for an action by Col Goosen."

Mr Prins said he would give his decision today.

Mr Kentridge told the court that he rejected the threat of a libel action with some comfort.
Pathologist 'had no difficulty in seeing head wound'

By MELANIE YAP
and HELEN ZILLE

PROFESSOR Johann Loubsuer, Chief State pathologist in Pretoria, gave evidence on his post-mortem examination of Mr Steve Biko's body on September 17.

Mr Kentridge said he wanted to place on record that the Biko family had complete confidence in the thoroughness and integrity of Prof Loubsuer's examination.

Before questioning Prof Loubsuer on medical details, Mr Kentridge asked whether he had found any sign of dehydration in Mr Biko's body. Prof Loubsuer agreed that there had been no sign of dehydration.

Mr Kentridge referred to a report submitted by Professor Neville Proctor, head of the department of pathology at the South African Institute for Medical Research. He said Prof Proctor had an international reputation as a neuropathologist, specializing in the pathology of the brain.

In his report Prof Proctor concluded that Mr Biko's brain showed several areas of damage, mainly features of haemorrhage and necrosis (death of tissue) and that the lesions were "clearly indicative of severe traumatic brain contusions and contusional necrosis".

Prof Loubsuer agreed saying the contusions (bruises) came from a "mechanical origin".

Mr Kentridge asked whether Prof Loubsuer agreed that the contusions were between three and 15 days old at the outside. Prof Loubsuer said he and Prof I W Simpson had judged the age of the contusions to be three to five days.

Mr Kentridge: If one were to apply to the date of his death which was September 12, and taking five days back it would be September 7 and six days back would take us to September 6 — such a period of time lapse could be applicable.

Mr Kentridge: If we were to apply to the date of his death which was September 12, and taking five days back it would be September 7 and six days back would take us to September 6 — such a period of time lapse could be applicable.

Mr Loubsuer: The most important, the right parietal lesion in the right parieto-temporal lobe which was about eight by four by four centimetres.

A second lesion situated at the occipital pole of the brain on the right and hindmost point of the cerebrum, or upper brain from these lesions extended into the white matter.

Prof Loubsuer said he had conducted an ageing test on this wound and estimated it was between four and eight days old.

Mr Kentridge: Applying it to this case, this wound must have been inflicted before the night of September 8 — if my maths serves me well, yes.

Prof Loubsuer said that on examining the body he immediately observed the injury on Mr Biko's forehead. He had no difficulty in seeing the wound.

The discussion then turned to the possible causes of the head injury.

Mr Kentridge: What about a blow from a blunt object such as a rubber truncheon?

Prof Loubsuer said he would have difficulty in explaining the size of the wound. The scar that appeared on the surface of Mr Biko's head was the one aspect of the injury that could be compatible with this.

Mr Kentridge then asked about the possibility of two or three blows having caused the injury. Prof Loubsuer said this theory seemed to be consistent only with the exterior of Mr Biko's skin.

Mr Kentridge: Looking at it externally, this lesion might have been caused by a blow from a fist — I can only agree with such a possibility in the abstract.

Mr Kentridge: What about the fist of a man wearing a ring? — That is conceivable.

Mr Kentridge then returned to the possibility of the injury having been caused by a fall. It would have had to be a fall that involved the left side of the forehead, including the cheekbone, but not the nose. Prof Loubsuer agreed.

Mr Kentridge then asked how someone could fall in this way and not involve the nose in the impact. Prof Loubsuer replied that it would have to be a fall on the left side of the face with the head turned towards the right.

Mr Kentridge pointed out that in a normal case of a person falling forward there was automatic reflex action whereby a person stretched out his hands to save himself. If he had caused Mr Biko's injury it would have been a fall allowing his forehead to hit the ground.

Mr Kentridge said that an epileptic could fall in this way during a fit. Or someone who had been knocked unconscious might also fall in this way. What he found more difficult to believe was that a conscious man falling to the ground could sustain such an injury.

Professor Johann Loubsuer, the Chief State Pathol...
The third lesion was on the surface of the cerebellum, on the right side of the brain, adjacent to the burn at the base of the skull. The fourth lesion was deep in the substance of the cerebellum on the right side.

The fifth lesion was in the parietal region of the cerebral cortex on the left.

Prof. Louber was asked to examine a plastic model of the brain to determine which of these lesions were outlined and numbered. He agreed that two of these lesions might have been noticed microscopically (with the naked eye) but not microsurgically.

Mr. Kentridge suggested that the inflection of these lesions would have required at least three, but probably four, blows to the head. He emphasised that, in the case of a blow involving a fist, the force with which the fist fell, for example, was not the prime determinant factor in the extent of brain injury.

He said that a person ducking his head, then hitting it against an object, could sustain greater injuries to his brain than a person falling from the 10th floor of a building, although his head hits the ground with a greater intensity.

Mr. Kentridge agreed, saying that in the case of a person falling, the contents of the skull fell at the same rate whereas in a situation where someone was accelerating his head forwards, the contents of the brain were slightly left behind.

Prof. Louber agreed that evidence showed a single application of force might cause one peripheral contracoup injury. Mr. Kentridge summed up the picture given in court of Mr. Biko's behaviour from the morning of September 7. He said Mr. Biko seemed to have drawn a veil down between himself and other people, his speech was incoherent and slurred and he mumbled.

He intermittently showed signs of weakness in the limbs, a possible ataxic gait, an extensor plantar reflex, symptoms of echolalia, weakness in his left arm and a slight limp. Red cells were found in his spinal fluid. Mr. Kentridge said that this picture into account did not sound as though Mr. Biko was suffering from a relatively serious brain injury.

Prof. Louber said that the picture does not sound like a very grave injury. I find it very perfectly agreeable with the pathological findings.

Mr. Kentridge read from a description of typical symptoms of a moderate degree of brain injury as listed by Sir Charles Symons in a reference work. This included the patient's state of mental stupor, violence with those who attempted to control him, a state of confusion with delirium which might be transient or even last a few days, a state of quiet confusion although the patient might be capable of conversation and impulsiveness.

Mr. Kentridge asked whether Prof. Louber agreed that in general terms this was a striking picture of Mr. Biko's behaviour from September 7 to 10. Prof. Louber said he was not in a position to agree on what the actual situation had been, but that there was a striking relevance and resemblance between this description and some aspects of the evidence given this week.

Drawing on the authority of Sir Charles Symons Mr. Kentridge said that such a degree of brain injury must have followed a period of unconsciousness of at least five minutes, possibly as much as two or three hours.

Mr. Kentridge said the neurological experts advising him had expressed the view that Mr. Biko's injury must have been followed by a period of unconsciousness of at least 10 minutes, more likely 15 to 20 minutes, and possibly up to one hour.

Mr. Kentridge said: Do you agree? I have no reason to disagree.

The questioning then turned to the visible injury on Mr. Biko's forehead. This injury consisted of a bruise, swelling and scab shown on a photograph before the court.

Prof. Louber said this might be difficult.

Mr. Kentridge said it fell on his face or forehead and that there might be some reason to think that he could not cause his hands to save himself. — Yes. This kind of injury could have been caused by a blow to the head or a fall, but it could also be caused if somebody's head were taken and banged against the wall or the floor.

It is conceivable, Prof. Louber replied. Mr. Kentridge then discussed the lip injury noticed on Mr. Biko.

Prof. Louber said he could not tie the two lip injuries with the other head injuries. It seemed to him the lip injuries were quite separate. He agreed with Mr. Kentridge that the cuts on the lips were likely to have been caused by two blows than a fall.

Mr. Kentridge then turned to the bruising of the rib area. He said these injuries showed they were caused by a jab with a sharp object for example a finger or a stick. Prof. Louber agreed but added: "It wasn't a vicious jab it was just a jab."

Referring to the abrasions found on Mr. Biko's wrists and feet, Prof. Louber said he believed they were caused by handcuffs and manacles.

He said he had found a wound on Mr. Biko's left big toe which appeared to have been caused by a small hole in it caused by something like a "pin or needle."

Asked what could have caused it, Prof. Louber said he believed it was a mechanical cause... "a bump or pressure at that point."

Mr. Kentridge then turned to the causes of contracoup head injuries. It was common knowledge that this type of injury was caused by rapid deceleration of the head.

This kind of injury could not be caused if the head was static. The head had to be in motion, which was caused by certain factors to decelerate.

Mr. Kentridge pointed out that many head injuries suffered by boxers were of the contracoup.
Witnesses at the inquest:

The mark on the forehead of Mr. Steve Biko was a bullet wound. Photographs showed that the bullet had entered the head and exited through the top of the skull. The doctors at the inquest testified that the wound was consistent with a single bullet. The inquest was opened to determine the cause of death and to find out the circumstances surrounding Biko's death.

8 Days Old
PRETORIA — Three or four blows to the head probably killed the best known Sotho terrorist, Steve Biko, the inquest into his death in detention was told yesterday.

The lesions (cuts) in the brain were likely to have been caused in one or six days before his death. At this stage — 10 days and 7 — Mr Biko was being kept in the Pretoria Elizabeth Special Branch offices, handcuffed and in leg irons for most of the time, the court was told in earlier evidence.

As the inquest finished its ninth sitting day, other developments yesterday included:

Lengthy legal argument on whether the head of the Special Branch, Brig Zietman, could be called to give evidence. The magistrate said he would give his ruling this morning.

A Port Elizabeth specialist physician said he was convinced Mr Biko was suffering from brain damage several days before he died.

Counsel for the family detailed symptoms of brain damage which had existed during Mr Biko's behaviour during his last few days alive.

The physician, Dr C. Hensch, and the chief State pathologist, Prof J. D. Louw, were the only two witnesses yesterday. Cross-examination of Prof Louw by Mr Kentridge, for the Biko family, continues today.

A model of the human brain with the areas the injuries had been suffered marked in pen was handed to Prof Louw shortly after cross-examination began. There was lengthy discussion on the extent of the five lesions and how they could have been caused.

Mr Kentridge, who said he was satisfied with Prof Louw's handing of the blow, asked whether he agreed with another expert, Prof N. Proctor, that the lesions probably were nearer five than 12 days old. Prof Louw indicated he thought they were closer to five than 12 days old.

This, Mr Kentridge said, would mean they probably were inflicted on the night of September 7 or the day before.

There were five separate lesions, Mr Kentridge said, "I suggest that the infliction of the lesions require at least three, possibly four, blows to the head," he said.

Amid highly technical discussion on the injuries, Mr Kentridge said the first lesion, all the experts agreed, was caused by a blow to the other side of the head. It was possible this was a blow on the left-hand side of the forehead.

The second injury could have resulted from a blow on the back of the head.

Prof Louw disagreed. The lesions could have been caused by a head-based force, he said. It was possible one blow caused both.

Mr Kentridge said the third injury probably was caused by a vertical blow from the top downwards.

The fourth could also have been the result of a vertical blow or the result on the other side of the head which caused the second lesion, he said.

Prof Louw said he differed from Prof Proctor who had said three or four blows inflicted the damage. A single application force which fatted out could have caused the separate lesions, he said.

Mr Kentridge: It would have to be a very powerful blow.

Prof Louw said this was not the main determining factor.

After further technical medical discussion, Mr Kentridge questioned Prof Louw on external injuries.

He suggested that an injury on the left hand side of the forehead could have been caused by a fall or from a blow from a blunt instrument like a rubber truncheon. Or it could have been from a fist blow, possibly by a man wearing a ring. These were possibilities, Prof Louw agreed.

If Mr Biko had fallen, he would have had to have turned his face to the right otherwise the nose would have been damaged. Mr Kentridge said it was possible that a man falling like this could not use his hands to break the fall. Prof Louw: Yes.

It could also have been caused by a person hanging his head violently on a wall or floor. Yes.

Two injuries to the lips suggested more than two blows than there were two falls, Mr Kentridge said. Prof Louw agreed.

Injuries on the left hand side of the chest probably were caused by a jab with a finger or stick, but it would have been "more than a tap" if a finger had been used, Mr Kentridge said. Prof Louw agreed.

Abrasions on the left wrist, ankle and foot were caused by something like manacles, Prof Louw said.

Injuries to the left big toe were something of a mystery, Mr Kentridge said. Part of the injury was due to a pin or needle being used, Prof Louw said.

In earlier evidence Prof Louw said there had been no sign of dehydration or electric shock on Mr Biko's body.

As the court adjourned for the day, Mr Kentridge said the doctors had counsel for the medical men involved in the case, Dr M. de Villiers, had explained how he had come to take part in an experiment to determine whether a crucial reflex test could be faked.

