TOTALITARIANISM

DETENTION 1977

OCT. — ~~NOVEMBER~~

OCTOBER — ~~NOV~~.

RDM. 1/10/77 (395 detentions)

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 Gert 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 if so, when the investigation would begin, the spokesman said.

"We don't know if there are any allegations. We don't know if there was an assault. What is there to investigate now?" the spokesman asked.

Mr Kruger 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 death" 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 practices 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

D.D. 1/10/77

325-detention

EAST LONDON — After tension in East London townships had mounted for two days because of widespread rumours that boxing idol Mzukisi "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 wait while Mr 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 a 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 he said claimed 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 the photograph of Mr Skweyiya. — DDR.

11/10/77

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

Attorney-General: why Biko delay?

D.A. 1/10/77 325-detention

JOHANNESBURG — The Attorney-General of the Transvaal, Mr J. E. Nothling, has expressed surprise that the police have not yet started to investigate the death in detention of the black consciousness leader, Mr Steve Biko.

Whenever an unnatural death occurred the police usually began an investigation as soon as possible, Mr Nothling said yesterday.

But a spokesman for the Commissioner of Police, Gen Prinsloo, confirmed yesterday that police investigations would not begin until the final post-mortem results had been released. The report is expected to be ready in about a week.

"We don't know if there are any allegations. We don't know yet if there was an assault. What is there to investigate now?" the spokesman asked.

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

Mr Kruger said yesterday he was not prepared to make any comment at all on the Biko case.

But Mr Nothling said yesterday that according to the Inquest Act, the police were obliged to investigate any unnatural death.

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

He could not comment on the failure of the police to begin the investigation. "They must have a good reason," he said.

Mr Nothling said he would not be in a position 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 results of the police investigation.

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

"This is absolutely necessary so that the investigation is 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 [illegible] obviously [illegible] natural death. Particularly in the present circumstances, I would have thought that a fullscale 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 unnatural delay in respect of anything over which Mr Kruger has authority," Mr Swart said.

Mr Nothling added: "I would have thought the police would have begun investigations immediately. That is what usually happens. Why should things be delayed this time?

"Whenever an unnatural death is reported to the police they begin investigations immediately. There is never an unnecessary delay," he said. — DDC.

Why this delay?

RDM 11 Oct 77

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 symptons 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 so obvious a thing as 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 10, 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

Sun. Exp. 2/10/77 (325-detention)



ADAM SMALL, the great Coloured poet, examines Steve Biko's yearning to step out of the "shadow of Whiteness."

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 Dubois, Marcus Garvey, others. Poetry and other genres of literature have played an important role.

And dreams, dreams of freedom. Not everything committed 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-communistic 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 "Whiteness" (I refer to 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.

DD. 3/10/77
SAS-detention

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 an interview with Mr Biko's widow and members of the Black People's Convention, of which Mr Biko was founder - president.

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

The Sunday Times reported the editor of World in Action, Mr R. Fitzwalker, as saying: "The television team, by the very 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

D. D. 4/10/77 (325 - detention)

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 increasingly 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, Upen, 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. Upen extends its sympathy to his next of kin." — DDC.

Biko film on TV, page 9.

Double standards over Biko

(325) Detention

From Mr D. H OVERTON (Scott's Building, Plein Street, Cape Town):

THERE SEEM to be some remarkable double standards being applied by those who are apparently seeking to make political capital out of Mr Biko's death.

Mr Nthlabanelo, publicity secretary of Swapo (an organization that claims to be fighting racism), said at the funeral that "we have one enemy, the selfish and unscrupulous white South Africa" (Cape Times, September 26).

Surely those who have been so quick to condemn Mr Kruger for insensitivity should now raise their voices in world-wide protest against this outrageous display of anti-white racial incitement, or are these ethno-masochists only outraged when blacks are the victims of racism? (Incidentally, how is it possible that this Swapo propagandist was able to come to this country and to deliver such a provocative speech on such a sensitive occasion?)

This speech, furthermore, makes nonsense of Dr Alex Boraine's claim that the ceremony was "without hatred or violence". Violence may not have occurred at the ceremony itself, but the fact that two innocent black policemen were later murdered by stone-throwing mourners on their return to East London, is surely directly attributable to the level of hatred generated at the ceremony.

It is interesting to note how the deaths of these policemen — who were only doing their duty — have been played down in the liberal press. Do they not also merit notice or compassion?

Another example of double standards comes from Mr Clive Keegan in a letter to the Cape Times on Mr Biko's death (September 23). He says: "I am not concerned at the further damage his death will do to our image in the outside world ..." and continues: "If Steve Biko's death serves to concentrate further the world's attention on South Africa's ills, ... then Biko will not have died in vain".

Is it not strange that Mr Keegan, who professes to be concerned about the rule of law and its due process, should, in this instance, recklessly rush into print before the findings of the inquest are known, and with such an arrogant disregard for the serious consequences to this country which his and similar pre-judged opinions may have?

If he and those others who peddle double standards in the name of "freedom from oppression" were really logical, they would leave this country and join that great "liberationist", Idi Amin, in Kampala, where he would soon help to "liberate" them from the cares of this world.

The CYL, showi ns must determine their ked beyond S. A. 's borders the co-operation of all Africans .ca and freedom from colonialism ica and the appointment of A mah, carried in the South Africa

The CYL was susp , it was a white evolved do diagnosis was in direct co t Africans were oppressed b anists of the CYL did not reje nd themselves drawn together in creating a mass movement.

The ANC 's interr meeting of the Congress of t s supported by the ANC, the h African Congress of Democ and the South African Con a Freedom Charter in which all who live in it, Black ishment of a multi-racial democ sharing power. Such decl ists, denying the concept of " l ideology, the interracial co of non-African leadership constituted, to the Africanists, a betrayal of African nationalism. After the failure of the Western areas and 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. (15)

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

(13) Walshe, pp. 335-336 (14) Wilson & Thompsom, p.459
(15) Wilson & Thompson, p.464.

British TV told of 'Biko's vow'

Star 4/10/77

325 det.

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 newspaper editor Mr Donald Woods.

He was being interviewed on the life and death of Mr Biko in a 30-minute programme entitled "World in Action."

Mr Woods said Biko had told him that if any thing 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 policies toward South Africa.

APPEALING

"I think it would cause most Americans to be far more reluctant to have a relationship with South Africa. Should we continue investments and loans and other kinds of relationships with a government that participates in this kind of activity?"

"I think we come closer and closer after events of this kind of deciding that we are ready to wash our hands of Mr Vorster and, if his Government wants to operate in this way, they're going to have to 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 Burley, 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 is crazed with fear of the blacks. After nearly 30 years of exploiting racial prejudice by a white minority they are 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 along with the official causes of death, including suicides 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?"

Astonishment—Baffle 6

Astonishment, n., makalo, hlollo, tsoto, pabatso.
Astound, v., ho makatsa haholo.
Astray, adv., ka ho khelōha, ka ho lahlèha; *to go astray*, ho lahlèha.
Asunder, ...

Avail, v., *to turn to profit*, ho ithusa; *to be of use*, ho thusa; *it avails me nothing*, ha ho nthuse letho.
Avarice, n., bokhōnatha, ...

Bag, n., mokotla, khetsi, letlōle, mouba.
Bait, v., ho chèha, chachehisa.
Bake, v., ho apèha, phèha, besa.
Baker, n., seapehi sa bohobe.

Barrenness, n., bonyōpa.
Barricade, n., lerako le etselitsoeng ho loana, lehōra.
Barrier, n., qhalisi, motèro, hèkè.
Barrier, ...

Barbel, n., ...
Bare, adj., e hlōbōtseng, e fèèla, e sebataōlo.
Bare, v., ho hlōbōlisa.
Barefooted, adj., ea sa roalang lièta.
Barely, adv., *I have barely enough money*, ke batla ke se na chelete e lekanang.
Bark, v., *of a dog*, ho bōhōla; n., moōlō.
Bark, n., *of a tree*, lekhapetla, khoebō.
Bark, n., *a ship*, sekèpè.
Barley, n., garese.
Barn, n., moliko.
Barracks, n., plur. ntlō ea masole.
Barrel, n., *a cask*, faki; *of a gun*, lopo, koto ea sethunya.
Barren, adj., *of things*, e nyōpileng, e letsoatlare, e phollatsi, e sebataōlo; *of a woman*, e nyōpileng, moōpa, nyōpa.

Be, v., ho ba.
Beach, n., lebōpo la leoatle le nang le lehlabathe.
Beacon, n., mokōlōkōtoane.
Bead, n., sefaha, tōna.
Beak, n., molomo oa nonyana.
Beam, v., ho benya, khanya, phatsima; n., *a ray*, lehlaseli.
Beam, n., *timber*, balaka.
Bean, n., naoa.
Bear, v., *to carry*, ho jara, sikara; *to suffer*, ho mamèlla; *to produce*, ho tsoala, bèa litholoana.
Beard, n., litelu.
Bearer, n., mojari, lenǵosa.
Beast, n., phooiolo.
Beat, v., *to knock*, ho otla, bata, shapa; *to overcome*, ho hlōla; *to strike often*, ho tèa.
Beautiful, adj., e ntle.
Beauty, n., botle, machosi.

B

Babble, v., *to talk idly*, ho bèrabèra; *to tell secrets*, ho senola makunutu.
Baboon, n., tšoene, bobojane.
Baby, n., lesea.
Babyhood, n., bosea.
Bachelor, n., lesōha la monna, khope, molala.
Back, n., mokokotlo, seholo-holo, qōthō.
Back, adv., morao, kamorao, kasanthao.

Back, v., *to support*, ho èmèla; *to move back*, ho suthèla morao, ho sutha kasanthao.
Backbite, v., ho sèba, etselletsa.
Backward, adj., *unwilling*, e sa rateng; *dull*, e setholo; *slow*, e liehang.
Backwards, adv., kasanthao.
Bad, adj., e mpe, e senyang, e khopo, e sa lōkang.
Badly, adv., hampe, hakhopo.
Baffle, v., ho tsietsa.

letters

Visitor trapped

From Mr K G L CLAYTON (19 Albury Road, Salisbury, Rhodesia):

THE Cape Town Publicity Association would do well to inform people like myself from Rhodesia of the forbidden parking areas of Cape Town centre and the penalties imposed, and the enthusiasm and efficiency of the officials in implementing such penalties for any unsuspecting person who is fool enough to fall into the trap.

A visitor from Rhodesia who arrives by air has no car; he hires one (cost per day: R5–R20).

His holiday allowance is very low. He has to look twice at every rand spent. He parks his hired car in a quiet street about 4.20, puts 5c in the parking meter, then goes into a shop; on his return 10 to 15 minutes later finding the car missing.

The car has been towed away by the traffic department and will cost the visitor R5,60 tow; R10 fine, plus cost per day to the car hire firm for the time it is in the traffic department, and extra bus fares, all out of a meagre holiday allowance.

My wife and myself would like to thank the kind woman who found us in such a distressed situation on the evening of September 28 and gave us transport to the traffic department.

Political letters

BECAUSE of the impending general election, political letters must in terms of the Electoral Act bear the names and full addresses of the writers for publication. A post office box number is not sufficient address.

From the Bible

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

(Galatians 2: 10)

Biko — and the murder of two policemen

From Mr HAROLD J ASHWELL (Rome Farm, Sir Lowry 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 Mtsintsi and Constable Mrasi 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 off-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 will 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 Mrasi, who was 46, is survived by a wife and seven children and his companion, Sergeant M D Mtsintsi, 29, leaves a wife.

All decent citizens naturally deplore their brutal murder and many will no doubt 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 internal 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)

Mackay clan in SA

From Mrs DONELLA M KLAGES (6.7.2. Bowden Brae, Pennant Hills Road, Normanhurst 2076, NSW, Australia):

I AM endeavouring to trace the South African branch of the Mackay clan. I know that Colour-Sergeant Donald Mackay of the 91st Highlanders retired in 1848 and lived 43 years in King William's Town at Argyle Cottage, where he died on January 15, 1891. He left a widow and three daughters — Annie McKenzie, Jane Hughes and Catherine McCallum.

Donald's sister, Barbara Mackay, married Murdoch Mackay. They and seven children emigrated from Scotland to Victoria, Australia, in 1852. One of their sons, Kenneth Mackay, visited his uncle Donald, and stayed there, dying at Guba, Basutoland. He had no family.

My nephew, Ken Byrnes, visited Scotland this year and went to Gortenoorn, four miles east of Ballachulish, opposite Callart. This was farmed in 1851 by my great-grandfather Murdoch. The present lessee said they had had a visit about two years ago from a father and son from South Africa. They said the farm had been the home of their ancestor. I'm hoping that they are the descendants of Donald Mackay and, if so, that they will please contact me.

Also 'left cold'?

From Mr E T ALEXANDER (5 Mustang Way, Mitchell's Plain):

I CANNOT resist the need to comment on Mr Mike Hunt's letter (Cape Times, September 27).

His attacks 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 scant regard 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 him (Mr Hunt) cold"?

D.D. 6/10/77 (325- detention)

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 here, 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. F. Botha, said it was necessary to have full details of the context in which the statement was made.

"My missions 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 and 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.

"Regarding the legal inquiry by the South African Government into the death of Mr Biko and other detainees, these have usually been reluctantly conceded by the South African

"It was only when pressure of international opinion had been implied that the legal inquiry was ordered.

"We, the television team, consider ourselves part of that international pressure which caused the South African Government to take legally proper action."

Replying to the reference to "smuggled" film, Mr Lapping said: "Immediately after Mr Biko's death a conference took place between the people in charge of the two major independent television current affairs programmes.

"We agreed one would formally apply for permission to film the event in South Africa. Had that been granted, then open filming would have taken place. But permission was refused through your own embassy, Mr Van der Walt, and therefore, the only way to film the events was clandestinely."

[redacted]

(325) DETENTIONS

RAND DAILY MAIL, T

Detainee's death is disquieting, court told

RDM 6/10/77

By JOHAN BUYS

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

Mr Ntshuntha, 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 about this man is disquieting. He was questioned on January 6 and was not unwilling to cooperate. He not only answered the questions, but expanded on them," Mr Wentzel who represented the Ntshuntha 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 Ntshuntha 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 Ntshuntha'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 the utmost importance that when a person dies while in police detention no cut or incision be made at the mortuary usless a medical officer is present," he said.

He said no one was allowed to see a person arrested in terms of Section Six 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 Ntshuntha 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 behind the ear.

There was also an incision, roughly stitched up, just below the navel, 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, burns or "impression contact".

"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 Ntshuntha 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.

Mr E M Wentzel, SC, assisted by Mr D Burland, and instructed by Shaun Chetty and Co, appeared for the Ntshuntha family.

RESEARCH AND PUBLICATIONS:

LE NOUVEAU ROMAN

- Le métier d'écrivain: André Gide ou le don de soi, T.E.R., Université de Bordeaux, 1969, 84 pages Stuctures de La Modification (M. Butor)
- Series of television films (video-tape) for teaching French civilization by individualized methods (produced at the West Chester State College, U.S.A., in 1972-1973):
  - *Géographie de la France (No. WCSC-TV-EIAJ 578)
  - *L'enseignement en France (No. WCSC-TV-EIAJ 773)
  - *Côtes, rivières et ports de France (No. WCSC-TV-EIAJ 777)
- System of Analysis for Units in Poetry (SAUP), computer program, U.S.A., 1973
- Méthodologie en civilisation française contemporaine, Thèse de Doctorat, Université de Bordeaux II, 1975, 229 pages
- Comment va la France?, Dossiers Culture, Editions Magnard, Paris, 1975, 286 pages (textbook of contemporary French civilization, preface by Marc Blancpain, Secrétaire Général of the Alliance Française)
- L'eau, structure fondamentale de l'imagination vienne: Essai d'analyse bachelardienne de "L'Immoraliste", French Studies in Southern Africa, No. 1976, pp. 64-70. ATTENDANCE
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AGENDA FOR THE COUNCIL MEETING TO BE HELD ON
WEDNESDAY, 26TH OCTOBER 1977 AT THE
PALACE HOTEL, KENILWORTH AT 10 A.M.

Grahamstown pupils, teachers detained

GRAHAMSTOWN — Two teachers at the Nathaniel Nyaluza 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 dur-

ing the past few days to 16.

The teachers, Miss Beaulah Foley and Miss Nomakaya Twentye, were reported to have been detained together with two pupils, Gilbert Thomson and Roger Fallain.

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

Col Goosen confirmed that two Idutywa pupils, Mpumezo Canana and Dennis Mentjies, 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, Mdodla Twala, of Newell High School, Vuyisile Mafalo Matyaheni, of Nombulelo Secondary School, Sonwabo Peter, of Zakeke High School, Mbulelo Mtshiwa of Lovo 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 the Livingstone Hospital suffering from flu, 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 Mr Glory Speckman, 18, of Fingo Village, Grahamstown, during a protest march in the village on Wednesday morning.

He said he was one of the 97 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. —

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7/10/77

More than 600 now in detention

Staff Reporter

AT LEAST 662 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 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.

Department says inquest, not inquiry intended

AA 7/10/77 (325) det.

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 inquiries, 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

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7/10/77
325 detention

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 in detention on September 12, and on delivery for burial 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 8 — 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 physician, Dr Colin Hersch. Mr Biko's condition was also discussed with a neurosurgeon, Dr R. J. Keeley.

Facts that emerged from interviews with doctors who examined Mr Biko and others who had contact with him during the last week of his life contradict Mr Kruger's statement that they could find no physical problem.

In fact, the investigation revealed that the Security Police and doctors were deeply concerned about Mr Biko's deteriorating condition and a lumbar puncture test done to detect possible brain damage was ordered by Dr Hersch.

The fluid drawn from the spine during the lumbar puncture revealed many red cells, which medical sources said yesterday was an indication of possible brain damage.

Mr Biko had shown several other worrying symptons that seemed to indicate brain damage and his condition had deteriorated steadily while in detention.

The results of the lumbar puncture as well as the other symptoms were discussed with a Port Elizabeth neuro-surgeon, 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 specialist or the neuro-surgeon.

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. — DDC

622 detained says Institute

D. D. 7/10/77
325 detention

JOHANNESBURG — According to a report by the South African Institute of Race Relations, at least 662 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 87 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

(325) Detention Story 7/10/77

Two specialist researchers have been called in by the Chief State Pathologist, Professor Johann Loubser, 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 Loubser said today.

INTERIM REPORT

"At this stage I am awaiting the reports of these experts. This may still take some time."

Professor Loubser 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 Loubser 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 Loubser'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 full post-mortem examination on the black consciousness leader, Mr Steve Biko, who died in detention on September 12.

The Chief State Pathologist, Professor Johann D. Loubser, said today he could not say when the examination would be completed.

Earlier reports quoting 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 Loubser following the initial examination of Mr Biko's body on September 13. This had been made available for possible police investigation.

POLICE DOSSIER

The Attorney General of the Transvaal, Mr J. E. Nothling, said today that when Professor Loubser's report was completed it could be included, 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, 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 Gert Prinsloo, 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 today that an inquest, and not a judicial inquiry, had been ordered into the death of Mr Biko, Sapa reports.

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 Nothling, told the Cape Times that it was possible the inquest might not take place at all.

Mr Nothling 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.

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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 well built 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, "he began to refuse meals and water after threatening 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 extensive brain damage and severe bruising.

The doctors who examined Mr Biko in Port Elizabeth are Dr Ivor Lang, the district surgeon, Dr Benjamin Tucker, the chief district surgeon, and physician Dr Colin Hersch.

Mr Biko's condition was discussed with a neurosurgeon, Dr R J Keeley.

The facts that emerged from interviews with these doctors and others who had

Continued on page 2

Inquest ordered — p13

Biko 'overweight'

Continued from page 1

contact with Mr Biko during the last week of his life contradict points made by Mr Kruger in the statement that followed the world-wide outcry over Mr Biko's death.

Mr Kruger said Mr Biko died in detention on September 12 after beginning a hunger strike on September 5. Several doctors who examined him could find no physical problem, according to Mr Kruger.

The investigation here revealed that:

- The security police and doctors were "deeply concerned and worried about his deteriorating condition".
- A lumbar puncture test — done to detect possible brain damage — was ordered by a specialist physician, Dr Colin Hersch.
- The fluid drawn from the spine during the lumbar puncture revealed many red cells, which medical sources said yesterday was an indication of possible brain damage.
- The results of the lumbar puncture, as well as the other symptoms, were discussed with a Port Elizabeth neurosurgeon, Dr R J Keeley, who said there was nothing to worry about. This week Dr Keeley again insisted that he would be "most surprised if Mr Biko had brain damage".

Dr Keeley did not examine Mr Biko.

- An X-ray of the skull was recommended but not carried out.
- None of the doctors had "any idea" that Mr Biko was close to death.
- During initial examinations by the district surgeon, Dr Ivor Lang, and examined by the district surgeon in Pretoria.
- Dr Tucker and Dr Lang refused to give reasons for Mr Biko's transfer. 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 that because an inquest was to be held, he could see no point in giving details before.

- 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 specialist or the neurosurgeon.
- Neither Dr Tucker, Dr Lang nor the security police would say how Mr Biko was transported to Pretoria — by aircraft, ambulance or police van. It is known that Mr Biko was moved from Port Elizabeth on September 11 and taken to Pretoria "the same night". In the afternoon of September 12, he was

1) The Civi
2) Huizinga
3) Weintraub,K. Visions of Culture, pp.13-14.

No sign of hunger strike—Biko doctors

325-detention

7/10/77

By HELEN ZILLE

AN EXTENSIVE investigation by the Rand Daily Mail — 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 well-built 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, "he began to refuse meals and water after threatening a hunger strike".

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

The doctors who examined Mr Biko in Port Elizabeth are:

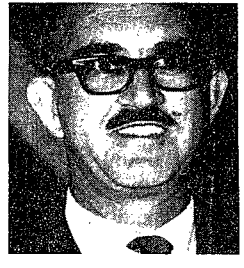
- Dr Ivor Lang, the district surgeon.
- Dr Benjamin Tucker, the Chief District Surgeon.
- Dr Colin Hersch, a specialist physician.

Mr Biko's condition was discussed with a neurosurgeon, Dr R J Keeley.

The facts that emerged from interviews with these doctors and others who had contact with Mr Biko during the last week of his life contradict points made by Mr Kruger in the statement that followed the worldwide outcry over Mr Biko's death.

Mr Kruger said Mr Biko died in detention on September 12 after beginning a hunger strike on September 5. Several doctors who examined him could find "no physical problem", according to Mr Kruger.

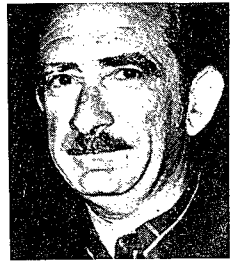
The "Mail" investigation revealed that:



DR TUCKER
. . . chief district surgeon

A 'Mail' special investigation

The doctors who saw Biko in detention — full report in tomorrow's Inside Mail.



DR LANG
. . . district surgeon

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- A lumbar puncture test — done to detect possible brain damage — was ordered by a specialist physician, Dr Colin Hersch.
- The fluid drawn from the spine during the lumbar puncture revealed many red cells, which medical sources said yesterday was an indication of possible brain damage.
- The results of the lumbar puncture, as well as the other symptoms, were discussed with a Port Elizabeth neurosurgeon, Dr R J Keeley, who said there was nothing to worry about. This week Dr Keeley again insisted that he would be "most surprised if Mr Biko had brain damage". Dr Keeley did not examine Mr Biko.
- Mr Biko showed "several other worrying symptoms that seemed to indicate brain damage" and his condition deteriorated steadily while in detention.
- An X-ray of the skull was recommended but not carried out.
- None of the doctors had "any idea" that Mr Biko was close to death.
- During initial examinations by the district surgeon, Dr Ivor Lang, and the Chief District Surgeon, Dr Benjamin 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 specialist or the neurosurgeon.
- Neither Dr Tucker, Dr Lang nor the Security Police would say how Mr Biko was transported to Pretoria — by plane, ambulance or police van. It is known that Mr Biko was moved from Port Elizabeth on September 11 and taken to Pretoria "the same night". In the afternoon of September 12, he was examined by the district surgeon in Pretoria.
- 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."

In another development yesterday the Department of Information stressed that an inquest, and not a judicial inquiry, had been ordered into the death of Mr Biko.

The department issued a statement to Sapa 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 had an "inquest" in mind in a technical sense, the department said yesterday.

There appeared to be confusion in various quarters over the two terms, it 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.

However the Attorney-General of the Transvaal, Mr J E Nothling, said yesterday that it was possible

place at a . . ., writes a "Mail" correspondent.

Mr Nothling said he had not yet seen any documents relating to the case, but pointed out that 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.

RDM 7/10/77

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 Dube YWCA.

Seven girls and seven boys under 18 appeared with 80 adults before Mr M P Prinsloo at the Protea Magistrate's Court. Charges against them of public violence and disturbing the peace were withdrawn.

R.D.M. 1/10/77

When the news hurts

25 - detentions

THE Rand Daily Mail's news coverage of the Steve Biko story is a striking example of how a newspaper should discharge its duties and obligations as a newspaper.

Many people will see that assertion as no more than a self-evident truth. Yet it needs to be stated firmly and explicitly, because in our present political climate values and judgments have changed alarmingly.

We are told that some people disapprove strongly of the Rand Daily Mail's coverage of the Biko affair. This resentment must be motivated by political bias, since it cannot possibly arise from any professional misdemeanour on the part of the Rand Daily Mail.

Indeed, the critics can apply any rational test they like to the "Mail's" news coverage, and they will find that it complies with every rule of sound, responsible journalism.

The importance of the events was properly reflected in the prominence they received. The content of the "Mail" reports was factual, accurate and balanced. The significance of the events was vigorously but fairly discussed in editorial comment.

Yet despite that impeccable performance, it remains regrettably true that many people deeply resent

THURSDAY, SEPTEMBER 15,

US slams SA on Biko death

1/10/77



MR STEVE BIKO . . did not die in vain"

By MELANIE YAP

CKED reaction to the death in dete

JOHANNESBURG, WEDNESDAY, SEPTEMBER 14, 1977.

World outcry over Biko death

STAFF REPORTERS

HE DEATH of Mr Steve



JOEL MERVIS, former editor of the Sunday Times, examines the 'Mail's' handling of the Biko affair and

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 laager, 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.

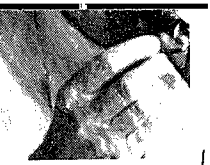
This, I believe, really gets to the heart of the matter. In our current climate of political tension, traditional values and standards of tolerance are bound to decline.

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 its duty as a newspaper even though they heartily dislike 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



the resentment that this has caused in some circles.

1/10/77

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 promptly 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 incommunicado 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 detainees 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 magnitude of the Rand Daily Mail's 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 hails the Rand Daily Mail as one of the great newspapers of the world.

RDM 8/10/77 (325) detention

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.

325 detention Rand 21/10/77

BPC man detained

Own Correspondent

EAST LONDON. — The vice-chairman of the local branch of the Black People's Convention, Mr Mandla Gxanyana, was detained by Security Police early on Thursday morning.

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

Mr Gxanyana worked for a sweet factory in East London.

Biko headline may have given wrong impression

RDM 8/10/77

325 detainees

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 conveyed in the opening paragraph of the report which stated that a "Mail" investigation, that included interviews with 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.

B.D. 8/10/77 325-detention

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 11, 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. Loubser, the doctor in charge of the post-mortem on Mr Biko.

When approached for interviews the reactions of the doctors ranged from polite co-operation to abruptness.

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 Dr Lang's duty to examine detainees in Port Elizabeth who fall ill.

The greying middle-aged doctor said in his office: "I am a servant of the State, and my first loyalty is to my department. If I had known you were coming to see me about Mr Biko I would never have spoken to you."

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 out as much as he can from his patient," Dr Lang said.

His mood changed abruptly when asked whether Mr Biko — a former medical student — had detailed his symptoms and explained a possible cause for this illness.

"I know what you are getting at," Dr Lang said. He said he was a personal friend of Col P. Goosen, head of the Security Police in the Eastern Cape "and I have the greatest admiration and respect for him."

When it was put to Dr Lang that he had not been called in because of a hunger strike but because of "other, more serious symptoms that were causing grave concern," Dr Lang replied: "It is clear to me that you know the whole story and that you must have spoken to many people. I can't say anymore because I am a servant of the State."

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 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 six South African doctors to receive a diploma in forensic medicine offered by the College of Physicians, Surgeons 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 ailing 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

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 detainees who are 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 jail, Dr Hersch said: "You are asking dynamite. I would not be able to tell you that. I really don't know. I am basically not the day-to-day doctor of these guys. The district surgeons look after these prisoners."

Dr Hersch said that as far as he could remember, no detainee had complained about an assault. He refused to comment on whether Mr Biko showed signs of an assault.

"Everyone wants justice to be brought about. 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 a coma but this is all hearsay.

"What I would like most of all is to find out the truth of this matter, what happened and why he died. If there was any problem here, I would like to know he received the best attention."

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

"Why are you deifying this guy?" he asked. "Don't you think you should investigate the policeman that get 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 on a list of symptoms "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

325 DETENTIONS RDM 10/10/77

By HELEN ZILLE

THE Editor of the Rand Daily Mail, Mr Allister Sparks, said yesterday: "We are giving deep consideration to all aspects of the case over the long weekend and we will be publishing our considered editorial reaction in Tuesday's Rand Daily Mail.

WEEKEND newspapers sharply criticised aspects of the Press Council's findings against the Rand Daily Mail, at 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 contents 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 grave concern to newspapermen everywhere.

"The charges did NOT warrant an urgent hearing. The Council decided, however, that 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 revelation 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 here and abroad that the Government is more interested in finding a newspaper 'whipping boy'," the Express said.

The Sunday Times said: "An outstandingly unsatisfactory aspect of the Press Council hearing is that the real issues (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 worrisome fact: scarcely a week passes without a fresh uproar about the mysterious death in detention of Mr Biko. Nor will it end so long as the uncertainty about how he died is allowed to persist."

The London 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 reports that an editorial in the Daily Dispatch today says Mr Kruger has had the preliminary postmortem report for more than a fortnight but "hasn't said a word about it."

"For one who spoke readily enough, even excessively in the early days of this tragedy, Mr Kruger has gone all silent on the subject. It might even be said he is maintaining an uncharacteristic reticence 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 death in detention.

An inquest was too narrowly defined to allow a complete investigation into all circumstances of deaths 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 Mdluli — How did he sustain all the injuries found on his body?

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

● Mr Luke Mazwembe — How did the police explain the injuries found on his back, ankle and cheekbone?

● Mr Dumsani Mbatha — Why had there been no inquest into his death?

● Mr Elizah Losa — Why was his family not allowed to have a private doctor attend to him he was reported to have suffered a stroke?

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

● Mr Bayempin Mzizi — 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 had created an atmosphere of fear and suspicion in South Africa," Mr Van Wyk said.

"Only a full judicial commission of inquiry will help dispel those fears, he said.

EDITORIAL OPINION

325 - Détention

An extraordinary ruling

The Press Council's reprimand against the Rand Daily Mail for a front-page headline and report on matters connected with the death of black leader Steve Biko is extraordinary. In essence the reprimand is a criticism of (a) the wording of a headline which was not grossly misleading and (b) leaving out the letter "s" in the word "statements."

It appears the report could rigidly have said that the Mail's investigation revealed facts which contradicted statements by Mr Kruger, but not the particular statement to which Mr Kruger referred in his complaint.

The Daily Dispatch published the same material as the Mail did, but we had the "s" in, so presumably the Press Council would exonerate us . . .

The crux of the whole affair is not so much the details to which Mr Kruger objected, but the details to which he did not object — namely every factual element in the report.

In other words, all the points which clashed with statements (printing department, please don't drop the "s" in statements, for heaven's sake) Mr Kruger had made in public about Mr Biko's death.

Let's look at these points again:

Point one: Mr Kruger gave the whole country to understand that Mr Biko had refused food and water since September 5, yet the investigation showed that he had drunk water in the presence of a doctor on September 8, and was not underweight at the time of his death;

Point two: Mr Kruger gave the whole country to understand that various doctors who examined Mr Biko could find nothing specifically wrong with him, yet the investigation reveals that he was found by doctors to have several symptoms indicating possible brain damage.

Now these are considerable contradictions, and Mr Kruger hasn't explained them.

Furthermore, he has now been in possession of the preliminary post-mortem report for more than a fortnight, but hasn't said a word about it.

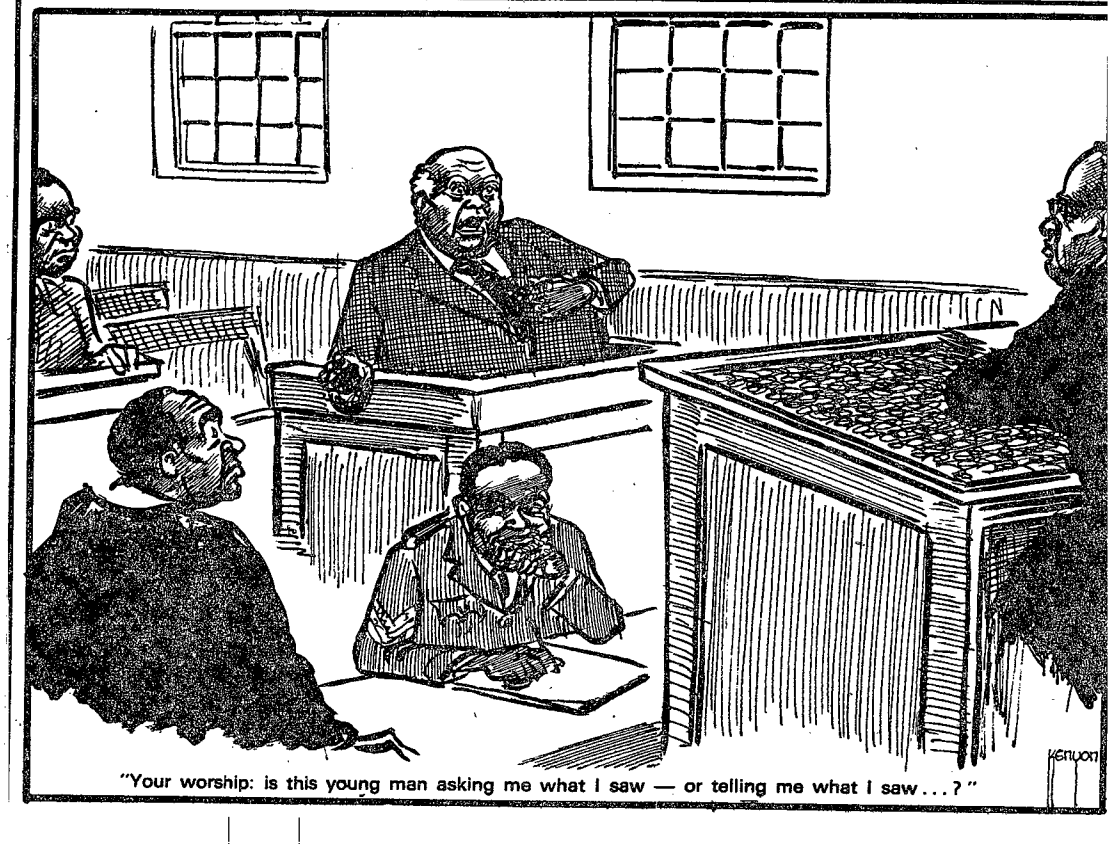
For one who spoke readily enough, even excessively, from several points of view, in the early days of this tragedy, Mr Kruger has gone all silent on the subject.

It might even be said that he is maintaining an uncharacteristic reticence in this regard.

Why, Mr Kruger?

Are you worried?

You should be.



"Your worship: is this young man asking me what I saw — or telling me what I saw . . . ? "

Message to my fe

A condensed address by th Daily Disp Woods, at N last

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 seen as voices of incitement. Voices of dissidence are seen as voices of treachery and treason.

Increasingly moderation is being seen as extremism 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 pre-revolutionary man acquires post-revolutionary wisdom.

South Africa today is heading for civil war and we who warn of this endanger ourselves by doing so because what we intend as a warning motivated by love of all our fellow-citizens is seen as a kind of advocacy of the very thing we are trying to prevent.

In fact, South Africa is faced not only with the prospect of civil war but also the prospect of an escalation of the war on the borders, as well as growing possibilities of international action by the world community.

The way in which the Nationalists respond to these military threats is inconsistent with their own record. Many of them refused to fight for South Africa when this country was at war. They insisted then that only volunteers should fight.

Why don't they do this now? Why do they have conscription? It is the keenest Nationalists who should be at the border. Those most in favour of apartheid should be those rushing to arms first, since we are always being told how many supporters the Nationalists have.

Politicians are great on sending young men to war for policies which don't last.

There are many young whites in Salisbury and Bulawayo today without arms or legs because they fought loyally for Mr Smith's policy of never yielding to one-man-one-vote or 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!

Those young men must be wondering now why they made their sacrifice.

There would be fewer wars if politicians had to do their own fighting.

And there is a special futility in violence which 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 mobilisation those who try to put these matters into calm perspective are hysterically accused of disloyalty (sometimes by the very people who were disloyal enough to fight Ossewa Brandwag battles against our own soldiers during World War II) and come under menace from the more disturbed elements.

The danger lies in actually speaking out aloud the things people don't want to think about. The people hate such thoughts because they fear all the implications behind them. They would rather push the whole subject under into the depths of the subconscious and pretend that today's pleasant sunshine reflects the wishful 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 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 and the Afrikaner Nationalists who rule us are seriously underestimating the depth and scope of this anger.

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 parades medal-presentations, civic, ceremonial and linguistic exclusivity. They present awards to each other. Schoolgirls pin flowers on them. Rousing in-group songs are sung and party rallies are occasions for mutual reassurance — 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 non-existent.

Such 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. I refer to the Security Police, or Special Branch.

Judging by certain experiences I and several friends of mine have had in connection with Security Police, South Africa has a most serious and dangerous problem here. So many members of the Security Police seem to be so under-equipped to evaluate real subversion that a great deal of time is spent barking up the wrong trees.

But I have other complaints against them. I believe their ideological shortcomings are compounded by an inordinate exercise of power over ordinary citizens, including the power of life and death.

As a liberal democrat, I believe that only a judge should be empowered to take away the liberty of a citizen — and only after presentation of evidence in an open court of law. I believe that once a society sinks to the level of allowing party politicians or political police to take over the role of judges, prosecutors and jailers, that society has embarked along the road of Stalin's Moscow, of Hitler's Reich, of Amin's Uganda and of any repressive society where normal laws are replaced by dictatorial edicts.

And I believe that when this happens, concerned citizens must stand up and speak up — and if necessary suffer and die for doing so.

If we do not, then we are a disgrace to the tradition of free men.

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

If we claim to be Christian and Western and civilised, then 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 honour worth honouring, there is no other choice. All else is a surrender to all that is disgraceful.

Had I said this a month ago, it could have represented idealistic rhetoric. Up to a month ago, I regarded myself as a committed South African. But now I realise more fully what such a commitment really is. It is grief, pain, fear and struggle, and one is pulled into it by circumstances beyond one's choosing.

In my case a close friend has died unnaturally in detention and made it impossible for me to refuse real commitment.

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 strive 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 reconciliation for all South Africans.

If his death can bring an end to deaths in detention, and ultimately an end to detention without trial itself; if his death can mean new curbs on the excesses of those now armed with abnormal authority, and at least some significant return to the rule of law, then it will have been no pointless extinction of the life of one of the greatest men this country has produced.

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 who 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 intellectual depth amounting to brilliance, allied to a natural reserve tempered with a keen sense of humour reflecting a human understanding even of his persecutors.

It constantly amazed me that he never spoke of his detention experiences with bitterness, nor of his persecutors with hatred. Although supremely tough, and a man who would never bow the knee to any bully in any circumstance, he simply wasn't a hater.

I tell you this with the utmost certainty — any suggestion that Steve Biko wanted violence and bloodshed in this country is a despicable lie. He foresaw it, yes. Don't we all? He could see it looming ahead. Don't we all? But to suggest that he advocated it or desired it is not only a despicable lie but a cowardly one in that the accusation never came during his lifetime but comes only when he is 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 45th South African to die mysteriously in Security Police custody, and that it is the duty of all free men 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 it will

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week.**

show whose implications were the accurate ones. The post-mortem findings will supply the answers, and I predict here that the answers will not substantiate Mr Kruger's hunger-strike implication nor The Citizen's nephritis story nor any other theories likely to absolve the Security Police of responsibility for this death.

For South Africa, as for the Security Police, this was one death too many, and no amount of hysterical accusation of troublemaking or incitement or any other phoney red herring is going to prevent this.

Those who squeal loudest about the harm being done to South Africa should have thought about that when they tore up the lawbooks and gave political police the power of life and death over innocent, unaccused citizens.

Nor will threats stop Steve's friends from demanding justice, and on the subject of threats and pamphlets I want to tell you a fascinating story.

Percy Qoboza, editor of The World newspaper, and I have both recently been subjected to pamphlet campaigns in the townships. The pamphlets are obvious attempts to stir up black hatred against us because they are based on the most absurd lies.

Now the question must be asked: Do the authors of these pamphlets intend us to be harmed physically by some township dweller who might believe their contents? Or is there a more sinister motive even than this? For example, is someone white intending physical harm to us in the hope of using these pamphlets to suggest it was someone black who did the deed?

We all know the stereotype racist who likes to claim that the liberal will be the first the blacks turn on, and if the racist cannot engineer this it might at least make a suitable 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 also aware that beyond certain sensible precautions nothing further can be done to minimise such danger, but I want to take this opportunity 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 here present who feel as we do, to ensure that such a silencing would not succeed in diminishing the chorus of demands for justice but would rather add to it in volume and intensity.

It is highly unpleasant to live under 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 newspapers. They are the ones who have not only created the conditions causing violent unrest but they have on several occasions by their words lent encouragement 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 family — 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 numerous complaints of torture in detention. There was public testimony at the Mapetla Mohapi inquest that a girl named Tenjiwe Mtintso had been assaulted and had had a towel tightened about her neck, and there has been testimony alleging 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 torture by shocks with an electric apparatus, and including beating up and tightening of material about necks until a point of near-suffocation is reached. It is also believed that that point has on occasion been exceeded, hence the number of alleged hangings in detention.

If Mr 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 homeland leaders whether these things are believed. And let him ask white opposition leaders and Coloured and Indian leaders.

Then if he can be persuaded thereby to accept that millions of South Africans believe these things, will he not consider it necessary on that score alone to hold such a judicial inquiry?

Surely this matter is more important than several other matters which became the subject 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 five things must be done and done quickly.

The first is that the inquest must be held as soon as possible;

The second is that such prosecutions as are indicated as necessary by inquest evidence must be initiated as soon as possible thereafter;

The third is the institution, also as soon as possible, of a judicial commission of inquiry into all detainee deaths and all allegations of torture in detention;

The fourth is that detention without trial must be stopped;

The fifth is that Minister Kruger must either resign or be sacked for his grossly inept and callous handling of the entire matter.

Can he imagine what the reaction among Afrikaner Nationalists would have been if a black congress had greeted the news of an Afrikaner hero's death with jokes?

And here just let me knock on the head Mr Vorster's extraordinary assertion that barely one in a hundred blacks knew of Steve Biko before he died. That statement is the measure of Nationalist ignorance of what most blacks are thinking.

And let Nationalists stop trying to find scapegoats for black unrest. The unrest is 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: Believe it or not, we your open critics do not wish to hate you. We wish to share this country with you as loved fellow-citizens with a full appreciation of your culture and your identity. These need not be sacrificed, nor need they be the price of democracy. On the contrary, they 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 learn to see yourselves now as others see you.

After 30 years in power you have succeeded in turning everyone against your policies — the blacks, the Indians, the Coloureds and many whites.

You have succeeded in turning the whole continent 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 even the majority of your own citizens will be your allies in such a fight.

Why do you believe such universal hostility is unavoidable?

Can you not see that you could almost overnight turn a nation of critics and a world of enemies into welcoming friends without losing all you value?

It is not your known courage and your sterling qualities that are in dispute — 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 — it is a house you share with all of us, and the rights you are entitled to exercise in it are by no standard the dominant ones.

Yet nobody wants to put you out. There is nobody who disputes your right to be here — there are only multimillions who dispute your right to be here ONLY ON YOUR TERMS.

These are dangerous days, and I am saying here all the things I want to say while I can say them, and I am saying them in conscious fear of a number of terrible possibilities that may eventuate in this climate of excessive recrimination by the agents of hatred.

But these things must be said, because 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 best in a country at its worst. It is up to every real South African patriot to make a better South Africa tomorrow from the South Africa of today.

Once again we beg our rulers to enter into significant negotiations now with all the chosen leaders of all the people. Do this now, and there will be peace and patience, and your lead will be gratefully followed.

But the change of course must come from you. Ours remains set and constant, because it is based on the unchanging values of free men throughout history.

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(2)

The contribution of Huizinga to cultural history is not confined to India. His writings on the Netherlands as well as his research on trends in such the Aspects and Perdinal to the Indian Renaissance. other Heads to Indian and Colonial questions belonged to the same becauserthey, were divided on the question of the relationship with the governments and the standing of cultural history, having to join in the African nationalist camp while hoping for integration into white society.

In the field of the Renaissance, he challenged some of Burckhardt's ideas. Christianity and indian the work of the Renaissance and Reformation Luthul Nadeson many of these also the African Ministers. By reformation worked in close cooperation with the ANC Congresses of the colonial African grievances stemming from Renaissance and Reformation those and Gokra constantly appealed to democratic spirit, Chipatin fundamental issue they repeatedly pointed out that the ANC was not anti-white but was working for the common good of all South Africans which Brokward did see as the key factor in the decency and dignity of the Renaissance was strongly with the application of Christian principles. Moreover, violent methods of resisting white domination were consistent Christian principles of the period, Huizinga asked a number of new qu and provided an outline for further investigation.

African leadership generally subscribed to the maintenance of d institutions within parliament the presentation for all in an in society public. The aim and later worked to set the example to Afric demonstrating that change could be brought about through the framework of law, evolutionary ways as well as providing leaders would being further work further away from such a standpoint as atory legislation increased. At first ANC leaders showed a wi to work within the law, including the Native Representative Council. They worked to prepare the population for political ations through the government instituted Native representative t As general the participation increased, the ANC moved away from liberal, white dominated organisations and adopted a more militant invitation to what extent does culture express itself in the form of ele members of the native population. It is difficult to assess the importance of this book which when they realized its power as a weapon for gradually African leader less and undermine another idea among modern writers and thereby sultation understanding of culture. By the 1940's the parliamentary system had failed, African po action moved into extra-parliamentary channels.

1) Huizinga, J. 'The Problem of the Renaissance', in Men and Ideas, pp. 273.

(5) 2) Welmraad, K. Visions of Culture, p. 21.

pp. 340 – 345.

(6) Ibid, p. 341. (7) Ibid, p. 347.

Biko facts true, says Mail

11/10/77

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 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 Mr Kruger knows they are true.

Referring to the complaint about the Mail report by the Minister of Justice, which was upheld by the Press Council on Friday night, 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)...

The Namierization of history was enshrined in a book England in the Age of the American Revolution published in 1930. In an attempt to define Namier's methodology a number of scientific or quasi-scientific words have been used. 'Atomism' write some with approval; 'the microscopic method' say others, whilst the mind still battling with the hackneyed question as to whether history is a science or an art (secretly hoping that it is an art) prefer the word 'pointillisme'. Whatever term is

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11/10/77

Mail: Biko facts true

THE Rand Daily Mail carries the following leading article on its front page today. The leading article deals with the findings last week by the Press Council of a report published by the Mail on Friday. The report dealt with the death in detention of Mr Steve Biko.

As has been indicated on our behalf, we are most unhappy about the Press Council finding against us on Friday night.

With the strong concurrence of our legal advisers, led by a distinguished senior counsel, we believe the finding was wrong — and had it been delivered by a court we would have had no hesitation in taking it on appeal. Unfortunately there is no machinery for appeal against findings of the Press Council. But strongly do we feel about the matter that we are looking into the possibility of seeking a Supreme Court review of the finding.

In the circumstances, therefore, we do not propose to discuss our criticisms of the finding at this stage.

From the public's point of view, however, there is one aspect of the case which is of overriding importance. This is not so much what Mr Jimmy Kruger complained about. It is what he didn't complain about. Because therein lies the real matter of national importance.

What he complained about amounted to two aspects of journalistic detail. One was the headline, which he said wasn't substantiated by the report itself — and which we conceded was ambiguous and were ready to correct voluntarily.

The other, as interpreted by the Press Council, was whether the quotations from the doctors' findings in themselves, taken separately from the text of the report, amounted to a contradiction of Mr Kruger's own public statement on Mr Biko's death following the world outcry over it.

What he did not complain about were the facts given in the Mail report. They stand unchallenged.

Indeed, except for the single passage claiming that his own statement had been contradicted, Mr Kruger did not challenge the text of our report at all.

And what were these facts which we published and which stand unchallenged?

- That Mr Biko's symptoms were not those of a man on a hunger strike;
- that he was actually overweight when he died, weighing between 85 and 90 kg;
- that he drank water during one of his medical examinations;
- that he had extensive brain damage and severe bruising;
- that the doctors who examined Mr Biko in detention were deeply concerned about his deteriorating condition;
- that one of them ordered a lumbar puncture, which is a test done to detect possible brain damage: That the fluid drawn from the spine during this test contained a large number of red cells, which is an indication of possible brain damage;
- that the case was discussed with a neurosurgeon;
- and that an X-ray of the skull was ordered but not carried out.

As Mr Sidney Kentridge observed during Friday night's hearing: "You don't do a lumbar puncture and X-ray a man's skull for a hunger strike."

There is one very good reason why Mr Kruger did not challenge any of these facts. It is because they are true. We know they are true. And we know that Mr Kruger knows they are true.

As we told Friday night's hearing, we stand by the publication of those facts and we are prepared to prove their truth in any tribunal in which they are challenged.

Whether or not those facts are in conflict with Mr Kruger's initial utterances on the Biko case are, we submit, another matter.

The public, which saw Mr Kruger on television the night after Mr Biko's death and which heard or read about what he told the National Party congress and the newspapers, will no doubt draw their own conclusions.

But as far as the facts themselves are concerned, we think the public will agree that they are extremely disquieting, and that it was obviously in the national interest to bring them into the open as soon as we had ascertained them because Mr Biko was being held incommunicado in detention when he died.

And surely everyone must agree that it is extremely disturbing that a man who died in such circumstances should be found to have suffered extensive brain damage and other physical injuries.

It makes no difference whether you think Mr Biko was a good man or a bad man, a man of peace or a man of violence. The point is that he was a political opponent who disappeared into detention and came to grief there in mysterious circumstances — and it is only in despotic countries like Russia and Uganda where such things are considered normal.

Here our national honour depends upon our regarding it as highly abnormal, and an event that calls for the most vigorous and urgent public investi[illegible] That is why, as a [illegible] watchdog, we conducted investigation and published we found.

We have more infor[illegible] our possession, includ[illegible] fuller reports on the doctors examined Mr Biko in dete[illegible] which we had intended pu[illegible] on Saturday but which withheld because of Fr[illegible] night's hearing. We have th[illegible] carefully about this and de[illegible] to continue to keep this ma[illegible] in reserve for the time [illegible] because we do not want to the impression of b[illegible] deliberately defiant provocative by publishing second part of the series di[illegible] in the face of an adverse Council finding.

But we must make it clea[illegible] we are doing so only in expectation that the truth in matter must come out soon. Kruger should make the cont[illegible] of the post-mortem report kn[illegible] when he receives it. And a pu[illegible] inquest has been promised in name of the Prime Minister.

However, should we beg[illegible] suspect any untoward del[illegible] placing the full facts before public — and already [illegible] Nationalist newspaper [illegible] expressed concern that it seem[illegible] be taking so long — then we sh[illegible] publish those reports toget[illegible] with other detailed informat[illegible] which we have.

We are not seeking confrontation with the Pr[illegible] Council or the government anyone else in this matter.

All we are interested in is t[illegible] the public should know the tr[illegible] about Steve Biko's death detention. And know it soon.

different civilizations; in this way too then, he had [illegible] life of one Sir John Hynde Cotton M.P. whom he regarded as 'a pr[illegible] start, though an important one, towards cultural history.

Voltaire was followed by numerous other historians who also sough[illegible] evidence among sources different from the diplomatic material of [illegible] past. A [illegible] of these, [illegible] of Freytag and Guizot, wrote [illegible] which concentrated upon the culture of the periods with which they dealt. The two German writers confined their efforts to the history of Germany itself, while Guizot turned his attention to Europe in general. However, rather than attempt any detailed of particular periods, he

The Star
Tuesday October 11 1977

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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."

D.D. 11/10/77 (325 detention)

Mail may seek court review

JOHANNESBURG — The Rand Daily Mail may take Friday night's Press Council decision to the Supreme Court.

In an editorial opinion this morning the Mail says:

"As has been indicated on our behalf, we are most unhappy about the Press Council finding against us on Friday night.

With the strong concurrence of our legal advisers, led by a distinguished Senior Counsel, we believe the finding was wrong — and had it been delivered by a court, we would have had no hesitation in taking it on appeal.

Unfortunately there is no machinery for appeal against findings of the Press Council. But so strongly do we feel about the matter that we are looking into the possibility of seeking a Supreme Court review of the finding.

In the circumstances, therefore, we do not propose to discuss our criticisms of the finding at this stage.

From the public's point of view, however, there is one aspect of the case which is of overriding importance.

This is not so much what Mr Jimmy Kruger complained about. It is what he didn't complain about. Because therein lies the real matter of national importance.

What he complained about amounted to two aspects of journalistic detail. One was the headline, which he said wasn't substantiated by the report itself — and which we conceded was ambiguous and were ready to correct voluntarily.

The other, as interpreted by the Press Council, was whether the quotations from the doctors' findings in themselves, taken separately from the text of the report amounted in themselves to a contradiction of Mr Kruger's own public statement on Mr Biko's death following the world outcry over it.

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That he was actually overweight when he died, weighing between 85 and 90 kg;

That he drank water during one of his medical examinations;

That he was found to have extensive brain damage and severe bruising;

That the doctors who examined Mr Biko in detention were deeply concerned about his deteriorating condition;

that one of them ordered a lumbar puncture, which is a test done to detect possible brain damage; that the fluid drawn from the spine during this test contained a large number of red cells, which is an indication of possible brain damage;

That the case was discussed with a neurosurgeon, and that an X-ray of the skull was ordered, but not carried out.

As Mr Sidney Kentridge observed during Friday night's hearing: "You don't do a lumbar puncture and X-ray a man's skull for a hunger strike."

There is one very good reason why Mr Kruger did not challenge any of these facts.

It is because they are true.

We know they are true.

And we know that Mr Kruger knows they are true.

As we told Friday night's hearing, we stand by the publication of those facts and we are prepared to prove their truth in any tribunal which they are challenged.

Whether or not those facts are in conflict with Mr Kruger's initial utterances on the Biko case are, we submit, another matter.

The public, which saw Mr Kruger on television the night after Mr Biko's death and which heard or read about what he told the National Party congress and the newspapers, will no doubt draw their own conclusions.

But as far as the facts themselves are concerned, we think the public will agree that they are extremely disquieting, and that it was obviously in the national interest to bring them into the open as soon as we had ascertained them because Mr Biko was being held incommunicado in detention when he died.

And surely everyone must agree that it is extremely disturbing that a man who died in such circumstances should be found to have suffered extensive brain damage and other physical injuries.

It makes no difference whether you think Mr Biko was a good man or a bad man: a man of peace or a man of violence. The point is that he was a political opponent who disappeared into detention and came to grief there in mysterious circumstances — and it is only in despotic countries like Russia and Uganda where such things are considered normal.

Here our national honour depends upon our regarding it as highly abnormal, and an event that calls for the most vigorous and urgent public investigation. That is why, as a public watchdog, we conducted our investigation and published what we found.

We have more information in our possession, including the fuller reports on the doctors who examined Mr Biko in detention which we had intended publishing on Saturday, but which we withheld because of Friday night's hearing. We have thought carefully about this and decided to continue to keep this material in reserve for the time being — because we do not want to give the impression of being deliberately defiant or provocative by publishing the second part of the series directly in the face of an adverse Press Council finding.

But we must make it clear we are doing so only in the expectation that the truth in this matter must come out soon. Mr Kruger should make the contents of the post-mortem report known when he receives it: and a public inquest has been promised in the name of the Prime Minister.

However, should we begin to suspect any untoward delay in placing the full facts before the public — and already one Nationalist newspaper has expressed concern that it seems to be taking so long — then we shall publish those reports together with other detailed information which we have.

We are not seeking a confrontation with the Press Council or the Government or anyone else in this matter.

All we are interested in is that the public should know the truth about Steve Biko's death in detention.

And know it soon," the Mail editorial concludes.

M Mercury 12/10/77 (353)

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.)

Certain, adj., ea 'nete, ea sebele, e itseng ; *a certain man,* motho oa hore ho itseng.
Certainly, adv., ka 'nete, ruri, ka sebele, amaruri.
Certainty, n., 'nete, ruri, tsebisiso.
Certificate, n., lengolo la ho paka, la ho tiisa taba.
Certify, v., ho paka, ho tiisa.
Chaff, n., mōokō.
Chafe, v., *the skin,* ho phumola.
Chafe, v., *to fret, fume,* ho ngèta, ho itšèna ; *to excite passion,* ho halefisa.
Chain, n., lehlaahlela, leqakatsa, ketane ; v., ho hōleha, tlama.
Chair, n., setulo sa ho lula, sa ho ruta.
Chairman, n., motsamaisi oa phutheho ea litaba.
Chalk, n., phōfō e tšoeu, choko.
Challenge, v., ho phephetsa ; ho eisa ; n., keiso, phephetso.
Challenger, n., motsoèla-ntoeng.
Chamber, n., phaposi, ntlo ea lekhotla.
Chameleon, n., lempetje, lenoabo.
Chance, n., seoèlo ; *a good chance,* hloahloa, lehlohonolo.
Chance, v., ho tšoha, ho hlaha.
Change, v., ho fetola ; *to become changed,* ho fetoha ; *to change one's mind,* ho thinya-thinya, koeneha ; *to change money,* ho thuha chelete ; n., phetoho, koeneho ; chelete tse nyenyane.
Chaos, n., moluba-lube, ntho e se nang sebōpeho.
Chap, n., tlhabela, lefafatsane, lenga, petlane ; *chap under the toes,* monyōkōlane ; v., ho petla.
Chapel, n., ntlō ea thapelo.
Chaplain, n., moruti oa lekhotla la masole.
Chaplet, n., sefaha sa litōna.
Chapter, n., khaohanyo, karolo ea buka, khaolo, hloho.
Character, n., semelo, mokhoa oa motho, sebōpeho sa motho.
Charcoal, n., mashala a lifate.
Charge, v., ho neela (ntoeng), ho laela, bèa molato ; n., tiso, bolebeli, taèlo, paballo ; *he is in my charge,* o paballong ea ka ; *charge of a gun,* hlahlèlo ea sethunya.
Charitable, adj., e moholo, oa sehloho.
Charitable, adj., ea fanang, ratanang le batho.
Charity, n., ho etsetsa batho hantle.
Charm, n., *magic power,* thathō, setlhare, phoso.
Charm, v., *to delight,* ho khahlisa.
Chase, v., ho phallèla, lelekisa, qōpha ; n., lephallo, phallèlo, lekoata-koata.
Chasm, n., lefaru, sehoko, lephao.
Chaste, adj., e hloekileng, e sa silafatsoang.
Chasten, v., ho laea motho hore a bake, ngoella ; ho hloekisa.
Chastise, v., ho laea ka thupa.
Chat, v., ho qoqa, qamota.
Chatter, v., ho bua-bua, komakoma.
Chatterbox, n., mobua-bui, lehehle, bobeche.
Cheap, adj., e thèko e nyenyane ; *to be cheap,* ho nyera.
Cheat, n., mothetsi ; thetso, lekheka ; v., ho thetsa thekisong, phōma, shinella, khohlisa.
Check, v., ho thibela, hanela ; n., thibelo.
Cheek, n., lerama ; *cheek-bone,* kukuthamana.
Cheer, n., thabo, litlatse ; v., ho hlabela motho litlatse ; *to cheer up,* ho khothatsa, khothahala.
Cheerful, adj., e thabileng, hlasimolohang.
Cheese, n., mafi a thata.
Chest, n., *breast,* sefuba ; *box,* lekese le koaloang.
Chew, v., ho hlafuna, tšohla ; *chew the cud,* thuisa, kuma. busōlōsa.
Chicken, n., tsuoanyana.
Chickenpox, n., mokoana, khōphōle.
Chide, v., ho khalemèla, ho nyatsa.
Chief, n., morèna e moholo, hloho, khosana, monghali, mong ; khosana, monghali, mong ; adj., e moholo, oa sehloho.
Chieftain, n., morèna, molaoli, sebèpa-pitso, khosana.
Chieftainship, n., borèna, serèna.
Childbirth, n., pelehi.

Childhood, n., bongoana.
Childish, adj., ea bongoana.
Childless, adj., ea se nang bana.
Chilled, v., *to* me, ho kènoa *wind is chillin* hampe.
Chimney, n., l
Chin, n., selelu
Chink, n., lepe letšètsè ; v., h
Chip, n., leqhet tsa ; v., ho fa qapa.
Chirp, v., ho lla
Chisel, n., tšepe sèto ; v., ho bè
Choice, n., khè

"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. Times in an editorial this week.

But given developments in the Biko case, "that claim must be seen 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.

Circular, adj., e chitja joaleka le saka ; n., lengolo la tsebiso le

'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, The South African Government had often said people may not agree with its policies but they could not accuse the Government of running a police state which denied anyone due process of law.

The Star, Wednesday, October 12, 1977

Christian name, n., bitso leo mothō a le reoang ha a kolobetsoa.
Christmas, n., mokete oa tsoalo ea Kreste.
Chronic, adj., e iphetang hangata ; *chronic disease,* lefu le iphetang ka nako e itseng, bohloko bo liqebo.
Chrysalis, n., phetōho ea scrurubele le ea tšoèlè.
Chuckle, v., ho tšeha.
Church, n., *building,* kereke, ntlo ea thapelo ; *a Christian assembly,* kereke, phutheho ea baluméli.
Churchyard, n., phupu ea bafu
Churn, v., ho fèhla, n., lefèhlo sefèhlèlo.
Chyme, n., mosoang.
Cicatrix, n., sepha, sebabetsi.
Cinder, n., molora oa mashala.
Circle, n., mopotōlōho, selikalikoe ; *complete circle,* lesaka la nkope.
Circuit, n., *to make a circuit,* ho potoloha.
Clang, v., ho lla ha litšepe.
Clap, v., ho opa ; *to clap the hands,* ho opa ka liatla, lehofi.
Clash, v., *together,* ho thulana, ho teana ka matla ; *to cause to clash,* ho thula, thulanya.
Clasp, v., ho tšoara, kopa, ngomèla.
Class, n., seèma, lelōko, mofuta.
Clatter, n., lerata, molumo, kapa lerata ha ntho tse thata li teana.
Claw, n., lerō.
Clay, n., mobu oa ho etsa serètsè, serètsè ; *potclay,* letsopa ; *white clay,* phèpa, khoaba, mokoetla.
Clean, adj., e hloekileng, ntle, hlokang litšila ; v., ho hloekisa, hlatsoa, hlakōla, tsōkōlisa.
Cleanliness, n., hloèko, makhèthe.
Cleanse, v., ho hlatsoa, hlakōla. ola, khōfa.
Clear, adj., e hloekileng, e elileng ; v., ho hloekisa, elisa, hlèka, lokōlla moiatong.

225 detentions Star 13/10/77

Biko: hold an inquiry for the sake of justice

By The Editor

"Heads may roll," said Minister of Justice Mr Jimmy Kruger after Steven Biko's death in detention turned into a blazing international issue.

It is the duty now of our democratic institutions to ensure that if heads roll, the right heads roll. But will they?

The record, stretching back many years, does not leave any objective observer with total confidence that either the democratic institutions will automatically apportion blame if and where required, or that — even where blame is apparent — the heads involved will roll.

But this time they must.

Failure to see justice done, painstakingly and comprehensively in public, will mean victory for South Africa's enemies; victory for evil, and another battle lost in the fight to keep the delicate organisms of democracy alive.

The final point is the most important of all, for surely the justification of South Africa's survival is that it champions Western civilisation.

We cannot afford another incompleted Mdluli case or even an overly delayed one. On the other hand we cannot afford yet another perfunctory finding of death from slipping on some soap; or falling off a chair; or dropping out of a window; or tripping downstairs. Whatever the circumstances of Mr Biko's death may be, from natural causes to murder, those circumstances need to be examined exhaustively by pro-Biko interests and tested minutely by an independent judge.

Before looking at the democratic institutions, which in theory should ensure that justice is seen to be done in South Africa, let me try to put into perspective some of the allegations that surround the increasingly martyred image of Mr Biko.

● It is true that the death in detention of this political black leader has been exploited by a number of people for ideological and political reasons, both here and abroad. It is true such a death would have no similar repercussions if it occurred in a totalitarian state like Russia.

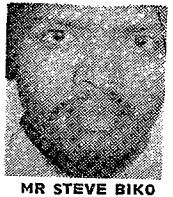
● It is also true that the known facts, the past record and Mr Jimmy Kruger's statement to the recent Transvaal Nationalist Congress have together been sufficient to create genuine emotion — even horror — among neutral observers and pro-South Africans both here and abroad.

● It is true that, as time passes and world pressures build, there is a possibility of the Biko case turning into a public debate, led by the Press, instead of a public inquiry, led by an independent qualified judge.

● It is false to suggest that much of the local Press is merely "looking for sensation" in the Biko case, regardless of the good name of their country. The facts known to some of us — and to the police — would seem to be more alarming than anything that has yet been published



MR JIMMY KRUGER



MR STEVE BIKO

Now to the democratic institutions which should see to it that there is automatic apportioning of blame and correction of misdemeanours in these matters:

THE PRESS. It has been condemned by Mr Kruger and praised by several solid institutions of democracy overseas. The truth lies somewhere in the middle. HAS the Press been effective in helping to ensure open government? The record of 44 deaths in detention — 12 of them this year — suggests that, while the newspapers . . . some of them . . . may have kicked up a fuss, the effect has not been that dramatic. If the Press had really been so successful in stirring up the South African awareness of the requirements of justice — rudimentary requirements such as those set out in Europe in the Middle Ages — the suspicions surrounding the death of Biko might never have arisen.

Newspaper editors, and newspaper readers, need to ask themselves daily: Is the Press doing enough? Are newspapers keeping balance and at the same time managing to put before the public the unpleasant facts that all authorities everywhere tend to hide if given a chance?

Are newspapers on the middle course? Overstating a case or making unfounded accusations is destructive. More destructive is the insidiously dangerous practice of "comforting" journalism that allows for instance, a report (in Afrikaans) to state that "jail deaths are not serious." Or another in a local English-language morning paper which ignores all the evidence most newspapers have gathered and speculates: cause of death of Biko is kidney failure partly incurred by dehydration resulting from fluid fasting.

PARLIAMENT: In the cause of State security, Parliament has given away the right of all men to be tried publicly before being imprisoned. Parliament has gone further: it has handed to the Minister of Justice the power to incarcerate people without allowing them access to lawyers, family or indeed anyone except the Minister or his minions.

THE GOVERNMENT: In the area of detention without trial the Government is the Minister of Justice. In the case of a death of a man held in terms of the Terrorism Act the Minister is directly responsible and is also placed in the invidious position of being both prosecutor and defender of the police.

THE JUDICIARY: Though it is the final bastion of South African democracy, some of the recognised responsibilities of an independent Bench have been removed. And some of the legal procedures can in some circumstances (I do not say will) be bypassed for reasons which might appear sinister to the suspicious.

For instance: it seems essential that there should be an inquest into the death of Mr Biko. Both the Minister of Justice and the Prime Minister have promised one. However, if the police were to produce a prima facie case for a prosecution, an inquest might be put aside. Instead the police themselves would present such evidence as they deem necessary for a prosecution (and outside parties thus denied representation).

Would the highest head roll? Would the official most directly responsible take the rap? He should. But the procedure remains unsatisfactory in cases such as this and needs to be avoided.

For the sake, not merely by making others think better of us, but for the sake of our own South African concept of justice, the best method for mopping up the mess in the wake of Biko's death is a public judicial inquiry.

Let a judge hear all sides, and exonerate or apportion blame.

Biko: Time interviews Kruger

Star 13/10/77

325 Detention

The Star Bureau

WASHINGTON—Mr Jimmy Kruger has 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 by van from the prison in Port Elizabeth 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 soonest 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 for which he was arrested, and these are the words in it: 'Organise yourselves into groups to deal with those who do not heed this plea.

"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.'

"I'm not pinning this (directly) on Biko, but this pamphlet is heavy meat. I cannot allow the black people to be intimidated by this sort of activism, 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 (our) security measures are adequate. But it is an old Roman

Australian warning on Biko's death

The Argus Correspondent

CANBERRA. — 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.

Mr Ian Sinclair, who has been acting Foreign Minister while the Minister, Mr Peacock, has been overseas, made the prediction in reply to questions in Parliament.

Mr Sinclair said there could be no doubt about the depth of feeling in Australia about the Biko incident.

He said the Australian Government on several occasions, had made known directly to the South African Government the concern that had been expressed in Australia at breaches of human rights in South Africa.

FUNERAL

The South African Government would have noted that the Australian Government was represented at the funeral of Mr Biko.

As to the particular circumstances of Mr Biko's death, it would not be appropriate for him to comment since there was no evidence available to the Australian Government about the cause of death.

'However, having regard to the reported circumstances of his imprisonment and of the statements made by the South African authorities, it would be an extremely serious matter and one which would have far-reaching implications if it were shown that Mr Biko had died as a result of maltreatment at the hands of the South African authorities,' Mr Sinclair said.

325 DETENTIONS

Kruger urged to reveal Biko facts

RDM 13/10/77

Own Correspondent

CAPE TOWN — In a leading article this morning, The Cape Times urges the Minister of Justice, Mr J T 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 of this 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 a 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."

RAND
Daily Mail
ANPA WORLD PRESS AWARD 1966

FRIDAY,
October 14, 1977

Statement on Biko facts now urgent

325- detentions

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 time the official facts were made known; and Mr Cas de Villiers, 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 the 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 Loubser 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 done 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.

Star 14/10/77 (325-detentions)

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 conciousness 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 respect 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 deplored.

Mr Biko's death again brought the law on detentions 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.

(News by M Moolman, 58 Risak Street, Potchefstroom.) (Report by R Griffin, 85 Field Street, Durban.)

14/10/77 (325-detentions)

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

Plot 195 is the exception, being far from habitation, but

site.

There is a

e grazed off

y-yellowy-

of the red

valon and Hutton).

Eragrostis chloromelas - Eragrostis plana co-dominant grassland

y is represented by plots 145, 183, 162 and 172. Communities

ry occupy the waterways of the pediment. These waterways are

nt streams with definite limits (banks) but are depressions in which

s after rain and is channelled to the rivers.

is chloromelas remains dominant but Eragrostis plana is more

in any other community. Andropogon appendiculatus, although

, is present in all the sample plots.

situations where water stays longer Pennesetum sphacelatum is

n limited situations, becomes dominant. No plots were taken in

um sphacelatum as they are never extensive enough areas, but the

could be estimated at more than five per cent.

ver of these plots is high, with an average of 6,0 per cent.

orms are always associated with this community type. However,

ted to the exact boundaries of the soil form and may overlap into

ordering the Estcourt forms.

Interpretation of this type can be done with confidence. Being

rass grows well, Eragrostis plana is ungrazed in most places

oto image of complete cover with a definite olive (ol) photo colour.

red photography this type is very clear as there is high infra red

from the mass of vegetation as against the response from the other-

wise short grass. Infra red photography has been used extensively for mapping

damp areas. The site factor also supports interpretation of this community.

Biko is Economist cover story

Star 14/10/77

The Star Bureau

LONDON — The whole front cover of today's issue of the influential international journal, The Economist is filled with a photograph from Steve Biko's funeral.

The cover carries the headline, "But how did Biko die?" and the issue's main article deals with the subject.

The article says that in his explanations of the death Mr Jimmy Kruger either misled or was misled by men under his authority.

It adds that as a result "the relative freedom that South Africa's Press still enjoys now hangs by a thread."

The Economist says that Biko was a natural leader, acknowledged and respected by the young blacks of "South Africa's cramped and festering urban townships."

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."

It would have been better if Mr Kruger had said nothing rather than try to explain the death away as he did originally, says the journal.

The "courageous investigations made by some of South Africa's English-language newspapers" had established that Mr Biko did not die in a hunger strike.

"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."

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.

BIKO LESSON

"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."

Kruger gives new facts on Biko's death

325-detention D.D. 14/10/77

JOHANNESBURG — Mr Steve Biko was brought from Port Elizabeth to Pretoria by van before his death in prison last month, according to a Time 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 interview.

"He was ill at various stages but that was after [illegible] had requested) medical advice as to whether he could travel [illegible] they said he could."

Mr Kruger last night declined to comment on the interview. He had not yet read the article.

In his original statement, Mr Kruger said Mr Biko was taken to Pretoria on the night of September 11 and died on the night of September 12 after he was examined and treated by a Pretoria district surgeon.

The interview with Time adds an additional fact: Mr Biko was not treated until the afternoon of September 12 after his arrival in Pretoria.

". . . he was put in a prison cell because that was the warrant and they immediately tried to get hold of a doctor.

"But the soonest they could reach him was early afternoon, so Biko was left (in prison) and treated there: that evening he died."

Further quotations in the Time article include:

On hunger as cause of death: "I have never said that he died of hunger. He had definitely been on a hunger strike."

On the controversy generally: "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 (of operation), but that doesn't lessen my responsibility."

On the pamphlets which led to the detention of Mr Biko: "I am not pinning this (directly) on Biko, but this pamphlet is heavy meat. I cannot allow the black people to be intimidated by this sort of activism." — DDC.

Concern over death penalty

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

The organisation, which is against capital punishment in principle, also condemned Uganda, Equatorial Guinea, South Africa and Rhodesia. — DDC.

Kruger silent on Biko

325-detentions

Star 15/10/77

The Minister of Justice, Mr Kruger, refused to comment on his arrived 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 critics of 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 the Biko affair would almost certainly lead to the introduction early next year of the Press Bill which could include much stronger measures than in the original Bill.

The Economist

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October 15, 1977



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.

The Economist

329

October 15, 1977



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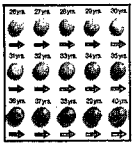
Kruger should go

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.



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 (ie, 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

Star 15/10/77

Detentions cause of shame, says Archbishop

325 - detentions

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 unenviable position when the only witnesses who can give evidence about the event 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 detainee is 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 incommunicado 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 Mabija, a committed Christian.

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 double standards are applied when it comes to justice for a member of the Government."

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, the Nationalists policy was "requgnant" 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. "It would have been better for Mr Kruger if he had said nothing," The Economist said.

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

It added: "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."—Sapa.

A.D.M. 15/10/77

Biko: Kruger's new complaint

325 - detention

Staff Reporter

THE MINISTER of Justice, Mr J T Kruger, has made another complaint to the Press Council about a report concerning the death of Mr Steve Biko, it 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. In both cases Mr Kruger asked for urgent hearings.

Yesterday Mr Kruger accused The World of double 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 consultations 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 last "serious allegations" against him in The World and it was only fair that the matter should 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

17/10/77

325 detentions



Mr Robert Sobukwe, banned former leader of the Pan African Congress, has permission to stay with a Cape Town doctor for two weeks following his discharge from Groote Schuur Hospital. Security Police ordered him to leave Bishop P. M. Matolengwe's house in Newlands, where it was hoped he would be able to recuperate after his long spell in hospital. Above: A photograph taken soon after he was discharged from hospital last week.

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 uitgegroeide 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 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.

(News by S. Vermaak, 1 Woodley Street, Kimberley.)

Comment

Steve Biko —and the role of newspapers

NEWSPAPERS in free societies have a duty to their readers which goes far beyond that of a simple recording of obvious events and the chronicling of speeches by public figures. This duty is to search out the truth where it seems the truth is being 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 as well as the State to prosecute criminal offences, and it follows that newspapers should investigate circumstances which seem to them to attract suspicion.

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, as sometimes happens — 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 independence, 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

Biko: call for outside inquiry

D.D. 17/10/77

323 detention

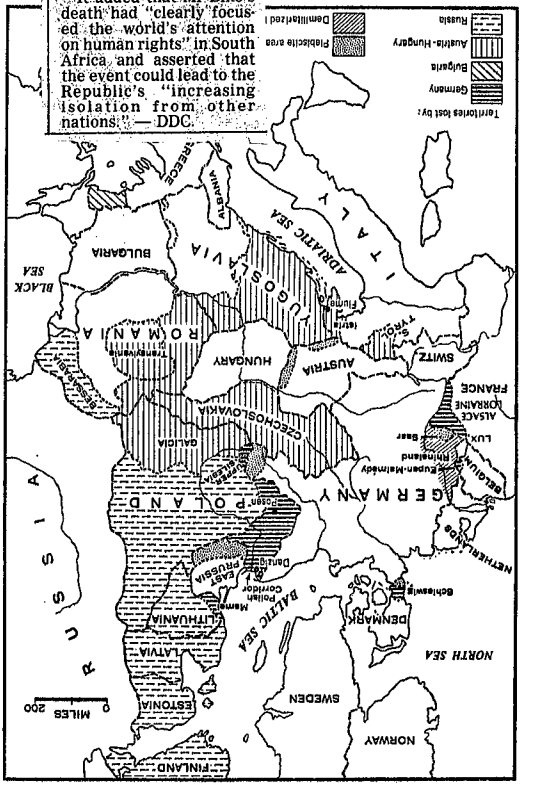
WASHINGTON — A young Democratic Congressman from New Jersey, Mr Andy Maguire, has appealed to the South African Government to reconsider its refusal to allow an outside investigation into the death of Mr Steve Biko.

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, 113 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 had "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.



THE PEACE SETTLEMENTS IN EUROPE, 1919-1920

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Star 17/10/77

BIKO MAY COUNT AGAINST NATS

325 detentions

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, question or problem a voter has to consider in making a choice (of a political 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 supporter."

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 majority 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 NRP 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 voter were some of the many reasons given.

PLAN

It was interesting that not one National Party supporter mentioned the Government's new constitutional plan whereas opposition voters cited the plan on a number of occasions as the reason why they would vote against the Government.

(Report by B. Cameron, 25 Field Street, Durban).

RDM 13/10/77

Man held at trial

325 - detention

Own Correspondent

PORT ELIZABETH. — Mr Dan Qeqe, 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 Qeqe is a member of an action committee to fight for equal political rights for blacks.

Colonel Piet Goosen, head of the Security Police, said yesterday Mr Qeqe had been detained under Section 22 of the General Law Amendment Act.

RDM 19/10/77 325

Detained

DURBAN. — The Natal regional director of the Black Peoples Convention, Mr Vivane Made, was detained for questioning yesterday by Security Police, a senior Security Police spokesman confirmed. — Sapa.
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325 - detention

Plea for basic humanity in SA life

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 its civic life is in danger of dying a moral death, says Dr André 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 become a central issue in the controversy surrounding Mr Biko's death.

HUMANITY

'The suggestion that an individual's mere 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 so exceptional an individual as Mr Steve Biko underlined the human frailty of every individual.

'It is this human frailty and dignity of every individual that has to be safeguarded through procedural restraints against the awesome power of the State, even and specially if that power is used for the rightful objective of maintaining public safety and order.'