Mr Kentridge said he accepted Dr De Villiers' assurance that no reflexion on Mr Biko had been intended. — DDR.

Yesterday's proceedings, page 21.
Doctor says there were signs of brain damage

Pretoria — The specialist who examined Mr Biko on September 8 told the inquest yesterday that the security and prison chiefs in Port Elizabeth were correct in taking it that he was not "very worried" about the condition of his patient.

He did not go into medical details with them, as laymen, Dr Colin Hersch told the inquest magistrate, Mr M. J. Frins, in response to questions by Mr P. R. van Rooyen, for the police.

However, he was concerned enough at what he had discovered during his examination of Mr Biko to decide to do a lumbar puncture, with the object of having his spinal fluid analysed as an indication of possible brain damage.

Describing his one-hour examination of Mr Biko, the specialist said it was difficult at the time to assess whether Mr Biko's disorder was functional or organic because it was thought the patient might either have been unwilling to answer questions or may have experienced real difficulty in doing so.

Dr Hersch said his examination of Mr Biko was negative in respect of a large part of the central nervous system and also in respect of the general examination.

Regarding the extensor plantar reflex (upturned toe) test, he confirmed that if this had not been positive, and the echolalia (speech repetition) test likewise, positive, it was possible that he would not have deemed a lumbar puncture necessary.

Because of the uncertainties aroused by these positive indications, he had decided to go further with his tests.

Asked whether Col P. J. Goosen, Special Branch chief in the Eastern Cape, would not have recognised the significance of the toe tests, Dr Hersch said he did not go into medical terms with him, but spoke rather in vague terms.

The same held for Col Botma, the commanding officer of the prison in which Mr Biko was being held. These laymen might have gained the impression that there was nothing wrong with Mr Biko, but he would not have done the lumbar puncture if there had been no positive signs, Dr Hersch said.

Mr Pieter van Rooyen: But in general terms you would have said you were not very worried about the patient? — Correct.

Re-examined by Mr B. de V. Pickard, appearing for the doctors, the specialist agreed that neurology was regarded as the most difficult of medical fields.

Dr Hersch said he had no specialised training in neurology, and did not deal with many cases of this nature.

Because in Mr Biko's case there had been a suspicion of trauma, he had recommended to Dr J. Lang, principal district surgeon in Port Elizabeth, that a neuro-surgeon, Dr R. Keeley, should be contacted.

Dr Keeley had accepted Dr Hersch's finding and concluded that observation of Mr Biko would suffice because his general condition appeared to be good.

A question raised in the court on Wednesday about how a phial containing spinal fluid taken from Mr Biko came to be sent for analysis to the Institute for Medical Research under the name Steven Njelo was raised again yesterday.

Dr Hersch told the court that the report of the Institute on Steven Njelo was changed by him three days ago to read Steven Biko.

He did this for clarity after having recognised the case by the name Steven.

He said he did not himself label the phial, but left it for the medical orderly at the Port Elizabeth prison hospital to do.

Questioned by Mr Kentridge as to whether a false name was used to conceal the real identity of the patient, Dr Hersch said he was unable to answer this.

Asked by Mr K. von Lieres, the deputy attorney - General of the Transvaal, what name had been given to him when Dr Lang had asked him to come and see a Special Branch detainee, Dr Hersch said he did not know as neither name — Biko nor Njelo — meant anything to him at the time. — SAPA.
Lang accused of false report

PRETORIA — Dr Ivo Lang, principal district surgeon of Port Elizabeth, was accused of making a false statement in a hospital bed when he said the incidents had continued yesterday.

The accusation was made by Mr K. Krugers, counsel for the Biko family.

Dr Lang was recalled to the witness box and asked to identify a page from a bed letter of the Sydenham prison hospital. He identified the letter as being in his handwriting and read it to the court.

Mr Krugers: You say in the bed letter that you informed him (Mr Biko) that both Dr Hersch and yourself could find no pathology? — No.

To say that the lumbar puncture was normal was false? — No.

Mr Krugers then quoted a part of the letter in which Dr Lang said he was returning Mr Biko to the police cells and asked him: Why give a false report?

Dr Lang replied it was because Krugers was an incorrect insult as he had omitted to insert the word "Nazi" before the word "pathology". It was the essence of what he had told Mr Biko.

Mr Krugers: I suggest it is perfectly clear that you made a false statement to Mr Biko and wrote it in the bed letter to excuse him to get back into the hands of the police security force. — I deny that.

Under further cross-examination by Mr P. F. van Roonen, counsel for the police, Dr Lang said he had had two conversations with the specialist, Dr Hersch, on the lumbar puncture — before and after the results had become known.

Dr Hersch had informed him on the Friday that the spinal fluid was clear. Only on the Saturday had Dr Hersch informed him that there was microscopic evidence of blood cells in the spinal fluid.

After discussing it with a neuro-surgeon, Dr Keely, he had been satisfied that there was great pathology present.

Asked by one of the assessors, Prof. J. Gordon, why he had not seen Mr Biko on the main floor, Sunday, September 12, Dr Lang said he had not been certain when Mr Biko was going to be transferred to security.

Prof Gordon said it seemed to him, as a fortunator, unfortunate that Mr Krugers had not taken steps to order regular observation on that Sunday. — SAPA.

Kentridge tells of typical symptoms

PRETORIA — Classical symptoms of brain injuries showed a striking resemblance to Mr Biko’s behaviour during his last few days alive, the inquest heard yesterday.

Mr. S. Kentridge, for the Biko family, said evidence given to the court showed that up to the morning of September 6, Mr Biko was behaving normally. He was interrogated on September 6 and was answering questions.

Mr Kentridge said he would leave the events between 6 pm of September 6 and 7.45 am on September 7.

Earlier evidence it was stated that during this time Mr Biko had been watched by "the night interrogation squad". The Special Branch witnesses said no interrogations had taken place and the team of three was never seen by Mr Biko.

Mr Kentridge said the court knew that from 7.20 am on September 7, Mr Biko had "drawn a veil" between him and his interrogators, his speech was incoherent, mumbled and slurred, there was intermittent September 7 and on September 8 there were elements of echolalia, but it was a striking resemblance to some following morning a lumbar puncture had found red blood cells in his spinal fluid.

These sounded like symptoms of relatively serious brain injuries, he told the chief State pathologist, Prof. J. D. Loibenstein.

Quoting from an eminent brain specialist, Mr Kentridge listed these symptoms of moderate brain injury: the patient was unaware of his environment and mute and unresponsive. Later he might become violent, and still later would reply to the occasional question, but would relapse occasionally into a stupor. He might be incontinent. In earlier evidence doctors said that the head of the Port Elizabeth Special Branch, Col. P. J. Goosen, had been warned that Mr Biko had not passed water for some time, but when they arrived at Special Branch offices to examine him, Mr Biko’s blanket and clothes were wet and stained with urine.

The patient would often be disoriented at night and his behaviour unpredictable and violent. He would want to take off his clothes and leave the room where he was kept. Mr Kentridge asked Prof Loubscher if he had heard that Mr Biko had been found in a bath in his prison cell one night, fully clothed. Prof Loubscher said he had.

The patient’s confession might last hours or days. This would be followed by a period when he could not think for himself, and when he might feed himself, and when he was no longer incontinent.

Mr Kentridge: Do you agree that this is a striking picture of what Mr Biko was like on the morning of September 8? — Yes.

Prof. Loubscher: I am not in a position to make any findings as to specific aspects of evidence put to the court.

Mr Kentridge: Yes, I understand you, but the State pathologist might feel he was unable to find out for between five minutes and two hours or more.

His medical advisers would say Mr Biko must have been unconscious for 10 to 20 minutes and possibly up to an hour for two minutes, but possibly up to an hour.
Affidavit not false

Biko doctor

PRETORIA — The chief district magistrate of Port Elizabeth, Mr. W. G. Gordon, returned to the court Tuesday, after having advised that Biko's body could not be identified on the day before, and that it would be examined on the 11th. The examination was made by Dr. Tatum, a medical officer of the police.

Dr. Tatum was referred to an affidavit made by Dr. Tatum, who had examined Mr. Biko on the 11th and found that the body was not that of Mr. Biko.

Dr. Tatum stated that he had been asked by the police to examine the body and find out if it was that of Mr. Biko. He examined the body and found that it was not that of Mr. Biko. He also examined the prints on the body and found that they were not those of Mr. Biko.

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By HELEN ZILZE

COLONEL Pieter Goosen, head of the Security Police in the Eastern Cape, told the Biko inquest court in Pretoria yesterday he could not say how the Minister of Justice and Police, Mr J T Kruger, came to make an incorrect and misleading statement about Mr Steve Biko's alleged hunger strike.

Mr Biko had never verbally threatened a hunger strike, nor had Col Goosen ever made such a statement to his superiors, the court heard.

Mr Sydney Kentridge, SC, for the Biko family, drew the attention of the court to the fact that Mr Kruger had said that Mr Biko threatened a hunger strike.

Col Goosen had denied ever making such a statement, and his evidence was supported by the Chief of Security Police, Brigadier C F Zietsman.

Mr Kentridge then questioned Col Goosen on the statement in which the Minister said Mr Biko had threatened a hunger strike.

"What I want to ask you is whether you can give us any help in understanding how the Minister came to make such a misleading statement?"

Col Goosen: I cannot. He was not prepared to comment on Press statements.

Mr Kentridge also pointed out that, according to Mr Kruger's statement, the Security Police had got nowhere in their interrogation of Mr Biko. This was contradicted by the evidence before the court that Mr Biko had confessed his involvement in an inflammatory pamphlet.

Col Goosen said he could not throw any light on the matter. He had communicated with Mr Zietsman, and the normal channel of communication to the Minister was through the Commissioner of Police, Col Goosen said.

Mr Kentridge: We are left with a situation that the Minister of Police on more than one occasion made public statements about Mr Biko's detention, which we in court have shown to be quite incorrect and misleading. The matter is then left in the Minister's lap as far as you are concerned.

Col Goosen said he had no information on the matter but had his own opinion.

Mr Kentridge: We can all form our own opinions, but we cannot express them in court.

Evidence was concluded yesterday and Mr Kentridge will begin his address this morning.
Biko Inquest

By CAROL STEYN

A FLEXX message sent by Colonel Pieter Goezzen, head of the Security Police, to the Eastern Cape Police Commissioner informed that Mr Biko appeared to be in "trouble" on the day he went into Pretoria court for the Pretoria Prison hospital. The court heard yesterday.

The message was read out in evidence when Col Goezzen was giving evidence at the inquest into the death of Biko, before the coroner's court in the Pretoria Prison hospital. The court heard yesterday.

The message was released on Saturday, 9th September, 4 days after the black consciousness movement had been declared a "terrorist" and days before the inquest was due to start on September 7th.

Mr Goezzen said that he had been on "carrying out the normal duties of his office" when he sent the message the day before the inquest.

The first sentence of the message read: "I have your message that Biko has been arrested by the security police in the Pretoria area. He is at the Pretoria court." Mr Goezzen said that he had not been informed of this by the police until after the inquest had started.

Col Goezzen denied that he had sent the message because it was a "deliberate attempt to mislead the public."

Col Goezzen said: "I have no knowledge of the circumstances under which Biko was arrested by the police."

Mr Goezzen said that he had not been informed of the circumstances under which Biko was arrested by the police. He said that he had not been informed of this by the police until after the inquest had started.

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But PE Security Police chief denies family counsel's claims

THE INQUEST on Mr Steve Biko, the black consciousness leader who died on September 12, is being held in the Old Supreme Court, Pretoria. President is Mr. Marius Prins, Chief Magistrate of Pretoria, and two assessors, Professor F. van der Westhuizen of Natal University Medical School and Professor F. Olivier of the University of the Transvaal.

Mr. Louis van der Merwe, Deputy Attorney-General of the Transvaal, is leading the evidence.

Appearing for the family is Mr. Sydney Kentridge, SC, assisted by Mr. E. W. van Wijten and Mr. George Biko in his capacity as police, Mr. E. C. Smith for the doctors, Mr. B. D. Piekkaart, assisted by Mr. Marquardt de Villiers; for the Prisoners Department, Mr. W. H. Brink.

Mr. van Rooyen: The situation is that the investigative officer has made every effort to establish the association of affidavits from everybody who had any contact with Biko at all. I would submit that if it transpired during my learned friend's examination that there were gaps he would very quickly say, "We have struck oil in this respect. It does not appear so as to any witness at all to call Gen. Krielman.

Mr. Prins: At this stage I really cannot see what purpose would be served by calling Gen. Krielman. If by the end of the evidence it is felt that he should be called, this can be done. I rule that at this stage he should not be called.