MORALITY

Dr du Toit said the factual issue of what actually happened to Mr Biko and the 42 others who had died in detention since 1963 could be established only by a full judicial inquiry, if at all. But we were confronted with a general issue of public policy and morality as well.

'What public value do we place on protecting individuals from possible suffering and violation conflict with the interests or policy objectives of the State?

'Incidents of police brutality and cases of maltreatment and even of torture for the purposes of interrogation are one thing. It is quite another thing if this should be in any way condoned, ignored, or even implicitly encouraged by the responsible authorities and by public opinion.'

Dr du Toit said the evidence which Mr Biko gave in the Saso trial last year showed that the notion of civil rights did not occupy a prominent place in his own political thinking.

'Compared with what he saw as the main features of the blacks' social and political position in South Africa — their long history of suffering, oppression and exploitation, the systematic denial and thwarting of their interests and aspirations, the pervasive damage to their human dignity and self respect — the question of procedural civil rights as such was of minor importance,' Dr du Toit said.

SUFFERING

'Biko's political thinking was deeply concerned with the human dignity and suffering of blacks in South Africa, but, like the early Afrikaner Nationalist thinkers such as Tobie Muller, he saw this in the wider perspective of the historic struggle for liberation.

'In the short term what was required was community development and the formation of a positive and creative black consciousness. 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.

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International Economics
Welfare and Distribution
Monetary Economics
Labour Economics

out of the four options. Those intending to proceed the Monetary option.

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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 Nthato Motlana, chairman of the committee, Mr D. Lolwane, Mrs Ellen Khuzwayo, Mr Leonard Mosala, Mr L. H. M. Mathabathe, Mr Fanyana Mazibuko, as well as Mr Jairus 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 Mundi Roman Catholic church in Rockville, Soweto, for a report from the teachers' Action Committee, of which Mr Mathabathe and Mr Mazibuko 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.

Reacting to news of the mass swoops, Mr Thamsanqa 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.

325 Detention Frangs 19/10/77 CT.

Paper's 'hotbox' apology to Kruger

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

42 held in police swoops

325 detentions

At least 42 people were detained by the security police in countrywide swoops yesterday.

Dr Nthato Motlana, chairman of the Soweto Committee of Ten was detained. Other committee members detained were businessman Mr Leonard Mosala, school principal Mr Legau Mathabathe, publishers manager Mr Douglas Lolwane, businessman Mr Veli Kraai, social worker Mrs Ellen Khuzwayo, BPC national secretary Mr Thandisizwe Mazibuko, BPC member Mr Ramsy Ramokgopa and the Rev Mashwabada Mayathula.

Black People's Convention members detained were: Mr Kenneth Rachidi (president), the Rev Drake Ntshenkeng (vice president), Mr George Wauchope (regional chairman, Johannesburg), Mr Jarius Kgokong (executive member), Mr Thom Manthata (publicity secretary of labour), Mr Kenny Matine and Mr Thabo Sehume.

JOURNALISTS

Journalists: Mr Percy Qoboza (editor, The World), Mr Aggrey Klaaste (news editor, Weekend World), Miss Thenjiwe Mtintso (formerly Daily Dispatch).

Teachers: Mr Curtis Nkondo (chairman, Committee of Six), Mr Fanyana Mazibuko (secretary, Committee of Six).

Among others detained were: Mr Mongezi Stofile (past president, Saso), Mr Aubrey Mokoena (director, Black Community Programmes), Mr Raymond Ramapepe (BCP driver), Mr Hanif Vally (Black Students Society, Wits University), Mr Sadek Variawa (BPC/Saso). Dr Manas Buthelezi (chairman, Black Parents' Association), the Reverend Patrick Mangaliso Mkhatshwa (Catholic Bishops' Conference), Mr Silvester Makhaphela (Saso), Mr Vuyisile Maleleni (BPC), Mrs Nosidima Pityana social worker), Miss Nomisa 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 Beyers Naude (director, Christian Institute); the Reverend Theo Kotze (Cape director, Christian Institute), the Reverend Brian Brown (administrative director, Christian Institute), the Rev David Russel (Anglican minister), the Reverend Cedric Mayson (editor, Pro Veritate), Mr Peter Randall (former director Sprocas, education lecturer at Wits).

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 would 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 E A Slater.

Afrikaans academics react

Star 20/10/77

325 - General

Surprise, disgust and concern were expressed by leading Afrikaner academics of Potchefstroom University yesterday on the closure of three publications, and the widespread arrests and bannings.

Potchefstroom University is the seat of the Calvinist doctrine which is the foundation of the National Party.

Professor Hennie Coetzee, editor of the Calvanist publication, Woord en Daad, said he was "surprised" at the steps taken by the Minister of Justice, Mr Kruger.

"I doubt very much whether this smothering of the voice of the non-extremist was a wise step, even if The World and Pro Veritate were not always responsible. I don't regard The World as an extremist paper. It was the only newspaper the blacks had."

Disgust was Professor Johan van der Vyver's first reaction to the news.

Professor van der Vyver is head of the Department of Legal Philosophy at the university.

"My fears that South Africa is becoming a police state and the National Party committed to a system of State absolutism has been confirmed by these bannings."

He added that if the publications, people and organisations banned by the Government propogated violence there were enough laws to try them in courts of law.

The Rector of the university, Professor Tjaart van der Walt, said he had not had studied the information about the bannings but added he was "sure the Government would not have done so without good reason.

"It will be good for the Government to take the public into its confidence and give its reasons."

(Report by W Shinn, 47 Sauer Street, Johannesburg).

Snap poll supports Kruger

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

Four out of 11 people canvassed thought the newspaper's closure and yesterday's mass bannings and detentions were uncalled 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 should 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."

20/10/77

Feelings of rage over bannings

Feelings of rage, frustrated anger 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 Pienaar, who said he was a member of the Vrededorp National Party, said Minister of Justice, Mr Kruger, has "played into the hands of our enemies."

"I would say this action is as irresponsible and equal to his actions against Mr Biko."

A Parkview woman, who asked not to be named for fear of reprisals, said she 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 staff that they will no longer be able to read The World," she said.

A woman from Westdene said she planned to write to her MP, Mr Pik Botha, 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.

(Report by A Sunni, 47 Sauer Street, Johannesburg.)

325 Detainees

Who's who of blacks behind bars

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.

'People must 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 NTHATO 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.

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

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

'Today we are strangers to each other,' he said.

Many black people regard him as a pragmatic, moderate man. However, he has angered the Government by his habit of speaking candidly. The police were especially angered by allegations he made recently about police brutality in Soweto.

MR HLAKU RACHIDI: As president of the Black People's convention, 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 importance 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 Kilnerton 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 respected figure among many urban black people.

One indication of this was the reception he was given recently by thousands of people attending the funeral of black consciousness leader Mr Steve Biko.

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

FATHER SMANGALISO MKHATSHWA is one of the most influential churchmen in Southern Africa.

He is the secretary of three groups in the Roman Catholic Church, representing eight countries in Southern Africa.

A banning order served on him earlier this year has severely restricted his activities as general secretary of the Catholic Bishops' Conference. His banning provoked angry protests from within the urban black community.

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

Many foreign diplomats hold him in extremely high esteem and have frequently had discussions with him in the past.

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

MR LEONARD MOSALA has been involved in civic affairs in Soweto for several years and has been an outspoken critic of Government policies.

Educated at Pius XII 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 can 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 MAHTHATA, a soft-spoken but strong-willed 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 alientated 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 every body 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.

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'But I know I w fighting for improv conditions for blac workers. I know, course, that the reas was my known membe ship of the BPC.'

6. OLICY IN SOUTH AFRICA.

ation of Monetary Policy in South Africa, March 1971.

Supply Process in South Africa.

ness Cycle in South Africa Recent Tendencies, March 1975.

tary Legislation in South Africa, An Analysis J.E. March 1974.

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7. TS OF INFLATION.

urg and McDougall Chap. 16.

ation : A) Monetarist View in H.G. Johnson, er Essays in Monetary Economics Chap. 13.

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 Nthato Motlana (medical practitioner), Leonard Msoala (businessman), Legau Mathabathe (school principal), Douglas Lolwane (publisher's manager), Ellen Khuzwayo (social worker), the Rev Mashwabadada Mayathula, Veli Kraai (businessman).

Journalists: Percy Qoboza (editor, the World), Aggrey Klaaste (news editor, Weekend World), Thenjiwe Mtintso (banned/formerly Daily Dispatch).

Black People's Convention: Kenneth Rachidi (president, the Rev Drake Ntshenkeng (vice-president), George Wauchope (regional chairman Johannesburg), Jarius Kgokong (executive member), Thom Manthata (publicity secretary, labour), Kenny Matine (member), Thabo Sehume (member), Thandisizwe Mazibuko (BPC national secretary), Ramsy Ramokgopa (BPC member), Vuyisile Maleleni (BPC member).

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

Others: Mongezi Stofile (past president of the South African Students' Organization), Aubrey Mokoena (director, the Black Community Programmes), Raymond Ramapepe (BCP driver), Hanif Vally (Wits law student), Sadek Variawa (BPC/SASO), Manas Buthelezi (chairman, Black Parents' Association), Sjlvester Makhapela (member of SASO), the Rev patrick Mangaliso Mkhatswa (Catholic Bishops' Conference banned).

Eastern Cape: Mrs Dimza Pityana, Miss Omsa Williams, Mpumelelo Qeqe (student), Mackenzie Sloti (teacher), Bonile Tulmuma (BPC chairman, East London), Mxolisi Mvovo (Black Community Programmes, banned), Malusi Mpumlwana (BCP), Sydney Moletsana (BCP).

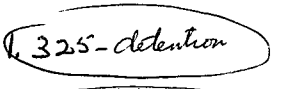
Western Cape: Ann Tomlinson (church worker).

Natal: Skenjana Rojo (SASO executive), Diliza Mji (past president of SASO), Norman Dubazana (medical student), Woodraj "Woody" Ramathar (student).

Banned and detained are named

Argus 20/10/77







The Argus Correspondent

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

Dr Nthato Motlana, chairman of the Soweto Committee of Ten was detained.

Other committee members detained were businessmen Mr Leonard Mosala, school principal Mr Legau Mathabathe, publisher's manager Mr Douglas Lolwane, businessman Mr Veli Kraai, social worker Mrs Ellen Khuzwayo, Black People's Convention national secretary Mr Thandisizwe Mazibuko, BPC member Mr Ramsy Ramokgopa and the Rev Mashwabada Mayathula.

PRESIDENT

Other Black People's Convention members detained were: Mr Kenneth Rachidi (president), the Rev Drake Ntshenkeng (vice president), Mr George Wauchope (Regional Chairman, Johannesburg), Mr Jarius Kgokong (executive member), Mr Thom Manthata (publicity secretary of Labour), Mr Kenny Matine and Mr Thabo Senume.

Journalists detained were Mr Percy Qoboza (Editor, The World), Mr Aggrey Klaaste (news editor, Weekend World), Miss Thenjiwe Mtintso (formerly of the Daily Dispatch).

TEACHERS

Detained teachers were Mr Curtis Nkondo (chairman, Commitee of Six), Mr Fenyana Mazibuko (secretary, Committee of Six).

Others detained were Mr Mongezi Stofile (past president, South African Student's Organisation), Mr Aubrey Mokoena (director, Black Community Programmes), Mr Raymond Ramapepe (BCP driver) and Mr Hanif Volly (Black Students' Society, Wits University).

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

SOCIAL

Mr Vuyisile Maleleni (BPC), Mrs Mosidima Pityana (Social worker), Miss Nomsa Williams (student), Mr Mpumelelo Qeqe (student), Mr MacKenzie Sloti (teacher) and Mr Bonilo Tuluma (BPC chairman, East London).

Mr Mxolisi Mvovo BPC), Mr Malusi Mpumlwena (BPC), Dr Sydney Moletsane (BPC), Mr Skenjana Roje (SASO executive), Mr Diliza Mji (past president, SASO, Mr Norman Dubizane (medical student) and M Woodraj Ramathar (student).

BANNED

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Who's wh

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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:

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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.

'People must 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.'

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20/10/77

'The last straw'

ho of black

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

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

'Today we are strangers to each other,' he said.

Many black people regard him as a pragmatic, moderate man. However, he has angered the Government by his habit of speaking candidly. The police were especially angered by allegations he made recently about police brutality in Soweto.

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Many foreign diplomats hold him in extremely high esteem and have frequently had discussions with him in the past.

His banning was

20/10/77

Calls for punis

The Argus Bureau

WASHINGTON. — South Africa's crackdown on black and white opposition is regarded here as the last straw in the process leading to a 'watershed' in relationship 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 serious step backwards' in the face of repeated warnings.

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-

condemnation in Washington.

The State Department's unusually strong denunciation of the Vorster Government move was accompanied by immediate congressional calls for punitive action which included:

- 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 subcommittee and Senator Clifford Case, the ranking Republican member of the Foreign Relations Committee issued strong attacks on the Vorster Government.

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 delegation want some specific action to 'disentangle the United States from economic and other relations with South Africa.'

Details awaited

'Our relations will hardly be improved by what has happened,' State Department spokesman Mr Hodding Carter, said. Once the U.S. had more details 'about the bannings and arrests' it would 'examine very closely the implications of these events with regard to U.S.-South African relations.'

Mr Carter was asked at a news briefing to explain why the Administration was so critical of human rights policy in South Africa, while it appeared to be muting its criticism

behind bars

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

MR LEONARD MOSALA has been involved in civic affairs in Soweto for several years and has been an outspoken critic of Government policies.

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'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.

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MR TOM MAHTHATA, a soft-spoken but strong-willed 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.

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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

ment 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 Carter Administration. The U.S. is simultaneously seeking South African co-operation 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 minorities.

A formal State Department statement said: 'The United States is deeply disturbed by the actions the South African Government has taken to ban over a score of organisations and publications and to detain or ban persons associated 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 repressive laws that undergird 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.'

(News by Eugene Hugo, 1145 National Press Building, Washington DC 20004.)



Dr Alan Paton

Round-up threat to peace, says Dr Paton

The Argus Bureau

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

D.D. 20/10/77

225 - detentions

About 60 held in raids

EAST LONDON — About 60 people were detained by the Special Branch in a country - wide, pre-dawn swoop yesterday.

The swoop began in the early hours of the morning and included raids on the offices and homes of journalists, lawyers, students, clergymen and several now banned organisations.

Following yesterday morning's events more than 30 heavily armed police arrested two truckloads of Witwatersrand University students who marched to the Braamfontein post office in Johannesburg.

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 bannings 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 off telegrams. Not one telegram was sent off.

By late 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 Msoala (businessman); Legau Mathabathe (principal); Douglas Lolwane (publisher's manager); Ellen Khuzwayo (social worker); Veli Kraai (businessman); Thandisizwe Mazibuko (BPC national secretary); Ramsy Ramokgopa (BPC member);

Black People's Convention

Kenneth Rachidi (president); Rev Drake Ntshenkeng (vice-president); George Wauchope (regional chairman, Johannesburg); Jarius Kgokong (executive member); Thom Manthata (publicity secretary/labour); Mr Kenny Matine (member); Mr Thabo Sehume (member).

Journalists

Mr Percy Qoboza (Editor of The World); Mr Aggrey Klaaste (news editor, Weekend World); Miss Thenjiwe Mtintso (Daily Dispatch, reporter).

Soweto Committee of 6

Mr Curtis Nkondo (chairman); Mr Fanyana Mazibko (secretary).

Others

Mr Mongezi Stofile (past president of Saso); Mr Aubrey Mokoena (director, Black Community Programmes); Mr Raymond Ramapepe (BCP driver); Mr Hanif Vally (Wits law student); Mr Sadek Variawa (BPC Saso trialist); Dr Manas Buthelezi (chairman Black Parent's Association); Rev Patrick Mangaliso Mkhatswa (Catholic Bishops Conference).

EASTERN CAPE

Mrs Dimza Pityana; Miss Omsa Williams; Mr Mpumelelo Qeqe (student); Mr Mackenzie Sloti (teacher); Bonile Tulmuma (BPC chairman, East London); Mr Mxolisi Mvovo (Black Community Programmes); Mr Mali Mpumlwana (BCP); Dr Sydney Moletsana (BCP).

WESTERN CAPE

Ann Tomlinson (church worker).

NATAL

Mr Skenjana Rojo (Saso executive); Mr Diliza Mji (past president of Saso); Mr Norman Dubazana (medical student); Mr Woodraj Ramathar (student). — DDR-DDC.

Kruger clampdown rocks the world

LONDON — News of the Security Police clampdown was received with dismay and shock in 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 laager.

British Foreign Secretary David Owen said: "I have heard with dismay the news of the widespread bannings 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 silencing of The World and Weekend World and the banning of the Union of Black Journalists is particularly alarming as it sounds the death-knell for the freedom of expression of black thought and belies 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 Vorster, and the South African Ambassador in London, Mr M. Botha, expressing his distress and shock over the banning of the Christian Institute.

Dr Coggan urged Dr 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 strange circumstances surrounding the death of Steve Biko, will not stop the struggle. It will only drive it underground.

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

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

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

A spokesman said: "I think journalists throughout the civilised world will be viewing 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 verligte 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 disturbance at the Security Police swoop.

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 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 deplored by everyone with a concern for freedom."

About 100 anti-apartheid demonstrators picketed the South African Embassy in London yesterday in protest at the bannings and arrests. — DDC-SAPA-RNS-AP.

Press es out

20/10/77

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.

The crackdown shortly after lecturing on the South African situation at the University of Auburn in Alabama.

He said: 'What troubles me most is that the West will say we can't talk to you any more, we will use other measures.'

And the bannings and suppression of dissent would only confirm the Soweto opinion that 'the Government does not want to listen . . . that there is only one way.'

Dr Paton said the Government 'seems to have suicidal tendencies.'

'The thing one fears is that Afrikaner nationalism is impotent to make any changes. I hate to believe it, but that is what I fear.'

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 an 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.

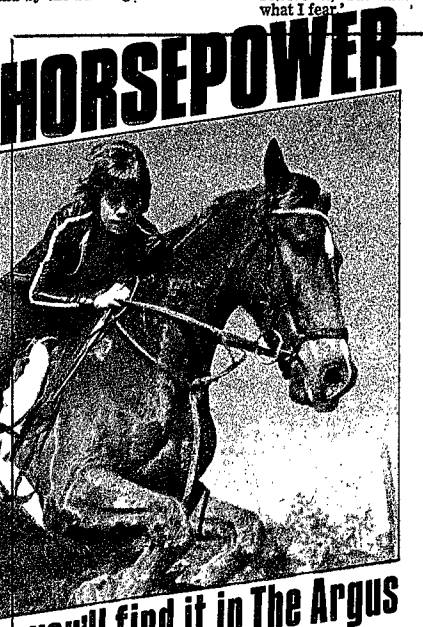
'And given the ominous warnings of Government spokesmen at the moment of crackdown, dissenting whites may soon be driven to the same extreme.'

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.'



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Bannings 'nothing to do with Press freedom'

The Argus Bureau

LONDON. — The banning of the World newspaper had nothing to do with freedom of the Press, the South African Minister of Justice, Mr J. T. Kruger, told a BBC radio interviewer last night.

Asked if it was his intention to suppress all free comment in the Press, Mr Kruger said: 'I don't think that the freedom of the Press has got anything to do with this at all, because I cannot believe that any responsible Press can demand the right to endanger the security of the state or the maintenance of public order.

BIKO AUTOPSY

'And that is what my fact-finding committee (on the World) has found. So freedom of the Press is not relevant here at all. We are for freedom of the Press.'

His decision to ban the newspaper had nothing to do with its reports on the death of black consciousness leader Mr Steve Biko, he said.

Asked whether he did not think that the Biko autopsy report was taking a long time to appear, Mr Kruger said: 'Well, that's not my fault.'



Mr J. T. Kruger

He was asked if he would be surprised if the rest of the world reacted to the South African Government's action by cutting trading links and introducing sanctions.

'Yes, I will be surprised. If people take a rational view of this they will see that we have no other option.'

Mr Kruger refused to discuss the matter further, 'particularly over a telephone.'

In an earlier interview on the same programme a woman reporter on the World, identified as Sophitima delivered a message 'to the people outside South Africa'.

The Government's action could serve only as 'a challenge and a reminder that we cannot back down now,' she said.

'IN OUR BONES'

'The struggle goes on and much more vigorously. We had been expecting this to happen but not so soon and not in this brutal manner. Democracy has just died finally in South Africa after a long and agonising illness.

'This move has spurred on black journalists to tell it more like it is. Repression may delay freedom, but we can feel it in our bones — freedom is coming,' she said.

The Argus Johannesburg Correspondent reports that Mr Kruger, in an interview with Cliff Saunders on SATV last night, said yesterday's bannings were a 'drastic measure' which he had to take because there was no doubt in his mind that the organisations and publications concerned were 'threats to the maintenance of the security of the State.'

Mr Kruger said the steps were 'certainly necessary because it is clear to us that since the riots broke out in this country last year — and they have flared up every now and then sporadically — these riots were not spontaneous at all.

'The grievances that initially were stated have now been changed. New grievances have come up, new objectives have been stated, new processes are being devised. Almost from day to day there is a change in tactics to keep the prevailing unrest going so there can be a confrontation between black and white.'

NO DOUBTS

Asked whether he believes the organisations and newspapers concerned had been wilfully promoting the situation, Mr Kruger replied that he had appointed committees consisting of three senior magistrates to go into the matter and they had brought out a report.

There was no doubt in his or their minds, he said that 'these organisations and these publications are threats to the maintenance of peace and to the security of the State.'

Asked whether he had fully taken into account the overseas reaction and negative publicity which would result from his measures, Mr Kruger replied: 'I am afraid that if I have the choice between a public image overseas and peace here in my country, I have to make the choice for peace in my own country.'

Express — what T Times dubs 'a terrible a fateful deed' is conde ned outright in leadi articles.

The Express does editorialise on the subj and the Telegraph, wh not condoning yesterda moves, lays the blame the West for not bei more sympathetic recent 'internal refor and improvements' in r relations.

The Times says yest day's bannings seem end 'the last possibilit of peaceful change or r ial readjustment,' and c tinues:

'The banning of t African newspaper, T World, completes in lar measure the process silencing the moder African voice (moder in terms of what m now prevail) which h continued for some years.

WHITE PRESS

'The closing of t Christian Institute a the banning (house rest) of Dr Beye Naude, who was so rem kable an example of rei sing to despair, is part the same process.'

The Times believes t banning of Mr Dona Woods of the East Lo don Daily Dispatch 'sho that white papers are more free than black.'

YOUNG: SA COMMITTING SUICIDE

NEW YORK. — The US Ambassador to the UN, Mr Andrew Young, said the South African Government was committing social and political suicide.

It might be that Western initiatives on Rhodesia and South West Africa would move forward even faster because Pretoria was being hurt by these problems.

'The events of the past few days are tragic because the South Africans seem to be repressing their moderates. I ironic because this is what Stalin d and its what the Viet Minh did.

'When you kill off your moderate when you crush them, you are only for ing the people to move to the extrem to the left and to the right,' he said.

'I think they are panicked, they a frightened and they are committi social and political suicide,' he said. Sapa.

20/10/77

Owen dismayed at 'tragic setback'

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 'dismay' 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.

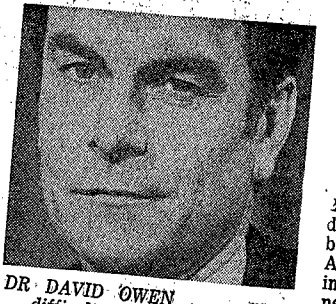
BALANCE

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.



DR DAVID OWEN . . . more difficult to advocate peace.

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

(325) DETENTIONS RDM 21/6/77

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:

- FM radios
- Newspapers and other reading material.
- Films and film projectors.
- Change of clothes.

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

RDM 21/10/77
925 detentions

Pretoria Bureau

THE chief State pathologist, Professor J Loubser, yesterday declined to comment 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 for comment on reports that the banned editor of the Daily Dispatch, Mr Donald Woods, might be a witness at a judicial inquiry should one be decided on.

The Minister mentioned this possibility in an interview published yesterday 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 inquiry into Mr Biko's death, reports Sapa-Reuter from Canberra.

The Foreign Affairs Minister, Mr Andrew Peacock, told the Australian 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 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 those who died before him," he said.

325 - detentions

No pleas yet for detained people

Star 21/10/77

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 10 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 in Pretoria today 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 jurists 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 committees.

The ... body wishing to make written representations to the review committee should do so to the Secretary for Justice, Private Bag X81, Pretoria 0001. Anybody wishing to give resentations should inform the same secretary.

NPU head appeals to Kruger

The president of the Newspaper Press Union, Mr Hal 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 inter alia as a means for expressing views or conveying 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 Manas Buthelezi, chairman of the now-banned Black Parents' Association, was wrongly reported in The Star yesterday as hav-

325 - Detention

STAR 21/10/77

Star WOMAN

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



ANNE QOBOZA — In happier times. The family live in a rented 3-bedroomed house. There are no luxuries and no electricity.

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 the 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 even 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 — untidiness.

"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:

325 - detentions

a. 49 detained — security chief ET: 21/10/77

JOHANNESBURG. — Police confirmed in Pretoria yesterday
b. 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
c Police operations. which followed the banning of The World and 18 other organizations on Wednesday.

taken after completion of either Economics I

after the completion of one of the following
e, Ancient History & Classical Archaeology,
History I, Geography I, History I, Politi-
ociology I.

as Afrikaans en Nederlands I as a qualifying

d. Applied Maths. II can only be taken after the completion of Maths.I; and Maths II must, from 1977, be completed before taking Appl.Maths.III (refer Science Prospectus).

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 IB 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.

t. 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&v. 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.

w. Zoology II can only be taken after the completion of Chemistry I.

(Frames) C.T. 21/10/77

Still no word on Biko post-mortem report

325 - deletions

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.

Prophesy, v., ho bolela tse tla hlaha, ho profeta.

Prophet, n., *one who foretells*, moprofeta.

Prophetess, n., *a female prophet*, moprofetikazi.

Prophetic, adj., e profetang.

Prophylactic, n., *a medicine*, moriana.

Propitiate, v., *to appease*, ho khotsofatsa.

Propitiation, n., *the act of appeasing*, tshoarelo.

Propitiatory, adj., e khotsofatsang.

Proportion, n., *symmetry*, boleng; *a part*, karolo.

Proportionate, adj., e lekanang.

Proposal, n., *a scheme*, morero; *an offer*, tlhahiso.

Propose, v., *to intend*, ho rera; *to offer*, ho tlhahisa.

Proposition, n., *a proposal*, tlhahiso; *a statement*, polelo.

Propound, v., *to put forward*, ho tlhahisa.

Proprietary, adj., *belonging to a proprietor*, ea mong.

Proprietor, n., *owner*, mong.

Propriety, n., *fitness*, boleng; *decency*, botle.

Propulsion, n., *the act of driving forward*, thapello.

Prosaic, adj., *unpoetical*, ea sehlare.

Proscribe, v., *to denounce*, ho sireletsa, sireletsa, qosa.

Proscription, n., *denunciation*, tšireletso, tširelo, qosa.

Prose, n., *opposed to poetry*, mosireletsi, 'maballi.

Prosecute, v., *to carry on*, ho etsa, ho etsa molao ka mataba; *to bring to trial*, ho isa kahlolong.

Prosecution, n., *the act of prosecuting*, tshisa ka matla; *a judicial process*, kahlolo.

Prosecutor, n., *one who prosecutes*, molai.

Proselyte, n., *a convert*, mohlanka.

Prosody, n., *the science of versification*, mokgwa wa thothokiso ea mongolo.

Prospect, n., *a view*, pono; *a hope*, tshepo.

Prospective, adj., *future*, ea nakong e tlang.

Prospectus, n., *a scheme*, morero; *a plan*, leano.

Prosper, v., *to succeed*, ho atleha, ho hlahisa, ho ba le katleho.

Prosperity, n., *success*, katleho, tsebo ea bohle.

Prosperous, adj., *successful*, e atlehileng, e hlahileng ka katleho.

Prostitute, n., *a harlot*, setsereke sa nahe, seterekwe sa nahe, n., paballo, mofahlo, e babaletseng; v., ho fahla.

Prostrate, adj., *lying flat*, thapalla; v., *to overthrow*, ho kgaola, ho kgaohla.

Prowl, v., ho namana, laall.

Proximate, adj., *next*, e haufi haholo.

Proximity, n., *nearness*, bohaufi.

Proxy, n., *an agent*, ea emeng kapa ea sebetsang bakeng sa e mong, kalellō ea.

Prudence, n., *wisdom*, maqiti.

Prudent, adj., *wise*, e maqiti.

Prune, v., *to trim*, ho pōma makala a litate.

Prurience, n., *lasciviousness*, masoba; *curiosity*, phunya masoba.

Pry, v., *to peep narrowly*, ho nyarela; *to examine closely*, ho falimisisa, batlisisa; *to pry into other people's affairs*, ho leka ho tseba litaba tsa ba bang.

Psalm, n., Pesalme.

Psalter, n., buka ea lipesalme.

Pseudonym, n., lebitso leo motho a le nkileng e se la hae ruri.

Pshaw, *interj.*, be!

Puberty, n., nako ea bonna kapa ea bosali.

Public, adj., e pontšeng, e pepeneneng, ea bohle; n., batho bohle.

Publicly, adv., pontšeng, pepeneneng.

Publican, n., mong a kantini.

Publication, n., *a printed work*, buka e hatisitsoeng; *the act of making public*, tsebiso, tumiso.

Publish, v., *to print*, ho hatisa; *to announce*, ho bolosa, tumisa.

Pudding, n., kukusi e emeng a lukelitseng.

Puerile, adj., e kang ea bana.

Puff, n., *a whiff*, pululu.

Puff, v., *to breathe hard*, ho fehelosa; *to swell*, ho kokomoha, phaphamala; *to swell with pride*, ho fehlakoa, ikhohomōsa.

Puff-ader, n., thamaha-linkosane.

Puffing, n., mofehelo.

Pugilist, n., ea loanang ka litebele.

Pugnacity, n., ho rata ho loana.

Pull, v., ho hula, hulanya; *to pull down*, ho qhaqha, qhaqhalla; *to pull out*, ho rusulla, fōthōla; *to pull up*, ho ema.

Pulmonary, adj., eo e leng ea matšoafo.

Pulp, n., mama ea thōloana; v., ho tula, ho etsa motoho ka nhō e thata.

Pulpit, n., setulo sa ho ruta, sefala.

Pulpy, adj., e tobo-tobo.

Pulsation, n., ho uba ha pelō kapa ha mothapo ea mali.

Pulse, n., ho uba ha mothapo.

Pulverise, v., ho etsa ntho mosiu.

Pump, n., pompo.

Pumpkin, n., mokopu.

Pun, n., papali ea mantsoe.

Punch, n., *a tool*, tšepe ea ho etsa phunya masoba; v., *to perforate*, ho otla ka setebele.

Punch, v., *to strike with the fist*, ho otla ka setebele.

Punch, n., *a beverage*, seno sa mofuta.

Punctilious, adj., ea makhethē haholō-holō mokhoeng ea hae.

Punctual, adj., ea nepang nako ka mehla.

Punish, v., ho otla, laba, khalemela.

Punishment, n., koloi, tabo.

Punk, n., ponto ea ho tšela nōka.

Pup, n., ntjanyana.

Pupil, n., *a scholar*, morutuoa; *the pupil of the eye*, thaka ea leihlo.

Puppet, n., katatelana.

Purchase, v., *to buy*, ho rēka; n., ntho efe le efe e rekiloeng.

Pure, adj., e hlokileng.

Purgative, adj., e tšollisang, pehisang; n., setlhare sa ho tšollisa sa ho pehelisa.

Purge, n., setlhare sa ho tšolla; v., *to purify*, ho hlokisa; *to have diarrhoea*, ho tšolla, pehela.

Purification, n., hlokiso, phekolo.

Purify, v., ho hlokisa, tšaka, phekola.

Purist, n., ea khethang mantsoe a hae haholō-holō.

Purity, n., hloeko.

Purloin, v., ho lobala.

Purple, adj., e khubelu; n., bofubelu, purepera.

Purport, n., khopolo. morero; v., ho rera, hopola.

Purpose, n., morero, phello; v., ho rera, hopola.

Purposely, adv., ka boomō.

Purr, v., ho hona ha katse.

Purse, n., mokotlana oa chelete, selota.

Pursue, v., *to chase*, ho phalla, phallēla, lelekisa, teba-tebisa; *to strive*, ho phella, reetsa.

D.D. 21/10/77 335 detentions

Still no news of Biko post-mortem

PRETORIA — The Chief State Pathologist, Prof 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 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 should one be decided on.

The Minister mentioned this possibility in an interview with an Afrikaans morning newspaper.

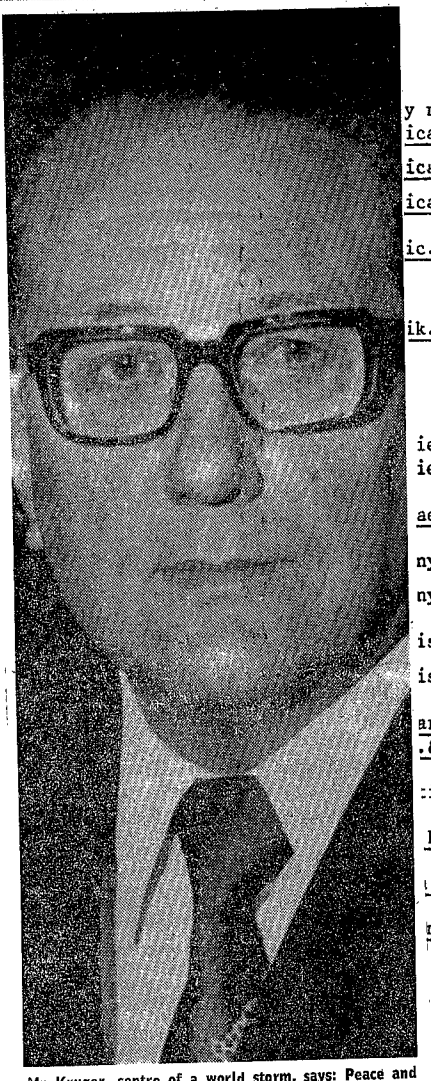
The decision on an inquiry, Mr Kruger was quoted as saying, would be taken by the Attorney General after he had received the post-mortem report on Mr Biko's death, as well as a preliminary report from the police.

In the report Mr Kruger was quoted as saying he expected the report this week. It would not, he said, immediately be given to the press, but according to normal procedures during any 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-RNS.

World debate is growing



Mr Kruger, centre of a world storm, says: Peace and stability come first.

● Bannings: World shockwave rumbles on—Page 3.
● No evidence of assault on Biko—Page 3.

Qoboza faces year in jail

Star 22/10/77 (25)

Mrs Anne 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 Klaaste, news editor of The Weekend World, who is also in detention.

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 am and 4 pm 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.

"But that will depend on Mr Woods not on me.

"I hate the damned banning orders to be quite frank with you," he said. — Sapa.

ILABLE FOR THE B.A. DEGREE

nt time-table periods, e.g. (1) = first period, 8.30 - 9.15 a.m.

B. (SENIORS)

C. (MAJORS FOR B.A.DEGREE)

y nc received a notice from security police restraining him from leaving Modder Bee prison until August 10 next year.

It is believed that all people detained this week under Section 10 of the Internal Security Act have been served with similar notices.

Mrs Qoboza said last night her husband was in good condition and told her he was being well looked after. "But his spirit was low," she said.

Mrs Qoboza said she went to visit her husband with John Marquard and Mr Denis Beckett, of The World and Weekend World. They were given only 30 minutes.

ny II (2)

ny III (2)

istry II (3)

istry III (3)

arative African .& Law I (4)

:itutional Law (3)

Hist.W.Eur.II (1)

I (2)

mics II (4)

Economics III (2)

iic History II (1)

Econ.History III (3)

h II (4)

English III (1)

II (3)

French III (2)

phy II (5)

Geography III (3)

y II (2)

y II (5)

.& Law II

III (4)

No evidence of assault on Biko says Kruger

Star 22/10/77

(325) detention

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 don't believe 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."

A prosecution, Mr Kruger said, would depend on the autopsy report.

Mr Burns said that what was expected was a full, open inquiry without any cover-ups.

"There will be no cover-up in the Biko case," Mr Kruger said.

Mr Burns said the key question would be: "Did anybody ever hit Mr Biko while he was in detention?"

"There may be evidence of a struggle but it may have been totally innocent. Who knows?" Mr Kruger said.

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 detainees' 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.

		Botany II (2)	
		Botany III (2)	-
		Chemistry II (3)	
		Chemistry III (3)	-
		Comparative African Govt.& Law I (4)	Comp.African Govt.& Law II (2.15 p.m.)
		Constitutional Law (3)	-
	urope I(2)	Cult.Hist.W.Eur.II (1)	Cult.Hist.W.Eur.III (4)
		Drama I (2)	Drama II (5)
j.	Economics Ia (?)	Economics II (4)	Economics III (2)
j.	Economics IB (6.05 p.m.)		
	Economic History I (2)	Economic History II (1)	Econ.History III (3)
k.	English I (3) or (5)	English II (4)	English III (1)
	French Intensive (4)		
	French I (1)	French II (3)	French III (2)
	Geography I (2)	Geography II (5)	Geography III (3)
1.	Geology I (5)	Geology II (2)	
		Geology II (5)	-

KRUGER GIVES HIS ULTIMATUM

Qoboza is jailed until unrest ends

Weekend Argus 23/10/77

325 deleted

THE Minister of Justice, Mr J. T. Kruger, has told the New York Times that he will not allow The World to resume publishing or its editor, Mr Percy Qoboza, to leave prison until the unrest in South Africa subsides.

The New York Weekend Argu
Bureau reports that interviewed by John
Burns, staff correspondent of the New
York Times. Mr Kruger said the case
against The World was substantiated by
its own editorials.

Mr Kruger said there had been encouragement to the intimidation, stone-throwing, staying away from school, arson and so on that students had resorted to in their campaign against the Government.

Meanwhile, Mr Qoboza has received a notice from the Security Police restraining him from leaving Modder B Prison on the East Rand until August 10 next year.

But, according to a lawyer, he could be freed before then if the Minister of Justice wished. Or the notices could be renewed.

Chairman

Others known to have been served with these notices are the news editor of Weekend World, Mr Aggrey Klaaste, and Dr Nthato Motlana, 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 Prinsloo, said these notices should have been served on all those detained, but he could not confirm this or give details.

The notice served on Mr Qoboza by two security policemen said the Minister of Justice, Mr J. T. Kruger, was satisfied that you engaged in action which endangered or was calculated to endanger the maintenance of public order and I hereby prohibit you from absenting yourself from Modder B Prison.

Radios

The notices were signed on Wednesday, the day The World and Weekend World were 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 livelihoods in peace.

Mr Kruger went on to deny allegations that the move against the World and the banning of Mr Donald Woods, editor of the Daily Dispatch, was the end of Press freedom in South Africa.

"I'm very, very sincerely for Press freedom and so

22/10/77

Kruger's ultimatum

(Continued from Page 1)

is my Prime Minister,' he told Burns.

He also put some blame for the crisis on President Jimmy Carter.

Mr Kruger said Mr Carter's 'holier-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 peacefully 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 iwll depend on Mr Woods — not on me,' Mr Kruger is quoted as saying.

'I'm not there 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 Modder B have told detainees that they will be allowed portable tlevision sets and that one detainee has apparently made arrangements to get one.

...aiestas

...and Tiberius.

...estatis in the Roman Republic and Augustan ...
Jo'burg, Wits. Univ. Press, '67 (DH 345.2 BAU)

...ria x, '61 189 sq.

...s and criminal legislation under Tiberius.
...nn.), Am. Philological Assocn., 1935.

...early Empire in Journal of Roman Studies 49,

...Tacitus, Ann. Manchester Univ. Press, '60
...esp. 8 sq. and Appendix III.

Relevant legislation

...3 B.C. (?) Lex Appuleia de maiestate - set up a quaestio perpetua to hear cases of maiestas.

81 B.C. Lex Cornelia de maiestate - extended range of maiestas. Thus after 81 B.C. there are no recorded perduellio prosecutions before the comitia (Gruen). This will made it illegal to ... for a governor to lead Troops across the frontiers of his province without permission. In A.D. Piso was guilty of maiestas as defined in Sc. Pisonianum.

43 B.C. Lex Pedia - set up a tribunal to try Caesar's murderers (cf. Res Gestae 2). Bauman thinks its provisions were extended by senatorial decretum to cover plots against Augustus and any magistrate: cf. Digest 48, 4.1.1:

... cuiusve opera consilio malo consilium initum erit
quo quis magistratus populi Romani quive imperium
potestatemve habet occidatur.

A.D. a senatusconsultum is postulated by Bauman, which extended the provisions of the Lex Cornelia de iniuriis to make defamation of the emperor maiestas.

Some relevant trials

26 B.C.	C. Cornelius Gallus (Dio 53, 23-)	Prefect of Egypt	Maiestas and Repertundae?	Suicide before trial
22 B.C.	M. Primus, Fannius Caepio & Varro Murena			
A.D. 1[illegible]	Cassius Severus (Tac. Ann. i, 72.3; Dio 56, 27)	wrote offensive lampoons		Exiled

2. .../

(S25) detentions
RDM 22/10/77

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 T 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 inquest, I will try to expedite it as soon as possible. I think 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.

No pleas yet on detainees

RDM 22/10/77

(325) detainees

THERE have been no representations yet to the review committee authorised to investigate the detention of nearly 50 people under the Internal Security Act on Wednesday, a spokesman for the Department of Just said yesterday.

The committee consists of three people, at least one of whom must be a judge or magistrate or ex-judge or ex-magistrate, and who is the chairman.

The committee is obliged in law to investigate the detention of any person within two months of the date of his internment and "shall consider all facts and representations" submitted to it in writing."

Representations should be sent to the Secretary of Justice, Private Bag 81, Pretoria. Applications may be sent to the secretary for the presentation of oral evidence to the committee.

It was learnt yesterday that some of the detainees have been served with notices saying that they will be detained until August 10, 1978.

The preventive detention sections of the Internal Security Act can become operative through proclamation in the Government Gazette. The period is limited to a maximum of 12 months.

325 - Detention

Into the twilight world

MRS QOBOZA IS 'BATTLING'



MRS Anne Qoboza — the woman.

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 Senaoane Township, 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 B prison in Benoni. 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 men for being less selfish than South African men.

'And I found that American black women were even tougher than their counterparts,' Mrs Qoboza

22/10/77



MRS Anne Qoboza — the mother. With her are, from left, Ntuli and Mangi.

We'll stand alone if we have to—Vorster

Star 24/10/77

(325) detentions

John Patten,
Political Correspondent

The Prime Minister, Mr Vorster, has made it clear South Africa will stand alone if it has to, should a combination of foreign pressures isolate the country almost completely.

He said this in an interview screened nationwide to millions of American television viewers yesterday by ABC television news in its programme "Issues and Answers."

The interview, in Pretoria last week, was conducted by TV interviewer Mr Harry Reasoner and Mr Bob Clarck.

When Mr Vorster was asked whether he thought South Africa could survive in isolation, he replied: "Then obviously we must survive on our own. And we are prepared to stand alone if we must."

No doubt

Mr Vorster repeated that the United States was demanding South Africa introduce a system of one-man-one-vote and black majority rule, and that South Africa had been left in no doubt that sanctions would be forthcoming if South Africa did not reach that situation.

Mr Clarck put it to Mr Vorster that members of his Government felt the United States was trying to organise an oil boycott of South Africa and asked if he had such a concern.

"Well, there's plenty of talk about it in your country and in other countries. Further than that, I'm not prepared to take it at this stage," Mr Vorster said.

Dealing with pressures on American companies, Mr Vorster said firms had been told they must pay certain minimum wages in South Africa.

He had an American in his office recently who had said to him:

"You know, I have a factory in South Africa. I have a similar factory in another African country and I have a similar factory in the Far East.

"I pay half the wages I pay in South Africa in the other African country. I pay a third of the wages in the Far East. Nobody hammers me about the wages I pay in the other African country and in the Far East, but everybody is hammering me about the wages we pay in South Africa."

Mr Vorster said the same applied to certain European countries.

Asked what South Africa could do in response to such pressure, Mr Vorster said South Africa could not force people to do business in the country if their governments made it impossible for them to carry on business with South Africa.

"If they can't go on on their own, they will stop, leave a vacuum, and somebody else will flow into that vacuum," he said.

Smith dilemma

The Prime Minister was asked whether he thought it a mistake for Britain and America to get involved in the Rhodesian problem. He replied he was not saying it was a mistake to get involved, but it was a mistake to prescribe.

Mr Vorster said Mr Ian Smith had told him he was perfectly prepared to settle, and he accepted Mr Smith's word. But Mr Smith's trouble was to know with whom to settle.

"Must he settle with the people who have the majority support of the blacks, or must he settle with the people with the guns?" Mr Vorster asked.

Asked if he could conceive of circumstances in which South Africa would give military aid to Rhodesia, Mr Vorster said: "Our attitude has been put time and again that it is not our war, that we are not involved in that war."

The clock

Mr Clarck suggested Mr Vorster had indicated he felt time was running out for Rhodesia and asked whether the clock was not ticking in South Africa too.

Mr Vorster replied that it was inherent in Rhodesian policy that ultimately there would be black majority rule, but South Africa had a different policy from the start. The eight black nations in South Africa were entitled to their own governments and to ultimate complete independence.

He said there was no doubt whatsoever that communist agitation was behind the unrest in South Africa and also in Swaziland.

This he said when Clarck put it to him that there had been growing discontent among blacks, especially young blacks, in South Africa. Was it something which could contain the seeds of a racial war?

Mr Vorster replied: "No, not a racial war, for the simple reason . . . maybe you didn't catch up on the news, but while the Swazi delegate to the United Nations was hammering South Africa because we had the student troubles in South Africa, it broke out with a vengeance in Swaziland.

Biko report this week?

Medical experts would probably complete their findings on the death of Mr Steve Biko this week, the Prime Minister, Mr Vorster, said in a television interview broadcast across the United States yesterday.

Speaking on the ABC network programme, "issues and answers" Mr Vorster said as soon as the medical experts finished their work, their findings would be handed to the Minister of Justice and to the Attorney-General.

"Then the law will take its course," he added.

"Until such time they have finished it, the inquest cannot go on, but they will be finished, I think within a week's time."

The interview was recorded on Thursday in Pretoria.

Interviewer Bob Clarck put it to Mr Vorster that newspapers had published findings they said came from the preliminary autopsy, to the effect that Mr Biko was found to have severe bruises on his body and brain damage.

Mr Clarck said presumably Mr Vorster had seen that preliminary report.

Mr Vorster: No, I have seen no report whatsoever for the simple reason that the reports have not been compiled finally yet.

Clarck: You simply do not know what. . . .

Mr Vorster: No, I do not.

Clarck: Brain damage . . . or anything?

Mr Vorster: I do not know anything and will only know, same as all other people, who should know, will know, when they finish their report and when they've made their findings.

Mr Vorster said no preliminary report had been published whatsoever. There were only speculations.

When Clarck suggested the medical findings "were never made public," Mr Vorster reacted: "I don't think you are putting it fairly at all when you say that the medical findings have never been made public. Surely you know, and it was stated from time to time, that the top medical experts are still busy." — Sapa.

SA 'WON'T SIGN ATOM PACT'

I gave no promise on N weapons —Premier

The Prime Minister, Mr Vorster said he had made no promise to President Jimmy Carter that South Africa would not develop nuclear arms.

Mr Vorster was speaking to the American Broadcasting Corporation television programme "Issues and Answers." The interview programme was recorded in Pretoria last week and was broadcast over the SABC network today.

Mr Vorster was asked whether President Carter was meddling (in South Africa's affairs) when he "obtained a promise from your Government a couple of months ago that South Africa wouldn't develop nuclear bombs or nuclear weapons of any sort "

Mr Vorster replied: "No. I'm not aware of any promise that I gave to President Carter."

PEACEFUL USE

He said he had simply repeated a statement, which he had made often that "we are only interested in peaceful development of . . . nuclear facilities."

Asked whether South Africa would add its signature to the nuclear non-proliferation treaty, Mr Vorster said he had made it clear that he wanted "certain guarantees" before South Africa would sign the treaty.

"Until such time as we have those guarantees, then the status quo will remain," he said.

Mr Vorster said he found it strange that South Africa should be pressurised for not signing, while 13 of the 34 members of the Nuclear non-Proliferation Board had not signed the treaty.

Bob Clarck, one of the two ABC interviewers, pointed out that most of those countries had "some idea in the back of their head of some day developing nuclear weapons."

Mr Vorster replied: "No, no, no. There are certain other countries that have neither the potential nor the idea as far as that is concerned."

The other interviewer was television news personality Harry Reasoner. — Sapa.

(325) det.

(Francis) CT. 24/10/77

Biko: Law will take its course —PM

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 30-minute interview recorded last Monday by ABC television newscaster Harry Reasoner and correspondent Bob Clarck, Mr Vorster also:

- Disclosed that he had documentary proof that US Vice-President Walter Mondale had been instructed to use the expression one-man, one-vote 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 by force and the United States by finesse; and
- Disclosed that he had made no 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 lunch-hour television programme "Issues and Answers".

Mr Vorster told Reasoner that the United States was demanding that a system of one-man, one-vote, in other words a system of black majority rule, be introduced in South Africa.

Of Vice-President Mondale's reference to one-man, one-vote in Vienna, Mr Vorster said it was not a slip of the tongue.

"He said it and I have no doubt in my mind and I have documentary proof to that effect that he not only said it; he was instructed to say it, and that in fact it is United States policy at the moment."

Preliminary autopsy . . .

Asked about pressures on American companies not to invest 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, leave a vacuum, and someone else will flow into the vacuum."

Asked about closing South Africa's Washington embassy as a retaliatory measure, Mr Vorster replied: "No, I don't think that has ever been contemplated, I'm 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 at the moment they have finished

Continued on page 2

cess. | Witbank.

PM interview

CT 25/10/77

Continued from page 1

their work, they will hand it over to the Minister of Justice and the attorney-general and then the law will take its course."

Clarck: "But there has, Mr Prime Minister, I think you will agree, been a preliminary autopsy report that seems to have been rather widely leaked . . ."

Mr Vorster: "No preliminary report has been published whatsoever. There were speculations but the medical people have not finished . . . (inaudible) . . . and until such time they have finished it, the inquest cannot go on, but they will be finished, I think within a week's time, and naturally, as I have said, then the law will take its course.

Asked about statements published in South African newspapers that Biko had severe bruises on his body and brain damage, Mr Vorster said: "No, I have seen no report whatsoever for the simple reason that the reports have not been compiled finally yet."

Clarck: You simply do not know what . . .

Mr Vorster: No I do not . . .

Clarck: . . . Brain damage . . . or anything . . .

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, will know, when they finish their report and when they've made their findings."

Asked about whites being overwhelmed by blacks at the turn of the century, Mr Vorster indicated 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 equate American negroes with South African blacks.

This could not be done for the simple reason that American blacks had been divested of their African personality, language, culture and traditions. They were black Americans.

In South Africa the black man was not a descendant of a slave and he was a proud member of a people with his own language, culture and traditions. South Africa had to deal with eight such different black nations.

Asked whether the unrest that had exploded into riots contained the seeds of racial war, Mr Vorster said this was not so. For instance, while the Swazi delegate at the United Nations was hammering South Africa over its student troubles, these troubles broke out with a vengeance in Swaziland. He had no doubt that communist agitation was behind it.

On the one man, one vote and the black majority rule issue in South Africa, Mr Vorster made it clear that there could be no compromise. South Africa was prepared to survive on its own and stand alone if it had to.

On the nuclear bomb issue, Mr Vorster said South Africa had made its position clear to the United States.

"We want certain guarantees before we sign that treaty and until such time as we have those guarantees, then the status quo will remain," Mr Vorster said.

Reasoner: Mr Prime Minister, we have unfortunately run out of time as we anticipated . . . some questions and answers left, but we would like to thank you for appearing on "Issues and Answers." Prime Minister Vorster of South Africa, myself and ABC's Bob Clarck.

Mr Vorster: Yes, thank you. Unfortunately, that's always the case, we run out of time.

D.D. 24/10/77

No Biko assault evidence — Kruger

325-detainees

PRETORIA — The Minister of Justice, Mr Kruger, said yesterday there was no evidence at this stage that the detained black activist, Mr Steve Biko, died as a result of a police assault.

He said in an interview published in the New York Times the preliminary report on Mr Biko's death certainly did not give the impression that a police assault was the cause of death.

It might come out that there had been a struggle to handcuff Mr Biko, but he promised there would be no coverup in the case.

He hoped newspapers which had given the impression of assault would be embarrassed and would blush when the inquest findings were made.

He was interviewed by Mr John Burns.

Mr Kruger said he was still awaiting the final post mortem report but he expected an inquest would be held in any case because of the public importance of the findings.

Mr Burns said the impression in the outside world was that Steve Biko died from assault by police. "That is certainly not any evidence I have at this stage," Mr Kruger replied.

"I have got the preliminary report in my hands and this is certainly not the impression this report creates as far as I am concerned."

Mr Burns said the implication of this was that newspapers like the Sunday Express and the Sunday Times, which had published reports about Mr Biko's death, were wrong.

"That is why I let them carry on," Mr Kruger said. "That is why I never denied it at all, because the courts will decide."

"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 of this cross examination, I personally do not believe this," Mr Kruger replied. He believed in the police force, and in particular in Col Goosen who had been involved in the Biko case.

"I don't believe 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 so surprised, I will fall off this chair. I will be absolutely surprised because Col Goosen has been one of the finest officers I have met."

Mr Burns said the key question would be: Did anybody ever hit Mr Biko while he was in detention?

"There may be evidence of a struggle and things like that, but it may be totally innocent. Who knows?" Mr Kruger said.

"The man was handcuffed at certain stages and all that sort of thing. I mean there were struggles that would probably come out. I don't know. That I am prepared to concede."

Mr Burns said Mr Kruger would have trouble in the Biko case if it came out that there was a struggle.

"This follows axiomatically from an arrest with a stroppy 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.

Mr Burns asked if Mr Kruger was satisfied there had been "no shenanigans" in the case of any of the detainees who had died.

"It is humanly impossible ever to say there has been no shenanigans," Mr Kruger said.

"But what I do say is that my people have had inquests every time. They throw themselves before a court every time it happens. They are open to cross-examination by the family lawyers and suffer cross-examination.

"What more can you say in any society, than that you have to throw the thing open for the court?"

Mr Burns asked if Mr Kruger could give an assurance about the Security Police, because the impression created was that they were a "dark, sinister organisation not really under control."

"That is definitely not so. The Security Police are taken from the finest, the best men in the force," Mr Kruger said.

He supposed he was a hardliner in some respects.

"My actions are pretty tough. I can become damned tough when I have got to be tough. I can take a hell of a tough line if a fellow really looks for trouble," he said.

In another interview, the Prime Minister, Mr Vorster, said medical experts would probably complete their findings on the death of Mr Biko this week.

He said in a television interview broadcast across the United States yesterday that as soon as the medical experts finished their work, their findings would be handed to the Minister of Justice and to the Attorney General.

"Then the law will take its course," he said. — SAPA.

Kruger has Biko findings

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."

CT. 25-10-77

Law men see Kruger

(325 detentions)

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.

325 - Diferai

Biko inquest decision now up to Transvaal A-G

The Argus Correspondent

PRETORIA. — It is now up to the Attorney-General of the Transvaal, Mr J. E. Nothling, to decide whether an inquest should be held into the death of black consciousness leader Mr Steve Biko.

Mr Nothling confirmed today that he had received the full (medical and police) report on the death of Mr Biko and that he was studying it.

Although the Minister of Justice, Mr J. T. Kruger, has said he expected the Attorney General to come to a decision within the next few days, Mr Nothling was not prepared to commit himself in this regard.

He said he had only just started studying the report, and after completing his study he would come to a decision.

Mr Kruger attended the weekly Cabinet meeting today and was not available for comment.

But he has been quoted as saying that he had received the pathological report yesterday and that the State pathologists and the pathologists appointed by Mr Biko's family had come to a unanimous finding on his death.

He said if the Attorney General decided an inquest was necessary, he would arrange for a court to be made available as soon as possible.

Mr Kruger also confirmed that the police investigation had been completed, which meant that the entire investigation had been completed.

'We are only awaiting the decision of the Attorney General now,' he said.

Kruger has final report on Biko

D.D 25/10/77 325-9d

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. — SAPA

D.D. 26/10/77

Biko died of injuries claim

(325. detentions)

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 Loubser, 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. — SAPA-AP.

RDM 26/10/77

No details yet on (325) detentions held schoolgirl

Staff Reporter

NO DETAILS have been released yet about the Indian schoolgirl who was re-arrested immediately after she and 93 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 Solly Dinath, who was detained at Lenasia last Friday.

A-G is silent on Biko report

325_detention

Star 26/10/77

Pretoria Bureau

The Attorney-general of the Transvaal, Mr J E Nothling, has refused to comment on an Associated Press report that Mr Steve Biko died as a result of head injuries.

Mr Nothling 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 Nothling 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 urema."

Nicholas Ashford 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 Gluckman were agreed on the findings.

She told The Star today that her information had come from "authoritative sources."

RDM 26/10/77

'Autopsy says Biko died from brain injuries'

THE findings of the final autopsy report on black consciousness leader, Mr Steve Biko, are that he died as a result of head injuries, informed medical sources told the Associated Press, according to a report issued by Sapa yesterday.

The report of the autopsy, held nearly six weeks ago, has been submitted to the Minister of Police, Prisons and Justice, Mr J. T. Kruger, but has not yet been published. Mr Kruger said yesterday he was sending it to the Transvaal Attorney General, Mr J. H. Nothling, to decide, probably within a few days, whether a "judicial post-mortem inquiry is necessary."

Mr Biko, regarded as the founder of black consciousness in South Africa, died in police detention on September 12.

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 Loubser, and the family-appointed pathologist, Dr Jonathan Gluckman, are agreed on the findings.

According to informed sources the pathologists' report says Mr Biko had a brain injury. "This caused a reduction of circulation to the other organs complicated by widespread intravascular coagulation." There was also "acute renal failure and uremia."

The pathologists also reported evidence of injury on the left side of the chest.

Mr J Nothling, the Attorney-General, has received the documents on the Biko case and will decide whether an inquest should be held as soon as he has finished reading them, a spokesman for Mr Nothling told the "Mail" yesterday.

The Minister of Justice, Mr J T Kruger, declined to comment on the Biko affair yesterday.

Mr Kruger was reported in Beeld as saying that the three pathologists who had conducted the post-mortem on Mr Biko 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.

TOWN

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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/....

The Star
Wednesday October 26 1977

Biko: a chance for all the facts

326 - detention

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 Mdluli, 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 must not be allowed to happen in the case of Steve Biko. Justice must not only be done, it must be seen to be done.

8.

325 - detentions

Biko inquest starts tomorrow

Star 27/9/77

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.

He could not say what this date would be.

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 were 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.

N

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D.D. 27/10/77 (325-detention)

Detainees: church plea to Kruger

JOHANNESBURG — The Methodist Church's annual conference yesterday called on the Minister 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 asked the Government to launch a national relief scheme for the unemployed with immediate effect.

It asked that this scheme allow for financial assistance to be given and for the institution of public works schemes and/or part-time employment opportunities being made known.

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."

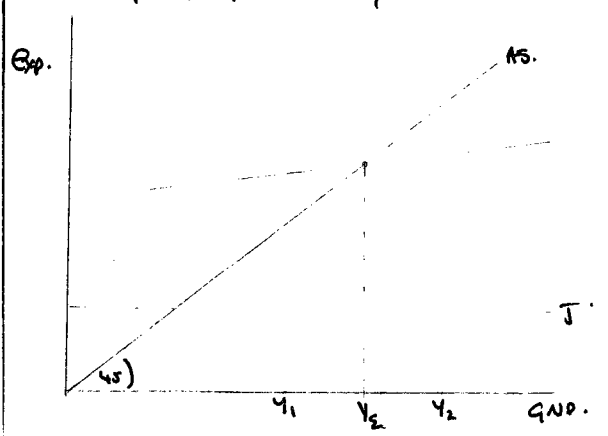
The conference urged that beer halls and depots not be established near township entrances or close to schools, sports grounds' community centres and similar institutions.



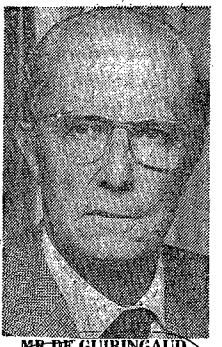
Clearly at point ⊙, the intersection of W and J, is that point at which W = J. Having disregarded a Government sector and ~~include~~ closed economy, thereby leaving only investment and saving, they must therefore be equal. ✓ 5/15

You discussion should have included the distinction between planned investment and ex post investment ✓ by defn expost savings = expost 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 that is either no building up of stocks / inventories.~~



D.D.27/10/77



MR DE GUIRINGAUD
Bas détention

Police No to 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 22, 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.

D.D. 27/10/77

Date set for Biko inquest?

(225. detention)

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. Nothling, was available last night to confirm the date of the inquest.

Last night's reports came 6½ 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 the informed sources, the pathologists report said Mr Biko had a brain injury.

Leaks from the final 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 42 other detainees.

The delegates deplored the deaths and their handling by Mr Kruger and his department.

They were deeply concerned that post-mortems 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 could follow and of their full legal rights.

The leader of the Progressive Federal Party, Mr Colin Eglin, 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. — DDC-SAPA

'Bungling' of Biko affair aided foes

STAR 27/10/77

325 Bn detention

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 leader of the NRP and the party's parliamentary candidate for Groote 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 Groote 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.

(Report by F S Erasmus, 122 St George's Street, Cape Town.)

Biko inques

Daily Mail 27/10/77

November 1

(325) det

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4

STAFF REPORTER

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 cas will become sub judice.



MR STEVE BIKO . . . inquest next month

Neither the Minister of Justice, Mr J T Kruger, nor the Transvaal Attorney-General, Mr J 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 are that he died as a result of head injuries.

These reports said the chief State pathologist, Professor Johan Loubser, and the family-appointed pathologist, Dr Jonathan 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 intravascular 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.

Leaks

Later yesterday, Nicholas Ashford of The Times of London, said the report stated: "Mr Biko sustained at least a dozen other

cluding rib injuries".

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 cover-up in the case.

On September 13, in his first official statement about Mr Biko's death, Mr Kruger said: "From September 5 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 still 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 and on September 16, Beeld said in its main front-page report:

"Steve Biko, the black power activist, died in prison in Pretoria as a result of his hunger strike despite every effort at the 11th hour to save his life. Till his death he received intravenous feeding to strengthen his 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

● TO PAGE 3

27/10/77

325-Detention

Death of Steve Biko: Nobody to be charged — Tvl A-G

CT. 28/10/77.

Own Correspondent

PRETORIA. — The Attorney-General of the Transvaal has decided not to institute criminal proceedings into the death of black consciousness leader Mr Steve Biko.

At the same time, Pretoria's Chief Magistrate yesterday said it was clear to him from documents observed that Biko's death was not due to natural causes.

During a brief sitting held at the Pretoria Regional Court, the Chief Magistrate, Mr N J Prins, announced that a formal public inquest would be held on November 14.

"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 also been provided with information as set out in the above section, and from that information it appears that the abovementioned did die, and that the death of Steven Biko was not due to natural causes.

"I have therefore decided to proceed to hold an inquest. It will be held at 9am on

Continued on page 2

Biko inquest

Continued from page 1

November 14, unless otherwise indicated in the meantime."

Mr F M Wentzel SC appeared with Mr S W Kentridge SC and Mr G Bizos on behalf of Mr Biko's family. They were instructed by S Chetty and Company.

"In terms of the Tiral judgment, I would like to request that certain information held by the state be placed at our disposal," Mr Wentzel asked.

Mr Prins instructed Mr Wentzel to indicate in due course which documents he required.

Notices concerning the inquest would be sent out and witnesses subpoenaed to give evidence at the hearing, which will take place publicly in Pretoria.

The hearing, which lasted 10 minutes, was attended by a large group of journalists and counsel for the defence. After the hearing Mr Wentzel went into conference with Mr Prins.

28/10/77 (325 - detention)

DD 28/10/77 (325) DET

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 Bee Prison in Benoni. — DDC.

D. D. 29/10/77

Biko: No East Cape charges

325-detentions

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 Nontsikelelo Biko, Mr Biko's wife, arrived in Johannesburg yesterday to attend the inquest.

A relaxed Mrs Biko, better known to family and friends as Ntsiki, 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 All Saints Mission Hospital at Engcobo, Transkei. She is the mother of two young sons, Nkosinathi, 6, and Samora, 2. — SAPA-DDC.

325 detentions

West accused of hypocrisy



Dr Eschel Rhoodie

Own Correspondent

PRETORIA. — The Secretary for Information, Dr Eschel Rhoodie, last night backed up his accusation about the anti-white racism, double-standards and hypocrisy of foreign governments with these examples:

On their reaction to the death of detainees in South Africa, particularly the Biko case, he said last year there were 12 cases of suicide in New York prisons alone. Two cases had occurred within 14 days.

More important was the case of Joe Campos Torres, a 23-year-old American, who had been beaten by the police and subsequently drowned in May this year.

In October, the Washington Post, after giving massive publicity to the Biko case, also carried a six column headline about the closing of the World newspaper.

Hidden in the same issue was a two-inch report on the Torres case in which the Texas governor had asked the United States Justice Department to investigate the possibility of federal charges against two policemn.

"The average American knows more about the Biko case than that of their own Joe Torres," he said.

The New York Times had given far more prominence to the suicide in jail of one black South African student than to the 12 suicides in New York prisons.

"Neither the German Government, the American, the British or the Dutch saw any threat to peace in Southern Africa when Angola and Mozambique threw out the newspaper editors, nationalized the press, closed the churches and introduced Marxist slavery to those countries," he said.

In 35 African states he said. the governments owned the press and appointed the editors, and in 43 states there was no free judiciary, the judges all being political appointees.

Africa had 33 one-man or one-party dicatorships. In Tanzania hundreds of schools had been closed and the children and teachers sent out to the fields to work. Some 3 000 people had been jailed without trial.

In Nigeria, the Carter administration's new ally in Africa, the foreign-owned press was quietly nationalized last June. The people had forgotten what a ballot box looked like. Human rights were determined by a group of military officers.

"Of Africa in general, I can only say that I cannot recall a change in government in the past 20 years by way of a democratic election, not in Black Africa," he said.

RDM 28/10/77 (325) detention

DEURVLEG-MODE
WEAVES
VIR NET 4,99
Scotts
NOU TE KOOP BY ALLE SCOTTS-WINKELS

Beeld
BY DIE POSWESE AS NUUSBLAD GEREGISTREER
JOHANNESBURG, VRYDAG, 16 SEPTEMBER 1977. VIERDE JAARGANG. PRYS 12c.
FINALE UITGAWE



● *Min. Kruger sê aangehoudene het aarvoeding gekry*

BIKO: SÓ IS HY DOOD

Daar is weer R10 000

Meisie sien ouers



Sterf in sy sel

STEVE BIKO, die Swartmag-aktivis het

Landmyn eis jong so daa



ONDER - KORPORA
Paul Dossena (19),
Kyalami,

Beeld, September 16 . . . death from hunger strike.

SCOTTS SE SOMERMODE
WIGHAKKE
VIR NET 4,99
Scotts
BY ALLE SCOTTS-WINKELS!

Beeld
BY DIE POSWESE AS NUUSBLAD GEREGISTREER
JOHANNESBURG, DONDERDAG, 27 OKTOBER 1977. VIERDE JAARGANG. PRYS 12c.
FINALE UITGAWE

SCOTTS SE SOMERMODE
WIGHAKKE
VIR NET 4,99
Scotts
BY ALLE SCOTTS-WINKELS!

● *Onsigbare besering aan voorkop het niere laat ingee*

BIKO: SÓ IS HY DOOD



Blykbaar 'n stamp

Van FREEK SWART
Politieke Beriggewer

DIE Swartmag - aktivis Steve Biko is dood weens 'n besering aan sy voorkop wat nie van buite af aan sy liggaam sigbaar

Met die Mazdatjie hemel in ger

Van THINUS PRINSLOO

SALISBURY — „Ek wonder of Pappa vir Mamma in die hemel moes wag . . . ag, ek dink hulle het sommer met die Mazdatjie regnit in die hemel gery." So verwerk 'n dertienjarige dogterhartjie die koeëldood van albei haar ouers — ds André Brand agter die stuur van sy bakkie, en sy vrou later terwyl sy probeer weghardloop het

Die ses Brand - wesies was gistermiddag skuins voor twee-uur vir die eerste keer weer almal bymekaar by die huis van een van hul ooms in Salisbury nadat terroriste Sondagmiddag laat hul ouers naby Que Que doodgeskiet het.

Die aanpas van drie splinternuwe spierwit rokkies vir vanoggend se begrafnis en nuwe kerkklere vir die drie seuns het die tyd vir veral die jongeres gou laat verbygaan Tussenin moes 'n nuwe paspoort vir die kinders gekry word sodat hulle na die begrafnis na Suid-Afrika kan gaan

Die twee oudste kinders, Coenie (1[illegible]) rieke (13), het gisie[illegible] met familie uit Suid[illegible] by die huis van hul mnr Coenie Brand Northwood, Salisbury gekom. Estie (11), [illegible] Riaan (5) en Jaap (6) stad toe om die nuwe

● Vervolg op bl. 2

Beeld, October 27 . . . death from head injury.

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

NM 23/10/77 African Affairs Reporter (325) DGT

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 CH

C. Argus 29/10/77

325 - detention

ANCE

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 Attorneys General of both the Transvaal and the Eastern Cape have decided they will not institute criminal proceedings does not mean that no prosecution will flow from his death.

No inquest can be held once 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 are sent to the Attorney General within whose area of juridiction 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.

ADMINISTRATIVE OFFICES · LOVERS SCH
TELEGRAMS
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TELEPHONE 69-4351
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(WITH WHICH IS INCORPORATED THE SOU
IE BAG
ISS
1700

CT 29-10-77

Biko: No prosecution

(EW) (325 detentions)

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 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

DETENTION 1977

NOVEMBER

Appointments that can't be kept

RDM 4/4/77
325 DETENTION



PERSONAL VIEW . . .

Bob Hitchcock, Race Relations Correspondent

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 Modder 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 subersion, 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?

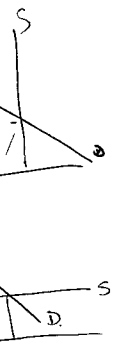
This could be a really effective contribution to better race relations.

*

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 for so many."



DEPARTMENT OF THE INTERIOR

No. 2288 4 November 1977

UNDESIRABLE 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:

DEPARTEMENT VAN BINNELANDSE SAKE

No. 2288 4 November 1977

ONGEWENSTE PUBLIKASIES 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:

LIST/LYS P77/78

Entry No. Inskrywing No.	Publication or object Publikasie of voorwerp	Author or producer Skrywer of voortbringer	Section 47 (2) Artikel 47 (2)
P77/8/27.../...	*Penisator Duo-play Object/Voorwerp*	Duo-Play, Hamburg	(a)
P77/10/106.../...	*Menfit Object/Voorwerp*	Duo-Play, Hamburg	(a)

No. 2287 4 November 1977

UNDESIRABLE PUBLICATIONS OR OBJECTS

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No. 2287 4 November 1977

ONGEWENSTE PUBLIKASIES OF VOORWERPE

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LIST/LYS P77/77

Entry No. Inskrywing No.	Publication or object Publikasie of voorwerp	Author or producer Skrywer of voortbringer	Section 47 (2) Artikel 47 (2)
P77/7.235.....	*Exorcist, De: De Duivelsuitdrijver* (i.e. the translation in Dutch of original title "The Exorcist"/d.i. die vertaling in Nederlands van oorspronklike titel "The Exorcist")	William Peter Blatty.....	(a)
P77/8/144.....	*Fritz*.....	Adolar Frauenhold.....	(a)
P77/8.151.....	*Devolino Caper, The*.....	A. J. Russell.....	(a)
P77/9/103.....	*Driftsand*.....	Peter de Polnay.....	(a) + (b)
P77/9/111.....	*Mutual Arrangements*.....	Nonie Carol Murphy.....	(a)
P77/9/139.....	*Blood House*.....	Kenneth Cook.....	(a)
P77/9/173.....	*Vien's Woman, A* (i.e. only the 1976 edition with the No SBN 85106 372 1/d.i. slegs die 1976-uitgawe met die No SBN 85106 372 1)	Jack Woodford.....	(a)
P77/9/178.....	*Gelight!: Adrift*.....	Geoff Pike.....	(a) + (b)
P77/9/179.....	*Filly, The*.....	Ivor Herbert.....	(a)
P77/10/1.....	*Stickers/Kleefgoed:* *Adultery: If You Had Sex Last Night Just Smile; Candy is Dandy but Sex Won't Rot Your Teeth; Laziness; I Should Have Danced All Night; The Job Isn't Finished Until the Paperwork is Done; Look! No Hands; Greed; "One of You was Great"; Sex: Breakfast of Champions; Lust; Save Water – Shower With a Friend; National Sex Appeal – Volunteer Give All You Can*	Unknown/Onbekend.....	(a)
P77/10/4.....	*Trans-Siberian Express*.....	Warren Adler.....	(a)
P77/10/16.....	*Kairos* – Vol. 9, No. 8.....	S.A. Council of Churches, Braamfontein.....	(c)
P77/10/22.....	*This Ravaged Heart*.....	Barbara Riefe.....	(a) + (b)
P77/10/26.....	*Mord Im Seeclub* (i.e. the 1970 77 Dutch edition with the No ISBN 3 404 00621 6/d.i. die 1970 77 Nederlandse uitgawe met die No ISBN 3 404 00621 6)	Richard S. Prather.....	(a)
P77/10/44.....	*Sensation, The*.....	Norman Keifetz.....	(a)
P77/10/54.....	*Overexcited Bride*.....	David Key.....	(a)
P77/10/66.....	*Domra* – No. 7, September 1977.....	Donga, Mayfair.....	(a), (c) + (e)
P77/10/98.....	*Policy and Programme of the P.A.C. of Azania*.....	Pan Africanist Congress of Azania (S.A.), Dar es Salaam	(e)
P77/10/73.....	*Isaziso* – Vol 11, 28.9.77.....	Printed by/Gedruk deur Isaziso, Umtata.....	(c)
P77/10/74.....	*Five Articles by Chairman Mao Tsetung*.....	Mao Tsetung.....	(e)
P77/10/84.....	*Photo Technique* – Volume 5, Number 10, November 1977	Penblade Publishers Ltd. London.....	(a)
P77/10/93.....	*Throb* – August 1977.....	Student's Engineering Society, University of Natal, Durban	(a) + (b)
P77/10/108.....	*16th June Heroes Day* Poster/Plakkaat.....	Unknown/Onbekend.....	(e)
P77/10/111.....	*Anthropological Circular* No. 1.....	S.A.A.-N.U., Pietermaritzburg.....	(c) + (d)
P77/10/124.....	*Object/Voorwerp* – *Two Wrestlers in Obscene Embrace Statuette/Twee Stoeiers in Onwelvoeglike Omarming Standbeeldjie*	Unknown/Onbekend.....	(a)
P77/10/126.....	*Object/Voorwerp*— *"Orgy—4" Painting/Skildery*	Unknown/Onbekend.....	(a)

No. 2297 4 November 1977

PROHIBITION ON POSSESSION OF UNDESIRABLE PUBLICATIONS

A committee referred to in section 4 of the Publications Act, 1974, which decided under section 11 (2) of the said Act that the undermentioned publication is undesirable within the meaning of section 47 (2) of the said Act, has under section 9 (3) of the said Act, prohibited the possession of the said publication. The said prohibition was confirmed by the Publications Appeal Board under section 9 (5) of the said Act:

No. 2297 4 November 1977

VERBOD OP BESIT VAN ONGEWENSTE PUBLIKASIES

'n Komitee bedoel in artikel 4 van die Wet op Publikasies, 1974, wat kragtens artikel 11 (2) van genoemde Wet beslis het 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 besit van genoemde publikasie verbied. Genoemde verbod is kragtens artikel 9 (5) van genoemde Wet deur die Appèlraad oor Publikasies bekragtig:

Entry No. Inskrywing No.	Publication Publikasie	Author or producer Skrywer of voortbringer	Section 47 (2) Artikel 47 (2)
P77/10/19.....	*Azanian. Liberation. Generation* Pamphlet/Pamflet.....	Unknown/Onbekend.....	(c)

325
Detention

Biko burial 'used to plan unrest'

Argus 4/11/77 325-Detention

The Argus Bureau

PORT ELIZABETH. — The Steve 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, believed 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.

Now the call has gone out to blacks to buy no white newspapers, a move said to be in sympathy with the banning of the World and Weekend World.

It has already had an impact on sales of daily newspapers in Port Elizabeth. Agents in the townships will not accept papers.

TOO SCARED

One of the biggest problems facing security police trying to clamp down on agitation and incitement is that people refuse to come forward as witnesses.

They are too scared. It is a terrible problem," said one top security man.

Police say that adults refuse to take sides. — "They won't side with the children and they won't side with the police. Parents cannot discipline their children.

'Children also see a lot in the newspapers — things their parents would pay no attention to, such as the United States situation, United Nations affairs — and they are influenced."

Kruger to let Qoboza reply

(325 det)

RDM 5/11/77

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, detained 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 W M du Preez, 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 Bee, 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 cognisance 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 Qobosa.

"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 Soweto.

"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 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 Makgotla system and the distribution of liquor in the townships, to which he said yes."

On July 29, 1977, Mr Kruger said, he phoned Mr Qoboza and invited him to his office.

"Present at the meeting was General Prinsloo, Commissioner of the SA 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.

See Page 5

Biko inquest

(325) DET RAM 5/11/77

THE inquest into the death of Mr Steve Biko will resume in the Old Synagogue in Pretoria at 10 am on November 14, 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.

Star. 7/11/77 (225. detentions)

Visit to detainee upsets children

Mrs Kitty Duma took her children to visit their father last Friday. At John Vorster Square.

"I don't think I'll do it again," she said. "The little 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 sympathetic 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 before he jointed the Sunday Times. The recipient of a World Press Institute grant in 1975, he worked in the US for the Christian 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 permitted 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."

THE FAMILIES WHO WAIT . . .

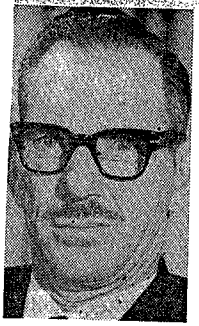


Mrs Enoch Duma and three of her daughters — Shirley (8), Fuma (21 months) and Barbara (11). A fourth daughter, Clarice (14) is in boarding school.

transfer earnings and bring 5 cents up economic rent. 7/10

Also: Opp. Cost.

7. The gold standard is used as the international backing of all countries money. It is a standard on which all base their currencies, exchanges



Mr F. J. le Roux

Nat MP: I would have kill

X 325 - Defence Argus. 7/11/77

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.'

ed Biko

She said the silence from the National Party leadership indicated that it condoned 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. Patten, 47 Sauer Street, Johannesburg).

Biko deserved to die — MP

DD 8/11/77 (325) det.

CAPE TOWN — 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 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 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 Le Roux and should 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 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, Sen Brian Bamford, challenged Mr Kruger to take legal action against Mr Le Roux.

He said Mr 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. Roetofse, 58 Burg Street, Cape Town).

DDS/11/77
325 DET

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 29 and Mr Kruger's statement on Saturday that adequate warning had, in fact, been given. — SAPA.

(825) dat. Star 8/11/77

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 Frik le Roux, for saying: "I would have killed Steve Biko."