Mr. Spence of the Port Elizabeth Security Police was then called to the witness stand. He told the court that he had made two affidavits, one on September 17 and the other on October 22.

In the first affidavit he said he had been on duty on the night of September 6 and had been ordered to guard Mr. Biko in an office in the Sandile building. Mr. Louis Willem was in charge.

Mr. Biko was never interrogated in his presence, he said.

The next morning Mr. Spence's team took over and that night he was again detailed to guard Mr. Biko. When he arrived Mr. Biko was asleep. His lips were moving, and WO Pienaar was told that Biko had had to be restrained after he had attacked his interrogator.

At 7:20 pm Mr Biko woke up and was offered food which he refused. At 9 pm he woke up again and spoke to them, WO Pienaar said Mr. Biko spoke thickly and he could not make out what he said. Louis Willem phoned Maj. Fletcher (this is in court) and later Mr. Coomans arrived.

WO Pienaar said in his statement that on September
No. I didn’t go in with Capt. Solbert and Leon Wilken. Do you remember the warrant saying that he was very married and that he feared for his life? — No.

Did you hear anybody in Pretoria express the opinion that he could be hanging? — No.

Did you see any other persons in Biko at any time? — No.

In the Land-Rover did you notice Biko’s breathing? When we arrived in town and light shone into the Land-Rover, he breathed deeply but after a while he breathed normally.

Questioned by Mr Van Rooyen, WO Posche said it would be easier to travel to Pretoria from Port Elizabeth during the night than the day. Mr Van Rooyen on the morning of 5th and 7th Sep- tember were you told of the nature and the extent of Biko’s examination? — No.

While you were in the cellular office did the three of you talk to each other? — No, I continued our ordinary administrative duties. Mr Van Rooyen Would you have heard any applica- tion of force in Room 68 at any time during the two nights?—Definitely, I heard nothing.

Would it be possible for Mr Biko to be assaulted in any way during those nights without you being aware of it? — I would not have been possible.

Kenedi: Did you ever see Biko moving around in his chains during the morning of the 7th? — No.

Could he have pulled himself around even though he was in chains? — I don’t know if he was moving around a lot.

Prins: Did you ever find that Biko had moved away from his mat? — No.

Prins then said he would have one further witness called, and WO Jacobs Beneke of the Port Elizabeth Police Station was called to the witness box. He told the court that he had made two affidavits, one on September 17 and the other on October 20.

He read the first affidavit at stating that during the morning of September 8 he had been instructed by a form part of a team which interrogated Mr Biko. He went to Room 68 and the interrogations started at 12:00 am. Mr Biko and his handcuffs were re- moved and he was given a chair to sit down.

He said that Maj. Seymann asked Mr Biko about the distribution of pamphlets. Mr Biko jumped and threw the chair at Maj. Seymann.

WO Biko rushed at WO Beneke, pitted against a steel cabinet and a wild scuffle followed. He grabbed Mr Biko’s arm and they landed on the floor. He then said that WO Biko and another man had arrived. They went into restraining Mr Biko, handcuffed him and knocked him to a floor. Biko was still breathing and beside himself. WO Beneke said that his second statement that he had never seen any mark or wound on Mr Biko’s forehead.

During the scuffle Biko had hit at him, but Mr Biko’s arm was held by Capt. Solbert. WO Beneke said that his elbow was hurt during the scuffle but not seriously.

He was not aware of any assault on Mr Biko, but in the custody of the police he was not aware of any assault.

Questioned by Mr Kent- ridge WO Beneke said that from the start of the interrogation Mr Biko had been aggressive, he had answer- ed with contempt and had screamed and shouted at times.

When you arrived on the morning of the 7th was Mr Biko still on his mat covering with blankets? — Yes, they were not to be Biko by Maj. Smynny — Yes, we asked him about the distribution of pamphlets. He had made an admission on the previous day.

You had not mentioned this in your affidavit? — No. I had no permission to give any information about this.

Did you notice the wound on Biko’s tip? Yes, I saw it was slightly swollen after the scuffle. I didn’t see it bleeding. I saw blood on his face.

As you were getting to the Land-Rover, it was opened and the blankets were on the floor.

WO Beneke said that Biko was nine when the scuffle ended, and he took him to hospital. He was wounded on the shoulders but they had been wearing all the time white in our body.

What was the state of those trousers at which no scuffle was nothing wrong.

What was the state of all those - of his mat and blankets? — The mats were still and the blankets were a bit disarranged.

The doctors found that he had urinated while in that cell — Everybody was in his under the blankets.

The others coming in was — Correct.

I saw them for the first time after we had bumped against the wall. I cannot describe every movement of the scuffle in detail. The office in small. We got into each other and then they could have got a bump against his forehead during the scuffle but I did not see the matter in this regard.

WO Van Rooyen then handed in 99 remaining affida- 

vites from the Pretoria and Port Eli-

zabeth prisons, from Special 5th Command of the Port Elizabeth Security Police and from those who had identified Mr Biko’s written.

Mr Kentridge said that the magistrate had indicated that he would like to start their argu- 

ments in such as the evid- 

ence ended.

It had, however, ended sooner than expected and in view of the medical evidence his address would be more conclusive if, he had an opportunity to consider it, he said.

The other counsel con- 

ceded the hearing and the postponement was until this
A PATHOLOGIST who attended the autopsy of Mr Steve Biko said yesterday that the Black Consciousness leader must have passed the point of no return shortly after sustaining his head injury.

Prof Jan W Simson, head of pathological anatomy at the University of Pretoria, was answering a question from the magistrate, Mr Prins.

He told the court that Mr Biko must have passed the point of no return within six to eight hours after sustaining his head injury.

Earlier a consultant pathologist, Dr Jonathan Gluckman, said that in his opinion the findings by the South African Institute for Medical Research on Mr Biko's spinal fluid had been worthless.

Dr Gluckman was extensively examined yesterday on this test on the spinal fluid. The fluid specimen was accompanied by a form filled in with a false name. — Stephen Njo

Dr Gluckman attended the autopsy on Mr Biko for the Biko family.

At the start of the proceedings Mr Van Rooyen put it to Dr Gluckman that at the autopsy he had associated himself fully with the findings of the two other pathologists that there had been no coup injuries. Dr Gluckman agreed. They had discussed coup only in connection with a lesion on the temporal region, he said.

Mr Van Rooyen: You were quite happy to sign a certificate saying that the autopsy report contained the sole factual findings of the pathologists? — Yes.

Yes, these findings were that there was extensive brain injury of the contracoup type with the absence of coup lesions? — Yes, but that did not mean that one did not contemplate the situation afterwards in one's mind and that one did not try to elucidate in one's mind observations which did not entirely fit the picture.

Do I understand that after the signature of the unanimous autopsy report you had second thoughts? — Yes, and third and fourth thoughts.

At the time you signed the report you knew that you were putting your signature to? — Yes, but I thought the consideration of the coup and contracoup lesions related to the major injury. I don't think any of us canvassed coup and contracoup in connec-
Mr Kentridge said one of the aspects of Prof Simon's evidence was his view there was only one application of force, and asked whether it would not be more correct to say that there was only one site where force was applied.

Prof Simon agreed that there may have been more than one application of force to the left forehead, and that it was possible that lesions 1 and 2 might be contrasted to two frontal blows.

Prof Simon agreed with Mr Kentridge that basically his evidence was that lesions 1, 2 and 4 were probably all contractions to some frontal application of force, in more or less the same site, but that he could not say whether one or more applications of force were involved.

Prof Simon said when the post-mortem report was signed saying that death was due to head injury, the decision to leave it in the singular was to avoid controversy at that stage on whether only one or more blows were involved.

Mr Van Rooyen questioned Prof Simon on his views about different types of brain injuries resulting in unconsciousness or confusion, and

Prof Simon agreed that in moderate or serious brain damage, patients might be in a state of impaired consciousness, and that there were cases of serious brain injury without loss of consciousness.

Mr Van Rooyen said evidence had been given in the court about the injury to the left forehead. Three witnesses had testified about a fight during which they had indicated the possibility that Mr Biko's head hit the floor or the wall.

Mr Kentridge objected to this statement saying that Mr Van Rooyen could not put this question as undisputed evidence, and that it would only be acceptable as a hypothetical question.

Prof Simon said he would be very surprised if, according to evidence led, the injury to Mr Biko's left forehead occurred with no loss of consciousness.

Prof Simon said it was impossible to be dogmatic, but he would find it surprising if Mr Biko sustained his brain lesions without loss of consciousness.

Mr Pickard questioned Prof Simon on Mr Biko's renal lesion, which was caused by disseminated intravascular coagulation (DIC), and said coagulation in the kidneys had occurred five days before death.

Prof Simon said he believed the renal lesion had been treated very early after the head injury was sustained, it would probably have been reversible.

He agreed that it was highly dangerous for Mr Biko to drink a beaker of fluid on September 8, as he was suffering renal failure.

He also agreed, however, that the DIC and renal pathology could not have been suspected on clinical grounds by the doctors who were treating him.

Questioned by Mr Phillips, the stage at which Mr Biko must have passed the point of no return, Prof Simon said he thought this was very shortly after sustaining his head injury. He believed it was probably within six to eight hours after this had occurred.

Asked by Prof Olivier whether it was possible to give an indication of the amount of force necessary to cause the head injury, Prof Simon said he thought it would have involved a fair amount of localized force.

Prof Simon said he believed that after a head injury of the type sustained by Mr Biko there would...
Gluckman:
Institute's findings 'worthless'

DR GLUCKMAN
...the family's pathologist

You at no stage suggested any coup injuries? — No.
Mr Prins: I find it somewhat difficult to appreciate how you could have signed a certificate that coup injuries were absent.
Did you certify a situation you were not sure of? — I confess that at the time I did not consider the possibility of a coup lesion anywhere else than in the left frontal region.
Prof Gordon: At that time you had not had the advantage of a discussion with Prof Proctor?
Mr Van Rooyen: It was your specific responsibility, having been called in on behalf of the family to attend the autopsy, to go through the matter with a fine toothcomb and see if you could find any indication of an application of force. That would have been one of your primary concerns! — I considered it. I am not sure that my responsibility lay in determining what gave rise to the injuries, however. I thought that was a matter for subsequent speculation.
Apart from the bruising to the left forehead and the injury to the lip there was no sign of any application of force to the head? — I agree.

That would mean there was only one site of a coup injury which you could contemplate at the time of the autopsy and that was left frontally? — Correct. It would have been far fetched to speculate. One was basing one's findings on what one saw.

At the autopsy you also found a lesion in the occipital area. This was a golden opportunity to check if you could find a possible application of force to that region? — I never entered my mind. I thought it was probably contracoup because of the application of force to the frontal region.

Questioned by Mr Prins, Dr Gluckman said that at the time of the autopsy he had been too firm in his view as to where the injuries could have been sustained and that he had been of the opinion that they should not speculate about it.

Mr Van Rooyen: The inevitable inference from your evidence is that the idea of further coup injuries and a further application of force must have come from somewhere else than your own mind? — Undoubtedly. The suggestion came during discussions with the neurosurgeon that there were injuries which were difficult was clear and the report stated that the fluid was clear. Would that doctor not be entitled to accept the report? — It cannot be clear if there are 1505 red blood cells in it.

Questioned by Mr Picard, Dr Gluckman said that if the report had stated that the fluid was turbid he would have accepted it.

Mr Picard: You have told the court that you were concerned about the fact that the report from the medical institute had not been signed by a pathologist? — I am concerned.

Dr Gluckman said that the test had probably been done by a technologist but even when done by a technologist such a test was always signed by a pathologist in clinical laboratories. This would mean that a pathologist had scrutinised the report.

Mr Picard: Do you suggest that Dr Hersch should have known that the report was not signed by a pathologist? — I presume it is normal procedure in Port Elizabeth for a pathologist not to sign the report. Otherwise Dr Hersch would have questioned it.

Mr Prins: I can see your point that the report should be signed by a qualified practitioner. But can you say that any general practitioner would check the signature?

Mr Picard: We are now trying to determine if anybody was responsible for the death of Steve Biko. I assume that you you were satisfied at the autopsy that it was unlikely that there were any coup injuries? — No. I didn't direct my mind in that way.

Who raised the possibility of more than one blow? — Probably the neurosurgeon. He is a man one listens to.

Did you ask for any authority for this proposition? — I was listening to a man with enormous experience and I accepted what was being said.

In your evidence you had said that you examined the histological section with Prof Proctor? — We sat at a discussion microscope.