Die Transvaler published an editorial which first noted Mr 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 highly questionable party political gain which could create the impression that South Africans would resort to the abhorrent American practice of lynching.

CAPE REACTION

Oggendblad, the Pretoria paper, said: "Seen in that light (South Africa's difficult position) the comments of a Pretoria MP, Mr Frik 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 le Roux's eccentric views of what he would have done to Mr Biko are his views and his alone."

And Mrs Adrienne Koch said that she "totally dissociated herself from Mr le Roux's views as reported in The Argus."

(Reports by J M Patten, 216 Vermeulen Street, Pretoria, and T Wentzel, 128 St George's Street, Cape Town.)

DD 8/11/77

Transkei legal man detained

UMTATA — The head of the Transkei Security Police, Maj M. Ngceba 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 R400 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

RDM 8/11/77 325 det.

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 Bhekindoda Ntumbela, a nightwatchman at Bonvista Flats in Twist Street, Hillbrow, Johannesburg, who died on March 23.

Policemen told the court he fell down eight stairs. Eyewitnesses said he was kicked by police, and the Chief State Pathologist, Professor J Taljaard, 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 Herrington, 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 Herrington told Mr Dormehl.

Yesterday, Constable Barend 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 Ntumbela running down the fire escape, followed by Constable Davis. Mr Ntumbela lost his balance and fell down eight stairs on to the landing, he said.

Cross-examined by Mr H Barolsky, for Mr Ntumbela's family, Constable De Klerk said he wrote out his statement himself, but had not meant to say that Mr Ntumbela fell down the fire escape — he meant he fell down the inside stairs.

He made the statement the day after the incident, when he was "automatically under a strain".

Mr Barolsky pointed out that the statement was dated April 1, and Constable De Klerk said he had signed it later.

At a previous hearing, Mr Mnuezeli Thusi, a flat cleaner, said he and his colleagues were sitting in a servant's room when policemen came in and told Mr Ntumbela 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



MRS SALLY MOTLANA

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 longing for their father.

Mrs Motlana has visited her husband in jail on several occasions.

(325) det.

Death in detention: nobody to blame

8/11/77

No one was to blame for the death of Hillbrow nightwatchman, Mr Jafes Ntombela (38), who died while in police detention on March 23 this year, Johannesburg inquest magistrate, Mr W P Dormehl has found.

His finding was that Mr Ntombela 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 Ntombela, 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 F 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

8/11/77 X

Cape Times

325-detentions

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 it 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 leaders?"

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 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.

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 leader of the Progressive Federal Party,

Continued on page 2

X (325 - Detention

9

Move on three detainees

The Argus Correspondent

JOHANNESBURG.—The Urban Foundation is to make representations in connection with three members of its Transvaal regional board who have been detained, one of whom is Mr Percy Qoboza, editor of the World.

The other two members are Mr Lekhau M Mathabathe and Mrs Ellen Khuzwayo, both members of the Soweto Committee of Ten which was banned on the day they were detained.

Mr Mathabathe is headmaster of the Morris Isaacson High School in Soweto.

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,(2) presumably an indication of relatively great poverty. In any case government investment in these areas might well, through the stemming 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.

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(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.

Argus 8/11/77

Top Nats and Press hit at 'kill Biko' remark

The Argus Political Correspondent

THREE Nationalist parliamentary candidates in the general election today dissociated themselves from the remarks a Transvaal Nationalist MP made about the Biko affair.

They are Dr Denis Worrall, the Nationalist candidate in Gardens, Mrs Adrienne Koch, the candidate in Sea Point, and Mr Kobus Jordaan, the candidate in Maritzburg South.

Two Nationalist newspapers today also took the almost unprecedented step of rebuking Mr le Roux.

Mr F J le Roux, who is the sitting MP for Hercules and the NP candidate for the constituency, said he would have killed Mr Steve Biko.

Dr Worrall said: 'In the heat of election campaigns, people sometimes say regrettable things and this is a classic instance.

'ECCENTRIC'

'Mr le Roux's eccentric views of what he would have done to Mr Biko are his views and his alone.'

Mrs Koch said that she 'totally dissociated herself' from Mr le Roux's views.

Mr Jordaan said: 'No one has the right to take the law into his own hands.'

The Argus Correspondent in Johannesburg reports that the mouthpiece of the National Party in the Transvaal said: 'The explanation softens a most unfortunate utterance but does not remove a reprehensible attitude.'

The Pretoria Nationalist newspaper, Oggendblad, 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, specially on matters which could affect race relations.'



(News by T. Wentzel, 122 St George's Street, Cape Town; J. Patten, 216 Vermeulen Street, Pretoria; and B. Cameron, 85 Field Street, Durban.)

Charge Le Roux — Boraine

DR ALEX BORAINE, Progressive Federal Party candidate for Pinelands, today said the MP for Hercules, Mr F J 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 puts South Africa in a bad light.'

'A DANGER'

Dr Boraine said: 'We think he has done incalculable harm to any peaceful resolution in South Africa.'

If a prominent black leader had said after the assassination of Dr Verwoerd 'his 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.)

(News by J E Steyn, 122 St George's 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

325 - Inkatha

9/11/77

The Argus Political Correspondent

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 Parow 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 no one rejoices 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 Wentzel, 122 St George's Street, Cape Town.)

7 robed priests guilty of holding gathering

Star 2/11/77.



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 K Smith charged with holding an illegal gathering.

The seven are Rev Tebogo Moselane (31), Rev Keikanetswe Monyai (36), Father Sebidi Lebamang, Rev Gerry Dhlamini (no age given), Rev Buti Tlagele (31), Rev Kjotlatsile Lekgotlo (44) 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 Bantustans", "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 Sibidi Lebamang 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 Labamang said the priests had drawn up a message to be presented to the Minister of Justice.

CONTRASTS

In the message, Father Lebamang contrasted philosophies from the Bible with laws passed by the South African Government.

"As ministers are the word of God, the apartheid policy is diametrically 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 view, Father Lebamang replied, "The Press is banned."

"What about the European Press — we have no confidence in the white Press." All seven were fined R60 (or 30 days) with R40 (or 20 days) suspended for five years.

BIKO'S WIFE

Mrs Ntsiki Biko, wife of the late Mr Steve Biko, and the Bishop of Johannesburg, the Rt Rev Timothy Bavin, were in the gallery when the priests were convicted.

When the bishop saw Mrs Biko, he stepped out of the "whites" half of the gallery and walked to the front of the black half of the gallery.

After the trial the bishop stood at the door of the court and shook hands with the people filing out.

Remark on Biko: Nats disagree

(325 detentions)

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 has, 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 Jopie 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 beendone.

It said that politicians should not make comments for exceptionally dubious party political advantage and added: "Mr Le Roux's explanation softens a totally unfortunate remark, but still does not remove a reprehensible attitude."

The Pretoria newspaper, Oggendblad, 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 Beetge.

Report by T H Copeland, 77 Burg Street, Cape Town.

325

Remark on Biko: Nats disagree

325-Lekota

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Report by T H Copeland, 77 Burg Street, Cape Town.

(325) detentions

EDITORIAL OPINION

Repudiate Le Roux!

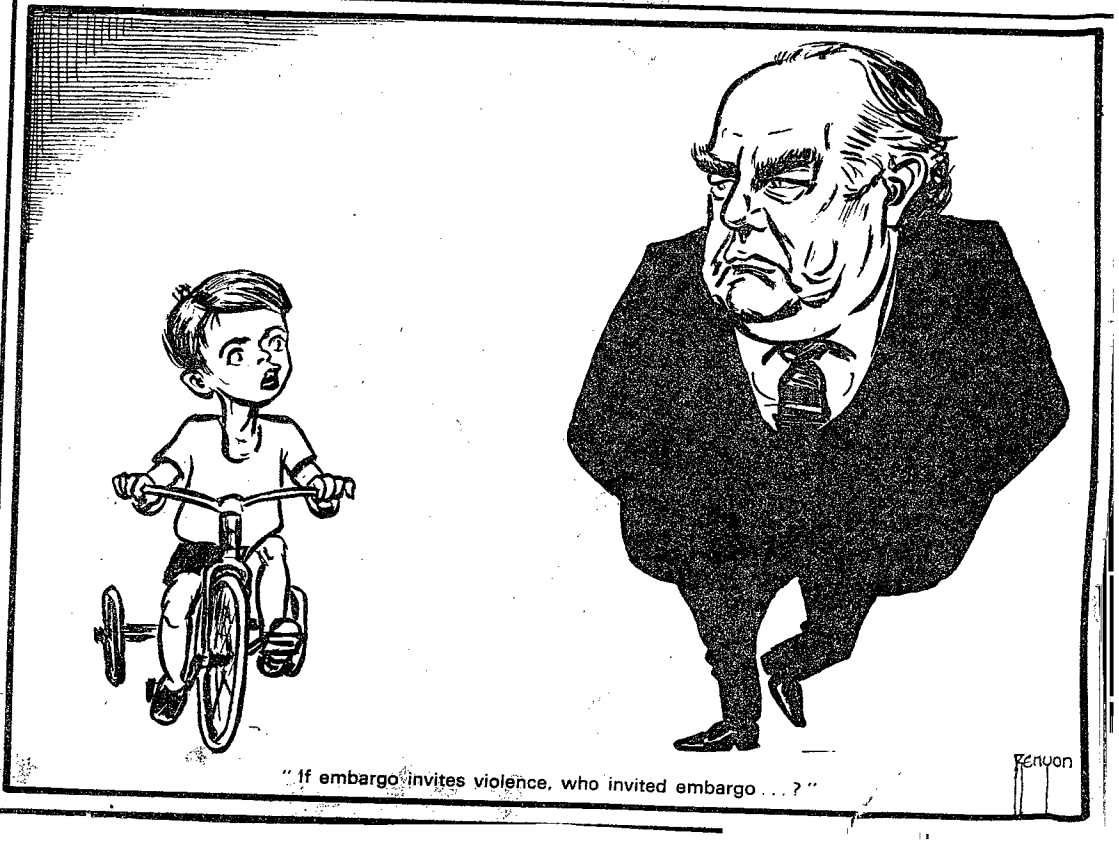
This shilly-shallying must stop. A couple of aspirant Nationalist MPs and a couple of Nationalist newspapers have dissociated themselves from the appalling statement by their candidate for Hercules, Mr F J le Roux, that he would have killed Steve Biko. But from the top leadership of the party has come a deafening silence — the kind of silence heard when Mrs Betsy Verwoerd made an equally offensive statement some time ago.

The Cape leader of the National Party, Mr P. W. Botha, is in East London tonight. So we challenge him to begin the process of disavowing Mr Le Roux's sentiments. It should be done firmly — not in the half-hearted, embarrassed manner we have seen to date. Mr Le Roux must be expelled from the party or his views will be perceived as those of the party. He will be seen merely as indiscreet: the politician who was stupid enough to blurt out in public what others are thinking in private.

Mr Le Roux must be isolated. He must be seen as a lone voice, the sort of ideological fanatic who could be thrown up in any society. It is not enough for the incident to be termed merely regrettable, eccentric and embarrassing. The National Party applies ruthless discipline when the hierarchy considers it necessary — consider the expulsion of Mr Cas Greyling for refusing to go along with the Government's new constitutional proposals — and this is a time for the party leadership to act firmly. Mr Le Roux must be cast back into the obscurity he so richly deserves.

Mr Le Roux now claims that he was talking figuratively. In all the history of weak Nationalist excuses, this is the lamest of the lame. It will not wash. The public will not believe him. The public has every right to take his words at their face value — just as it had every right to take Mr Kruger's words that Mr Biko's death "left him cold" at their face value.

There is a message in all this for the white electorate. It is that the National Party harbours people who are unmoved by death; worse that there are people in the National Party who can talk openly about a desire to kill a political opponent. The voter thinking of supporting the Nationalists on November 30 is not only voting for the comforting, avuncular figure of Mr Vorster. The voter is also supporting the likes of Mr Le Roux. And that is enough to make anybody pause for second thoughts.



"If embargo invites violence, who invited embargo . . . ?"



'I don't know if they (the wounds) were self-inflicted, but I often think of banging my own head against a wall.'

Biko: Brain injuries, says Kruger

10/11/77 Cape Times X

325 - Detention

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 selfinflicted. 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 inept".

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 innocence 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 [illegible] 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 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-

Continued on page 2

Continued from page 1

[illegible] case that the police did anything wrong".

"Frankly, I would prefer Mr Biko to be alive, make no mistake."

He said he had been misquoted when he was quoted as saying at a rally of the National Party that Mr Biko's death "has cost me dear". He said a more accurate translation would have been, "I am 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. Sapa

(325) detention RDM 10/11/77

Biko had b
damage—Ki

THE MINISTER OF JUSTICE, Mr J T Kruger, yesterday admitted that Mr Steve Biko died of brain injuries but said "a man can damage his brain many ways."

Speaking to foreign correspondents 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.

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 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.

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 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 innocence throughout.

Asked to comment on the detention of the editor of The World newspaper, Mr Percy Qoboza, Mr Kruger said: "I get on very well with Percy, but he took a black power line (in his newspaper), so he was put away."

He 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 got rid of."

When he cracked down on the Press and other organisations and people on October 19, Mr Kruger said he took the action to preserve peace and law and order in the country.

Preliminary medical reports, he 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 leading up to Mr Biko's death on September 12, 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 to have done.

On last month's bannings, the Minister said: "In spite of the fact that I ban a lot of people, I don't bear any grudges."

He would have liked the organisations he banned to have continued operating, he said, "but if they are against my country, I ban them, and no 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 said. — Sapa-Reuter and UPI.

attorney detained

(325 - Dr Delaware Argus 10/11/77.

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, 38, 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 attorneys 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 reasons.

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.

DD 10/11/77 (325 - detentio

Kruger: Biko had brain injuries



MR KRUGER . . . no cover up.

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 tremendous 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 his department's handling of the case was "at any stage inept."

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 they had acted 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 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.

Preliminary medical reports on the Biko case "certainly did not indicate that the police did anything wrong.

"Frankly, I would prefer Mr Biko to be alive, make no mistake."

He had been mistranslated 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, "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.

Speaking of 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 not only being punted by Percy, 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 freedom of the press, but there are people in South Africa who can't write a straight story — they are politically committed."

He said he had banned black organisations — 18 of them — when it became clear to him that the black consciousness movement had become a black power movement.

"It became quite clear that there was total polarisation and that these blacks were only 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 polarisation."

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. "We can't wish the black man away. There is no racialism 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 headed by Chief Gatsha Buthelezi, which was one of the few black movements to escape the Government crackdown on October 19.

"Buthelezi should not be taken so seriously. He is 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'm damned if we will change to one-man, one-vote. That is a silly approach."

If that happened, rival black leaders — "the Matanzimas, the Buthelezis and the Mangopes" — would be pulling in different directions, with the whites caught in between, and the result would be "a chaotic situation regarding the balance of power in this country."

Meanwhile, it was learnt in Cape Town yesterday that the National Party MP for Hercules, Mr F. J. le Roux, is likely to be formally rebuked by the party's Transvaal leader, Dr Connie Mulder, for his remarks concerning Mr Steve Biko.

Dr Mulder told reporters after a meeting in Parow that if the reports of Mr Le Roux's remarks were correct, he felt called on to express disagreement with his sentiments.

Referring to Mr Le Roux's statement that he "would have killed" Mr Biko, Dr Mulder said: "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 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-RNS-DDC.

(News by Peter Mosley, Glencairn, Market Street, Johannesburg, and T. Copeland, 77 Burg Street, Cape Town).

The tide is turning, page 3.

FACULTY OF ARTS

LANGUAGE LABORATORIES : DAILY LOG SHEET

DATE:

	LAB 1	LAB 1	LAB 2	LAB 2	LAB 1	LAB 1	LAB 2	LAB 2
Language taught								
Lecturer in charge								
No. of students								
Department or Faculty								
Time: from								
to								
Total time - Hours, Minutes								
Faulty machinery								
Control unit No.								
Cassette machine No.								
Headphone No.								
Reel-to-reel machine No.								
Consoles								
Other items								
Remarks (Lab. attendant):								
Signature (Lab. attendant):								
Remarks (Technical Manager):								
Signature (Tech. Manager):								

Daily log sheets to be completed after e

Molecular Biology Building, UCT.

TMU/JJH
11/77

D.D. 10/11/77
(325-det.)

Border Nats hit at remark about Biko

EAST LONDON — The National Party candidate in Albany, Mr Jaap Olckers, 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 Olckers said in an interview.

And the NP candidate in Griqualand East, Mr Jan Jordaan, 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 made 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 Olckers 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 Olckers said.

The NP candidate in King William's Town, Mr Hendrik Coetzer, 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 must be one of the most appalling statements ever to have been 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 in this matter since these parties are enjoying the open and active support of the Nationalists in several constituencies." — DDR-DDC.

(Report by B. Streek, 33 Caxton Street, East London and A. Viljoen, 67 High Street, Grahamstown).

X 325 Defence

Kruger cynical on Biko —Bamford

Argus 10/11/77

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 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 officials.'

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, 122 St George's Street, Cape Town.)

What Kruger said on Biko's brain injury

Mr Kruger, Minister of Justice, said in a statement yesterday that in his speech to foreign 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 14."

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 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 it doesn't seem to be any evidence at all of any police involvements, 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."

RDM 4/4/77 (25) Oct

Qoboza says: No comment

MR Percy 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 Prison's 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. M. du Preez, Commissioner of Prisons.' (1) 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 officers of the Prisons Department, including an 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.'

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 J Botha replied:

'The Commissioner of Prisons ... has nothing to add to his Press statement furnished to Sapa.'

'Since Mr Qoboza is not prepared to comment on the Minister's Press statement and as I am not prepared to act as 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 finalised.'

Why Qoboza refused to speak

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"Press statement by General W M du Preez, Commissioner of Prisons:

'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 officers of the Prisons Department, including an Assistant Commissioner of Prisons, General Roux, was:

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Pressed to explain the ommissions from 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 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 finalised."

Detainee, 11, is mentally retarded

(325) det
RDM 11/7/77

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 Dependants 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 15.

An attorney confirmed that letters had been written and telephone calls made to the Security Police in Cape Town to confirm the detentions and ascertain the whereabouts of the children and youths.

The mother of one of the children, aged 11, told attorneys and the Dependants 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.

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Parents were always notified when children were detained, he said.

RDM 11/11/77

Wits student among detained

Staff Reporter

TEN people have been detained in the past two weeks, including a Witwatersrand 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 60.

The four migrant workers, Mr Joseph Ncube, Mr Henry Manyuna, Mr Allen Jacobs and Mr Paphani Setswerere, 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 Tsotetsi, a man named Thamsanqa and another man, Makhosonke, are said to have been detained at King William's Town.

Mr Jake Selebi, a former organiser for the banned South African Student's Organisation, was detained on October 31 at Johannesburg Station.

The latest detention is that of Mr Tom Waspe, of Johannesburg, a final year BA student at Wits.

Cape Times 11/11/77 (325 - Detention)

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.

In a statement issued on his behalf by the Department of Information, Mr Kruger said he had confirmed that the autopsy report said Mr Biko died of head injuries but he had not taken the matter further.

Mr Kruger was reported to have said that Mr Biko died of brain 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 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, 14," the statement said.

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 . . .

Minister: That's right.

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 involvements 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 policemen 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

MINISTER NAILS SMEARS, LIES AFTER HOME SET ABLAZE AND SAYS:

Supp. to DD 11/11/77

I didn't betray Steve Biko

325-det.

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 my 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 smearing 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 Kruger. I say to them they are sons 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 Mvomvo and Mr Mpumlwana, who are now detained. And that was before I resigned as a BCP member in June 1976. 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 is bound to know the truth. For no man can hide the truth for ever," 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 restricted to the King William's Town district. He died in detention on September 12.



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 1977 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 sheets, four bedspreads, a tape recorder, one sink unit, two bambi 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 uniform valued at R102, 40 and pictures valued at

Biko T-shirt ban

DD 11/11/77

325 det.

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

D.D 11/11/77
325 - detention

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.

Mbulelo James was detained on Tuesday under the Riotous Assemblies Act.

According to Col Marcus van der Merwe, divisional CI officer in Port Elizabeth, Mbulelo was questioned in the Bantu Administration Board offices in the Lingelihle township.

"He escaped from the building at 3.20 am 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.

FACULTY OF ARTS

LANGUAGE LABORATORIES : DAILY LOG SHEET

DATE:

LAB 1 | LAB 1 | LAB 2 | LAB 2 | LAB 1 | LAB 1 | LAB 2 | LAB 3

D.D. 11/11/77

325 Defendant

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 Kruger was reported as having admitted Mr Biko died of brain 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 Delport of the Department of Informaiton.

The transcription reads:

Interviewer 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 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 involvements 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 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 policeman guilty ot 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?

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.

Eglin on Kruger's statement, page 9.

Language taught

Lecturer in charge

No. of students

Department or Faculty

Time: from

to

Total time - Hours, Minutes

Faulty machinery

Control unit No.

Cassette machine No.

Headphone No.

Reel-to-reel machine No.

Consoles

Other items

Remarks (Lab. attendant):

Signature (Lab. attendant): .....

Remarks (Technical Manager):

Signature (Tech. Manager): .....

Daily log sheets to be completed after each session and submitted to TEACHING METHODS UNIT, Room 305, Molecular Biology Building, UCT.

Thank you.

TMU/JJH
11/77

D.D. 11/11/77 325-det. DAILY [

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 Colin Eglin, said yesterday.

Commenting on Mr Kruger's statement to foreign journalists that the black conciousness 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. Streek, 33 Caxton Street, East London.)

DD 12/11/77

Kruger ridiculous says Harland Bell

(325 det)

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 damning.

"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. — DDR.

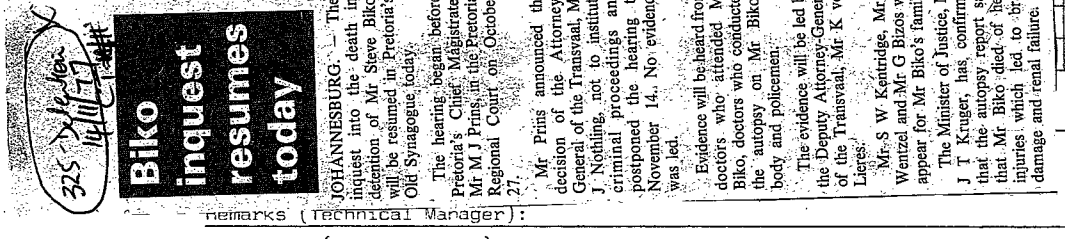
(News by P. Davis, 33 Caxton St, East London.)

FACULTY OF ARTS

LANGUAGE LABORATORIES : DAILY LOG SHEET

DATE:

	LAB 1	LAB 1	LAB 2	LAB 2	LAB 1	LAB 1	LAB 2	LAB 2
Language taught								
Lecturer in charge								
No. of students								
Department or Faculty								
Time: from								
to								
Total time - Hours, Minutes								
Faulty machinery								
Control unit No.								
Cassette machine No.								
Headphone No.								
Reel-to-reel machine No.								



Biko inquest resumes today

JOHANNESBURG. — The inquest into the death in detention of Mr Steve Biko will be resumed in Pretoria's Old Synagogue today.

The hearing began before Pretoria's Chief Magistrate, Mr M J Prins, in the Pretoria Regional Court on October 27.

Mr Prins announced the decision of the Attorney-General of the Transvaal, Mr J. Nothing, not to institute criminal proceedings and postponed the hearing to November 14. No evidence was led.

Evidence will be heard from doctors who attended Mr Biko, doctors who conducted the autopsy on Mr Biko's body and policemen.

The evidence will be led by the Deputy Attorney-General of the Transvaal, Mr K von Lieres.

Mr S W Kentridge, Mr E Wentzel and Mr G Bizos will appear for Mr Biko's family.

The Minister of Justice, Mr J T Kruger, has confirmed that the autopsy report said that Mr Biko died of head injuries which led to brain damage and renal failure.

Remarks (Technical Manager):

Signature (Tech. Manager): .....

Daily log sheets to be completed after each session and submitted to TEACHING METHODS UNIT, Room 305, Molecular Biology Building, UCT. Thank you.

TMU/JJH
11/77

Press army masses to cover inquest

The Biko inquest proved to be a top international news event when it got under way in Pretoria today.

TV camera crews representing all the world's major networks gathered in the staid wood-pannelled court room with a small army of Press photographers and media men.

Wires were slung all over passageways and batteries of hand-held microphones greeted all new arrivals on the steps of the building inside.

Many of the television men concentrated on the Biko family, dressed in black, who occupied part of the front row of the public gallery.

There was more excitement when just before the opening of the hearing, Mrs Winnie Kgware, wife of the principal of the University of the North, Turfloop, and formerly president of the Black People's Convention, led a black power demonstration while holding a portrait of Steve Biko surrounded by a wreath.

Many blacks in the audience raised their fists and there were shouts of "Amandla" (power).

A handful of policemen looked on, but did not interfere.

About 50 onlookers stood by the fence outside the court.

Outside, in Paul Kruger Street, an unsmiling, silent crowd of black spectators watched the goings-on from the western pavement while

directly in front of t
building, police dogs b
ked excitedly in a van.

More than an hour
fore Pretoria's Chief M
istrate, Mr M J Pri
opened the proceedin
the courtroom was pack
to standing room only.

Biko's injuries

STAR
14/11/77
325 - Interna

Court told of brain damage

14/11/77

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 localised "bruises" on the rib cage. 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 Loubser, 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, couched in medical terms, and did not speculate on the probable cause of death.

Professor Loubser gave Mr Biko's apparent age as about 35, his height as 1,83 m, weight 88 kg, build "good and nutritional state, 'slightly obese'".

Steve Biko fell into the hands of the South African police at a roadblock in Grahamstown on August 18, the inquest was told.

The Deputy Attorney General of the Transvaal, Mr K von Lieres, read out a statement made by Lieutenant Alfred Oosthuizen of the Security Police.

Lieutenant Oosthuizen stated that the road block was mounted in Beaufort Street, Grahamstown. A car containing a Mr Peter Jones and Mr Steven Bantu Biko was stopped.

Laughed

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 Oosthuizen's statement continued, that he asked Mr Biko, who was restricted to the King William's Town district, if he had permission to leave it. He did not have written permission.

When the two were searched at Grahamstown Police Station, they adopted a challenging attitude, and Biko grabbed his arm Lieutenant Oosthuizen'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.

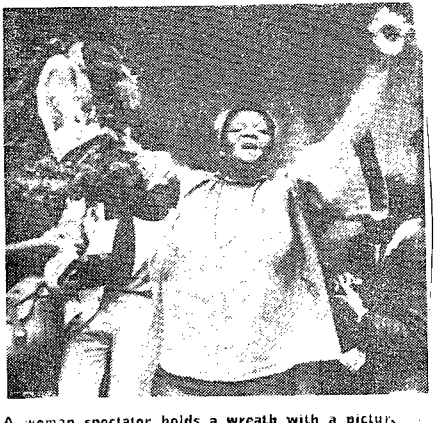
At the start of the hearing, Mr von Lieres

To Page 3, Col 1



Among early arrivals at the Old Synagogue in Pretoria today to attend the inquest on Mr Stephen Biko were his mother and other members of his family. From the left is his elder brother, Kaya, his wife, Ntsiki, his sister, Nobanile Mdoyu and his mother, Alice, wait inside for the inquest to start.

14/11/77



A woman spectator holds a wreath with a pictur Mr Biko while giving a Black Power salute at c today

Inquest hears of injuries

From page 1

handed in as evidence a post mortem report, and photographs of Room 619, Sanlam Building, Port Elizabeth, where Biko was interrogated, the cell where he was kept in Walmer Police Station, the cell in Port Elizabeth Jail where he was held pending a medical examination, and the Land Rover in which he was moved to Pretoria.

The inquest proceedings, in Pretoria's Old Synagogue building, are being attended by a large Press corps which is being severely hampered by the poor acoustics in the building. At times it was virtually impossible to hear what speakers were saying.

Lieutenant G Kuhn, stationed at Walmer Police Station, said that at no stage did he receive complaints of assault from Steven Biko, nor did he see any indication of such assaults.

Under cross examination by Mr Kentridge Lieutenant Kuhn had said he had not seen the injury on the left side of Mr Biko's forehead.

Mr Kentridge asked Lieutenant Kuhn whether a statement he made on October 20 was wrong. He said it was, in respect of [illegible] he had visited

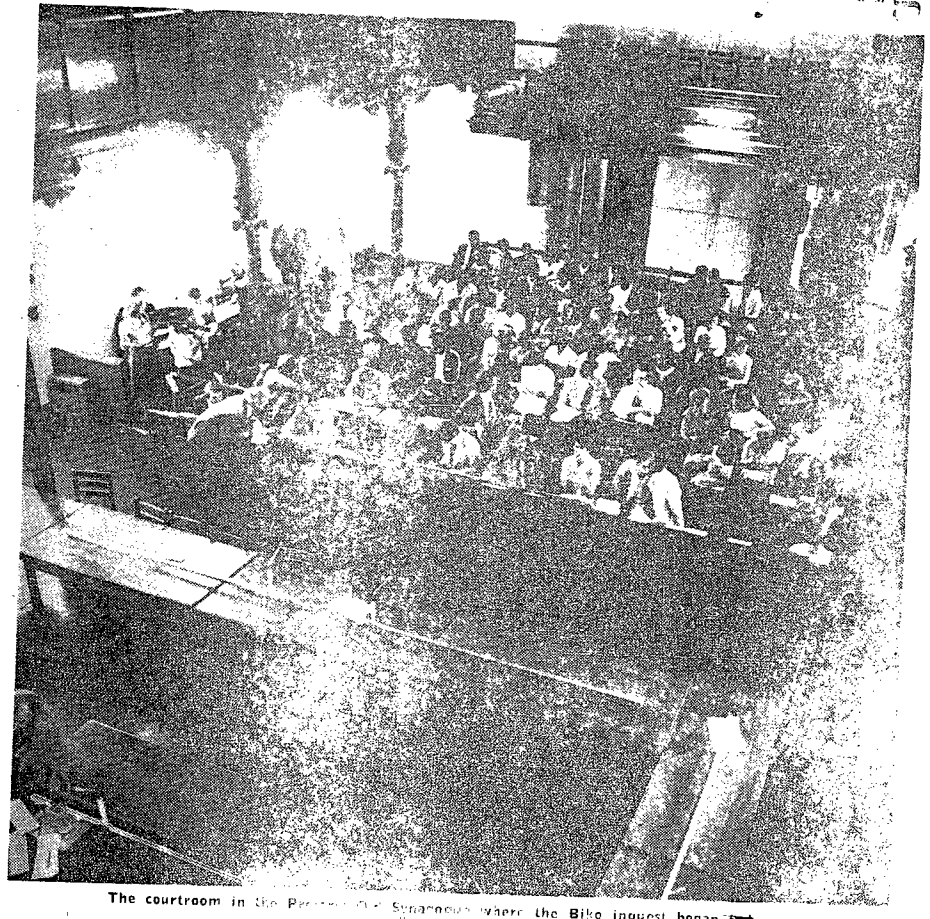
The setting and some key figures at the Biko inquest



The Chief State Pathologist, Professor Johan Laubser.



Dr Jonathan Gluckman, the pathologist who represented the Biko family at the post-mortem.

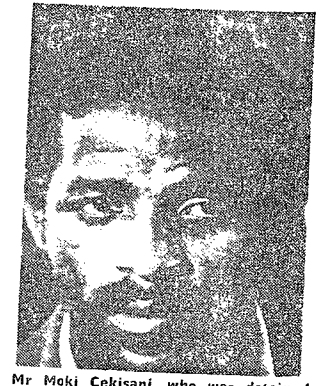


The courtroom in the Pretoria Synagogue where the Biko inquest began [illegible]

The eyes and ears of the world are focused on Pretoria



Veteran Johannesburg Anglican priest, Father Leo Rakale.



Mr Moki Cekisani, who was detained with Stephen Biko in Port Elizabeth



Senior counsels representing the Biko family — (from left Mr Ernie Wentzel, SC, Mr George Bizos, SC, and [illegible]

Mr Biko.

He denied the first statement was false, saying it was faulty. He had corrected it by making another statement.

MISTAKE

Mr Biko was brought to Walmer Police Station on August 19, Lieutenant Kuhn said. He did not see him after September 6.

Lieutenant Kuhn said Mr K von Lieres, for the State, had asked him to correct his mistake.

Mr Kentridge: If Mr von Lieres had not drawn your attention to that, would you have come to court and sworn that the affidavit of October 20 was true and correct in every respect?

Lt Kuhn: 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 Kuhn: Yes.

Lt Kuhn said he wished to be cross-examined in Afrikaans, not English.

The inquest was adjourned to find an interpreter.

RAND DAILY MAIL, Tuesday, Nov. 15, 1977.

iko Inquest

325-Detention

'Suddenly, l wild look i

quest into the death Steve Biko began in l Synagogue in Pre- esterday — almost two months after lack Consciousness died in detention. the first time, the ieard evidence from y Policemen who ntact with Mr Biko the last days of his

ge crowd of specta- d foreign Pressmen l into the court- and struggled to ie evidence, mostly ikaans and made audible by the bad e.

dney Kentridge, SC, ng for Mr Biko's said the family ell versed in Eng- t had difficulty un- ding Afrikaans. e was a gasp from blic gallery when irons used on Mr ter his alleged vio- uggle with five Se- Policemen were d in court.

was the day's evid-

on Lieres read out nent by Lieutenant Oosthuizen, of the y Police at Gra- wn.

Oosthuizen said in ement that on Aug- he received infor- that inflammatory ets were being dis- — pamphlets in- lacks to cause riots. arnt also that Mr as on his way from William's Town to own, and he had to suspect Mr Biko ively concerned in ribution of the in- tory pamphlets.

pm he put up a ck, and at 10.20 a tation wagon stop-

sked the driver to the boot, but he ble to do so. When d him why not, the



DR GLUCKMAN
. . . consulting pathologist



Mr Steve Biko's widow, Ntsiki, his sister, Mrs Nobandile Mvovo and his brother, Mr Khaya Biko, outside the Old Synagogue yesterday.

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 told 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 and 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.

Lieut 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 Lieut Oosthuizen told him this was not permitted.

Biko got a n his eyes'



Mr S Kentridge, SC, front, Mr George Bizos and Mr E Wentzel, back, who are appearing for the Biko family.



MR SMIT
. . . for the police

According to the state- Lieut Oosthuizen in touch with his com- anding officer, who told to take the two men Port Elizabeth. This was done the next day.

Mr Von Lieres also read statement by Major Andries Michiel Kuhn, of Cape Town. He said he had been in charge at the roadblock 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 October 20, 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 Loubser.

A copy of the report was made available at the inquest in Pretoria into Mr Biko's death yesterday.

The report said there was extensive brain injury of the contrecoup 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 intravasal blood coagulation as well as acute kidney 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 conclusion that death could have occurred about 12 hours before his investigation and that the cause of death was a head injury. — Sapa.

one of "extreme aggressiveness" to an admission of involvement in the compiling 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 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 Security Police had, then he 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? — 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 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 until he had answered the questions satisfactorily.

Mr Kentridge said Mr Biko was detained in 1976 for 101 days.

"What sort of a threat do you think it would be to him to threaten to keep him in detention unless 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 evading my questions. At the beginning he gave a denial. Later on he gave proper information. How do you get him from the first stage to the second stage?"

At this point Mr Kentridge was interrupted by Mr R van Rooyen, appearing for the South African Police, who said Major Snyman had replied that Mr Biko admitted his in-

In the statement he said he saw no injuries on Mr Biko, and had no knowledge of any incident when Mr Biko could have been injured.

The second statement, dated October 18, concerned a visit to Mr Biko's cell with a police photographer, and positions pointed out to him were photographed.

In the third statement, made on November 9, Lieut Kuhn changed his first statement. He said he had not visited Mr Biko on September 8, 9 and 10.

In the third statement, Lieut Kuhn repeated the list of visits to Mr Biko's cell, but left out the dates September 8, 9 and 10.

He said he had not been told by other policemen that Mr Biko would not eat, or had complained.

Lieut Kuhn said also that he had never received complaints from Mr Biko.

However, he did see him lying under a blanket without clothes. But he could not say in what manner Mr Biko was walking in that period.

Lieut Kuhn said he was second in command at Walmer Police Station and visited Mr Biko in the course of his duties.

Mr Biko, who was alone in a cell, had been detained under the Terrorism Act. Though asked daily if he had any complaints, Mr Biko had always answered in the negative.

Lieut Kuhn said Mr Biko's daily rations had been soup, magewu, bread, jam and coffee — but the rations heaped up in his cell, and he did not ask for other rations.

There was always fresh water in the cell, but because Mr Biko never complained he had not checked to see if the water was being drunk, said Lieut Kuhn.

Cross-examined by Mr Kentridge, Lieut Kuhn said he spoke to Mr Biko in English.

He said he knew, when he made his first affidavit giving the times of visits to Mr Biko, that it would be required for inquest proceedings.

Lieut Kuhn said he saw no injuries on Mr Biko, and in particular had not seen the bruise on the left side of Mr Biko's forehead which appeared on a photograph handed to him.

Lieut Kuhn told the court his statement concerning the times of visits to Mr Biko was not false — "just faulty". It was rectified in a later statement.

He said the reason for the "mistake" was that when he prepared to make affidavit he found that the station commander had already made an extract from the record book of the times of his visits to the cells.

He inserted the times into the affidavit without checking them. He knew his evidence would be used to show that on those dates there was nothing wrong with Mr Biko.

Lieut Kuhn said he had not seen Mr Biko after September 6.

He realised the dates in his affidavit were incorrect only when his attention was drawn to this by Mr Von Liers in consultation.

Lieut Kuhn said he would have noticed the mistake if he had read the statement — then he said he had read the statement before signing it. He told the court he would not have sworn the statement was true and correct, because he would have read it.

Lieut Kuhn said he made his first statement on September 14, and the others on October 18 and October 20 when a General Kleinhaus visited Port Elizabeth.

The general questioned everyone who had had anything to do with Mr Biko. The statements were made on duplicated forms, but he did not know who duplicated them. They were not brought by the general.

A Sergeant Janse van Vuuren said in his evidence he had visited Mr Biko daily from August 18 to September 6, and again on September 11, but Mr Biko never complained. His impression was that Mr Biko did not want to speak.

He gave Mr Biko meals of soup, magewu, bread, margarine, jam and coffee.

Mr Biko refused the soup and magewu, and the bread heaped up, he said. Mr Biko did not ask for other food.

On September 11 he saw in his registers that Mr Biko, who had been removed from Walmer Police Station on September 6, had been returned.

That evening he visited Cell No 5, where Mr Biko was kept, and he seemed to be asleep on his mats. Later he found Mr Biko on the cement floor with his head towards the cell bars and his feet near the mats.

Sgt Van Vuuren said that to get into the cell one had to go through four locked doors. He could not say if Mr Biko had fallen or crawled to that position.

Mr Biko was lying on his right side looking at the door. There was froth on his mouth and his eyes were glazed.

Sgt Van Vuuren said he tried to give Mr Biko water, but he stayed in the same position. He dragged Mr Biko to the mats, covered him with blankets, and called the Security Police.

Major Fisher, Colonel Goosen and Dr Tucker arrived and removed Mr Biko from the cell.

In a second statement, Sgt Van Vuuren said he pointed out to a police photographer the position in which he found Mr Biko on the last occasion.

On October 20 he made a third statement to General Kleinhaus on a duplicated form, on which particluars were added in ink.

He gave a list of visits to Mr Biko's cell at all hours of the day and night and up to six visits on one duty stretch.

He said he saw no injuries on Mr Biko, in particular not a bruise on Mr Biko's forehead appearing in the photograph shown to him.

Mr Biko's skin colour was much darker than shown on the photograph, Sergeant Van Vuuren told the court.

In a fourth typed statement read to the court, Sergeant Van Vuuren said Mr Biko had never spoken to him — he never answered his questions and never showed any reaction when his food was put down in his cell.

Mr Biko ignored him, said Sergeant Van Vuuren. He left Mr Biko's soup and magewu in the cell, and when it was still there at the next visit, gave it to other prisoners.

The coffee mug was usually empty, said Sergeant Van Vuuren. He could never tell if Mr Biko had eaten some of the bread. There was a small possibility he had.

When he found Mr Biko lying on the cement floor on September 11 he took hold of him under his arms from the back and dragged him to his sleeping mats.

Mr Prins, the magistrate: Like a life-saver?

Questioned by Mr Kentridge, Sergeant Van Vuuren said he received instructions that Mr Biko should be kept naked in the cell.

Mr Kentridge read to the court a report by a magistrate who saw Mr Biko at the Walmer police cells on September 2, and who said Mr Biko asked for water and soap to wash himself, and a washcloth and comb.

According to the magistrate's statement, Mr Biko said: "I want to be allowed to buy food. I live on bread only here. Is it compulsory that I have to be naked? I have been naked since I came here."

Mr Kentridge asked if Mr Biko was kept naked to humiliate him.

"I cannot say," replied Sgt Van Vuuren, who then confirmed that from August 18 to September 6 Mr Biko was not allowed out of his cell.

"Isn't a prisoner entitled to exercise in the open air?" asked Mr Kentridge.

Serg Van Vuuren said he was acting on instructions from the head of the Security Police in Port Elizabeth, Colonel P Goosen.

He confirmed that when he saw Mr Biko on September 11 — the day before he died — he had frothed about the mouth, his eyes appeared glassy, and his breathing was hurried.

At 6.20 pm on September 11 Serg Van Vuuren booked Mr Biko out of the Walmer Police Station. He did not know where he was taken.

The next witness, Major Harold Snyman, of the Security Police in Port Elizabeth, said he was the leader of an investigation team of five appointed to interrogate "the Black Power detainees".

Mr Biko had been detained on August 19 but for strategic purposes others were interrogated first. On September 6 it was decided that Mr Biko could be confronted with certain evidence. He was taken to office 619 in the Sanlam Building in Port Elizabeth.

The interrogation began at 10.20 am and lasted till 6 pm.

Major Snyman said Mr Biko adopted an extremely aggressive attitude towards members of the interrogation team. To make him feel at ease, his handcuffs were removed and he was offered a chair to sit on.

Major Snyman said Mr Biko evaded questions concerning his activities in connection with his visit to Cape Town. He would not answer questions directly, but as the interrogation went on he was more cooperative.

Among other things, he said that he had gone to Cape Town, accompanied by Mr Jones, to escape his marital problems.

Later he said his sole purpose in going to Cape Town was to heal a breach which had arisen in the Black People's Convention.

Asked about the distribution of pamphlets in Port Elizabeth on August 17, Mr Biko admitted he and Mr Patrick Titi, another detainee, were responsible for compiling the pamphlets, said Major Snyman.

Mr Kentridge questioned the major about methods used during the seven-and-a-half hours of interrogation to change fronted with evidence gleaned from other sources.

Major Snyman, in statement concerning events the next day when interrogation resumed, told of a violent struggle between his investigation team and Mr Biko.

Major Snyman said that shortly after Mr Biko had his leg-irons and handcuffs removed, and was offered a chair to sit on, he got a wild expression in his eyes, suddenly, and jumped off the chair.

Mr Biko threw the chair at him, said Major Snyman, but he jumped out of the way.

After this, Mr Biko charged at Warrant Officer Beneke, lashed out with fists at him, and pinned him against a steel cabinet.

Major Snyman said he and a Captain Siebert went to W/O Beneke's help. They tried to grab Mr Biko who was clearly beside himself with fury. In the process they knocked against tables in the office.

Two other members of the team came to assist. They over-powered Mr Biko, and put handcuffs and leg-irons on him.

The struggle lasted several minutes, though Major Snyman could not say how long exactly. It took place in a limited space and they bumped against tables and the walls.

Mr Biko still did not calm down. He was fastened to the grille in the office but continued to struggle against his handcuffs and leg-irons.

W/O A Beneke told me he got a terrible bump on his right elbow," said Major Snyman.

At 7.30 that morning Maj Snyman reported the incident to Colonel Goosen. They both visited Mr Biko in office 619.

Colonel Goosen spoke to Mr Biko, who still had a wild expression in his eyes, said Major Snyman. "I noticed there was a visible swelling on his upper lip. He was talking incoherently and in a slurred manner.

Mr Biko refused to reply to questions and the wild expression remained in his eyes. At 9.30 the district surgeon, Dr [illegible] gave him a medical check up. Major Snyman was present.

After the investigation Major Snyman said, he and the team tried to communicate with Mr Biko but he would not react to questions.

He then gave orders that Mr Biko was to be allowed to rest on his mat and covered with a blanket. He was still handcuffed and the leg-irons were tied to the grille.

Evidence continues to-

Police deny assau

4/15/77

PRETORIA — Uniformed and security police officers yesterday denied assaulting Mr Steve Biko who died in detention on September 12.

The inquest into Mr Biko's death began in the Old Synagogue here yesterday before the Pretoria Chief Magistrate, Mr M. J. Prins, and two assessors.

The hearing got off to a slow start because of a dispute about the country's official languages as applied to court procedure.

The difficulties started when the first witness, Lt Gert Kuhn, was called to the witness box. he chose to speak in Afrikaans and Mr S. Kentridge, SC, for the Biko family, told the court he had arranged for a sworn interpreter, because the family did not understand Afrikaans.

The interpreter, Mr Jones, came to the front of the room, 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 and knew he had been specifically engaged to translate from Afrikaans to English.

Mr Kentridge asked Mr Prins if there was another interpreter available.

After a lengthy adjournment the court reconvened with another interpreter who translated English into Afrikaans for Lt Kuhn — except on a couple of occasions when Lt Kuhn answered the questions in English.

Before Lt Kuhn was called to the witness box, Mr Von Lieres read to the court a statement by Lt Alfred Oosthuizen, of Grahamstown of the Grahamstown security police.

In the statement, Lt Oosthuizen said that on August 18 he received information that inflammatory pamphlets were being distributed, pamphlets which were inciting blacks to cause riots.

He also learnt that Mr Biko was on his way from King William's Town to cape Town and had reason to suspect that he was actively concerned in the distribution of the pamphlets. At 8 pm that day he put up a roadblock and at 10.20 a white station wagon stopped at the blocade.

He asked the driver to unlock the boot, but the driver was unable to. When he asked him why, the driver first said he could not because the car belonged to his firm and then that he could not because the car belonged to a friend.

Because of the discrepancy Lt Oosthuizen asked the driver to identify himself, the statement read.

Both the driver and his passenger were cheeky and made derogatory remarks, the statement read. Lt Oosthuizen asked the passenger to get out and the passenger asked in a belittling manner if that was normal procedure.

He then got out and the driver identified himself as Peter Jones and the passenger as Bantu Biko. They would not elaborate and Lt Oosthuizen decided to take them to the charge office.

At the charge office he asked Mr Biko if he had permission to be outside the King William's Town district as he had been confined to that district. Mr Biko said he had no written permission and that he could do as he liked.

Mr Biko laughed at him and in doing so, he fell on a bench and the bench broke, Lt Oosthuizen's statement read.

He tried to search Mr Biko and his companion, but they refused and Mr Biko grabbed his hands. He did search them, but Mr Biko said he wanted to take his private possessions with him to the cell, the statement read.

Lt Oosthuizen told him it was not allowed and took him to his cell.

According to the statement, Lt Oosthuizen contacted his commanding officer who told him to take the two men to Port Elizabeth and that was done the following day.

Lt Kuhn of the Walmer police was then called to the box. He read to the court three statements which he had made regarding Mr Biko.

In the first statement, dated October 20, Lt Kuhn gave a list of times when he had visited Mr Biko in his cell. The list started at 8.10 am on August 22 and included alleged visits on September 8, 9, and 10.

He saw no injuries on Mr Biko and had no knowledge of any incident when he could have been injured, he said.

The second statement, dated October 18, related to a visit to Mr Biko's cell with a police photographer and positions which he pointed out to him were photographed.

In the third statement, made on November 9, Lt Kuhn changed his first statement. He did not visit Mr Biko on September 8, 9 and 10, he said.

Lt Kuhn also said he had not been told by other policemen that Mr Biko would not eat or that he had complained. He never received any complaints from Mr Biko, he said.

He saw no injuries on Mr Biko and in particular did not see the bruise on the left side of Mr Biko's forehead shown in the photograph handed to him.

His statement in regard to the times of his visits was not false, "just faulty," he told the court. It was rectified in a further statement.

The reason for the "mistake" was that when he arrived to make the affidavit an extract had already been made by the station commander from the record book where he had noted the times of his visits to the cells, he said.

The times were inserted into the affidavit by himself without checking. He knew his evidence would be used to show that on those dates there was nothing wrong with Mr Biko.

He only saw that the dates were wrong when his attention was drawn to it by Mr Von Lieres in consultation, he said.

Sgt Van Vuuren then gave evidence. He visited Mr Biko daily from August 18 to September 6 and again on September 11, but Mr Biko never complained, he said.

His impression was that Mr Biko did not want to speak. He gave Mr Biko meals of soup, mageu, bread, margarine, jam and coffee. Mr Biko refused the soup and mageu and the bread heaped up. Mr Biko never asked for other food.

On September 11 he saw in his registers that Mr Biko, who had been removed from the Walmer police station on September 6, had been returned.

That evening he visited Cell 5, where Mr Biko was kept, and he seemed to be asleep on his mats.

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.

Mr Biko was lying on his right side looking at the door and there was froth on his mouth. His eyes were glazed.

Sgt 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. Maj Fisher, Col Goosen and Dr Tucker arrived and they removed Mr Biko from the cell.

Examined by Mr Kentridge, Sgt Van Vuuren said he had received instructions that Mr Biko should be kept naked in the cell.

Sgt Van Vuuren confirmed that between August 18 to September 6 Mr Biko was not allowed out of his cell.

"Isn't a prisoner entitled to exercise in the open air?" asked Mr Kentridge.

Sgt Van Vuuren said he was acting on instructions from the head of the security police in Port Elizabeth, Col P. Goosen.

The next witness was Maj Harold Snyman, of the security police in Port Elizabeth. He was the leader of an investigation team of five appointed to interrogate "the black power detainees," Maj Snyman said.

Mr Biko was detained on August 19, but for strategic purposes others were interrogated before him. On September 6 it had been decided that Mr Biko could be confronted with certain evidence and he was taken to an office in the Sanlam Building in Port Elizabeth.

The interrogation began at 10.30 am and lasted till 6 pm.

Maj Snyman said Mr Biko adopted an extremely aggressive 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.

He evaded questions concerning his activities in connection with his visit to Cape Town, Maj Snyman said. He would not answer directly to any questions, but as the interrogation went on he was more co-operative.

Among other things, he said, he had wanted to go to Cape Town to escape his marital problems.

Later, he stated that his sole purpose in going to Cape Toen was to heal a breach in the Black People's Convention which had arisen.

In regard to pamphlet

Head injury blamed

PRETORIA — Mr Steve Biko died as a result of a head injury, according to the autopsy report by the Chief State Pathologist, Dr J. B. Loubser.

A copy of the report was made available here yesterday at the inquest into Mr Biko's death.

The report said there was extensive brain injury of the contrecoup 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 intravascal blood coagulation as well as acute kidney 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 he had come to the conclusion that death could have occurred in the region of 12 hours before his investigation and that the cause of death was a head injury. — SAPA.

Nov 15/77

distribution in Port Elizabeth on the night of August 17, he openly admitted that he and Mr Patrick Titi, another detainee, were responsible for the compilation of the pamphlets.

During examination, Mr Kentridge asked what methods had been used during 7½ hours of interrogation to change Mr Biko's attitude from one of "extreme aggressiveness" to an open admission of his involvement 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 6 pm he had admitted to drawing it up. What methods of persuasion did you use?" Mr Kentridge asked.

Maj 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?"

Maj Snyman: "No."

Mr Kentridge: "Did you put physical pressure on him?"

Maj Snyman: "No."

Mr Kentridge: "How did you break him down?"

Maj 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."

Maj Snyman said he told Mr Biko he would remain

ting Biko

in detention until he had answered his questions satisfactorily.

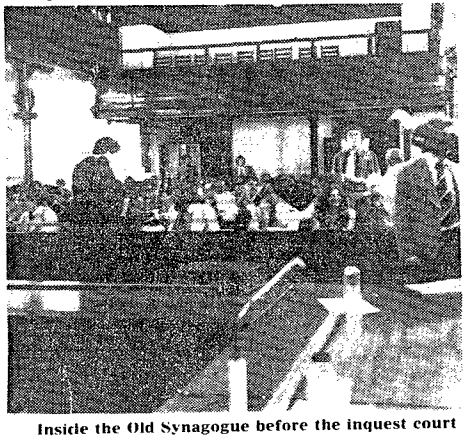
"What can you do to a man who insists on keeping silent?" Mr Kentridge repeated his question several times, as Maj Snyman outlined the subjects about which Mr Biko was interrogated.

In his statement of the events of the following day, September 7, when the interrogation of Mr Biko was resumed, Maj Snyman told of a violent struggle between his investigation team and Mr Biko.

Shortly after Mr Biko had his leg irons and handcuffs removed and was offered a chair to sit on, he suddenly got a wild expression in his eyes and jumped off his chair.

Maj Snyman said Mr Biko threw the chair at him. Maj Snyman jumped out of the way and the chair missed him narrowly.

After this Mr Biko charged at another member of the interrogation team, W/O J. Beneke, and lashed out wildly at him, pinning him against a steel cabinet.



Inside the Old Synagogue before the inquest court began its sitting yesterday.

Maj Snyman and Capt Siebert went to W/O Beneke's assistance and tried to grab Mr Biko who was clearly beside himself with fury.

In the process they knocked against tables in the office. Two other members of the team came to their assistance, overpowered Mr Biko, handcuffed him and also put leg irons on him.

The struggle lasted several minutes although Maj Snyman could not say exactly how long.

After Mr Biko was tied down there was no sign that he was calming down. He was fastened to the grill in the office, but continued to struggle against his handcuffs and leg irons.

At 7.30 that morning Maj Snyman reported the incident to Col Goosen. Together they visited Mr Biko in the Sanlam office.

Col 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." Mr Biko was talking incoherently and in a slurred manner, Maj Snyman said.

Mr Biko had refused to react to any questions and the wild expression in his eyes remained. At 9.30 the same morning, the district surgeon, Dr Lang, gave Mr Biko a medical check-up at which Maj Snyman was not present.

After the investigation, Maj Snyman said he and the team tried to communicate with him, but he would not react to any questions.

He gave orders that Mr Biko be allowed to rest on his mat and covered with a blanket. He was still handcuffed and the leg irons were tied to the grill.

Mr Biko was passed into the custody of a night team under Lt Wilkin.

The following morning, September 8, Maj Snyman and his team returned to find Mr Biko still lying on the floor. He was awake, but would not react to questions.

Maj Snyman said he was aware Dr Lang had found nothing physically wrong with Mr Biko the previous day and a medical certificate to this effect had been handed in to Col Goosen.

When he noticed that Mr Biko was still refusing to answer questions he recorded the incident of the struggle in "an incident book."

Maj Snyman was aware that Col Goosen called Dr Lang again on September 8. He learnt that Mr Biko was taken to the prison hospital on that day and that on September 11 he was moved to the Walmer police cells.

He was present on September 11 at 6.20 pm when Mr Biko left for Pretoria with Capt Siebert and other members of the police force. He later learnt that Mr Biko had died in Pretoria.

The amount of violence that was used on Mr Biko on September 7 to get him under control was reasonable and only as much as was necessary to pin him down on the floor and handcuff him, Maj Snyman said.

Examining him on this aspect, Mr Kentridge asked if he had heard of Mr Kruger's hunger strike statement.

"I remember it," Maj Snyman answered.

Mr Kentridge: "How did you feel when you heard that Mr Biko had died?"

Maj Snyman: "I felt bad about it. He was worth more to us alive than dead."

Mr Kentridge: "Is that why you were sorry?"

Maj Snyman: "I also had sympathy with the death."

Mr Kentridge: "Were you surprised that he had died?"

Maj Snyman: "I was surprised. We did not think there was so much wrong with him as to . . ."

Mr Kentridge: "As to what?"

Maj Snyman replied they had a certificate from the doctor to say there was nothing physically wrong with Mr Biko.

Mr Kentridge questioned Maj Snyman on the statement made by Mr Kruger at the National Party congress in Pretoria shortly 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.

Mr Kentridge: "Maj Snyman, did you give any information to the Minister?"

Maj Snyman: "I reported to my commander. He took it further."

Mr Kentridge then handed in an affidavit by a Mrs Ilona Kleinschmidt containing statements by the Minister of Police on the death in detention of Mr Biko.

In another statement, Maj Snyman said he was informed that the post-mortem had revealed that Mr Biko died as a result of an injury which caused brain damage.

Gen Kleynhans was conducting an investigation to find out how Mr Biko got these injuries. He was told he did not have to make a statement.

Maj Snyman 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, Maj Snyman said in the statement dated October 20.

In examination on the fact that Mr Biko had been kept naked in the Walmer police cells, Mr Kentridge asked why this was the case.

Maj Snyman said he had been acting on instructions. This instruction had been given in order to prevent the recurrance of suicide in police cells.

Mr Kentridge: "Are you suggesting that a man can commit suicide with a pair of underpants? You still left him blankets. People have committed suicide with their blankets."

Maj Snyman said they had not had experience of this in the Walmer cells.

During his interrogation, Mr Biko was dressed in long trousers and a short sleeve shirt, Maj Snyman said.

The hearing continues today. — DDC.

Sound snag disappoints big crowd

Reports by ROGER OMOND, Daily Dispatch man on the spot.

PRETORIA — The historic Old Synagogue here was filled to overflowing yesterday for the start of the inquest into the death in detention of Steve Biko — but large parts of the evidence was inaudible to the more than 300 people who crowded the court.

The crowd had gathered 90 minutes before the start of the inquest at 10 am. But there was widespread, and sometimes audible, disappointment in the court when it became apparent that much of the evidence would be in Afrikaans and that the acoustics of the Old Synagogue made it difficult to hear beyond the first row of spectator seats.

At one stage even Mr Sydney Kentridge, leading the team of advocates appearing for the Biko family, and sitting only a few metres from the witness box, had to ask a policeman giving evidence to speak up.

Nearly two dozen lawyers are sitting around a long E-shaped table. They represent the Biko family, the State and the South African Police. In front of the legal teams on a raised dias sit the magistrate, Mr M. J. Prins, and two assessors — Prof I. Gordon of the University of Natal Medical School, and Prof J. Olivier of the University of the Orange Free State Medical School.

Behind them is a heavy maroon curtain which flapped in the hot breeze — because of the 31 C heat, most doors and windows were kept open. At times the sound of traffic passing by 20 m away drowned out the witnesses and advocates.

More than 50 journalists and television crew men and women were in court, representing a host of American, British and continental newspapers and TV stations, as well as several dozen South African journalists and SABC-TV crew.

TV and press photographers swarmed round membes of the Biko family — the dead man's mother, Mrs Alice Biko, his widow, Ntsiki, his brother, Kaya, and his sister, Bandi — when they entered court more than an hour before the start of the proceedings.

Photographers also crowded around the advocates for the Biko family when they appeared at 9.15 am.

A few minutes before the magistrate and assessors entered to the command of "Silence in court!" Mrs Winnie Kgware, first president of the Black Peoples Convention, held up a picture of Mr Biko surrounded by a wreath and called out in Xhosa: "What have we done?"

A large section of the predominantly black crowd responded with the black consciousness slogan: "Amandla" (power).

There was also some singing outside court during adjournments.

Police kept a close watch on the crowd inside and outside court. Several people were asked to leave the court, but it is believed nobody was evicted and nobody left.

Hundreds of people stood outside watching the Biko family and TV crews during the frequent adjournments, lunch break and when the court adjourned for the day.

At least five embassies have sent representatives to the inquest.

They are the British, United States, West German and Australian embassies, and The Swedish legation.

The Association of Law Societies of South Africa announced yesterday it had invited an eminent English solicitor, Sir David Napley, the immediate past president of the Law Society of England, to attend the inquest.

He will arrive here tomorrow.

This was done "because of the world-wide interest in our judicial procedures which the Biko inquest has attracted," the association said.

"Sir David is currently director of the British Academy of Forensic Sciences. In England, he is known through television, radio and the press for his work in connection with criminal law."

Sir David is chairman of the joint committee of the Law Society and Guild of Newspaper Editors.

DD 15/11/77. (325) Detention.

Biko inquest told of violence

PRETORIA — Mr Steve Biko was kept handcuffed and in leg irons

[redacted]

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.

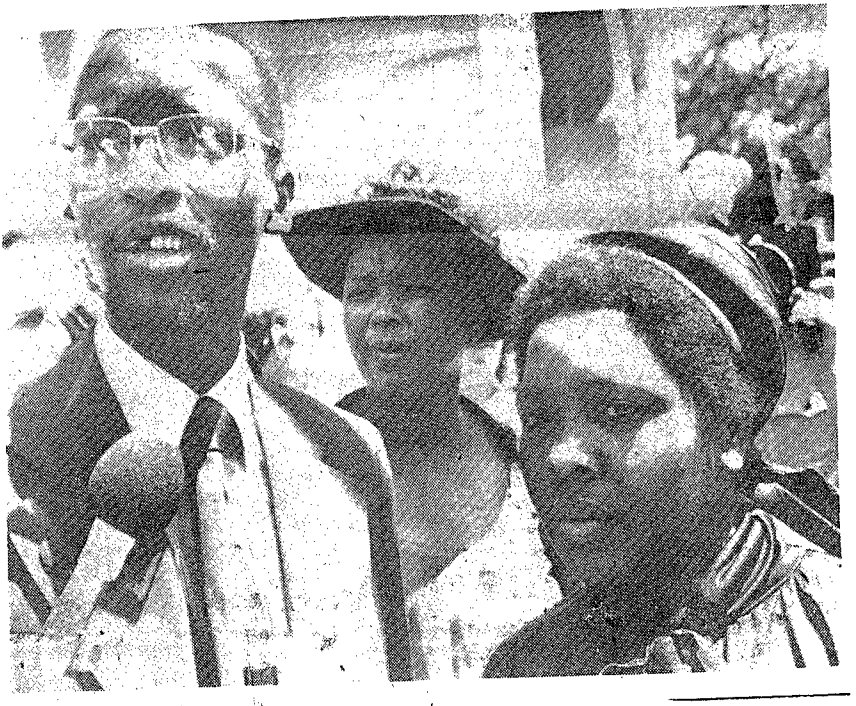
At the end of the first day, Mr S. W. Kentridge SC introduced a bulky file containing statements made by Mr Kruger.

"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.



The late Mr Steve Biko's family wait outside the court yesterday — (from left) his elder brother Mr Kaya Biko, his sister Mrs Nobanile Mvovu and his widow, Mrs Ntsiki Biko.

for 50 hours while under Special Branch detention, except for two brief periods when he was examined by doctors.

He was also kept naked in a cell at the Walmer police station in Port Elizabeth and complained to a magistrate about the food he was served.

During the period he was being interrogated he is alleged to have thrown a chair at a Special Branch officer and a struggle resulted.

These facts emerged yesterday as the inquest into the death in detention of the black consciousness leader began in the Old Synagogue here.

There were gasps in court as the heavy leg-irons were produced in court and identified as the ones used to chain Mr Biko to a grille by Maj Harold Snyman of the Port Elizabeth Special Branch who led one team interrogating Mr Biko.

Maj Snyman admitted during examination by Mr S. Kentridge that Mr Biko had been handcuffed and chained to the grille from 6 p.m. on Tuesday, September 6, to about 8 p.m. on Thursday, September 8. The only time he was released was when he was examined on two occasions by doctors.

Maj Snyman was questioned closely on why it was necessary to handcuff and chain Mr Biko in a Special Branch office when a team of interrogators were present.

Mr Kentridge asked on what authority Mr Biko had been kept handcuffed and in leg irons. "It was done when it was necessary," Maj Snyman said.

"Was it to break a man down?" Mr Kentridge asked. "It was to prevent escapes," Maj Snyman replied.

Did people in police cells wear leg irons? — No.

On what authority did you put Mr Biko in leg irons? — It was custom.

Where did the authority come from? From higher authorities.

Earlier, Sgt P. van Vuuren of the Walmer police station, told the court that Mr Biko had been kept naked in his cell at the police station on the orders of the head of the Special Branch in Port Elizabeth, Col P. Goosen.

Sgt Van Vuuren described how he had found Mr Biko in his cell during the afternoon of Sunday, September 11.

Mr Biko was lying on the floor away from the cell mats. Froth was coming from his mouth, his breathing was fast and his eyes were glassy. At 6.20 p.m. Mr Biko had been booked out by the Special Branch and taken away.

Mr Biko died in Pretoria the next night.

Maj Snyman described how a struggle had resulted in the Special Branch offices in Port Elizabeth while Mr Biko was being interrogated. Mr Biko had been uncooperative, he said.

Mr Biko had thrown a chair at him. A filing cabinet had been pushed over during the struggle and Mr Biko had hit his head against a wall.

It was after this that the handcuffs and leg irons were put on, but he still tried to get loose, Maj Snyman said.

He was questioned closely on what methods he had used to get Mr Biko to change his mind from refusing to answer questions into an admission that he had been involved with pamphlets.

The hearing resumes this morning.

Full court proceedings page 7.

Biko: cha

15/11/77



nge in police story

Major Harold Snyman, who led the Security Police team which interrogated Mr Biko, attempts to

STAR 15/11/77

325-Defence

Pretoria Bureau

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 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 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 as Entry No 633 in the occurrence book at the Baakens 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 chest.

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 the impression had been gained that he was aggressive.

Major Snyman read extracts from police stand-

To Page 3, Col 1

Police w

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▶▶From page 1

ing 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.

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 Sanlam 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 that 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 grille?

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 can't hear you. Please speak up. Pretend you are speaking to Biko."

The magistrate said he could not expect witnesses to shout and suggested the advocates 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 Goosen.

Major Snyman denied having earlier admitted to Mr Kentridge that the men watching Steven Biko had been a night-interrogation team.

turned to the question of why Mr Biko was kept overnight in the X Security Police offices in the Sanlam Building, in leg irons, rather than being allowed to return to Walmer Police Station for a good night's sleep.

He asked how a man could sleep in leg irons. Major Snyman replied: "On his back."

Major Snyman said Mr Biko was kept in the Sanlam Building overnight because 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 leaking out, a problem which had been experienced, and the information Mr Biko possessed was one of the primary reasons he was being 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 not want to leak out if Biko went back to the cells, Mr Kentridge asked.

The major said there were "leftists" who came during the night and communicated with people in the police cells.

Mr Kentridge submitted that the witness had been afraid the way Biko was treated in the Sanlam Building would leak out.

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 assault Section 6 detainees?" Mr Kentridge asked.

"It's a duty of the senior offficer to see that detainees are not assaulted. It's my responsibility, as a senior officer to ask about any complaints," the major answered.

Major Snyman said Mr Biko acted belligerently that morning after police had confronted him with specific evidence.

Said the major: "We got information from his own friends in King 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 smeared him after death in order to try to protect yourself. What on earth has your accusation 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 shackle him again, although initially two men were able to hold him down.

At Mr Kentridge's request, the five-man team will be shown to the court.

Major Snyman haid 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 wild expression in his eyes and incoherent and slurred speech.

Colonel Goosen 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 Sanlam Building.

Col Goosen later 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 mumble.

Mr Kentridge: He was obviously not in a normal state.

Major Snyman: I thought it was because he was still in that mood 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 Walmer 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 peacefully 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 slurred fashion.

Major Snyman said he doubted 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 7.

Earlier, Major Snyman, reading from police standing orders said that any incident during which police used force had to be recorded in the occurence book as soon as possible.

Major Snyman denied that he listed the incident at Baakens Police Station, Port Elizabeth, after he heard a doctor was called to see Mr Biko on September 8.

Asked Mr Kentridge: You have this most unusual event during which it took five men to control a suspect and you did not think an entry in the occurrence book was called for right away?

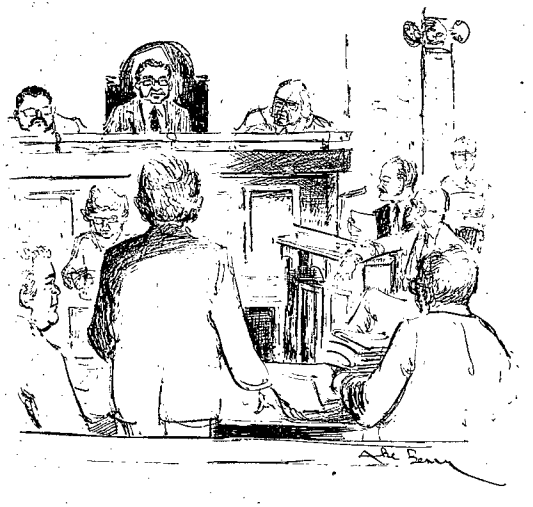
Major Snyman said the entry was delayed because he was not worried about Mr Biko's state of health after the scuffle. The entry was made because Mr Biko was "stubbornly" refusing to answer questions.

Mr Kentridge recalled that three doctors had, between them, made 12 affidavits on the case and that together with police affidavits there was a total of 28, none of which

itness changes his story



Early arrivals for the inquest . . . (from left) Steve Biko's wife, Ntsiki, his sister, Nobanile Mvovu, and his mother, Mrs Alice Biko.



Senior counsel representing the Biko family — Mr George Bizos (left foreground) and Mr Sydney Kentridge (with his back to the artist) during cross-examination of a police witness.

Gruelling time for the Security majo

The Biko inquest settled down to normal routine during its second day. But there was almost never a dull moment in Pretoria's Old Synagogue.

What many of the 200-plus spectators packing the historic building really came to watch and hear was the torrid cross-examination of Major Harold Snyman, the Port Elizabeth security policeman who led the team interrogating Steve Biko before his death.

The cross examination of witness under stress is one of the more spectacular of judicial ploys and in this respect the exchange between Mr Syd-

hesitation: "Yes, majo . . . think."

Even when the cou record was replayed t settle a point about denial by the major an when Pretoria's Chi Magistrate, Mr M J Prin drew an admission fro the witness that Stev Biko might, in fact n have bumped his hea during the scuffle wit policemen, Major Snyma seemed to remain impa sive and unruffled.

But he often blinke his eyes rapidly, twiste his face into grimaces c tried to twist his penc moustache.

VENDOR

Apart from this swe

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 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 Kentridge said General Kleinhaus had taken a number of affidavits which did not mention the bump. He would testify before the inquest court later.

Mr Kentridge submitted that photographs had been taken of various things pointed out by policemen or warders, such as where Biko was lying and unidentified marks on the walls of the cells at Walmer. One thing never pointed out was where Biko had knocked his head against the wall during the struggle at the Sanlam Building.

NOT ASKED

Major Snyman said he was not asked to point out this particular spot.

Mr Kentridge submitted that if he had mentioned it to General Kleinhaus, the first thing he would have asked to be pointed out would have been this spot.

Mr Kentridge: 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 Goosen.

Mr Kentridge 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 Kentridge: Were you going to charge Biko with assault?

Major Snyman. No, there were serious charges to be brought against him.

Mr Kentridge 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 Kentridge: 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 Kentridge then asked whether he knew anything about a scab 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 J O Beneke and Staff Sergeant C J Nieuwoudt.

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 Kentridge'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 breach 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 admis-

Artist's view of the inquest

15/11/77

The eyes of the world are on the Old Synagogue in Pretoria where the Biko inquest began yesterday. Pressmen and television crews from all the 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.

sion.

Mr Kentridge said originally, when his instructing attorney asked to see the document, he was told it would not be released until reasons could be produced as to its relevance.

Yesterday, Mr Prins, presiding magistrate, allowed the family's representatives to examine the document. Mr Kentridge said it would appear it had no relevance to the case.

"Supposing the major convinces the court that Biko was the author of this subversive pamphlet. Surely it will not then be argued that if a man writes a subversive pamphlet one is free to kill him."

Mr Kentridge added that there had been efforts in high quarters to find Biko guilty "post mortem" but he did not think that Mr Prins would be party to that sort of 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 organisations, 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 heal a rift in the BPC, but to help form the front.

He also had information Mr Biko was planning to



Mr Sydney Kentridge, SC, who is heading the team representing the Biko family at the inquest.

tablish – the organisation abroad.

Aim of the body, Major Snyman alleged, was to perform acts of terrorism in South Africa as well as to recruit persons to undergo guerilla training overseas.

Talks had already been held with Mr Robert Sobukwe, the banned former leader of the PAC, about the organisation.

Mr Kentridge, for the family, interposed 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.

(Proceeding)

ney Kentridge SC (for the Biko family) and the major from the Windy City was in the best traditions of high drama of the court room.

IMPASSIVE

Time and again Mr Kentridge called his witness to order with phrases like: "Major Snyman, I must suggest what you say is nonsense."

The cutting theme had many variations: "Come on, Major, it's no use saying that. . . . I must suggest your answer is false . . . there is no value in your statements . . . I can't waste any more time on this, your evidence speaks for itself."

And at another time when the witness showed

tering. cross examination the other sensation of the morning came when the four other security policemen said to have overpowered Steve Biko during the struggle in the Port Elizabeth security police headquarters were produced.

The men, all but one in pastel safari suits, stood up along the northern wall of the synagogue to be identified.

Outside, silent black crowds gathered in busy Paul Kruger Street, and the first signs that commercialisation had come to the inquest was the appearance of an ice cream vendor who made a killing in the heat.

The Apollo Cafe across the road is also doing a roaring trade in cold drinks and mid-morning snacks.

Correction: Biko died of head injury

Pretoria Bureau

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 F D Loubser. There was extensive brain injury of the contre-coup 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 intravasal blood coagulation, as well as acute kidney failure and uraemia.

Major Snyman said that when he presented information about the organisation to Mr Biko on the morning of September 7 he was attacked. He feels the information prompted the attack during which Mr Biko might have hit his head.

There were gasps and low whistles from the public gallery when Major Snyman described Mr Biko as "a revolutionary" and not a peaceful man.

Major Snyman said, under cross examination by Mr van Rooyen, that a tremendous image had been built up by the Press of Mr Biko as being a man in favour of peaceful change.

However, he said Security Police were in possession of information to the contrary, supplied by Mr Biko's associates.

If produced in court at a trial, this information would have shown to the whole world that Mr Biko was a revolutionary.

This information, he added, was based on facts not deduction. The police had sworn statements concerning Mr Biko's authorship of a revolutionary pamphlet and full details of who had helped produce it.

Mr Biko was confronted with these facts on the morning of September 7 and Major Snyman said it was this that led to his going beserk.

15/11/77

CLASSICAL ASSOCIATION OF SOUTH AFRICA

WESTERN CAPE BRANCH

Dear

This letter is to give you a preview of some of the meetings planned for 1978.

The Teacher's Meeting will be held on 15th February, 1978 at 7.30 p.m. at the Teachers' Centre, 3 Station Road, Mowbray. Dr. S. Bruwer (University of Stellenbosch) and Mr. R. Whiteford (University of Cape Town) will speak on Cicero, looking at the historical and political background of Rome at the time of Cicero and considering some of the texts prescribed for the matriculation examinations.

As for the Schools' Meeting, this will be at Bishops on Wednesday, 8th March at 7.30 p.m. Mrs. M. Mezzabotta will give an illustrated talk on Hercules (30 mins.). In addition, there will be an inter-school quiz in which the host school challenges two other teams (c. 40 mins). For details of this competition, see the attached sheet.

While the Latin reading competition will be retained for Stds. 9 and 10 (7.00 p.m. on Wednesday, 26th April at Star of th
kind of competition is planned for Stds. 6, 7 and
participates in these LUDI ROMANI will be allocat
and may use this time to present one or more item
awarded for the best item and the best overall p
will be Springfield Convent, and the date Wednesd

As this is a new venture, a few suggestions might
these are only suggestions. Please feel free to

(i) Choral speaking - using selections from anci
poets (e.g. Ave, Ogden! - a translation of s

(ii) Short dramatisations - perhaps from the Camb
Winnie ille Pu

(iii) An illustrated talk on some topic of genera

(iv) A dance drama enacting, for example, a Roma

(v) Latin songs (cf. the selection in Latin for

(vi) You might care to choose a legend or episod
(e.g. Romulus and Remus), or an episode in
and write your own play in simple Latin.

Should you have any queries about these meetings
the dates please contact either of us. Members
suggestions and criticisms that would help to im

John Atkinson (Chairman)
Department of Classics,
U.C.T., Rondebosch.
698531 extn. 449
(home 692429)

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 Itumeleng (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 on more than one occasion 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."

STAR 15/11/77

335- Detention

Winnie Kgware stages lone protest in court

15/11/77

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 "Senzeni Na?" (What have we done?)

Friends sitting with the Biko family responded by raising their clenched fists and shouting "Amandhla!" ("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.



Mr M J Prins . . . the presiding magistrate.

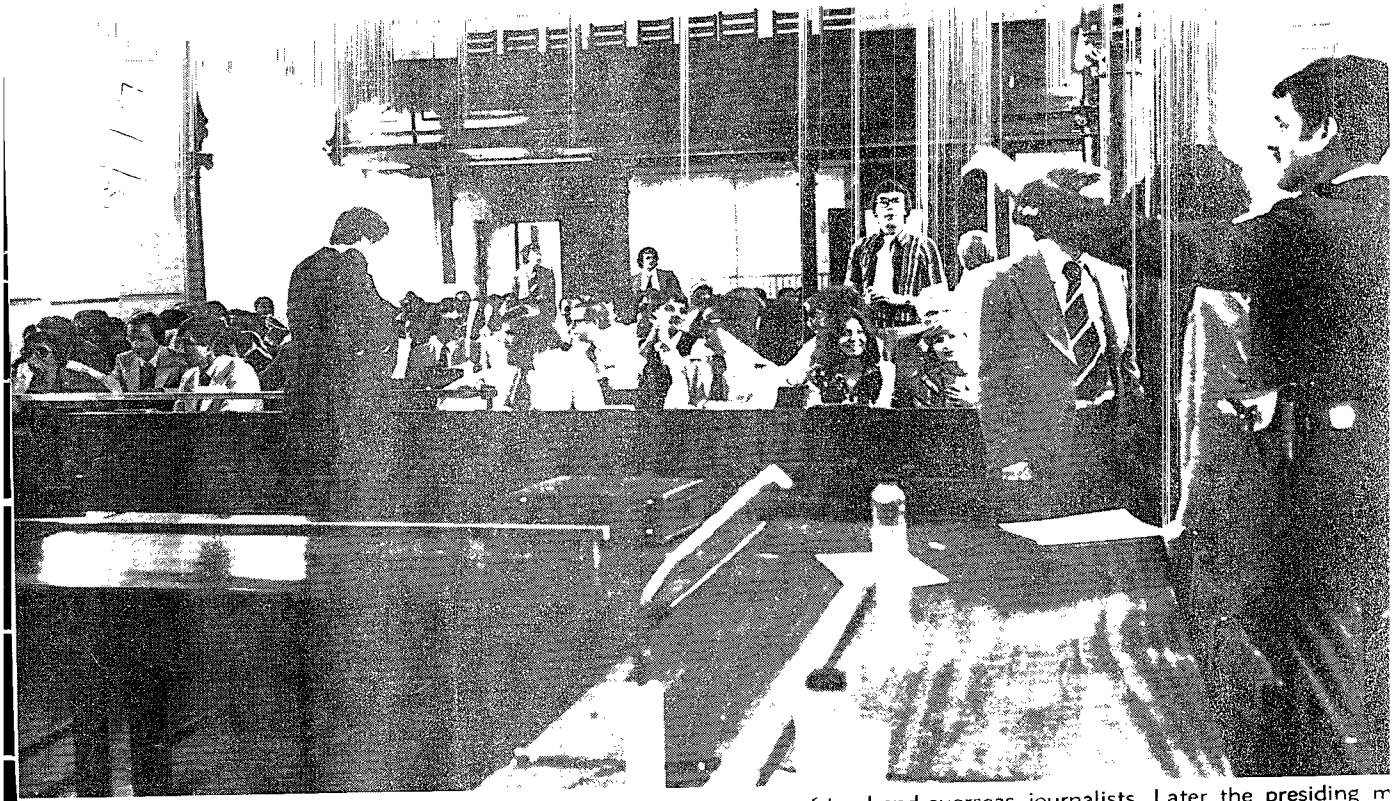
Reporters commandeered the first two rows of seats and the long witness box which was built for the Rivonia Treason Trial. They stood around the walls and squatted on the floor.