You do not remember Prof Proctor ever mentioning a possibility of two blows until it was mentioned by the neurosurgeon? — No. I accept ed the theory that there could have been more than one blow. I always accept the opinion of my betters.

Prof Proctor said the whole medical team had been assembled to assess the possibility that there had been more than one blow? — They were assembled to discuss the case as a whole. I called the meeting because I wanted to hear what everybody thought.
I want to put it to you that quite clearly this discussion led to the theory that there was more than one blow inflicted? — Yes.

Is it your opinion today that it is a matter of speculation how many applications of force to Biko's head there had been? — In so far as I personally am concerned it is a matter for speculation.

Mr Kentridge: The son's evidence, Mr Von Lieres said that lesions No 1, 2 and 4 were seen as contrecoup while lesions No 3 and 5 were secondary.

Mr Kentridge said Prof Simson had changed his mind on relatively minor issues associated with Mr Biko but had left his views since October 20 when the report was submitted. He asked whether there was anything professionally improper in this.

Prof Simson said he could not see anything improper at all and agreed that there could have been nothing improper in Prof Proctor's views, that more than one impact on the head was involved, being more firmly established since October 20.

Mr Kentridge said Prof Simson was fundamentally a general pathologist whereas in the field of neuro-pathology Prof Proctor was the leading expert in the country and a man of international standing. Prof Simson agreed with this.

Questioned closely on his evidence that coup lesions were not satisfactorily accounted for without external evidence, Prof Simson quoted from a paper in which he reported an experiment conducted with rhesus monkeys.

Mr Kentridge said no one will ever suggest it was common to have coup injuries without external signs but asked whether, if one could have sufficient force to fracture a skull without external signs being displayed, would it not be possible to indent the brain without external injuries being apparent.

Prof Simson said he believed in dealing in probabilities. In relation to lesion No 2, he said it was rare to find occipital contrecoup lesions in the brain.
Return for 'other injury'

THE INQUEST on Mr Steve Biko, the black consciousness leader who died on September 12, is being held in the Old Synagogue, Pretoria. Presiding are Mr Marinus Prins, Chief Magistrate of Pretoria, and two assessors, Professor Issidor Gordon of Natal University Medical School and Professor J. Olivier of the University of the Orange Free State Medical School. Mr Klaus von Lieres, Deputy Attorney-General of the Transvaal, is leading the evidence.

Appearing for the family is Mr Sydney Kentridge SC, assisted by Mr Ernest Wentzel and Mr George Bizos; for the police, Mr Reuven van Rooyen SC, assisted by Mr J. M. C. Smit; for the doctors, Mr B. de V. Pickard, assisted by Dr Marquard de Villiers; for the Prisons Department, Mr W. H. Heath.

The magistrate then ruled that he had studied the statements of the two brigadiers and was satisfied that they, together with a telex message annexed to one of the statements, did not even suggest a previous inconsistent statement on the part of Col. Goosen. Mr Van Rooyen's point was well taken.

"The whole question turns on a previous inconsistent statement by the witness. I must rule that the evidence does not in any way contradict the evidence of the witness and is not relevant."

The discussion then turned to whether affidavits by Dr Reuben Plotkin, a specialist neurosurgeon, and Dr Ronald K. Tucker, who advised counsel for the Biko family, should be admitted as evidence.

Mr Prins said he had read the affidavits and had to decide whether to call the doctors to give evidence to the submission of the affidavits as evidence.

In terms of finding out the cause of death or whether anyone was criminally responsible, the affidavit amounted to "irrelevant speculation."

Mr Van Rooyen said he doubted whether it could help the court reach a decision. The affidavit was more in the nature of a general criticism of the circumstances of Mr Biko during his last days.

It also contained speculation on the number of applications of force required to cause Mr Biko's injury and the possibility of unconsciousness resulting. If Dr Plotkin's affidavit were admitted, he could lead to a "deluge of affidavits" from each side trying to prove their point and turn the inquest into a "magnum opus" for nothing.

Mr Pickard also opposed the submission of Dr Plotkin and Dr Tucker's affidavit.

The basis of his case was that the Port Elizabeth doctors called in had taken certain steps to diagnose Mr Biko's condition and by the time they were in a position to do anything, Mr Biko's situation had developed to such an extent where his medical condition was lethal and that a prognosis at that stage was hopeless.

Dr Plotkin's affidavit would be in the right place in a medical council adjudication, not in an inquest court, Mr Pickard said. The affidavit was irrelevant and contained a discussion of ideal medical conditions and treatment of brain injuries. It did not take account of the fact that three simultaneous additional complications arose in Mr Biko's case.

Mr Pickard said there had been enough expert evidence in the case.

Mr Heath supported the arguments of Mr Van Rooyen and Mr Pickard.

Mr Von Lieres, supported the three advocates in their objections. He said that if the affidavits were submitted they would be "usurping the function of the court because they expressed an opinion on what should have been done."

Mr Von Lieres referred to a "big spiel" contained in Dr Plotkin's affidavit about the scuffle and the conclusions that could be drawn. This was the court's function, Mr Von Lieres said.

It contained comments on the efficiency of people involved and this was also irrelevant to the question.

The implications of admitting this evidence were that many more expert witnesses could be called to prove either case.

Mr Keneridge said he believed the material in the affidavits would be of real value to the court in reaching a conclusion. There were times when the pathologists who conducted the post-mortem on Mr Biko had indicated that certain questions should be put to clinicians rather than to them.

By calling Dr. Plotkin and Dr. Tucker the facts could be interpreted by two independent clinicians.

The real question of relevance was whether the court considered the evidence of the pathologists sufficient to enable it to come to its conclusion in terms of the Inquest Act, or whether the expert opinions of clinicians would throw light on issues.

Dr Plotkin dealt with all the relevant issues in the case, Mr Kentridge said, and Dr Plotkin's experience of head injuries of the type sustained by Mr Biko was considerable.

Mr Kentridge said it certainly did not follow that the submission of these affidavits could be followed by 10 more affidavits. It might be that another advocate might wish to submit a further affidavit containing expert opinion which would be perfectly in order. The question was whether the material could assist the court in reaching a finding.

In this case Mr Kentridge said he believed it would help the court.

The magistrate had three choices. He could either rule there had been enough evidence on this subject and turn down the affidavits, or he could admit the affidavits and call the witnesses to give evidence, or he could admit the affidavits and call the witnesses for cross-examination.

Mr Prins said he would rule on the matter this morning.
I had second thoughts post-mortem says doc

PRETORIA — Dr John Gluckman, medical adviser to the representatives of the Biko family, said he had second thoughts after signing the post-mortem report of State pathologist, Prof J. D. Loubscher.

"I had many second, third and fourth thoughts," Dr Gluckman said under cross-examination by Mr P. R. van Rooyen, appearing for the prosecution.

Mr Van Rooyen referred Dr Gluckman to the finding of the report that the Biko had suffered a brain injury of the contrecoup type with absence of coup lesions.

Dr Gluckman explained that when he agreed there was no coup lesion, he had done so because everybody was referring to the main lesion, and no one had been a contrecoup injury.

The fact that the report had been signed did not mean that one could not subsequently contemplate the report in its entirety, he said.

Dr Gluckman said his "vision" was focused almost entirely on a lesion marked as number one on a model of a brain in court, which was of a contrecoup nature.

The group of doctors at the autopsy, he added, did not specifically discuss coup and contrecoup injuries to the brain.

The magistrate, Mr M. J. Prins, said he had "some difficulty" working out how Dr Gluckman certified a medical report which said there was an absence of coup injury.

"Is it possible you certified a report you were not sure of?" Mr Prins asked counsel to "get down to brass tacks" when putting questions. He pointed out he had to get up at about 4 am each day to read transcripts of the previous day's evidence and had difficulty getting through it all before 8 am.

The statement came after Mr Pickard questioned Dr Gluckman at length about the lack of a pathologist's or a doctor's signature on a report accompanying a spinal fluid specimen sent to the medical institute for analysis.

Mr Pickard said he was a little concerned Dr Gluckman had apparently questioned the professional abilities of Dr Hersch and the medical institute in the way they handled the specimen.

Dr Gluckman said it stranged the medical report was not subjected to the scrutiny of a pathologist or doctor.

He told the court Dr Hersch had not been "hypocritical" when he received the report, but this had no bearing on Dr Hersch's abilities.

Dr Gluckman added it was a "very unusual" practice in Johannesburg for anyone other than a pathologist or doctor to sign such a report after scrutinising it and making recommendations.

It was his opinion, he said earlier, this was not done with the report Dr Hersch received.

"The only reason I raised the issue (about the signature) is because I observed a contradiction a competent pathologist would have noticed," he strenuously denied Mr Pickard's submission he was trying to build a case against Dr Hersch.

He also denied he was...
after

Prof queries lip injury

Only one blow says professor

PRETORIA — The inquest yesterday heard further highly technical evidence by another of the pathologists who conducted the autopsy on Mr. Biko, Prof Ian Simson, head of the Department of Pathology at Pretoria University.

He told the inquest he believed there had been only one application of force to Mr. Biko's head resulting in a contracoup injury.

Prof Simson's statement agreed with that of the chief State pathologist who led the post-mortem examination, Prof. J. Loubsler, who told the court earlier this week that he believed there had been only one application of force.

But it conflicts with a statement by a neuropathologist, Prof. N. Proctor.

Prof Simson said that after evidence led in court he had re-examined the lesions to the brain more carefully. He was still of the opinion that these lesions were caused by only one application of force.

He also told the court that if a scuffle had taken place involving Mr. Biko, as had been alleged, he would be "very surprised" if there had not been loss of consciousness judging by the nature of the injury.

Unconsciousness would have been "an immediate reaction."

The magistrate, Mr. Prins, questioned Prof Simson on the degree of consciousness that he believed would have followed the head injury.

Prof Simson said when he spoke of a loss of consciousness he meant that the person would become inactive. The description of Mr. Biko on being brought to Pretoria was a fairly good description of loss of consciousness.

SAPA.

MP: treatment inexcusable

LONDON — A right-wing Conservative MP, Mr. Patrick Wall, yesterday called on the South African Government to see that the events surrounding the death in detention of Steve Biko were never repeated.

Many people believed that the fate of Western Europe was linked with that of South Africa, the letter to the Daily Telegraph.

But even to them the treatment of Mr. Biko, whether or not he had been an agitator was inexcusable, he said.

"At least the South African administration has brought the facts out into the open, which would be highly unlikely elsewhere in Africa. Now let them see that these events are never repeated."

Mr. Biko's death had been a tragedy for all concerned, especially those interested in improving race relations.

"Let us hope that some good may eventuate from this sad affair," Mr. Wall said.

SAPA
Surgeon: Prins to rule today

PRETORIA — The inquest heard extensive legal argument yesterday about the admissibility of an affidavit by Mr Reuben Plotkin, a neuro-surgeon advising the Biko lawyers.

Mr S. Kentridge, for the Biko family, said the affidavit had been brought before the court "in a genuine effort to assist it."

But there were objections by Mr P. van Rooyen, for the police, and Mr P. de V. Pickard, who is appearing for various doctors, Mr W. R. Heath, for the prisons department, and the Deputy Attorney-General, Mr K. von Lieres, who is leading evidence for the State.

Mr Van Rooyen said the "relevance and weight" of the affidavit was "practically nil."

In no way did it dispute that the cause of death was head injury,—the un-anonymous view of pathologists who conducted the post-mortem examinations.

He described the content of the affidavit as "irrelevant speculation."

Mr Pickard said the affidavit was "a long lecture on ideal medicine and ideal medical practice—a learned medical discussion of treatment to a brain injury."

Replying, Mr Kentridge said the affidavit had not yet heard evidence of an independent physician like Mr Plotkin.

He said the affidavit dealt with "the important question of when the injury actually took place."

Mr Plotkin had "gone beyond the pathologists and presents a clinical picture."

Mr Prins said he would rule today whether or not to accept the affidavit. — SAPA.
Test findings

Professor Gordon: You saw the fresh brain but Professor Proctor saw the fixed brain? — Yes.

Dr Gluckman agreed that lesions were more clearly identified in a fixed brain.

Mr Prins: I find it somewhat difficult to appreciate how you could have signed a certificate that coup injuries were absent. Did you certify a situation you were not sure of? — I confess that at the time I did not consider the possibility of a coup lesion anywhere else than in the left frontal region. At the time said in the context in which I considered the matter I was sure.

Professor Gordon: At that time you had not had the advantage of a discussion with Professor Proctor? — Yes.