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 Steve Biko's widow, Mrs Ntsiki Biko, arrived 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 Mvovu.

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 magistrate, Mr J Prins, said no further photographs may be taken in court.

15/11/77



Mr Biko's mother, Mrs Alice Biko, pointing, with a friend beside her.

15/11/77

Handcuffs and leg-irons used in security offic

BIKO LAUNCH
ATTACK' ON O

PRETORIA — Mr. Steve Biko was incoherent and spoke with a lisp after a struggle to subdue him when he attacked his interrogators in the port Elizabeth Security Police offices, an Inquest Court heard here yesterday.

The Court was told that Mr. Biko launched a wild attack on security policemen during interrogation on September 7 and that, after a struggle, he was put in hand cuffs and leg-irons.

During the struggle in a confined space Mr. Biko and the policemen knocked against chairs and the wall, a Security Police officer said.

Mr. Biko died in Pretoria of head injuries on September 12.

The inquest into his death began here at the Old Snyagogue yesterday before Pretoria Chief Magistrate Mr. M. J. Prins and two assessors.

Uniformed and security policemen testified yesterday that Mr. Biko had refused food since his arrest on August 18 and that he had not been assaulted. They could not explain the fatal injuries.

Evidence was given that Mr. Biko was arrested at a Grahamstown road block on August 18 and taken to the Walmer Police cells in Port Elizabeth the following day.

He was removed to the Security Police offices on September 6 for interrogation and returned to Walmer police cells on September 11. After he was found ill in his cell — he was driven to Pretoria in a Landrover that night and died the next day.

Major Harold Snyman of the Port Elizabeth Security Police said Mr. Biko had been involved in a struggle at Security Police offices after he attacked his interrogators. But he had not been assaulted.

Major Snyman said he had subsequently been told by Major-General Kleinhans, the officer appointed by the Commissioner of Police to investigate Mr. Biko's death, that Mr. Biko had died of brain injuries.

He was told criminal proceedings might be instituted and warned he need not make any statement but that a statement could be used as evidence.

Interrogation of Mr. Biko at the Security Police offices began at 10.30 a.m. on September 6. He was questioned by a five-man team under Major Snyman.

"It was immediately clear from Steve Biko's whole attitude that he was extremely aggressive towards members of my interrogation team," Major Snyman said.

He was initially evasive but became more cooperative as the interrogation progressed.

He said he had gone to Cape Town with Peter Jones to get away from his marital problems, and later that he had gone to heal a breach in the Black People's Convention.

He also open
acknowledged that he a
Patrick Titi, anoth
detainee, had compil
pamphlets distributed
Port Elizabeth on the ni
of August 17, said Ma
Snyman.

Mr. Biko had taken
food that day, had refu
water and had made no
of toilet facilities.

When interrogation en
at 6 p.m. Mr. Biko was
in an office at the Secu
Police building and g
two sleeping mats and t

325 detentions

...s 'for fear of suicide'

...ED 'WILD ...FFICER

blankets.

He was handcuffed and put in legirons attached to the grille at the foot of the mats which gave him sufficient room to move.

Interrogation was resumed at 7 a.m. on September 7. The handcuffs and leg-irons were removed and he was offered a chair to sit on. He had no complaints and again refused food or water.

Aggressive

"It was again very clear to me that Steve Biko was again taking a 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 expression in his eyes. He threw the chair at me where I was standing near the door.

"The door was closed. The attack was most unexpected. I jumped out of the way and the chair just missed me.

"Then, with clenched fists, Steve Biko charged Warrant Officer Beneke who was standing to my right. There was a table between me and Warrant Officer Beneke.

"Steve Biko hit at Warrant Officer Beneke and in the process pinned Warrant Officer Beneke against a steel cabinet.

"Captain Siebert and I ran to help Warrant Officer Beneke and tried 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 Nieuwoudt 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 leg-irons 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 leg-irons were locked around the grille, I could see that Steve Biko had not calmed down. He pulled and tugged at the that a medical certificate to this effect had been given to Colonel Goosen.

"When I noted on September 8, 1977, that Steve Biko still obstinately refused to react to questions I thought it desirable to make an incident book entry about the incident on September 7."

Major Snyman said he knew Colonel Goosen had called Dr. Lang again on September 8.

He heard that Mr. Biko was transferred to the Port Elizabeth prison hospital on September 8 and was present when Captain Siebert and other policemen left Walmer Police Station to take Mr. Biko to Pretoria. He heard on September 13 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, and only as much as was needed to pin him to the floor and handcuff him."

Under cross-examination by Mr. S.W. Kentridge, SC, for Mr. Biko's family, Major Snyman said leg-irons had been put on detainees for the past few years after attempted suicides.

Mr. Kentridge asked what right Major Snyman had to put Mr. Biko in irons on the night of September 6 when Mr. Biko had shown no signs of violence until the morning of September 7.

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 fears that he would commit suicide.

Mr. Kentridge: Even with a pair of underpants?

Major Snyman: It is possible.

Mr. Kentridge accused Major Snyman of being evasive when asked why Mr. Biko had suddenly changed from being aggressive and unco-operative on September 6 to making admissions to the police.

"I want to know what methods of persuasion you use to make unwilling victims talk to you," Mr. Kentridge said.

Major Snyman said Mr. Biko had been confronted with statements by other detainees about the compiling of pamphlets and had then admitted his involvement.

Mr. Kentridge asked how Mr. Biko had, in the space of a few hours, been changed from denying any knowledge of an act to admitting it.

Major Snyman replied it did not pay to assault a prisoner to get information from him.

The provisions of Section VI of the Internal Security Act had been pointed out to Mr. Biko, under which he could be detained until he answered all police questions.

Mr. Kentridge said Mr. Biko had been detained for 101 days in 1976.

Threat

"What sort of a threat would it have been to say: 'If you don't answer questions we will keep you here?' "

Major Snyman said the police had information that Mr. Biko had contravened the conditions of his banning order.

Mr. Kentridge: You could have charged him with that. You didn't have to interrogate him. What can you do to a man who insists on keeping silent?

Mr. Biko was confronted with facts at the disposal of the police, told others had made statements against him and shown written statements, Major Snyman said.

Mr. Kentridge: That takes 15 minutes. What did you do for the rest of the seven or eight hours?

Major Snyman said Mr. Biko had been asked about his general activities in Black Power organisations, to which he had replied he was a member of the Black Peoples' Convention, which was not a banned organisation.

Confronted

Mr. Biko had been confronted with the facts against him and had been found outside the magisterial district to which he was confined.

He had been questioned about his activities from 1962 to 1977, asked about the drive to Cape Town, who was with him in what car and who had driven.

Mr. Kentridge then asked why five men were needed to interrogate Mr. Biko. Major Snyman replied that two of the policemen spoke Xhosa and understood African customs.

Mr. Biko had, however, been questioned mainly in English with a bit of Afrikaans.

Major Snyman was asked how he felt when he heard Mr. Biko had died.

"I was sorry as he was worth more to us alive than dead. I had sympathy for him," he replied.

He was not upset or worried and did not know why Mr. Biko had died.

Asked repeatedly whether he was surprised at Mr. Biko's death, Major Snyman said he did not think there was that much wrong with Mr. Biko because he had been told there was nothing physically wrong.

He did not regard it as important enough to discuss with his colleagues, although a man who had complained of illness in his hands had died a few days later.

He knew of the statement by Minister of Police Mr. Jimmy Kruger that Mr. Biko had been on a hunger strike.

He was not aware of a statement Mr. Kruger had made to the National Party Congress on September 14, when Mr. Kruger said Mr. Biko had said he would answer questions after 15 minutes, and then went on a hunger strike.

He personally had given Mr. Kruger no information, Major Snyman stated.

The hearing continues today. – (Sapa.)

Biko's 'fatal injury'

PRETORIA – Black activist Mr. Steve Biko died as a result of a head injury, according to the autopsy report by the chief State pathologist, Dr. J. D. Loubser.

A copy of the report was made available at the inquest into Mr. Biko's death here yesterday.

The report said there was extensive brain injury of the contrecoup 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 intravasal blood coagulation as well as acute kidney 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 death could have occurred in the region of 12 hours before his investigation and that the cause of death was a head injury. – (Sapa.)

Major Snyman said the incident was reported to the District Commissioner, Colonel Goosen, when he arrived at his office at 7.30 a.m. Colonel Goosen visited and spoke to Mr. Biko.

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."

Colonel 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 mats.

Untouched

"He was awake. He would not react at all to my questions. I noted that cartons of milk and a meat pie 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

SCHOOL OF ECONOMICS

ECONOMICS II

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File on Kruger submitted at Biko inquest

N.M. 15/11/77

325 det.

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.



DRESSED in mourning black at yesterday's inquest into the death of Steve Biko — the dead man's widow, Mrs. Ntsiki Biko (left) with his sister, Mrs. Nobanile Mvovu and his elder brother, Mr. Kaya Biko. Also present at the inquest was the wife of banned newspaper editor Mr. Donald Woods and a large number of journalists from the overseas Press.

At the end of the first day of the inquest Mr. S. 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 in 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 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 Ministers will be said to confirm or deny them.

"Unfortunately in addi-

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BIKO INQUEST HEARING

FROM PAGE 1

tion to the factual information a number of the Minister's statements contained certain theories, suggestions and hints regarding the manner in which Mr. Biko met his death."

Mr. Kentridge said he assumed the Court would ignore these and take regard only of the purely factual information. He was sure the information would help the Court's assessment.

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 "Amandhla" (power).

At the tea break, Mrs. Kgware stood at the main entrance of the court and led a large crowd 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

325 Biko

ARGUS 15/11/77

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 shackle him, during which 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 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 admissibility 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 Sanlam 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

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Biko aggressive—witness

(Continued from Page 1)

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 Mr Biko?

Major Snyman: Yes.

Mr Kentridge: To watch a man in leg irons chained to a grill.

Major Snyman said Mr 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.

They had been ordered by his commanding officer, Colonel Goosen.

Acoustics

Major Snyman denied having earlier admitted to Mr Kentridge that the men watching Mr Biko had been a night interrogation team.

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 can't hear you. Please speak up. Pretend you are speaking to Biko.

The magistrate said he could not expect witnesses to shout and suggested the advocates move closer to the Bench.

'At this stage we will have to make use of the facilties at our disposal,' Mr Prins said.

Kept overnight

Mr Kentridge then turned to the question of why Mr Biko was kept overnight in the Security Police offices in the Sanlam Building, Port Elizabeth, in leg irons, rather than being allowed to return to the Walmer police station for a good night's sleep.

He asked how a man could sleep in leg irons. Major Snyman replied: On his back.



MRS Wendy Woods, wife of the banned editor of the Daily Dispatch, Mr Donald Woods, was among the crowd that attended the Biko inquest at the Old Synagogue in Pretoria today.

Major Snyman 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 leakingout, a problem which had been experienced and the information Mr Biko possessed was one of the primary reasons he was being held.

Asked whether 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 not want to leak out if Mr Biko went back to the cells, Mr Kentridge asked.

Leftists

The major said there were 'leftists' who came during the night and communicated with people in the police cells.

Mr Kentridge: 'I propose that the witness was afraid the way Mr Biko was treated in the Sanlam Building would leak out.

Mr Kentridke '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.

'Are you sensitive to complaints that the Security Police allegedly assault Section 6 detainees? Mr Kentridge asked.

'It's a duty of the senior officer to see that detainees are not assaulted. It's my responsibility as a senior officer to ask about any complaints,' the major answered.

Major Snyman said Mr Biko acted belligerently that morning after police confronted him with specific evidence.

The major said: 'We got information from his own friends in King William's Town where pamphlets were being printed.'

Major Snyman accused Mr Biko of printing these pamphlets, which he called 'revolutionary' and said 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 smeared him after death to try to protect yourself. What on earth has your accusation 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 shackle him again, although initially two men were able to hold him down.

At Mr Kentridge's request, the five-man team 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 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 wild expression in his eyes and incoherent and slurred speech.

Colonel Goosen was called and, worried that Mr Biko might suffer from a fit, summoned a doctor.

Major Snyman said he thought Mr Biko had received a bruise on his upper lip during the scuffle at Sanlam Building.

Colonel Goosen later told him the doctor had certified that there was nothing wrong with Mr Biko apart from his bruised lip.

Mumbled

Major Snyman reported to his team that interrogation could continue, but Mr Biko's only reaction to questions was to mumble.

Mr Kentridge: He was obviously not in a normal state.

Major Snyman: I thought it was because he was still in that mood 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 Mr Biko, Mr Kentridge said. Why did they not go back to the comparative comfort of Walmer police station?

Major Snyman: The doctor said there was nothing wrong with him and we wanted to continue with our interrogation.

On the morning of September 8 Major Snyman received a report from the head of the night team that Mr Biko had slept peacefully and that at one stage he had asked Mr Bike some questions. Later, the head of the night team noticed that Mr Biko was talking in a slurred fashion.

Major Snyman said he doubted that Mr Biko had been urged to make a statement during the night.

The court heard that Major Snyman only made an entry in a police occurrence book a day after the chair-throwing incident on September 7.

Police orders

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 denied he listed the incident at Baakens police station, Port Elizabeth, after he heard a doctor was called to see Mr Biko on September 8.

Mr Kentridge: You have this most unusual event during which it took five men to control a suspect and you did not think an entry in the occurrence book was called for right away?

Entry delayed

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.

Major Snyman told the court that the struggle with Mr Biko was reported the following day as entry No 633 in the occurrence book at the Baakens Street police station.

The report stated that 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.

A struggle

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 an injury to his body.

Asked by Mr Kentridge what the nature of his injury was, he described it as a scrape on his chest.

Asked further what part of his head hit the wall, Major Snyman replied: 'The back.'

He said further in reply to questions that he had reported this bump on the head to Colonel Goosen.

Asked whether Colonel Goosen would have reported the bump to the doctor who was called, Major Snyman said he did not know but that it would have been normal to do so.

Affidavits

Mr Kentridge recalled that three doctors had between them made 12 affidavits on the case and that together with police affidavits there was a total of 28, none of which 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 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 Kentridge said General Kleinhaus had taken a number of affidavits which did not mention the bump. He would testify before the inquest court at a later date.

Mr Kentridge submitted that photographs had been taken of various things pointed out by policemen or warders, such as where Mr Biko was lying and un-

(Continued on Page 5)

Head injury cause of Biko's death, says report

The Argus Correspondent

PRETORIA. — The cause of Mr Steve Biko's death was a head injury, according to the postmortem report by the Chief State Pathologist, Professor J F D Loubser. There was extensive brain injury of the contrecoup type and an abrasion on the left temple.

Yesterday it was incorrectly reported in The Argus 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, Professor 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 intravasal blood coagulation, as well as acute kidney failure and uraemia.

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Major tells coui

(Continued from Page 4)

identified marks on the walls of the cells at Walmer, but one thing never pointed out was where Mr Biko had knocked his head against the wall during the struggle at the Sanlam Building.

Major Snyman said he was not asked to point out this particular spot.

Mr Kentridge submitted that if he had mentioned it to General Kleinhaus the first thing he would have asked to be pointed out would have been this spot.

Mr Kentridge: 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.

Never worried

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 Goosen.

Mr Kentridge asked whether it would not have been the proper thing to invite a magistrate to look at Mr Biko. Major Snyman said it was not felt to be necessary.

Mr Kentridge: Were you going to charge Biko with assault?

Major Snyman: No, there were serious charges to be brought against him.

Mr Kentridge pointed out that the Security Police had even charged Mr Biko for not stopping at a stop street.

Changed statement

Shortly before the morning adjournment, Major Snyman changed his statement that Mr Biko had hit his head against a wall.

The retraction came when asked by Mr Prins about the incident. 'It's possible he did not bump his head,' the major said.

Mr Kentridge: I don't think there is any value in your statements. You said in the occurence book he fell against the wall, and you so graphically demonstrated that to this court. Mr Kentridge then asked whether he knew anything about a scab 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.

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 J O Beneke and Staff-Sergeant G J Nieuwoudt.

The counsel representing the police involved in the case, Mr P R Van Rooyen, SC, then started to cross examine Major

In response to his questions, Major Snyman, said he had been engaged in general security work, including interrogation for 10 years. He was actually a member of the section dealing with coloured people 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 allegations were always investigated.

Mr van Rooyen recalled Mr Kentridge's questions about how Major Snyman had managed on September 6 to get an unwilling witness to make admissions. He 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.

Cape Town visit

Major Snyman 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 domestic troubles,' Mr Biko allegedly 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 Jones to visit friends. He added he wanted to do something about a breach 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 Mr Biko, confront him and obtain an admission.

Mr Kentridge commented concerning a certain document in this matter that originally when his instructing attorney asked to see the document, he was told it would not be released until reasons could be produced as to its relevance.

Yesterday Mr Prins, presiding magistrate, allowed the family's representatives to examine the document. Mr Kentridge said it would appear it had no relevance to the case.

'Supposing the major convinces the court that Biko was the author of this subversive pamphlet surely it will not then be argued that if a man writes subversive pamphlets he is free to kill him.'

Mr Kentridge added that there had been efforts 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 to continue hearing the inquest into the death of Mr Steve Biko.

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 organisations, 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 heal a rift in the BPC but to help to form 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 Snyman alleged was to perform acts of terrorism in South Africa as well as to recruit people to undergo terrorist training overseas.

Talks had already been held with Mr Robert Sobukwe, the banned former leader of the PAC, about the organisation,

'Revolutionary'

Major Snyman said that when he presented information about the organisation to Mr Biko on the morning of September 7 he was attacked.

He feels the information prompted the attack during which Mr Biko might have hit his head.

There were gasps and low whistles from the public gallery when Major

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t of serious charges

Snyman described Mr Biko as 'a revolutionary' and not a peaceful man.

Biko's image

Major Snyman said, under cross-examination by Mr van Rooyen, that a tremendous image had been built up by the Press of Mr Biko as being a man in favour of peaceful change.

However, he said, Security Police were in possession of information to the contrary, supplied by Mr Biko's associates.

If produced in court at a trial this information would have shown to the whole world that Mr Biko was a revolutionary.

This information, he added, was based on facts not deduction. The police had sworn statements concerning Mr Biko's authorship of a revolutionary pamphlet and full details of who had helped to produce it.

Facts

Mr Biko was confronted with these facts on the morning of September 7 and Major Snyman said it was this that led to his going beserk.

Mr Kentridge, for the family, interposed 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.

Mr van Rooyen interposed here to say that it was the contents of the documents, not the documents themselves with which Mr Biko was confronted, which led to his eruption.

Admissibility

The magistrate said here that he had the problem of deciding on the admissibility of the documents. The documents should be laid before him for the sake of seeing the information contained in them, but that he would decide on their admissibility later.

Major Snyman said this information, obtained through questioning certain detainees, was already available to him on September 6. Unfortunately the statements were made after Mr Biko's death, he said.

Before Major Snyman read a copy of the pamphlet in court Mr Kentridge said the witness would need an interpreter — the pamphlet was in English.

Solidarity

The pamphlet urged students, workers and parents to show solidarity. Everybody should take a stand, especially the parents. They should identify with either the struggle or the enemy.

Parents had seen their children murdered in front of their eyes. Angola and Mozambique had shown the way to liberation.

Students who had seen nothing but life under oppression had died for a freedom described to them by others.

Blacks had seen unarmed people being blown to pieces by weapons of the 'racist regime'.

The pamphlet appealed to blacks to show solidarity for those in exile and jail as well as those who had lost family members.

The entire black community should stay at home on August 18 and wear black clothes.

No mercy should be shown to collaborators, who should be killed. When there were bodies lying in the streets then there would be freedom.

Black people were going to get their freedom. 'Long live the revolution, power,' the pamphlet concluded.

Answering further questions from Mr van Rooyen, Major Snyman again explained what happened during the 'very vicious scuffle' with Mr Biko early on September 7.

Bumping

He said it was impossible to say whether Mr Biko bumped the back of his head or his forehead against any objects.

'There was much to-and-fro and at stages we did not know who was grabbing what part of Mr Biko's body.'

At one stage all five officers were pinning Mr Biko against the wall, but after he was eventually handcuffed, there were no obvious signs of serious physical injury.

(Proceeding)

The hearing is before Mr M J Prins, Pretoria's Chief Magistrate, who is assisted by two medical assessors, Professor I Gordon of the University of Natal Medical School and Professor J Olivier of the University of the OFS Medical School.

Leading the evidence is Mr K von Lieres, the Deputy Attorney-General of the Transvaal.

Appearing for the Biko family are Mr Sidney Kentridge, SC, with him Mr George Bizos and Mr Ernest Wentzel, instructed by S Chetty and Co.

Appearing for the police involved in the case is Mr P R van Rooyen, SC, with him Mr J M C Smit, instructed by the State Attorney.

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15/11/77

By HELEN ZILLE

BLACK Consciousness leader Steve Biko had a violent struggle with his interrogators only days before he died.

This was said in evidence in Pretoria yesterday by Major Harold Snyman, who was the leader of the five-man Security Police interrogation team.

Yesterday was the opening of the inquest into the death in detention of Mr Biko on September 12.

Telling of events on the second day of an interrogation of Mr Biko in a Security Police office in Port Elizabeth on September 7, Major Snyman said: "Suddenly Mr Biko jumped up from his chair with a wild expression in his eyes.

"He threw the chair at me . . . I jumped out of the way and it missed.

"Then, with clenched fists, Biko charged at Warrant Officer Beneke, standing next to me."

Mr Biko lashed out wildly at W/O Beneke and pinned him against a steel cabinet, said Major Snyman.

Other members of the team tried to grab Mr Biko, who was beside himself with fury, said Major Snyman.

Major Snyman said he was told later by Major-General Kleinhaus, the officer appointed by the Commissioner of Police to investigate Mr Biko's death, that Mr Biko had died of brain injuries.

He was shown a photograph of the body. It showed a mark above the left eye. He was told the injury might have been sustained while Mr Biko was in his custody.

He was told there might be criminal proceedings, and was warned that he need not make a statement, but any statement could be used as evidence.

"At no stage did I notice the external mark on Mr Biko's forehead. I can also not explain how it was sustained," said Major Snyman. "Biko was not assaulted by anyone in my presence."

Interrogation of Mr Biko at the Security Police offices began at 10.30 on September 6. He was questioned by a five-man team under Major Snyman.

"It was immediately clear from Biko's whole attitude that he was extremely aggressive towards members of my interrogation team," said Major Snyman.

Mr Biko was evasive initially, but became more cooperative as the interrogation progressed..

Witnesses gave evidence yesterday that Mr Biko at first said he had gone to Cape Town with Mr Peter Jones to get away from marital problems: later that he had gone to heal a breach in the Black Peoples Convention.

He had also acknowledged that he and Mr Patrick Titi, another detainee, compiled pamphlets which were distributed in Port Elizabeth on August 17.

That night Mr Biko was put in an office and given two sleeping mats and three blankets. He was handcuffed and put in legirons attached to the grille at the foot of the mats.

Interrogation was resumed the next morning at 7 am.

The handcuffs and legirons were removed and he was offered a chair to sit on. He had no complaints and again refused food or water, said Major Snyman.

Major Snyman said that in the struggle that broke out later "we knocked against the tables in the office".

Full Report, Pages 14, 15

M.A. Bax-Botha

Counsel query on Kruger words

THE Minister of Police, Mr J T 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 his death yesterday.

At the end of the first day of the inquest, Mr S W Kentridge, SC, introduced a bulky file containing statements made by Mr Kruger.

Mr Kentridge said in questioning 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 in the affidavits police officers have filed."

It was therefore important to test the credibility of cerain 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 the affidavits he had collected were transcripts and taperecordings 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.

"Unfortunately, in addition to the factual information, a number of the Minister's statements contained certain theories, suggestions and hints regarding the manner in which Mr Biko met his death."

Mr Kentridge said he assumed the court would ignore these and take regard only of the purely factual information. He was sure the information would help the court's assessment.

Mr P R van Rooyen, representing all policemen involved in the case, said he would look at Mr Kentridge's affidavits. — Sapa.

Biko was lying looking at his eyes were glazed —

Own Correspondent

PRETORIA. — The inquest into the death of Mr Steve Biko began in Pretoria's Old Synagogue yesterday — almost exactly two months after the black consciousness leader died in detention in Pretoria on September 12.

For the first time the public heard evidence from the security policemen who had contact with Mr Biko during the last days of his life while in detention in Port Elizabeth.

A huge crowd of spectators and foreign pressmen crowded into the court room and battled against bad acoustics to hear the evidence that was led, mostly in Afrikaans.

Mr S Kentridge, SC, appearing for Mr Biko's family, said the family was well versed in English but had difficulty in understanding Afrikaans.

A gasp rose from the crowd as the leg irons used to tie Mr Biko down after a violent struggle with five security policemen were produced in court.

This is how the day's evidence ran:

Food heaped up in Steve Biko's cell, but no steps were taken, because he never spoke.

This evidence was given by Sergeant Paul Kruger Janse van Vuuren, the sergeant in charge of the charge office at Walmer, Port Elizabeth, where Mr Biko was detained from August 18 to September 6 and again for a few hours on September 11.

Sergeant Van Vuuren was one of the first witnesses at the inquest which started at the Old Synagogue before the chief magistrate of Pretoria, Mr M J Prins and two assessors.

The inquest got off to a slow start because of a dispute about the country's official languages as applied to court procedure.

The difficulties started when the first witness, Lieutenant Gert Kuhn, was called to the witness box. Lieutenant Kuhn chose to speak in Afrikaans and Mr S D Kentridge, SC for the Biko family, told the court that he had arranged for a sworn interpreter, because the family did not understand Afrikaans.

The interpreter, Mr Jones, came to the front of the room, but told the presiding magistrate that he could not undertake to translate from Afrikaans to English. He would 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 and knew that he had been specifically engaged to translate from Afrikaans to English.

Mr Kentridge asked Mr Prins if there was another interpreter available and reminded him that he had previously said there was another interpreter available.

Mr Prins said this interpreter was not available and again asked Mr Jones if he would translate, but Mr Jones was adamant. "I will not make a fool of myself," he told the court.

Mr Jones was excused and Mr K von Lieres, who led the evidence for the state read Lieutenant Kuhn's three statements.

Problem continued

When Mr Kentridge started his examination, the problem continued, however.

Mr Kentridge said he chose to ask his questions in English and asked Lieutenant Kuhn if he wanted an interpreter.

Questioned by Mr Prins, Mr Kentridge said that counsel had the right to use the official language he chose and he did not propose to ask his questions in any language but English.

Mr B R van Rooyen, SC, for the police argued that the witness had the right to chose the language in which he wanted to give evidence. If counsel was not prepared to use that language he would make provision for an interpreter, he said. Mr Von Lieres said that in his experience the courts have always deferred to the witness's choice, but he would not like to commit himself without studying the legal position.

Mr Kentridge pointed out that he was quite able to examine in Afrikaans, but he did not choose to do so and said that if the court was not prepared to find an interpreter the team for the Biko family would take steps to find one for themselves.

Mr Prins said that counsel had no right as a matter of course.

Protect witnesses

He had to protect the witnesses, however, and if Mr Kentridge would not put his questions in the witnesses's language he would adjourn so that an interpreter could be found.

After a lengthy adjournment the court reconvened with another interpreter who translated English into Afrikaans for Lieutenant Kuhn — except on a couple of occasions when Lieutenant Kuhn answered the questions in English.

Before Lieutenant Kuhn was called to the witness box Mr Von Lieres read to the court a statement by Lieutenant Alfred Oosthuizen, of Grahamstown.

In the statement Lieutenant Oosthuizen said that on August 18 he received information that inflamatory pamphlets were being distributed, pamphlets which were inciting the blacks to cause riots!

He also learnt that Mr Biko was on his way from King Williams Town to Cape Town and had reason to suspect that he was actively concerned in the distribution of the inflammatory pamphlets.

At 8pm that day he put up a roadblock and at 10.20pm a white station wagon stopped at the blocade.

He asked the driver to unlock the boot but the driver was unable to. When he asked him why the driver first said he could not because the car belonged to his firm and then that he could not because the car belonged to a friend.

Discrepancy

Because of the discrepancy Lieutenant Oosthuizen asked the driver to identify himself, the statement read.

Both the driver and his passenger were cheeky and made derogatory remarks, the statement read. Lieutenant Oosthuizen asked the passenger to get out and the passenger asked in a belittling manner if that was normal procedure.

He then got out and the driver identified himself as Peter Jones and the passenger as Bantu Biko. They would not elaborate and Lieutenant Oosthuizen decided to take them to the charge office.

At the charge office he asked Mr Biko if he had permission to be outside the King William's Town district as he had been con-

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fined to that district. Mr Biko said he had no written permission and that he (Lieutenant Oosthuizen) could do as he liked.

Mr Biko laughed at him and in doing so, he fell on a bench and the bench broke, Lieutenant Oosthuizen's statement read.

He tried to search Mr Biko and his companion but they refused and Mr Biko grabbed his hands. He did search them, but Mr Biko said he wanted to take his private possessions with him to the cell, the statement read.

Lieutenant Oosthuizen told him it was not allowed and took him to his cell.

According to this statement Lieutenant Oosthuizen contacted his commanding officer who told him to take the two men to Port Elizabeth and that was done the following day.

Mr Von Lieres read a statement by Major Andries Michiel Kuhn, of Cape Town, in which he said that he had been in charge at the road block when the station wagon was stopped and later in the charge office when Mr Biko and his companion were searched. Lieutenant Gert Kuhn was then called to the box.

He read to the court three statements which he had made regarding Mr Biko.

In the first statement, dated October 20, Lieutenant Kuhn gave a list of times when he had visited Mr Biko in his cell. The list started at 8.10am on August 22 and included alleged visits on September 8, 9 and 10.

He saw no injuries on Mr Biko and had no knowledge of any incident when he could have been injured, he said.



The second statement, dated October 18, related to a visit to Mr Biko's cell with a police photographer and positions which he pointed out to him were photographed.

In the third statement, made on November 9, Lieutenant Kuhn changed his first statement. He did not visit Mr Biko on September 8, 9 and 10, he said.

Lieutenant Kuhn repeated the list in his third statement leaving out these dates and said that he had not been told by other policemen that Mr Biko would not eat or that he had complained.

He also never received any complaints from Mr Biko, he said.

He did, however, only see him lying under a blanket with no clothes on and could not say in what way he walked.

He was the second in command at the Walmer Police Station and visited Mr Biko in the course of his duties, he said.

Mr Biko had been alone in his cell and had been detained under the Terrorism Act, Lieutenant Kuhn said. Although Mr Biko had been asked daily if he had any complaints he always answered in the negative.

Mr Biko's daily rations had been soup, mageu, bread, jam and coffee, but the rations heaped up in his cell, he said. Mr Biko did not ask for other rations. There was always fresh water in the cell, but because Mr Biko never complained he did not check if he drank the water.

Examined by Mr Kentridge, Lieutenant Kuhn said he spoke to Mr Biko in English.

When he made his first affidavit giving the time of his visits to Mr Biko, he knew it would be required for inquest proceedings, he said.

He saw no injuries on Mr Biko and in particular did not see the bruise on the left side of Mr Biko's forehead shown in the photograph handed to him.

His statement in regard to the times of his visits was not false, "Just faulty", he told the court. It was rectified in a further statement.

The reason for the "mistake" was that when he arrived to make the affidavit an extract had already been made by the station commander from the record book where he had noted the times of his visits to the cells, he said.

The times were inserted into the affidavit by himself without checking. He knew that his evidence would be used to show that on those dates there was nothing wrong with Mr Biko.

After September 6 he did not see Mr Biko again, he said.

He only saw that the dates were wrong when his attention was drawn to it by Mr Von Lieres in consultation, he said.

He would have noticed the mistake if he had read the statement, Lieutenant Kuhn said He would not have sworn that the statement was true and correct because he would have read it, he told the court. Lieutenant Kuhn then said he had read the statement through before he signed it.

Lieutenant Kuhn said he had made his first statement about Mr Biko on September 14 and made the others on October 18 and October 20 when General Kleynhans visited Port Elizabeth.

The general questioned everybody who had had anything to do with Mr Biko. These statements were made on roneod forms, but he did not know who roneod the forms. They were not brought by the general.

Sergeant Janse van Vuuren then gave evidence. He visited Mr Biko daily from August 18 to September 6 and again on September 11 but Mr Biko never complained, he said.

His impression was that Mr Biko did not want to speak. He gave Mr Biko meals of soup, mageu, bread, margerine, jam and coffee. Mr Biko refused the soup and mageu 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 Walmer 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 mats.

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 Tucker 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 last occasion to a police photographer.

On October 20 he gave a third statement to General Kleynhans on a roneod form on which particulars 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 bruise on Mr Biko's forehead shown in the photograph. Mr Biko's skin colour was much darker than shown on the photograph, 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 mageu 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 arms from the back and dragged him to his sleeping mats.

Mr Prins: Like a life-saver.

Under examination by Mr S Kentridge, SC, appearing for Mr Biko's family, Sergeant Van Vuuren said he had received instructions that Mr Biko should be kept naked in the cell.

Mr Kentridge read to the court a report by a magistrate who saw Mr Biko at the Walmer police cells on September 2, in which the magistrate said Mr Biko had asked for water and soap to wash himself, as well as a cloth and a comb.

"I want to be allowed to buy food. I live on bread only here. Is it compulsory that I have to be naked? I have been naked since I came here," Mr Biko is reported as saying in the magistrate's statement.

Mr Kentridge asked whether Mr Biko was kept naked in order to humiliate him.

"I cannot say," replied Sergeant Van Vuuren.

Sergeant Van Vuuren confirmed that from August 18 to September 6 Mr Biko was not allowed out of his cell.

Frothy

"Isn't a prisoner entitled to exercise in the open air?" asked Mr Kentridge.

Sergeant Van Vuuren said he was acting on instructions from the head of the security police in Port Elizabeth, Colonel P Goosen.

Sergeant Van Vuuren confirmed that when he saw Mr Biko on September 11, the day before his death, he had frothed about his mouth, his eyes appeared to be glassy and his breathing was hurried.

At 6.20pm on September 11 Sergeant Van Vuuren booked Mr Biko out of the Walmer police station. He had no knowledge of where Mr Biko was taken.

The next witness was Major Harold Snyman, of the security police in Port Elizabeth. He was the leader of an investigation team of five appointed to interrogate "the black power detainees," Major Snyman said.

Mr Biko was detained on August 19 but for strategic purposes others were interrogated before him. On September 6 it was decided that Mr Biko could be confronted with certain evidence and he was taken to office number 619 in the Sanlam building in Port Elizabeth. The interrogation began at 10.30 and lasted till 6pm.

Major Snyman said Mr Biko adopted an extremely aggressive

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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 Peoples' 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 detainee, 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 involvement 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 evading my questions. At the beginning he 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 involvement 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 leg-irons and handcuffs removed and was offered 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 grasp 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 619. 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."

Mr Biko was talking incoherently and in a slurred man-

Turn to page 6

Pg 4 (325) Argus 15/11/77

Counsel tells of 'discrepancies'

(325)

STEVE BIKO INQUEST



Old Synagogue, Pretoria

ner, Major Snyman said.

Mr Biko had refused to react to any questions and the wild expression in his eyes remained. At 9.30 the same morning, the district surgeon, Dr Lang, gave Mr Biko a medical check-up at which Major Snyman was not present.

After the investigation Major Snyman said he and the team tried to communicate with him, but he would not respond to questions. He gave orders that Mr Biko be allowed to rest on his mat and covered with a blanket. He was still handcuffed and the leg irons were tied to the grille.

He was repeatedly offered water but he mumbled a refusal.

Mr Biko was passed into the custody of a night team under Lieutenant Wilken.

The following morning, September 8, Major Snyman and his team returned to find Mr Biko still lying on the floor. He was awake but would not respond to questions.

There was no question that the investigation could continue as there was no reaction from Mr Biko to questions put to him.

Major Snyman said he was aware that Dr Lang had found nothing physically wrong with Mr Biko the previous day, and a medical certificate to this effect had been handed in to Colonel Goosen.

When he noticed that Mr Biko was still refusing to answer questions he reported the incident of the struggle in "an incident book".

Major Snyman was aware that Colonel Goosen called Dr Lang again on September 8. He learnt that Mr Biko was taken to the prison hospital on September 8 and that on September 11 he was moved to the Walmer police cells.

He was present on September 11 at 1820 hours when Mr Biko left for Pretoria with Captain Siebert and other members of the police force.

Reasonable

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 only as much as was necessary to pin him down on the floor and handcuff him, Major Snyman 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 Snyman answered.

Mr Kentridge: How did you feel when you heard that Mr Biko had died?

Major Snyman: I felt bad about it. He was worth more to us alive than dead.

Mr Kentridge: Is that why you were sorry?

Major Snyman: I also had sympathy with the death.

Mr Kentridge: Were you surprised that he had died?

Major Snyman: I was surprised. We did not think there was so much wrong with him as . . .

Mr Kentridge: As what?

Major Snyman replied that they had a certificate from the doctor to say there was nothing physically wrong with Mr Biko.

Major Snyman said Mr Biko had never complained of anything wrong and it was a surprise that he had died.

Mr Kentridge questioned Major Snyman 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 Snyman, did you give any information to the minister?

Major Snyman: I reported to my commander. He took it further.

Mr Kentridge then handed in an affidavit by a Mrs Ilona Kleinschmidt containing statements by the Minister of Police on 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 Snyman 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 Kleinhans was conducting the investigation to find out how Mr Biko received these injuries. He was told he did not have to make a statement.

Major Snyman 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 Snyman said in the statement dated October 20.

In examination on the fact that Mr Biko was kept naked in the Walmer police cells, Mr Kentridge asked why this was the case.

Major Snyman 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 suggesting 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 Snyman said they had not had experience of this in the Walmer 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 Snyman said.

Mr Kentridge asked that the leg-irons used on Mr Biko be produced.

Mr Kentridge: At no time before 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?

Major Goosen replied that the office was unlocked.

Mr Kentridge: Could you not have locked it? I think you will have to give a better answer. Why did you put him in leg-irons? Was it to break the man down or only to prevent escape?

Major Snyman: It was the custom.

Policemen struggled with Biko — inquest told

X (375 - Detention) Cape Times 15/11/77

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 foam around his mouth. His eyes were glassy and his breathing was hurried.

Court no to part of police evidence

X (325 - Detention)
Cape Times 16/11/77



Major Harold Snyman, leader of the five-man security police team which interrogated Mr Steve Biko.

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".

Report in full, pages 4 5 6 and 9

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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: 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 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.

'We fastened his hands and

CT. 16/11/77

Continued from page 6

Mr Van Rooyen then said the contents of the documents 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.

The pamphlet, allegedly compiled by Mr Biko and permitted as evidence, called for all blacks to go for a strike on August 18 in commemoration of the Soweto riots.

"Our black parents have seen our children being brutally murdered and others maimed for life. The oppressed people of Mozambique and Angola have shown us the way of overthrowing a regime in spite of the arms at the disposal of the state," it said.

"We have seen young students die for freedom about which they have heard from others. We have seen our children, old people, our brothers and sisters being blown to pieces by the racist regimes' sophisticated weapons."

Appealing for solidarity for the strike, the pamphlet urged people to organize themselves into groups and for action to be taken against those who did not comply.