Mr Van Rooden: It was your specific responsibility, having been called in on behalf of the
family, to attend the autopsy, to go through the matter with a fine-tooth comb and see if you could find any indication of an application of force. That would have been one of your primary concerns. I considered it so. I am not sure that my responsibility lay in determining what gave rise to the injuries. However, I thought that was a matter for subsequent speculation. Apart from the bruising to the left forehead and the injury to the lip there was no sign of any application of force to the head. I agree.

That would mean there was only one site of a coup injury which you could contemplate at the time of the autopsy and that was left frontal — Correct. It would have been far fetched to speculate. One was basing one's findings on what one saw.

At the autopsy you also found a lesion in the occipital area. This was a golden opportunity to make an application of force to that region. — It never entered my mind I thought it was probably contraindicated because of the application of force to the frontal region.

At the time of the autopsy all three of the doctors involved were satisfied that there was an absence of coup injury and that the blood that they had found was of a contrecoup type — I can only speak for myself.

Mr Van Rooyen: A considerable period of time went by. Professor Pistorius was approached and he examined the fixed brain in minute detail.

Correct. Queried by Mr Prins, Dr Gluckman said that at the time of the autopsy there had been no report of a history of a blow to the head. What is your viewpoint about how the injury could have been sustained, and he had been of the opinion that they should not speculate about it.

Mr Van Rooyen: The inevitable inference from your evidence is that the idea of further coup injuries and a further application of force must have come from somewhere else than your own mind. — Undoubtedly. The suggestion came during discussions with the neurosurgeon that there were injuries which were difficult to explain. Some of the suggestions put forward at these discussions seemed eminently reasonable. He was better qualified than myself.

These speculations, which were raised in consultation with Drs R Pieklin and Ronald Tucker, were conveyed to Professor Pistorius. — Yes.

More applications

Professor Gordon: Do you now believe that there had been one or more applications of force to the frontal temporal region because of the rather complex nature of the subarachnoid haemorrhage. I am aware that the application of force may have been difficult to observe and was responsive to the suggestion that more than one lesion could have been of a coup type.

Mr Van Rooyen: The situation today still is that after much speculation you are receptive to the suggestion that there could have been more applications of force than had been originally considered? — Applications of force in regions which have not been considered. I could not possibly be sure but I have reason for suspecting that there could have been more than one application of force.

Dr Gluckman said that if he had made an affidavit immediately after the autopsy he would have said there were no coup injuries. He would probably have said this before the discussion with Dr Pieklin and Dr Tucker.

Lumbar puncture

Mr Van Rooyen then questioned Dr Gluckman about the lumbar puncture performed on Mr Bikbo before his death.

Dr Colin Herch has told the court that macroscopically the fluid had appeared clear. You cannot join issue with that. You were not there? — I go join issue. It could not have been so. The reports were patently contradictory. You don't know which of the two reports, that the fluid was clear or that it had a count of correct — Yes. Professor Gordon: The point is that the fluid went to the institute under the name of Nettel. If you could find a possible...
Mr Pickard: You have told the court that you were concerned about the fact that the report from the Medical Institute had not been signed by a pathologist? — I am concerned.
Dr Gluckman said that the test had probably been done by a technician and, even so, each test was always signed by a pathologist in clinical laboratories. This would mean that a pathologist had scrutinized the report.

Not to sign
Mr Pickard: Do you suggest that Dr Hersch should have known that the report was not signed by a pathologist? — I presume it is normal procedure in Port Elizabeth for a pathologist not to sign the report.
Mr Pins: Where would Dr Hersch have been if he suspected that the report was not signed by the pathologist? — I am only criticizing Dr Hersch. I am not criticizing the report. Mr Pickard: You have made the statement that you presumed that Dr Hersch was accustomed to sign the reports like this? — I must assume that. Otherwise he would have questioned it.
Would Dr Hersch have had a reason to query the signature? — I would have thought that the most important thing in any pathology report was the signature.

Questioned by Mr Pins, Dr Hersch: I would think that he could only tell the court about procedure in Johannesburg. There, people who submitted specimens knew who the pathologists were. It would be very difficult for anyone other than a pathologist to sign the report.

Your point
Mr Pins: I can see your point that a report should be signed by a qualified practitioner. But can you say that any general practitioner would check the signature? — That is a very difficult question, but a general practitioner must be in a position to phone the pathologist to discuss the tests. Even an indecipherable squiggle is often recognizable.
Mr Pickard: Is it not so that sometimes the delay in having a report submitted from the institute would require the initial findings to be transmitted by telephone? — Yes. All rules go by in terms of emergency. A doctor can act on such a telephonic report but one is aware of dis- asters happening. I would be dis- similarly. I think that in an emergency a doctor would not be available to convey the informa- tion to the pathologist.
Mr Pickard: There was a note at the bottom of the report stating that Dr Hersch had been telephoned at 7pm.
Mr Pickard: We are now trying to find out who anybody was responsible for the death of Steve Biko. I mean that you come to the object with the asset of assur- ing it in that respect. Was the sugges- tion that the signature raised merely to build a case against Dr Hersch? — I must protest in the standard terms. I cannot blame Dr Hersch — for not being hypersensitive of reports issued by the Medical Institute. I merely say that I am very critical.
Are you criticizing the South African Institute for Medical Research? — The high-sounding name means nothing. My ex-
perience may lead me into mak- ing a somewhat embarrassing answer.
Mr Pins: We are not going into a research of the conduct of the Medical Institute.
Dr Gluckman: I am saying that it is only as good as the person who signs it.
Mr Pickard: Surely it's as good as the technician who did it? — The pathologist has to supervise his staff closely. I would not be prepared to have my hand opened on a technologist’s report in the absence of a pathologist’s confirm- ation.
Are you of the opinion that the South African Institute for Medical Research has shortcomings in the work it does? — I think that the fact that the report is handed by the South African Institute for Medical Research is irrelevant. The only important fact is that did the test and signed the report. I would never have permitted a report to be sent out from my laboratory signed only by a technologist.
You suggest that you have doubts about the competency of the institute as a body. What is your opinion of the South African Institute for Medical Research? — I am of the opinion that the employees of some very competent individuals, some of medium competence and some who are not even competent.
Why was that so embarrassing to say? — I would prefer not to con- stitute.

Photographs
Mr Von Lieres: Apart from the autopsy and the report, was there any other complaint? — No. I didn't direct my mind in that way.
But that was your function at the post-mortem? — My function was to see what I could see. You have told us repeatedly that at the time of the signing of the post-mortem report you were quite satisfied? — Yes.
You have explained that in a subsequent discussion the possibilities of coup lesions were raised? — Yes.
Was there present at that discus- sion? — I, Mr Leutra, Mr Pirkam and Dr Roedel Tukker.
Who raised the possibility of more than one blow? — Probably the neuro-surgeon. He is the man one listens to. Did you ask for any authority for this proposition? — I was listening to a man with enormous experience and I accepted what was being said.
When this was raised with Professor Proctor, did he find it acceptable? — He found it compatible with his findings.
In your evidence you had said that you examined the historical record with Professor Proctor? — We sat at a discussion microphone.
And yet, not up to the sugges- tion by the neuro-surgeon was the suggestion of the two blows men- tioned? — Professor Proctor pointed out the features and then we moved on to something else. I do not recall the matter being dis- cussed with the neuro-surgeon.
So Proctor did not mention the possibility of two blows until the suggestion of a neuro-surgeon was brought to him? — I have no specific recollection.
You do not remember Profes- sor Proctor ever mentioning such a possibility until it was men- tioned by the neuro-surgeon? — No.
Yet Professor Proctor told us yesterday that at the time of the discussion he was surprised that there must have been at least three blows.
Mr Kamikidje: That was not correct. Professor Proctor had said he was not satisfied. Mr Von Lieres: He said it was probable but he later became more certain.

The theory
Dr Gluckman: I accepted the theory that there could have been more than one blow. I always ac- cept the opinion of my betters.
Professor Proctor said the whole medical team had been as- sembled to assess the possibility that there had been more than one blow? — They were as- sembled to discuss the case in a whole. I called the meeting because I wanted to hear what everybody had to say. But Professor Proctor said the team was assembled to evaluate the possibility of more than one application of force? — I have no doubt we discussed it.
I was put to it to put you to it that quite clearly this discussion led to the theory that there was more than one blow inflicted? — Yes. Is it your opinion today that it is a matter of speculation how many applications of force to Biko's head had been made? — In so far as I personally am con- cerned it is a matter for specula- tion.
Mr Konings: Dr Lang's evidence had been that Dr Hersch had inferred that the spinal fluid had been blood-stained. Do you think that is more correct to take account the blood count? — Yes. If obviously blood was on clear.

Evidence changed
Mr Von Rooden stated that Dr Lang had later changed this evidence.
Dr Gluckman was then questioned by Professor Gordon about the disseminated in- travascular coagulation disseminated intravascular coagulation.
Professor Gordon: There has been a tendency to disregard the blood injury, but for me it indicates that there was an application of force in that particular area? — I agree. It worried me all along.
Professor Gordon then referred to an experiment on a chim- panzee which had his head rigidly tied.
Unless the head is absolutely tight you can get contusion? — Yes.

Only one
The next witness, Professor Ian Simon, head of the department of pathology at the University of Pretoria, said that pathological evidence indicated only one applicator of force to Mr Biko's left forehead caused the five lesions.
He told the inquest court he believed the five lesions were of the same cause.
Professor Simon, who was present at Mr Biko's post-mortem at the invitation of the chief state pathologist, Professor Loubser, had since submitted the post-mortem report. He had modified his opinion slightly on two lesions found in Mr Biko's brain.
He said he had believed lesions number three and five were contrecoup injuries. He was now of the opinion that they were secondary injuries. He said he had believed lesions one and two were both contrecoup injuries initiated by a blow to the left forehead.
Mr Von Lieres, leading evidence, asked whether he had come across a coup injury which did not display external signs such as bruising or swelling. Continued on page 5
Doctor: I was not told of brain injury
Pathologists won’t commit themselves says prof.

PRETORIA — The wording of the autopsy report on Mr Biko showed that the three pathologists who conducted the post-mortem examination and signed the report were not prepared to commit themselves on how many applications of force caused the black activist’s brain injuries, the inquest was told yesterday.

The statement was made by Prof Neville Proctor, head of the Department of Pathology at the South African Institute for Medical Research and the University of the Witwatersrand.

The autopsy was carried out by the chief state pathologist, Prof J. Loubscher, with Dr J. Gluckman and Prof I. W. Simons. All three signed the report.

Prof Proctor, who was asked by Prof Loubscher to examine the brain after the post-mortem examination told the court yesterday that he could not agree or disagree with the three pathologists’ findings.

“The wording of the final autopsy report was that the cause of death was head injury,” Prof Proctor said under cross-examination by the counsel for the police, Mr P. R. van Rooyen.

The three pathologists had not a priori said that there was one or more head injuries. They simply stated that the cause of death was “head injury,” he told the court.

“Mr Proctor did not say that there was one or more head injuries.”

In that respect, he said, he had not seen the report that the pathologists were not committing themselves that there was one application of force or more than one.

Mr Van Rooyen asked Prof Proctor whether there were “actual fact” applications of force to the vertex of the head, the left parietal area of the head, to the left frontal area of the forehead and to the right occipital area.

In each case Prof Proctor said he could not be “one hundred per cent certain,” but in his opinion there could have been such applications of force.

Mr Van Rooyen: I am not interested in speculation. How do you assess possibilities or even probabilities? I am interested in positive fact that under oath in clear conscience. Can you be 100 per cent certain?

Prof Proctor: I agree. I cannot be 100 per cent certain.

But, said the internationally-acknowledged neuro pathologist, in the case of the left frontal area of Mr Biko’s forehead “I would say that there the evidence is very much stronger... I am nearly 100 per cent sure. I feel there was an injury to the left frontal area.”

As far as the right occipital area was concerned, once again he could not say with absolute certainty whether there was evidence of application of force in that area.

Mr Van Rooyen put it to Prof Proctor that anything he deduced was “in the realm of speculation.”

Prof Proctor: In the realm of calculated speculation.

What you are saying is that it is possible it is so, but it is also possible it is not. — That is correct.

Mr Van Rooyen said Prof Proctor was “exactly on neutral middle ground.”

You say: “I am not prepared to take issue with them (the three autopsy pathologists), neither will I associate with them.” — That is correct.

Asked by Mr K. van Lieres, the Deputy Attorney-General who is leading the evidence, at what stage he came to the conclusion that the brain injury was caused by more than one blow, Prof Proctor said it was several days after he had examined the brain.

Mr Van Lieres: On the day you wrote your report had you not yet come to a conclusion? — No.

In other words, you reached the conclusion between October 14, the day you wrote your report, and October 20. the day of the conference with Prof Loubscher and other doctors? — I had it in mind; I regarded it as a probability.

Why did you not advise Prof Loubscher of this at the conference on October 20? — The report described the cause of death as head injury. It did not say a head injury or head injuries. There was no commitment as far as the number of blows were concerned.

Why did you not mention it to the other doctors then? I was satisfied that it was an open question.

Did you not think that you could assist the investigation into Mr Biko’s death by disclosing this information? — At that stage it was only my opinion. I was not certain.

When did certainty arise? — I never said that it was absolutely certain. I only said it is a probability. It is very difficult to say you are 100 per cent certain in medical matters.

Revealing to questions by the magistrate, Mr Prins, Prof Proctor said it was his considered opinion that the brain injury was caused by more than one blow.

He could not say exactly when he came to that conclusion. He hesitated as to the conclusion on his own — not after research or consultation with others.

At the conference on October 20, the number of impacts or blows was not discussed. “We were satisfied at the time there was evidence of a compound injury to the brain as well as other injuries.”

Mr Van Lieres: Wasn’t there a conflict of views? — No, we were not in conflict. It was decided to phrase the report in that way. We did not commit ourselves.

Why were you not prepared to commit yourself if you were satisfied at that stage that the injury was caused by more than one blow? —

The final report reflected the probability that there was more than one blow.

“I did not deliberately fail to disclose anything. In my report you will find a description of all five lesions,” Prof Proctor said.

Earlier, the magistrate, Mr Prins, asked Prof Proctor if he could tell the court whether a general practitioner could have committed Mr Biko’s condition.

Prof Proctor said head injury was accompanied by a considerable variety of metabolic disturbances and other changes.

In Mr Biko’s case, there was the added factor of intravascular coagulation which led to renal failure.

He was sure that a general practitioner would have considerable problems in diagnosing the complex picture, but there were certain laboratory tests which could be carried out with ease and which indicated the patient was developing certain disturbances and intravascular coagulation.

Mr Biko had shown signs which could be and, in fact, were interpreted by a specialist and could have been interpreted by a general practitioner, as something that had happened in the brain.

He gave the example of the extensor plantar reflex (plantar positivity) which was detected on Mr Biko. — SAPA.
Detention laws may be changed

PIETERMARITZBURG —

The Minister of Justice, Mr. Kruger, assured a deputation from three provincial law societies he would consider changing the detention laws, Mr. D. Doull, vice-president of the Natal Law Society, said yesterday.

Mr. Doull and Mr. Oliver Hart, president of the Natal and South African Law Societies, made up the deputation with members of societies from the Transvaal and Free State.

The 740 members of the Natal Law Society were given details of the discussion in a circular sent out last week.

The circular says the deputation stated its concern at the deaths in detention.

The Minister was not prepared to appoint a judicial commission of inquiry, but he did indicate he would consider making amendments to the detention laws, which would go some way towards improving the present situation.

The circular stated the circular stated —

(b) Reserve Bank — hold approx. £100 million government stock
- keep deposits of government/ stabilization account.

(4) Loan levies — the tax paying public.

Foreign (5) Overseas capital markets.

(Addendum: Some description of the workings of the captive market and methods of obtaining loan finance by certain public organisations.)

B. Major types of government accounts

(1) Revenue

(2) Loan

(3) Exchequer ( = Revenue plus Loan plus SWA plus Bantu Education)
Kruger to consider changing laws

MARITZBURG. — Mr J T Kruger, Minister of Justice, assured a deputation from three provincial law societies that he would consider changing the detention laws, Mr D Doull, vice-president of the Natal Law Society, said yesterday.

Dr Doull and Mr Oliver Hart, president of the Natal and South African law societies, made up the deputation with members of societies from the Transvaal and Free State.

The 740 members of the Natal Law Society were given details of the discussion in a circular sent out last week.

The circular said the discussion was held in October and that the deputation stated its concern at the deaths of people in detention.

Mr Doull said news of the discussions with Mr Kruger had been released to Sapa on October 24, the day of the meeting.
Comatose
Biko lay
on mats in
hospital,
court told

Own Correspondent

JOHANNESBURG. Mr
Steve Biko lay comatose
on mats on the floor in the
Pretoria Prison Hospital when
a doctor examined him on the
day he died, the inquest court
heard yesterday.

Giving evidence as the
inquest entered its third week
yesterday, Dr Andries van
Zyl, a Pretoria District
surgeon, said he had received
no medical report on Mr Biko,
but had been told by a warden
that doctors in Port Elizabeth
could find nothing wrong with
him.

He was also told that Mr
Biko had refused to eat or
drink anything for seven days.

Dr Van Zyl diagnosed Mr
Biko's condition as 'general
weakness and dehydration as
a result of the fact that he had
had no food or liquid for the
past seven days.

At the stage, was he aware
that doctors had found
symptoms of neurological
damage but realized that he
was 'a sick man', Dr Van Zyl
said.

Dr Van Zyl gave Mr Biko a
vitamin B injection and
ordered that Mr Biko be drip
fed.

About seven hours later Mr
Biko was found dead in his
room.

Dr Jonathan Gluckman,
who represented the Biko
family at the post-mortem
examination, also gave
evidence yesterday.

See pages
5 and 6
Kenridge queries police sources

own Correspondent

Mr S Kenridge, SC, counsel for the Bikio family, yesterday the inquest court that certain information put to Professor N Proctor, by Dr R van Rooyen, SC, counsel for the police, had only been disclosed by his (Mr Kenridge's) team in confidential conversation and telephone calls.

Although he realized that Mr Van Rooyen probably had an extensive network supplying him with information, he would be interested to know the source, Mr Kenridge said.

The information related to an overseas trip by a member of the legal team appearing for the Bikio family.

Mr Van Rooyen's examination of Professor Proctor concerning Mr Bikio's brain injuries took up most of yesterday morning.

Mr Rooyen: If I say to you that I am not interested in speculation but only in positive facts, to which you can testify to under oath with a clear conscience, was there an application of force to the vertex of the brain?

Mr Proctor: I cannot be positive.

Mr Rooyen: Was the force to the left parietal region? I cannot say with 100 percent certainty that is so.

Mr Rooyen: Was there an application of force to the left frontal area? The evidence here is very much stronger. I am almost 100 percent sure. I doubt if there is any field of medicine where one can be 100 percent sure. I base my opinion on the body as a whole together with the evidence unearthed.

Bruising

Although you cannot be absolutely dogmatic you are relatively sure? Yes.

In making that inference you at have come from the situation of subcutaneous bruising underneath the left frontal region?

We are not the right occipital region — I cannot be 100 percent certain.

Just to clarify these words, you do not testify on fact, so you are within the realm of speculation? — Of calculated speculation.

This means that although it is possible it is also possible that this not so? — Correct.

Are you satisfying that in general?
Continued from page 5

pathologists to come along and to say that the causes followed like this and give the time factors would be impossible, that would be speculation? — It is not impossible. It is possible to reconstruct pathologically what has happened. It is much easier for us than for the physician because we know what is there. But knowing that the patient had a force applied to the head, these possibilities should have been kept in mind by a person, making a clinical examination.

Mr Van Rooyen: If there had been a weak point, would one not have expected secondary haemorrhages at this point?

Professor Gordon: What we saw under the microscope does not go along with this.

Mr Van Rooyen: I am suggesting that it is impossible at post mortem to say that a lesion existed in its post mortem state a few seconds after it was incurred.

Professor Proctor: I agree.

40 hours

Would you be able to give any sort of explanation for the fact that two hours after the contusion might have been sustained there was no planter reflex but that this ceased 40 hours later?

Mr Prins: Might this have depended on the circumstances of the examination, but in the first instance, the patient had been lying on a mat?

Professor Proctor: I don’t usually do this test.

Mr Van Rooyen: Would not this logically indicate that something happened in between? — I don’t for a moment doubt that the lesion increased in size from the moment they were incurred until the patient’s death. But we know that the patient had renal failure and that that could have contributed to the lesions. But contusions also develop alone, one need not have other secondary complications.

Mr Van Rooyen quoted from a book on the neuropathology of head injury by Professor J Adams of Glasgow, saying that a patient might be well enough to talk a short time after a head injury, only to deteriorate and die later as a result of some process which was initiated at the moment of impact.

This would be what you think happened to Biko? — Professor Proctor: Correct.

Mr Van Rooyen: Professor Loubser has said that in his opinion from the force required to cause a coup there would be subcutaneous bruising. I would agree almost, but not quite. This is likely. They do not exclude the possibility that there could have been a coup injury without bruising.

If it was accepted that apart from the lesion in the left frontal region the other lesions were not coup lesions, the force applied to the left frontal region must have been absolutely catastrophic to cause contrecoup lesions of this kind, Professor Proctor said. He accepted Professor Loubser’s evidence that there had been no subcutaneous bruising on the right occipital region but it was not necessary for such a bruise to a blunt object.

Mr Van Rooyen: With force applied occipitally contrecoup injuries often occur? — Yes. All things are possible.

There is no evidence that there had been a coup injury to the right occipital region? — It is not important.

Professor Proctor said lesions could occur without subcutaneous bruising.

Mr Van Rooyen: One cannot unravel afterwards what caused all the diffuse injuries. Attention to the anatomical facts would give some indication of where the force was applied.

The mystery

Questioned by Mr Van Rooyen, Professor Proctor said he had been asked by counsel for the Biko family to join discussions to try to unravel the mystery of the injury and during the discussions the probability that more than one blow had been applied was considered.

These discussions had been conducted with Dr Plotkin, Dr Gluckman and Dr Ronald Tucker.

Mr Van Rooyen: The whole medical field was assembled to try to determine if there had been more than one blow? — Not for that single fact. We discussed various aspects of the case. We tried to correlate the pathological evidence with statements concerning the patient’s health before death.

Was not the purpose of the discussion to determine if there was any inference to be drawn from people who say there had been a scuffle and that Biko may have bumped his head? — In fact, we were trying to establish the facts. Was not the information regarding the scuffle was discussed. This lesion was extensive and it is accepted that it could have been caused by more than one application of force. It was considered that this application of force could also have led to the lesion in the right occipital area.

Mr Van Rooyen: No attempt was made to bring in Professor Loubser or Professor Simpson. It was the family team building up a theory? — I thought I was trying to solve the problem of maintaining the ethics of medical conduct. During these discussions, counsel for the family were also present. One of them had gone overseas to glean information about the mechanism of contrecoup injuries — I don’t know why he went overseas but he did get information from people more experienced than us.

Mr Kentridge: Part of this was true, but it had only been used in confidential conversation and during private telephone calls. No doubt my learned friend has an extensive network of contacts and he would be very interested to know the source of his information.

Mr Van Rooyen referred to the model of the brain before the court.

Would it not have been important to have a record of what is referred to in the correct size and position?

Professor Proctor: I was only trying to depict the extent and position roughly, but that is not far out. I made no claim at any time that they were exact representations. It was merely the simplest method of trying to explain the injuries to the court.

All lesions

Mr Van Rooyen: Would you agree that all lesions had been caused by an application of force to the left side of Mr Biko’s forehead? — It is conceivable but I don’t think it is the case.

Professor Proctor agreed that even with severe brain damage the degree of unconsciousness could be slight.

Mr Van Rooyen: Regarding the lesion in the right parietal region. This does not involve a consciousness centre? — We don’t know, where the consciousness centres are situated. I don’t know which injuries would have resulted in coma.

You were in the field of greater speculation when you mentioned that Biko should have been unconscious for up to fifteen minutes? — I don’t think I appreciated that unconsciousness is an essential factor in brain damage. Here is a case of brain damage. This patient would have been unconscious in the medical sense.

If you had been told that there had been a fight that a man had been bumped on the head and that afterwards for a relatively short period he was found mumbled incoherently, then not reacting at all. You would agree that that is degree of unconsciousness? — Yes, I would accept that and would agree that that was a very interesting case. It is perfectly possible that he later reacted normally but that might occur.

Sat down

Mr Van Rooyen sat down. Mr S V Pickard, for the doctors, rose.

Mr Pickard: Have you ever had another case with all the pathologies exhibited as in Biko’s case? — No.

Have you ever had a case where cerebral concussion was followed by leptomeningeal and tubular necrosis as in this instance? — No.

Mr Pickard: Have you ever dealt with a case in which DIC (Disseminated Intravascular Coagulation) was coupled with cerebral failure? — Not that I can recall.

Are you really in a position to relate your post mortem findings with the original hypothesis? — With respect to certain of the clinical signs I feel I can express a calculated opinion, but in regard to the majority of them I do not feel qualified to do so.

Professor Proctor said he was sure that it would have presented a considerable problem for a general practitioner to make a diagnosis from symptoms of this complexity, but he felt that laboratory tests would have been available.

Mr Prins: The general practitioner is not conscious only of the brain but of the whole body.

Showed signs

Professor Proctor: The patient did show signs which could have been interpreted by a general practitioner that there was something going on in the brain, for example the planter reflex. Some symptoms would probably have been difficult to detect on clinical grounds but could have been detected on laboratory tests.

Professor Gordon: It surely is not reasonable to expect an ordinary general practitioner to carry out a laboratory test because he expects a DIC to result from a head injury. How can you expect such a man to be so far with the situation?

Professor Proctor: I agree with you. I feel it would be extremely difficult for a general practitioner.
had a case like B

to be conversant with these disturbances. He would have difficulty in diagnosing both the DIC and electrolyte disturbances. The same applies to renal failure. I agree it would be difficult for you even to suspect it.

Broad terms

Mr Pickard representing three doctors resumed his examination of Professor Proctor after the lunch adjournment. He asked Professor Proctor whether he agreed that the reported cases of tubular necrosis following head injuries were less than one in one hundred thousand. Professor Proctor said he agreed with this in very broad terms.

Professor Proctor said he was not able to give a prognosis on mortality rates considering all the other complicating factors which accompanied Mr Biko's brain injuries.

Mr Von Lieres, leading of a post-mortem report. Professor Proctor said that at the time of his conference with the other doctors it was clearly stated that in order to leave the matter open, the wording of the final report agreed upon by all was that death was due to head injury. In this way they avoided making a commitment on whether they felt one or more blows were involved.

Mr Von Lieres said Professor Proctor's estimate of the number of blows could have been an important lead to police investigating the death of Mr Biko. Professor Proctor disagreed saying this was not necessarily so.

Professor Proctor said that he had not been certain that he was right and that was why he felt the statement in the report was enough to cover the possibility of whether a single or multiple impact was involved in the injury. He emphasized it was his opinion that there was a large opening in the membrane through which the transmission of force could have occurred.

Mr Von Lieres said if there was such an extensive opening in the membrane, why could an application of force to lesion No. 1 not have caused the same injury as lesion No. 3? Professor Proctor said this was not impossible, but the angular line of force would be different.

He said a wave of force from the frontal area would not penetrate directly through the opening of the membrane but would encounter the tentorium before passing through the sub-tentorial.

He said he could not remember that the number of impacts or blows had been discussed at his conference with the other professors on October 20.

He said there was no discussion at that time whether there had been one impact or more than one. All the doctors were satisfied that there was evidence of a contrecoup injury and there were several other lesions which Professor Proctor himself believed were contusional, but others might have disagreed.

Professor Proctor said there had been no opposing opinions expressed at the time. Since they were all concerned, not with how many blows were sustained, but with whether there had been an injury to the brain and to the head.

Mr Von Lieres asked why it was so important for the doctors not to commit themselves on the number of blows. Professor Proctor said they had thought it would be better not to make a definite statement.

He said he had not been prepared to commit himself since he had considered the number of blows as a probability which the phrasing in his final report had included.

Riddle

Mr Von Lieres said he had not disclosed information which could have assisted other parties to solve the riddle that gave rise to this death.

Professor Proctor said he had not deliberately failed to disclose anything since his report clearly outlined the five different lesions in the brain and his report had been available to all the doctors on October 20.

Returning to his examination on the possible causes of the lesions, Mr Von Lieres said Professor

Evidence, examined Professor Proctor closely on the report submitted to the court of his examination of Mr Biko's brain.

Professor Proctor said he had received certain specimens of the brain from Professor Loubser on September 27 and had submitted his report on October 14.

Mr Von Lieres asked at which stage did he come to the conclusion that more than one blow was involved in damaging Mr Biko's brain. Professor Proctor said this was several days after making his examination and report on his findings.

Conference

He said he had not formed any conclusions on the number of blows involved when he handed in his report. He said he thought it was probable that the idea was in his mind when he went to a conference on October 20 with Professor Loubser, Professor Simons and Dr Gluckman.

Mr Von Lieres asked why he had not advised the doctors of his conclusions since he was aware only that more than one impact was involved.

Mr Von Lieres asked what were the circumstances that gave rise to Professor Proctor's certainty on this on October 20. Professor Proctor said he had not claimed that he had been certain at any time. It was impossible in medicine to be certain in 99 percent of cases and he had not been certain at the time, was not certain now but felt it was highly probable that more than one blow was involved.

Mr Von Lieres repeated the question in a different form and Professor Proctor said he remembered at some stage he became more convinced of this. Asked under what circumstances his conviction arose he replied: I suppose by a process of sudden conscious integration.

When the magistrate replaced the question asking at which stage Professor Proctor had reached his considered opinion on the number of blows, he said his memory was not that precise. He could not specify when the thought had signs of neurological damage on Mr Biko.

Dr Van Zyl said he tried to talk to Mr Biko but could get no reaction. He had been with Mr Biko between 30 to 45 minutes and possibly longer.

In reply to a question by Mr Pickard, for the doctors, Dr Van Zyl said he had never been in the section where Mr Biko was kept before September 12.

Mr Von Lieres asked Dr Van Zyl whether the room in which Mr Biko was kept was equipped in a satisfactory manner.

Mr Van Zyl said he had been taken to different wards that looked like those in a hospital. Mr Biko was in a private room.

Mr Kentridge then told the court he had photographs of the room available. It looked as though the patient was lying on a mat on the floor and not on the bed, Mr Kentridge said.

Studying the photographs of the room in which Mr Biko was allegedly kept Dr Van Zyl said it appeared to be the correct place.

Mr Kentridge: When you saw Mr Biko, was he on mats on the floor? — That is correct.

Dr Van Zyl then left.

Mr Kentridge told the court that Dr Josiah Gluckman the pathologist for the Biko family who was present at Mr Biko's autopsy, had been listed as a prospective witness. He asked that Dr Gluckman be called to clarify certain points in the pathologists' report.

Mr Van Rensburg, for the police, objected saying that Dr Gluckman had handed in no separate affidavit which would enable lawyers to judge the relevance of his evidence or prepare for examination.

Mr Kentridge said that as a signatory to the report Dr Gluckman could be asked to explain certain aspects of it.

The magistrate ruled that as Dr Gluckman had been co-signatory to the post-mortem report which had been submitted as an affidavit he had made an affidavit.

Mr Prins ruled that Dr Gluckman be called as a witness.

Dr Gluckman told the court he had been in consulting practice as a pathologist for almost 30 years. He attended the post-mortem of Mr Biko.

"I was given every possible cooperation in my attendance at this examination which was carried out with the utmost scientific objectivity on the part of all concerned," Dr Gluckman said.

He had taken segments of dis-
rise to lesion No. 3 was improbable, particularly since there was an absence of bruising. He said the pressure wave generated by an impact to the left frontal area was more probably the cause of lesion No. 3.

Professor Proctor said he did not think it was more probable.

Mr Von Lieres suggested that lesion No. 5 was of secondary origin.

Late yesterday afternoon Dr A van Zyl, a Pretoria district surgeon, who examined Mr Biko on the day he died, was called.

He read an affidavit which said that he had examined Mr Biko at the Pretoria Prison hospital at 3pm on September 12.

He had been told that Mr Biko had refused to partake of anything for a week. He had also been told that Mr Biko had been examined by a doctor and a physician who could not find any fault with him.

Dr Van Zyl said he received no record from Port Elizabeth in connection with the patient. After examining the patient he diagnosed general weakness and dehydration as a result of the fact that he had had no food or liquid for the past seven days. Dr Van Zyl prescribed a drip and gave Mr Biko a vitamin injection.

Conversation

Mr Kentridge then asked Dr Van Zyl who had given him the history of Mr Biko’s alleged refusal to eat or drink anything for seven days.

Dr Van Zyl said he learned this in a telephone conversation with a Sergeant Pretorius at the hospital. Dr Van Zyl said that as far as he could remember no one had told him that Mr Biko’s case was urgent.

Asked by Mr Kentridge whether Mr Biko seemed seriously ill Dr Van Zyl replied: “He was medically a sick, sick person ... he was comatized.”

Asked whether he could receive proper attention in the hospital section of the Pretoria Prison without going to a provincial hospital, Dr Van Zyl said he had the assurance that the medical orderly at the prison would keep him under proper observation.

Mr Kentridge then asked where Dr Van Zyl had heard that the Port Elizabeth doctors could find nothing wrong with Mr Biko.

One of the warders told me that.

Dr Van Zyl said he did not know who the warder was and he was not introduced to him. Dr Van Zyl said he had been told at no stage that doctors had found Dr Glickman said.

He had taken no part in dating the brain injuries but had assisted with the other injuries.

He reached his independent conclusions and found later that there agreed with the findings of the other pathologists conducting post-mortem examinations.

Dr Glickman said he did not regard himself as a specialist neuro-pathologist and had studied the conclusions reached by Professor Proctor. He said he was completely satisfied with Professor Proctor’s conclusions.

Dr Glickman said he was qualified to speak on the post-mortem examination of the kidneys.

Mr Kentridge: Did you find any evidence of chronic kidney trouble that might have existed before and apart from the head injury. — None whatsoever.

Big toe

Mr Kentridge then asked about Mr Biko’s heart, veins, and arteries.

Dr Glickman said they gave an impression consistent with that of a healthy young man of about 30 years of age. There was no sign of hypertension.

Mr Kentridge then questioned Dr Glickman on the injuries found on Mr Biko’s left big toe which had the appearance of being a blister which had been pierced.

Mr Kentridge asked whether Dr Glickman could throw any light on the injury.

“None whatsoever. It was a source of considerable speculation. I don’t think any of us was able to give a reasonable background to the injuries. It was most peculiar.”

Mr Kentridge then questioned Dr Glickman on the injuries on Mr Biko’s forehead.

When Dr Glickman arrived at the post-mortem Mr Biko’s scalp had been opened up. Dr Glickman observed the bruises within the scalp. It was very striking indeed, Dr Glickman said.

Mr Kentridge: Is it possible to ascertain the number of applications of force necessary to give rise to this bruising? — I know of no basis on which to come to a conclusion. It could have been one or several.

Dr Glickman agreed that Mr Biko’s skin colouring was darker than that on the photograph handed in to the court.

Mr Kentridge: Allowing for that can you explain why in the days before his death it wasn’t seen by the doctors and others who saw him? — It is beyond my comprehension.
Dr Gluckman said he agreed with Professor Lourens that it fell between four and eight days before Mr Biko's death.

Dr Gluckman said he believed it was nearer to the five or six day mark than four or eight days.

Dr Gluckman said he believed that the tissue samples taken by Professor Lourens and Professor Proctor were adequate.

Questioned on previous debate on the number of head injuries sustained by Mr Biko and the role of the pathologist to deduce the cause of death as head injury, Dr Gluckman said the report had specifically not come to any conclusion as to whether Mr Biko had sustained one or many injuries as they did not want to include any speculation in a factual report. The matter had been left open.

Dr Gluckman said that he did not feel himself able to examine all medical aspects on Mr Biko's death and had recommended to the attorney acting for Mr Biko's family that other specialists be called in, in order for a satisfactory interpretation and reconstruction of the last few days of Mr Biko's life.

Mr Kentridge then questioned Dr Gluckman on the report containing an analysis of the spinal fluid taken from Mr Biko.

Mr Kentridge: Will you give as a pathologist comment on it?

Dr Gluckman in the attention of the court to an indication on the report showing the spinal fluid to be colourless and at the same time containing 1,656 red cells. Spinal fluid containing the count could not possible have been clear. Anything from 200 to 300 red cells is slightly turbid and this increases as the number of red cells increases.

Dr Gluckman described contradictory findings in the report as an incorrect observation.

Mr Kentridge then questioned Dr Gluckman on the observation that tests for anchochroma which would indicate brain damage had proved negative.

"As I reject absolutely the statement that the fluid was clear so must I reject that there was no anchochroma."

The observation was faulty.

Asked by Mr Kentridge: was he had signed the report. Dr Gluckman said the statement had been illegible but a rubber stamp bore the name of Nellie.

Mr Kentridge: What should be the reaction of a physician receiving such a report? Wouldn't accept it. Alternatively the lumbar puncture should be repeated because of the paradoxical result.

Dr Gluckman said he was far more inclined to accept the red blood cell count because this was done very carefully on the counting chamber of a microscope.

Mr Kentridge then questioned Dr Gluckman on the false name of Stephen Nkjo that appeared on Mr Biko's lumbar punctures analysis form.

Conduct

Mr Kentridge: According to accepted medical practice where does the responsibility lie for putting the patient on the sample that is sent? -- There could be no equivocation. It lies solely in the hands of the doctor in charge of the case. It cannot be delegated.

Mr Kentridge then questioned Dr Gluckman on the evidence regarding the Hippocratic Oath by Dr. Tucker chief, District Surgeon of Port Elizabeth.

Dr. Tucker told the court that the Hippocratic Oath had a bearing on his ethical conduct but his conduct was actually governed by the rules of the SA Medical and Dental Council.

Dr. Gluckman said: I was somewhat surprised at this. There is nothing in the Hippocratic Oath that conflicts with the rules of the Medical and Dental Council.

In terms of accepted medical ethics the interest of the patient and nothing else was paramount to the doctor. Dr. Gluckman said.

Mr Von Lieres then rose and told the court it would probably be necessary to recall Dr. Colin Hersch, a specialist, who supervised the lumbar puncture on Mr Biko to explain contradictions in the analysis of Mr Biko's spinal fluid.

Quoting from the record Mr Kentridge told the court that the question had already been asked and Dr. Hersch had replied 'I don't know.'

Mr Von Lieres asked Mr Prins to make a ruling on the production of documentary evidence to substantiate a claim made by Professor Proctor.

Mr Prins said the relevant statement was contained in a book by one of the assessors, Professor Gordon, and excused Professor Proctor from the inquest.
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Figures in parentheses are the number of months in each company's financial year completed at the end of October.
Biko lay on the floor, says doctor

By HELMUT WALTER

MR STEVE Biko lay comatose on mats on the floor in the Pretoria Prison hospital when a doctor examined him on the day he died, the inquest court heard yesterday.

Giving evidence as the inquest entered its third week yesterday, Dr Andre van Zyl, a Pretoria district surgeon, said he had received no medical report on Mr Biko, but had been told by a warden that doctors in Port Elizabeth could find nothing wrong with him.

He was also told that Mr Biko had refused to eat or drink anything for seven days.

Dr Van Zyl diagnosed Mr Biko's condition as "general weakness and dehydration as a result of the fact that he had had no food or liquid for the past seven days."

At no stage was he aware that doctors had found symptoms of neurological damage on Mr Biko, but he realised that Mr Biko was "a sick man", Dr Van Zyl said.

Dr Van Zyl gave Mr Biko a Vitamin B injection and ordered that he be drip fed. About seven hours later Mr Biko was found dead in his room.

Producing photographs of the room in which Mr Biko was kept in Pretoria, Mr Sydney Kentridge, SC, for the Biko family said: "When you saw Mr Biko, was he on mats on the floor?"

Dr Van Zyl: "That is correct."

He tried unsuccessfully to communicate with Mr Biko who was in a comatose state, Dr Van Zyl said.

Dr Jonathan Gluckman, who represented the Biko family at Mr Biko's post-mortem examination, also gave evidence yesterday.

He told the court there were contradictions in the analysis report of Mr Biko's spinal fluid following the lumbar puncture. It was impossible for the fluid to have been clear when the red cell count was 1655, Dr Gluckman said.

It was "beyond his comprehension" that doctors and others who saw Mr Biko on the day before his death had not noticed the injury on his forehead, he said.

Full Report, Pictures, on Page 5
Doctor found prisoner lying on mats in prison hospital

Privately funded police lawyer for Biko
Natal man sent Biko T-shirts

EAST LONDON — The acid-impregnated T-shirt which injured the five-year-old daughter of the banned Editor of the Daily Dispatch, Mr Donald Woods, was sent by a man known to the family.

But Mr Robin Holmes, the Natal clothing factory owner who sent the shirt had no idea how it came to be impregnated with acid and had not intended the shirt to reach Mr Woods' children at all.

This was made clear when Mr Holmes telephoned the Woods house at the weekend to explain how he had sent two shirts, each with a picture of the dead black consciousness leader, Mr Steve Biko, to Mr Woods, wanting them to be forwarded to Mr Biko's children.

Mr Holmes said he told Mr Woods some weeks ago he would be sending the T-shirts, and he posted them at the New Hanover Post Office, addressing them to Mr Woods, GPO the Daily Dispatch.

The parcel was duly delivered to the Woods home and Mary Woods, opened the parcel, and, thinking a shirt was for her, pulled it over her head.

She screamed in pain as an acid-based skin irritant with which the shirt had been impregnated burnt her eyes and caused a purple rash on her face, shoulders and arms.

Mary has fully recovered from the incident, but the police are investigating in an attempt to find out how the irritant came to be in the shirts.

The officer investigating the case, WO E. Magnus, said here yesterday Mr Holmes' disclosure had opened up new aspects of investigation. He refused further details of how police inquiries were progressing.

Mr Holmes said the Biko T-shirts were originally ordered by the Black Peoples Convention, which intended selling them to raise funds for Mr Biko's wife and family. He stopped printing them after the BPC was banned.

He had no idea how the shirts came to be acid impregnated as he had always used the same dyes from the same source of supply, and had printed about 30,000 T-shirts without anything like this happening.

The Woods family were unable to tell whether the parcel had been tampered with on the way to East London as it had already been opened by the time they thought of inspecting it with this in mind.

(4) Loan levies - the tax paying public.

Foreign (5) Overseas capital markets.

(Addendum: Some description of the workings of the captive market and methods of obtaining loan finance by certain public organisations.)

B. Major types of government accounts

(1) Revenue
(2) Loan
(3) Exchequer ( = Revenue plus Loan plus SWA plus Bantu Education)
Could Biko be saved?

Professor Neville Proctor holds a model of a brain with Mr Biko's injuries shaded on. He said there was swelling of the brain due to the injuries which if not treated would have killed 12 to 14 days after injury. If treated this could, but not necessarily would, have been alleviated in time to avoid death.

Tribune Reporters

FIVE vital questions have arisen from evidence at the inquest on Black Consciousness leader Steve Biko at Pretoria's Old Synagogue.

- Did his five brain injuries result from one impact or several?
- How could 16 policemen and three doctors have missed Mr Biko's forehead injury — clearly visible in a photograph taken at the post mortem?
- When during the 15 days before Mr Biko's death did he receive the fatal head injury or injuries?
- Why was a sample of spinal fluid taken from Mr Biko three days before his death sent to the Institute for Medical Research under a false name?
- Will the two top men in the Security Police give evidence concerning the credibility of Colonel P. J. Goosen, the Security Police chief from Port Elizabeth who is alleged to have given out the information on Mr Biko's death which reached Minister of Justice Mr Jimmy Kruger?

Stormy

The second week of hearings was marked by many stormy legal disputes between Mr Sydney Kentridge SC, for the Biko family, and Mr P. R. van Rooyen SC, the police counsel especially on the question of possible evidence by security chiefs, Brigadier C. P. Zietsman and Brigadier P. J. Coetzee.

The number of impacts needed to cause Mr Biko's head injuries was disputed by two eminent doctors, Chief State Pathologist Professor J. D. Louw and Professor N. S. F. Proctor, "Professor of Neuropathology at Wits".
How many impacts caused the fatal brain injuries?

The Biko family's legal team.

Professor Louber, whose post-mortem on Mr Biko was one of about 15,000 he has performed, told the inquest he believed the injuries resulted from a single application of force to the head.

This would have occurred on the left side of the forehead, in such a broad base that the directions of impulse within the skull fanned out, causing all five injuries found in the brain.

Professor Procter believed the five injuries were caused by at least three, and possibly four, impacts.

Of all the policemen who have given evidence or submitted affidavits — including the Security Police chief in Port Elizabeth, the five men who interrogated Mr Biko at the Sanlam Centre and staff from Walmer Police station — only one has said he saw anything remotely resembling the wound on Mr Biko's forehead.

He is Lieutenant Winston Wilken, who was in charge of the three-man squad who guarded Mr Biko on the night of September 6-7 suggested by counsel for the family to be the period when the detainee received his fatal injury.

Lieutenant Wilken said that while sitting on a chair "killing time" by watching the sleeping Mr

like a birthmark on the left side of his forehead, but did not think it was an injury.

Dr C. Hersch, the specialist physician who performed a lumbar puncture on September 9 on Mr Biko while he was being kept at Sydenham Prison Hospital said he noticed something which he took to be "spatula" on the left side of the detainee's forehead.

Professor Louber said it was amazing that so many people had missed the injury. It should have been visible within 12 hours of being inflicted.

He himself had missed lesions while conducting post-mortems, Dr Louber said.

Estimate

Earlier he told Mr M. J. Prins, Pretoria's Chief Magistrate and the officer presiding over the hearings, that he estimated the injury to have been caused between four and eight days before Mr Biko's death — between September 4 and September 8.

When Mr Biko died his brain injuries were less than three to five days old and no more than 12 to 15 days old — this is the estimate of Professor Proctor, with which the Chief State Pathologist largely concurred.

In all probability, Professor Proctor concluded, the five injuries of the brain were between five and 12 days old when Mr

Professor Louber's view was that the injuries tended more towards the three to five day period than the 12 to 15 day period.

Mr Biko died on the night of September 12, Mr Kentridge said. If the injuries were then five days old he would have received them on the night of September 7, if six days old on the night of September 6.

According to police evidence Mr Biko was interrogated on September 6, slept that night handcuffed and fettered in an office at security headquarters in the Sandbag Building, and was handed back to the interrogation team on the morning of September 7.

Mr Biko's alleged scuffle with the interrogation team was said to have started early in the morning of September 7 when he threw a chair at Major Harold Snyman.

Mr Kentridge has submitted that the fatal injuries were inflicted some time between the evening of September 6 and the morning of September 7.

Why was the fluid taken from Mr Biko's spine at the prison hospital three days before his death, sent to the Institute for Medical Research under a false name?

The name given on the sample was Steven Njelo. Mr Kentridge submitted this week, while cross-examining Dr. C. Heritz, that this aspect of the evidence as a mystery and in the absence of any information likely to solve it, he passed on to another forum.

A ruling by the magistrate whether the Chief of the Security Police Brigadier C. F. Zietsman and his deputy Brigadier Johan Coetsee, will be allowed to give evidence on the police chain of information between Colonel Goosen and the Minister of Police.

Credibility

An aim of getting the officers to testify is to test the credibility of Colonel Goosen. It is said he reported to the officers after Mr Biko died and Mr Kentridge alleges there are substantial differences between what Colonel Goosen told the court and what Mr Kruger made public about the death.

Earlier this week the magistrate said the pair would be called to give evidence. However, on Thursday, when Brigadier Coetsee took the witness stand, Mr van Rooyen objected.

The magistrate said he would make a ruling on the matter at a convenient time. — probably
Head Injury

No One Saw

Prof. Amazed

THE BIKO

Inquest

TENTH DAY

Inquest

Have Disappeared

Signs of Brain Injury Could
Detained Witwatersrand student will vote

Johannesburg — In a probably unprecedented move, a detainee held under Section 6 of the Terrorism Act will exercise his right to vote by special arrangement, Mrs. Helen Suzman said yesterday.

Mrs. Suzman, an opposition PFP parliamentary candidate for Houghton, said she had asked permission for a magistrate acting as returning officer for special votes to have access to the detainee.

"I have not been asked to act for any other detainee and I don't know whether there are any others held under Section 6," she said.

The detainee, Mr. Tom Waspe, a third-year University of the Witwatersrand student detained three weeks ago, will cast his vote in Bezuidenhout, a closely-fought constituency.

Mrs. Suzman said that detainees, ex-detainees and banned persons were only debarred from voting if they had been convicted and sentenced by the courts to a sentence of more than one year in jail.

There were several banned whites entitled to vote, she said. — DDC.

III. FINANCIAL

A. Various sectors

Domestic (1) Public debt committee
   - kind of financial intermediary
   - main holders of long-term government stock
   - function

(2) Other holders of long-term government stock
   - insurance companies — "captive market"
   - other private financial institutions
     (non-banking)

(3) The Banking Sector:
   (a) Commercial banks — short-term government stock and Treasury bills
       — legal minimum reserve requirement.
   (b) Reserve Bank — hold approx. 2% government stock
       — keep deposits of government/stabilization account.

(4) Loan levies — the tax paying public.

Foreign (5) Overseas capital markets.

(Addendum: Some description of the workings of the captive market and methods of obtaining loan finance by certain public organizations.)

B. Major types of government accounts

(1) Revenue
(2) Loan
(3) Exchequer (= Revenue + Loan + SWA + Bantu Education)