Blankets

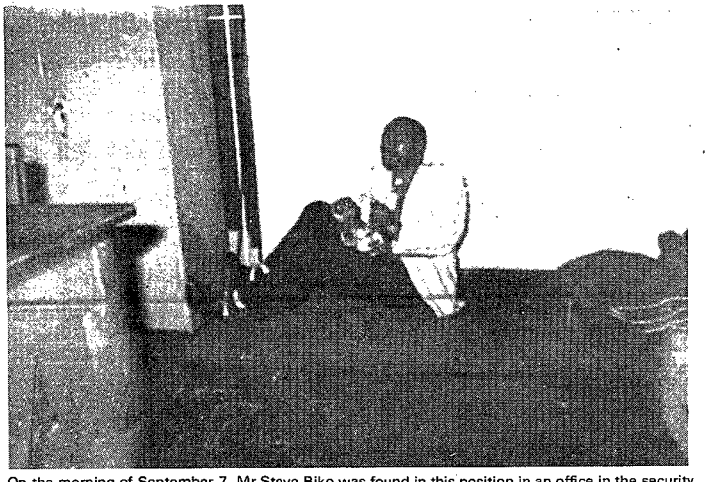
"There should be bodies lying in the street, bruised and bleeding people. The black people are going to get their freedom. No power was strong enough to stop this. Long live the revolution," the pamphlet said.

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.

Mr K [illegible] who is



On the morning of September 7, Mr Steve Biko was found in this position in an office in the security police building in Port Elizabeth. He was found by Colonel Goosen, the head of the security police in Port Elizabeth. Mr Biko's right foot was fastened to the bars and he was shaking his fists in an effort to get rid of his handcuffs.

evidence, Mr Kentridge referred to the words "You are harassing me and you are intimidating me".

"This morning Major Snyman used those same words. Do you know that?"

Mr 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.

Injury

Mr Kentridge drew Mr 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.

"Is that true?" asked Mr Kentridge.

Mr 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.

Mr Marx: I didn't see him hit his head against the wall.

In the second statement of October 10, which was an unsworn statement, Mr Marx said he had not noticed any mark or wound above Mr Biko's left eye as was shown on photographs.

Mr Biko was much darker than his appearance on the photo.

The bump he referred to in his previous statement was definitely not a dull thud, Mr Marx said.

Mr Marx said he could not explain how Mr Biko had got the mark or wound that appeared on the photograph.

In his statement before the court yesterday, Mr Marx said that the bump he heard definitely had a metallic sound like that of a chair being thrown.

Skirmish

Examinging Mr Marx on aspects of Mr Biko's death, Mr Kentridge asked whether he was interested in what caused the death.

Mr Marx: I guessed. 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?

Mr Marx: In that skirmish any reasonable person can believe that he may have got an injury.

Mr Kentridge: Really? Did you tell that to General Kleinhaus? (The police officer sent from Pretoria to investigate the matter.)

Mr Marx: Questions were put to me and I answered them.

Mr Kentridge: Did you put this theory of yours to General Kleinhaus?

Mr Marx: I answered his questions and he didn't ask me to elaborate.

Mr Kentridge: Didn't you think the scuffle was one of the reasons why he was not behaving in a normal manner when the doctors came to see him in Port Elizabeth?

Mr Marx: I didn't have much to do with him.

Mr Kentridge: He fell twice. Did you see him fall on his head?

Mr Marx: No.

Mr Kentridge: Did you know that Colonel Goosen thought the man might have had a stroke?

Mr Marx: I had no communication with Colonel Goosen.

The following witness to take the stand was Major R Hansen from King William's Town.

Mr Kentridge requested that the court keep to the schedule for witnesses and call Captain D Siebert who also was involved in the scuffle 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 repeated the details contained in the other statements.

Captain Siebert was pres throughout the struggle September 7.

Immediately after the incide Major Snyman reported it Colonel Goosen who came i the interrogation room and tr to communicate with Mr Bik

"Biko was still beside him with fury and spoke in a slur manner," Captain Siebert sai

Colonel Goosen then left interrogation room, he said.

Because of Mr Biko's me (geestelik) condition, no furt communication was possible v him and the interrogation was terrupted.

At 9.30am the district surg examined Mr Biko. The in rogation team then tried agai communicate with Mr B without success.

Back to cells

On the following day they tried unsuccessfully to conti the interrogation of Mr Biko. attempt was then stopped.

The district surgeon was ca again.

At 8.30pm on September Captain Siebert was present w Mr Biko was removed from prison in Port Elizabeth taken to a medical examinati

On the morning of Septem 11 — the day before Mr Biko — a Major Fischer told Cap Siebert that he, Lieuten Wilken, and Detective Serge Nieuwoudt were to take Mr B back to the cells at Walmer.

This was done at approxim ly 9.30am.

of the arrest of Canon Brunsden rg. Whatever the outcome of th he is now involved, he will be ed in the prayers of us all at time.

feet to the grille'

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 Van" Lieres (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 scuffle, Mr Kentridge mentioned the words that Mr Biko allegedly used — that he was being intimidated and harassed.

At 4.30pm Colonel Goosen told Captain Siebert over the telephone to make the necessary arrangements for the possibility of transferring Mr Biko in a stationwagon to Pretoria in case he could not get an aeroplane. Sergeant Nieuwoudt then made arrangements for the stationwagon.

At 6pm Colonel Goosen told them to take Mr Biko to Pretoria Prison for medical treatment.

At 6.30pm they left for Pretoria with Mr Biko. They arrived at Pretoria Prison around 9am. There 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.

No documents

Captain Siebert said that Mr Biko had made that claim before the struggle broke out.

Captain Siebert confirmed the evidence of a previous witness that no documents had been shown to Mr Biko during that interrogation.

Captain Siebert 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.

Questioning 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 entry to him.

Mr Kentridge: As far as you were aware was that true?

Captain Siebert replied it was not impossible that he had bumped his head against the wall.

Mr Kentridge: Did you see him fall with his head against the wall?

Captain Siebert: No.

Slept in office

The interrogation team left that night at 6pm.

On the morning of September 7 at 7am, Mr Marx said he went on duty with the rest of the team but was working on other matters in the room alongside the interroga-tion room.

At approximately 7.20am as the result of a hard bang, he and Detective Sergeant Nieuwoudt charged into the interrogation room. When he went into the office he saw Major Snyman, Captain Siebert and Warrant Officer Beneke 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 grille with leg-irons.

Mr Marx and Sergeant Nieuwoudt rushed to help their colleagues and during the struggle bumped against tables and chairs. For a few minutes they managed to hold Mr Biko down to the floor.

"We fastened his hands and feet to the grille," Mr Marx said.

Mr Marx said he noticed that Mr Biko's upper lip was swollen.

Questioned by Mr Von Lieres, Mr Marx gave a graphic description of the struggle with Mr Biko.

He said Detective Sergeant Nieuwoudt charged Mr Biko and hit him with his shoulder in the middle of Mr Biko's back.

Mr Biko then 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."

He was furious and raving, Mr Marx said.

Mr Biko was then pinned down and handcuffed.

Questioning him on his

'He jumped like a man possessed'

Continued from page 5

headache and asked for a tablet.

Mr Kentridge said it was "rather odd" that before the post-mortem results were out there were statements from Minister Kruger "about things like hunger strike", but absolutely no mention of anyone banging his head against a wall.

"Did you not think it your duty to make known to your superiors that Mr Biko banged his head against a wall? Twenty-eight affidavits had no mention of it? Perhaps it never happened?"

Major Snyman: He must have bumped his head.

He bumped his own head against a pillar behind the witness box and said that at one stage when Mr Biko's shoulders were against a wall of the office he could have bumped his head against the wall.

Then Major Snyman said he never saw or heard a bump. He was making an inference. It was still possible that Mr Biko never bumped his head at all.

Mr Kentridge: You have clearly demonstrated that no credence can be placed on this evidence.

Questioned by Mr P R van Rooyen, SC, appearing for the police, Major Snyman said he had been involved in interrogation duties for 10 years. In all this time he had never had a charge of assault against him. Allegations of assault against members of the security police were thoroughly investigated, he said. He also did not know of any assault charges against other members of his staff.

During the interrogation on September 6 he first questioned Mr Biko about his general activities since his student days. He had in his possession a 112-page statement made by Mr Biko during a previous detention, he said.

This was a general conversation "to win Mr Biko's self-confidence", but it was not as if they were "great chums". Mr Biko answered him rather rudely "so what" when asked about the Black People's Convention.

His object

Major Snyman said his object was to prove that Mr Biko was the father of black power and the founder of black power organizations. This conversation in which he wanted Mr Biko to "admit this paternity" took a long time, he said.

Just before lunch on that day they reached the topic of Mr Biko's trip to Cape Town. Then they proceeded 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: 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.

Mr Kentridge: It is not the case that if a man writes subversive pamphlets one is free to kill him. I can 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 that he had told Mr Biko that he had information that his trip to Cape Town was not in connection with a breach in the Black People's Convention or with his domestic problems but to start a unified revolutionary front including the PAC, ANC and Black People's Convention.

He had also told Mr Biko that he had information that Mr Biko would be sent overseas to a meeting of these organizations 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.

Mr Kentridge rose, and after asking Major Snyman about the dates on which the various statements had been signed, told the court they could not possibly have been read to Mr Biko.

"They were prepared after his death," he said. "They were part of a smear prepared after Mr Biko's death and I think this is a disgrace."

"May I explain?" Major Snyman asked.

"You already have, Major," was Mr Kentridge's reply.

The presiding magistrate, Mr Prins, then said he had to decide whether the statements, previously handed in as court evidence, were admissible.

Major Snyman explained that although he did not have the official, signed statements to present to Mr Biko on that morning, the facts contained in them had been available to him before the signed statements were compiled.

Major Snyman, referring to Mr Biko's detention at the Sanlam Buildings, said the detained man had been clothed in corduroy trousers and a striped shirt. He admitted that Mr Biko had later been kept naked in the Walmer cells.

"While he was with me at the Sanlam buildings, we had him under close guard, his hands were cuffed and his feet fastened in leg irons," he said.

He also read out the "August 18 commemoration day" pamphlet in court, in which it exhorted "all black people" to solidarity, especially the "neutralized parents". According to the words read out in court, it called for a commemoration service on August 19 at 2pm, at which all were to wear black. No mercy was to be shown to informers, it read.

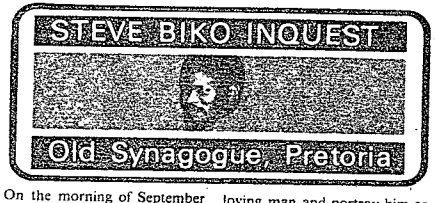
When asked about the struggle between Mr Biko and the five policemen, he described the facts as he had on the previous day and added that at one stage Mr Biko shouted: "You people are harassing me, you are intimidating me."

"Finally, after a struggle which lasted about two minutes, we had him," he said. "Later, it took three people to handcuff him."

Major Snyman was asked when he thought a person in detention was most 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.

Major Snyman also said the struggle between himself, his four policemen and Mr Biko had gone so fast it seemed "like a boxing match and you couldn't see who was hitting who, or where".



On the morning of September 7, Major Snyman said 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 these admissions had been made by other detainees who were friends of Mr Biko.

The statements also contained the information of Mr Biko's plans to go overseas where he would plan the formation of a united front.

"I also told him that evidence was available that there would be an internal movement in South Africa responsible for terror and an external wing to organize people to return to South Africa to overthrow the existing order," Major Snyman said.

Major Snyman also put it to him that he had seen Mr Robert Sobukwe, the president of the banned PAC, and had discussed matters with a Mr Barney Pityana.

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 prove to the world that Mr Biko's image was false.

Major Snyman replied that he had a newspaper cutting from the East London Daily Despatch of an article written by a Mr Donald Woods about the merging of a new front under the name Azania Liberation Front. But in addition he had statements from his (Mr Biko's) own friends, the people who worked with him.

"It would then have been clear to him that his friends had left him in the lurch. 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," said Major Snyman.

Mr Van Rooyen: You were there. Why did he go berserk?

Mr Snyman: I confronted him with these facts. He jumped up immediately like a man possessed. I ascribe 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 it, the roneoing of it 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 that the pamphlet and the statements by other detainees be handed in 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 part of the reason for his sudden wild outburst.

Mr Kentridge: These sworn statements were put to Mr Biko on the 6th or on the morning of the 7th?

Contents

Major Snyman: On the morning of the 7th.

Mr Kentridge then checked with the magistrate that the date of the affidavits ranged from September 15 to 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.

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X (325 - Detention)

Biko: Some police evidence ruled out

EP Cape Times 16/11/77

Continued from page 4

tion when Mr Biko had got angry with a policeman and had tried to punch him. On that occasion two men brought Mr Biko under control with no difficulty, he said.

Major Snyman said that after they had succeeded in subduing Mr Biko they chained him again to the iron grille. Colonel Goosen came in almost immediately afterwards when Mr Biko was still struggling. He still had a wild expression in his eyes, spoke incoherently and in a slurred manner. Colonel Goosen was worried because he thought that Mr Biko was so angry that he could have a stroke, Major Snyman said.

He himself, however, thought that the slurred speech was caused by a bruise on Mr Biko's upper lip.

A doctor was called and Colonel Goosen later told him that the doctor's certificate showed that there was nothing physically wrong with Mr Biko apart from the mark on his lip.

Major Snyman said that one could expect bleeding on the brain when a person got that angry.

After the doctor had left he 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 that 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.

Slept calmly

When he came on duty the next morning Lieutenant Wilken, who had guarded Mr Biko during the night reported to him that he had slept calmly but had at one stage asked to make a statement. Lieutenant Wilken had told him that he could make a voluntary statement if he wanted to.

Major Snyman said he 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 Snyman said that he did make an entry in the occurrence book on the 8th although he had made no entry before. He made this entry because Mr Biko stubbornly refused to answer questions and he felt he was "shamming". He did not say in the occurrence book that Mr Biko was "shamming" but only mentioned the struggle and possible injuries.

He thought Mr Biko was shamming because he had no external injuries, and "never asked 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. After a tremendous struggle he fell with his head against a wall and sustained an injury on his body."

A scratch

The injury on Mr Biko's body was "just a scratch", Mr Snyman said.

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 Goosen that Mr Biko had suffered a blow on the head when he fell against the wall, he said.

Major Snyman said that he had made three affidavits, the four members of his squad two each, Colonel Goosen five, Dr Lang six, Dr Tucker two, Dr Hirsch four, making a total of twenty-eight affidavits.

Mr Kentridge: And in not one of them is there a single mention of Mr Biko having knocked his head against a wall when he fell.

Major Snyman said he was later told by General Kleinhaus that Mr Biko had died of a brain injury. He was then invited to add anything he liked to his affidavit but even then he said nothing about 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 with his head against a wall, he said.

Questioned by Professor I Gordon, one of the assessors, he said he didn't show exactly how this had happened because Mr Biko fell several times. He only pointed out the different stages in which 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 Snyman: I probably didn't put it as a fact but said it could have happened.

Mr Kentridge said that police photographers took photographs of a number of things pointed out by policemen and warders, including unidentified marks on walls and the position in which Mr Biko had been lying but never where Mr Biko fell with his head against the wall.

Major Snyman: 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 he had been assaulted. That is why you made the entry in the occurrence book to cover yourself.

After dark

He pointed out that when Mr Biko was taken to hospital for examination he was taken only after dark.

He asked Major Snyman why a magistrate was not called to see Mr Biko and the major answered that the rule was that the magistrate came every fortnight on a Friday. He didn't think it necessary to call him in specially. "I had nothing to be afraid of," he said.

Major Snyman said he was not going to charge Mr Biko with assault. They had more serious charges against him, he said.

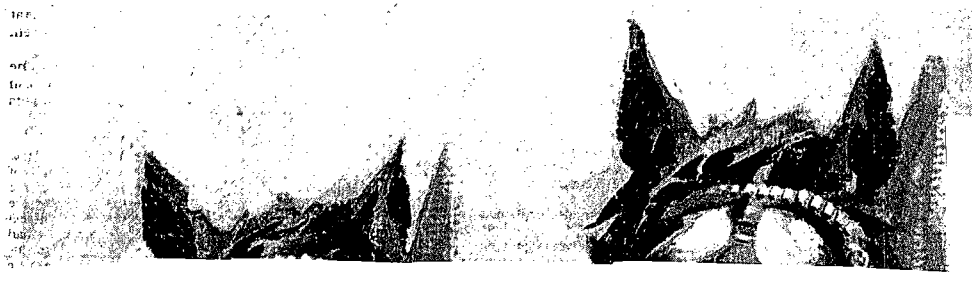
Mr Kentridge: During Mr Biko's lifetime the security police even charged him with not stopping at a stop street.

He pointed out that in the morning of the 7th Mr Biko was complaining of symptoms common to brain injury: Incoherent and slurred speech and weakness of the knees. He was going to suggest that by 7am on September 7 Mr Biko had already suffered brain damage.

He was going to suggest that the brain injury was probably suffered between the evening of the 6th and the morning of the 7th.

Major Snyman: If he had brain injury he would surely have had a

Continued on page 6

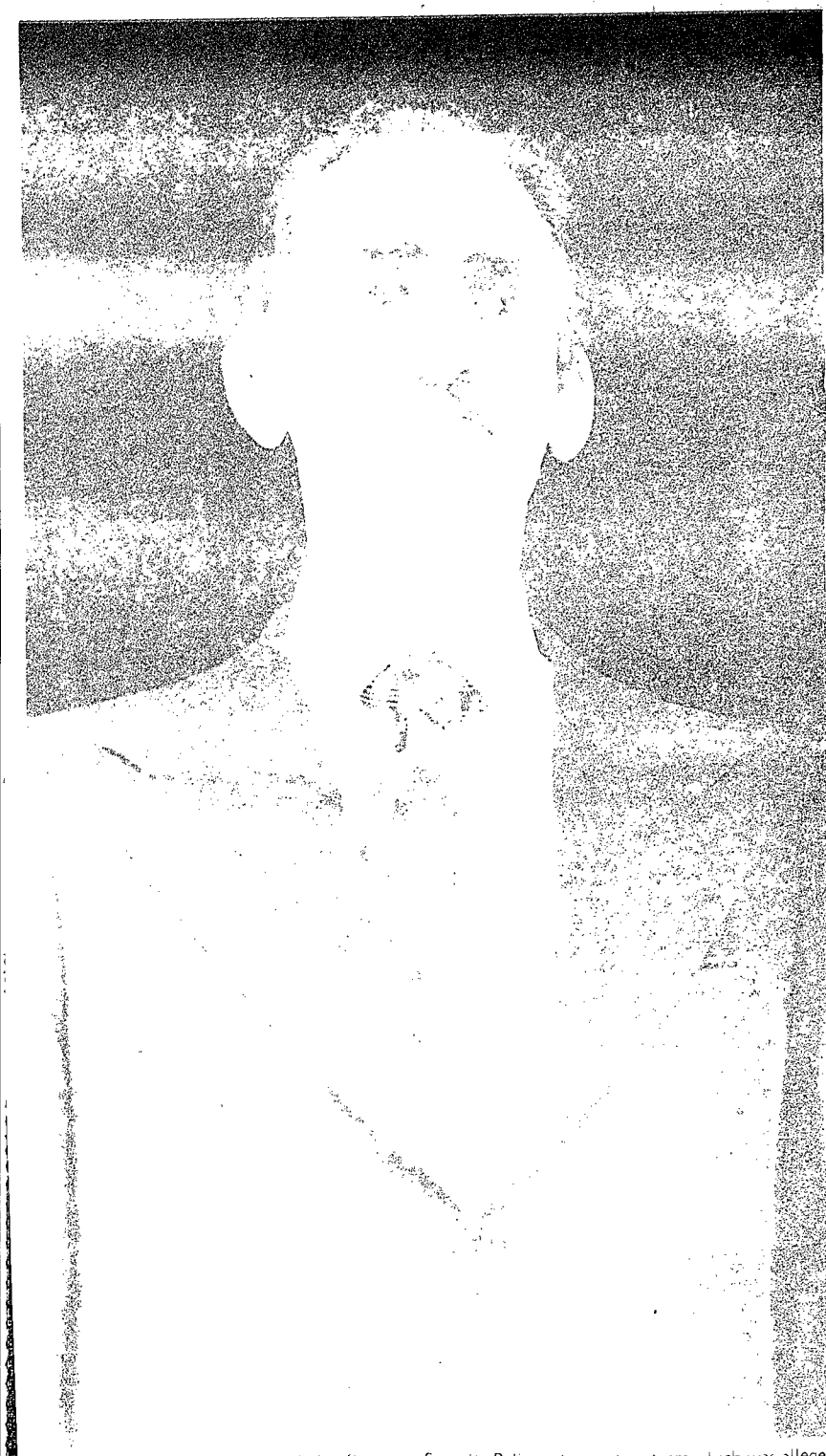


(325 - Detention)

Biko affidavits: dramatic turn

RDM 16/11/77

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.

Picture: MIKE McCAIN

16/11/77

SWORN statements allegedly made by friends of Mr Steve Biko and which, the court was told, drove him "berserk" when he was confronted with them, were not admitted as evidence yesterday by the magistrate presiding at the inquest, Mr M J Prins, after they were shown to be dated after his death.

In earlier evidence the court was shown the statements were dated between September 15 and September 30 and could not have been presented to Mr Biko during his interrogation on September 7.

Mr Biko died on September 12, according to the post-mortem report as a result of a head injury.

The sworn statements rejected by the magistrate allegedly contained confessions made by other detainees about Mr Biko's involvement in certain activities.

Mr R van Rooyen, the advocate acting for the police, requested that the statements be permitted as evidence.

The court heard that the staements 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 struggle faced tough questioning during which:

- The court ruled that sworn statements handed in as part of police evidence were inadmissible;
- 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 — although this incident was not mentioned in any of 28 affidavits made by doctors and policemen on the incident and its aftermath.

The court heard Major Snyman state that he had not actually seen Mr Biko hitting his head against a wall — although he had made an entry to this effect in an "Occurrence Book" on September 8.

Two other members of the team, Captain D Sibert and Warrant Officer R Marx, denied knowledge of the entry. They also had not seen Mr Biko hitting his head against a wall during the struggle.

Under examination by Mr Van Rooyen, his counsel, 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 "beserk".

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 roneoing 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.

Earlier, Mr Kentridge objected strenuously to evidence by Major Harold Snyman, the leader of the team which had 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 subversive 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 Peoples 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

325 - Détentions

10/77

PETIT
Pierre André
né le 7 décembre 1944 à Bc

ETUDES ET DIPLOMES:

- Baccalauréat (Phil
- Préparation à l'Ec
  (Lycée Michel-Mo
- Certificat d'Etude
  Latin et Grec -
- Licence ès Lettres
  1968)
- Maîtrise ès Lettre
  Université de Bo
- Master's Degree (M
- Doctorat ès Lettres
  (Université de Bc
- en préparation: Dc
  écrivains françai

ENSEIGNEMENT:

- 1968-1969: West Ch
- 1968-1969: Villanc
- été 1969: Univers
  des P
  (Teac
- 1969-1970: Univers
  Calif
- 1970-1971: Haverfc
- 1971-1973: West Ch
  la Cc
  (Assi
- depuis 1974: Univers
- fonctions actuelles

COURS ENSEIGNES:

- Elementary and Inte
- Français élémentair
- Français I, II, III
- Conversation françe
- Civilisation françe
  et "graduate")
- Stylistique: exerc
- Le roman français a
- Panorama de la litt
- Théâtre français co
- Roman et cinéma fra
- André Gide: autobi
- cours professés:

STEVE BIKO INQUEST



Old Synagogue, Pretoria

Own Correspondent

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.

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 that during the struggle on September 7 Mr Biko fell with his head against the wall and his body on the ground.

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 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."

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. Mr 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:

At the start of yesterday's proceedings Mr S W Kentridge, SC, for the Biko family, referred to Major Snyman's affidavit in which he had described how on the evening of September 6 he had placed handcuffs and foot irons on Mr Biko and had connected him to the grille in the office of the Sanlam building in Port Elizabeth where Mr Biko was kept for the night.

Mr Kentridge asked if this had allowed Mr Biko sufficient freedom of movement.

Major Snyman answered that he could move because the chains were reasonably long. Mr Biko, however, could not get off his sleeping mat but could draw up his legs to a certain level. He could sleep on his back, Major Snyman said.

Punishment

Mr Kentridge put it to Major Snyman that in prisons leg irons were only used as punishment and Major Snyman answered that he was not *au fait* with prison regulations. He knew his own regulations, not those of the prisons, he said.

Mr Kentridge said he had in his possession the warrant in terms of which Mr Biko was held and in which it was stated that he had to be treated as an awaiting trial prisoner. Major Snyman answered that he knew that but that Mr Biko was being held in a prison but in police cells.

Major Snyman said he had of the security police. They knew that there were many critics of detention under Section 6 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 see that it was carried out.

Major Snyman said that on the previous afternoon the interrogation was taken up to a certain point. He and his team had confronted Mr Biko with certain facts, including a visit from one Patrick Tikki to him. They had asked Mr Biko if he and Mr Tikki had been in Mr Biko's bedroom when Mr Peter Jones had come in and had overheard a certain conversation between them.

Major Snyman said he had asked Mr Biko why he had not allowed Mr Jones, an executive of the Black People's Convention, to stay and told him that Mr Jones had said that Mr Biko had told him that he would see him the next morning.

Mr Jones had heard Mr Biko and Mr Tikki talking about pamphlets and Mr Jones had told Mr Biko that he could see he was busy compiling "the October 18 commemoration pamphlet."

Major Snyman said that 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 roneod.

Mr Biko then said "Okay man, I formulated the pamphlets." Ma

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book of the reason for Mr Biko's restriction. His squad did not have an occurance book but used that of the nearest police station.

Mr Kentridge: I suppose the occurance book at Sanlam would have made very lurid reading?

Major Snyman: We don't have one. We keep our information on file.

Major Snyman said that after he went off duty at 6pm on September 6, Mr Biko was allowed to rest till 7am the next morning. 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 Sanlam 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.

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 cleaners and people taking in 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 that 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 that he had asked Mr Biko 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 a man who was wearing chains?

Major Snyman said that assault was not part of the method for Snyman said.

He wanted to hand in the pamphlet to the court. It was extremely inflammatory and advocated murder and riot, he said.

Aggressive

Mr Biko had been as aggressive as ever, he said. He then put it to him that although he had admitted that he had formulated the pamphlet he wanted to know who had arranged the distribution.

Mr Kentridge: This speech was not in response to any question of mine. What on earth had this to do with what I asked?

The presiding magistrate Mr M J Prins interjected that the question had had to do with Major Snyman asking Mr Biko if he had any complaints. Did all this follow immediately on that? he asked.

Major Snyman said he had asked Mr Biko if he had had food. He had not answered him 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.

"Like a madman"

After Mr Biko had thrown the chair he flew at a warrant officer with fists flying. He was beside himself with fury, "beserk", "like a madman", he said. It took himself and four members of his team to control Mr Biko.

Major Snyman said that he weighed 175 pounds and was 5feet 11inches (1,78 m) tall. Mr Kentridge asked that the other four men should be brought into court. They came to court at a later stage and stood up in the front of the court room — all four of them well built men.

Major Snyman said that during the struggle he sometimes had Mr Biko by a leg and sometimes by an arm. Even when Mr Biko was pinned to the floor he kept on fighting. The violence that had to be used proved how strong he was. Even when the handcuffs and leg irons were put on him he went on struggling, he said.

Mr Kentridge said that he had been given an affidavit by Major Hansen about an incident when Mr Biko was previously in deten-

Continued on page 5

) inquest no to

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ce documents



MAJ. Harold Snyman who gave evidence yesterday at the inquest.

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 confessions 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 roneoing 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

Biko

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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 confirmed 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 difficul' 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 documents had been made available to Mr. Biko during interrogation on September 7.

Major Snyman said in

■ TURN TO PAGE 2

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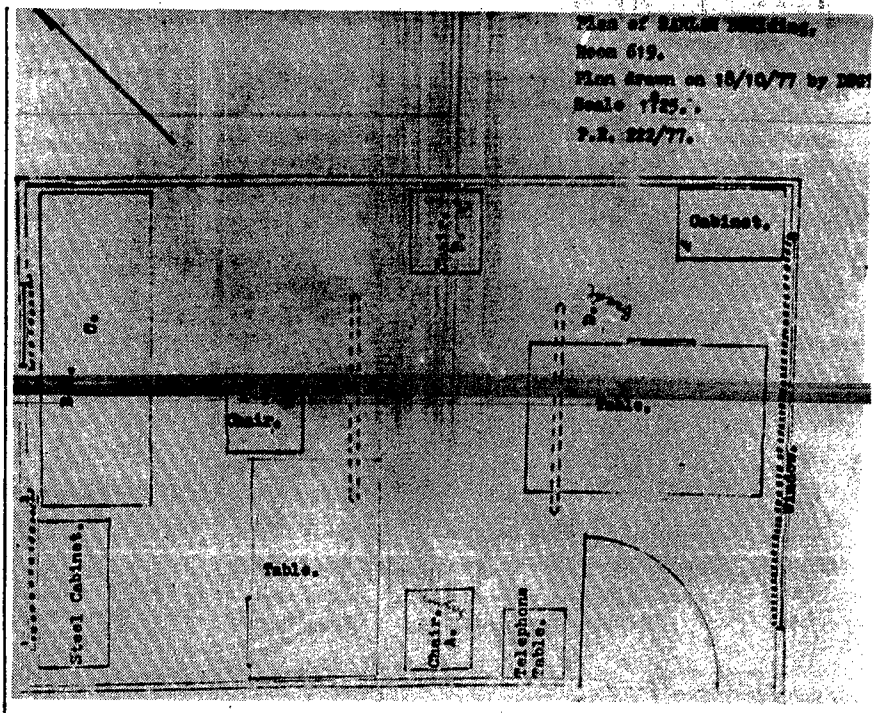

KEY to the diagram of Room 619 in Sanlam Building, Port Elizabeth, where Mr. Steve Biko was interrogated and where a struggle with his interrogators is said to have taken place. A – chair on which Major Snyman sat; B – chair on which Mr. Biko had been sitting when he allegedly got the "wild look" in 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.

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BIKO INQUEST

■ FROM PAGE 1

NO TO POLICE PAPERS

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.

The statements also contained information of Mr. Biko's plans to go overseas where he would plan the formation of a united front.

"I also told him that evidence was available that there would be an internal movement in South Africa responsible for terror and an external wing to organise people to return to South Africa to overthrow the existing order," Major Snyman said.

Major Snyman also put it to him that he had seen Mr. Robert Sobukwe, the president of the banned PAC, and had discussed matters with a Mr. Barney Pityana.

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 asked Major Snyman if he had anything that would prove to the world that Mr. Biko's image was false.

Major Snyman replied that he had a newspaper cutting from the East London Daily Despatch of an article written by a Mr. Donald Woods about the merging of a new front under the name Azania Liberation Front.

In addition he had statements from Mr. Biko's own friends, the people who worked with him.

It would then have been clear to him that his friends had left him in the lurch. "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."

'Possessed'

Mr. van Rooyen: You were there. Why did he go berserk?

Major Snyman: I confronted him with these facts.

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 organise 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 Walmer 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

evidence Mr. Kentridge referred to the words "you are harassing me and you are intimidating me."

"This morning Major Snyman used those same words. Do you know that?"

Warrant Officer 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 today 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.

Warrant Officer Marx: It is not a fabrication.

Mr. Kentridge drew warrant officer 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.

Lip injury

"Is that true?" asked Mr. Kentridge.

Warrant Officer 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.

Warrant Officer Marx: I didn't see him hit his head against the wall.

In the second statement of October 10, which was an unsworn statement, Warrant officer Marx said he had not noticed any mark or 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 – a Major Fischer told Captain 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 Captain 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.

At 6.30 p.m. they 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 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 scuffle, Mr. Kentridge made mention of the words Mr. Biko allegedly used that he

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like a man possessed. I ascribe 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 roneoing 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 seen our children being brutally murdered and others maimed 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

Political

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 went 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 charged 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 Max: In that skirmish any reasonable can believe that he may have got an injury.

Mr. Kentridge: Really? Did you tell that to General Kleinhaus (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 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 his mental (geestelik) 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.

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Berserk, says SP witness

Mercury Correspondent

PRETORIA — Major Harold Snyman, the leader of the five-man Security Police interrogation team, told more of the violent struggle between his men and Mr. Steve Biko when he was extensively questioned at the inquest in the Old Synagogue in Pretoria yesterday.

At the start of yesterday's proceedings in the Old Synagogue, Pretoria, Mr. S. W. Kentridge, SC, for the Biko family, referred to Major Snyman's affidavit in which he had described how on the evening of September 6 he had placed handcuffs and leg-irons on Mr. Biko and had connected him to the grill in the office of the Sanlam Building in Port Elizabeth where he had been kept for the night.

Mr. Kentridge put it to Major Snyman that in prisons leg-irons were only used as punishment and Major Snyman answered that he was not familiar with prison regulations. He knew his own regulations, not those of prisons, he said.

Prisoner treatment

Mr. Kentridge said he had in his possession the warrant in terms of which Mr. Biko was held and in which it was stated that he had to be treated as an awaiting-trial prisoner.

Major Snyman answered that he knew that, but Mr. Biko was not being held in a prison but in police cells.

Major Snyman said he had made no entry in an occurrence book of the reason for Mr. Biko's restriction. His squad did not have an occurrence book but used that of the nearest police station.

Mr. Kentridge: I suppose the occurrence book at [illegible] including

through cleaners and people taking in 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 that he would lead evidence that after Mr. Biko left the Security Police he was seen by no one who could have noticed his condition.

Major Snyman said assault was not part of the method of the Security Police. They knew there were many critics of detention under Section 6 of the Terrorism Act and they were therefore doubly careful not to expose themselves. They also had a departmental order not to assault detainees and it was the duty of senior officers to see that it was adhered to.

Confronted with facts

Major Snyman said that on the previous afternoon the interrogation had been taken up to a certain point. He and his team had confronted Mr. Biko with certain [illegible]

After Mr. Biko had thrown the chair he flew at a warrant officer with fists flying. He was beside himself with fury, "berserk," "like a madman," he said. It took himself and four members of his team to control Mr. Biko.

Major Snyman said he weighed 80kg and was 1,76 metres tall. Mr. Kentridge asked that the other four men should be brought into court.

They came in at a later stage and stood up in the front of the court room. All four were well-built men.

Speech slurred

Major Snyman said that during the struggle he sometimes had Mr. Biko by a leg and sometimes by an arm, even when Mr. Biko was pinned to the floor.

"He kept on fighting. The violence that had to be used proved how strong he was. Even when the handcuffs and leg-irons were put on him he went on struggling," he said.

After they had succeeded in subduing Mr. Biko they chained him again to the iron grille, Colonel Goosen came in almost immediately afterwards when Mr. Biko was still

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 Col. Goosen that Mr. Biko has suffered a blow on the head when he fell against the wall, he said.

Major Snyman said he had made three affidavits, the four members of his squad two each, Colonel Goosen five, Dr. Lang six, Dr. Tucker two, Dr. Hirsch four, making a total of twenty-eight.

Mr. Kentridge: And in not one of them is there a single mention of Mr. Biko having knocked his head against a wall when he fell.

Major Snyman said he was later told by General Kleinhaus that Mr. Biko had died of a brain injury. He was then invited to add anything he liked to his affidavit 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.

Mr. Kentridge said that police photographers took photographs of a number of things pointed out by policemen [illegible]

volved in interrogation duties for 10 years.

He had never had a charge of assault against him. Allegations of assault against members of the security police were thoroughly investigated, he said.

He also did not know of assault charges against other members of his staff.

Major Snyman said his object was to prove that Mr. Biko was the father of Black Power and the founder of Black Power organisations.

This conversation in which he wanted Mr. Biko to "admit this paternity" took a long time, he said.

Concession disputed

Just before lunch on that day they reached the topic of Mr. Biko's trip to Cape Town. Then they proceeded 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 it.

Mr. Kentridge: Having looked at this pamphlet [illegible]

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Sanlam would have made very lurid reading?

Major Snyman: We don't have one. We keep our information on file.

Major Snyman said that after he went off duty at 6 p.m. on September 6 Mr. Biko was allowed to rest until 7 a.m. the next morning.

He had decided not to send Mr. Biko back to the Walmer Police Station because of his importance and his aggressive attitude.

Comfort of a cell

Mr. Kentridge: I have to say that is nonsense. He could have been taken back in the same way he was brought to the Sanlam Buildings — 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, from one Patrick Tikki to him. They had asked Mr. Biko if he and Mr. Tikki had been in Mr. Biko's bedroom when Mr. Peter Jones had come in and had overheard a certain conversation between them.

Major Snyman said he had asked Mr. Biko why he had not allowed Mr. Jones, an executive of the Black Peoples' Convention, to stay and told him that Mr. Jones had said that Mr. Biko had told him that he would see him the next morning.

Mr. Jones had heard Mr. Biko and Mr. Tikki talking about pamphlets and Mr. Jones had told Mr. Biko that he could see he was busy compiling "the August 18 commemoration pamphlet."

Major Snyman said that he told Mr. Biko that he also knew that he had taken his typist to an office in King William's Town where the pamphlets were duplicated.

Mr. Biko then said: "Okay man, I formulated the pamphlets," Major Snyman said. He wanted to hand in the pamphlet to the Court. It was extremely inflammatory and advocated murder and riot, he said.

Mr. Biko had been as aggressive as ever, he said. He then put it to him that although he had admitted that he had formulated the pamphlet he wanted to know who had arranged the distribution.

Looked aggressive

Mr. Kentridge: This speech was not in response to any question of mine. What on earth has this to do with what I asked? The presiding magistrate, Mr. M. J. Prins, interjected that the question had had to do with Major Snyman asking Mr. Biko if he had had any complaints. Did all this follow immediately on that? he asked.

had a wild expression in his eyes, spoke incoherently and in a slurred manner.

Colonel Goosen was worried because he thought Mr. Biko was so angry that he could have a stroke, Major Snyman said.

He, however, thought that the slurred speech was caused by a bruise on Mr. Biko's upper lip.

A doctor was called and Colonel Goosen later told him that the doctor's certificate showed that there was nothing physically wrong with Mr. Biko apart from the mark on his lip. Major Snyman said one could expect bleeding on the brain when a person got that angry.

'Still mumbling'

After the doctor had left he 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 that 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.

When he came on duty the next morning Lieutenant Wilken, who had guarded Mr. Biko during the night reported to him that he had slept clamly but had at one stage asked to make a statement.

Lieutenant Wilken had told him that he could make a voluntary statement if he wanted to.

Major Snyman said he [illegible] enant

on walls and the position in which Mr. Biko had been lying but never where Mr. Biko fell with his head against the wall.

Major Snyman: I was not asked to point this out.

Hospital after dark

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 he had been assaulted. That is why you made the entry in the occurence book to cover yourself.

He pointed out that when Mr. Biko was taken to hospital for examination he was taken only after dark.

On the morning of the 7th Mr. Biko was complaining of symptoms common to brain injury: incoherent and slurred speech and weakness of the knees. He was going to suggest that by 7 a.m. on September 7 Mr. Biko had already suffered brain damage. He was going to suggest that the brain injury was probably suffered between the evening of the 6th and the morning of the 7th.

Hunger strike

Major Snyman: If he had a brain injury he would surely have had a headache and asked for a tablet.

Mr. Kentridge said it was "rather odd" that before the post mortem results were out there were statements from Minister Kruger "about things like hunger strike," but absolutely no mention of anyone banging his head against a wall.

"Did you not think it your

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 can understand there has been an effort to find Mr. Biko guilty after his death 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 had been to start a united revolutionary front including the PAC, ANC and Black Peoples' Convention.

Overseas meeting

He also had told Mr. Biko that he had information that Mr. Biko would be sent overseas to a meeting of those organisations to form this front. It 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.

Mr. Kentridge rose, and after asking Major Snyman about the dates on which the various statements had been signed, told the Court they could not possibly have been read to Mr. Biko.

"They were prepared after his death," he said. "They were part of a smear prepared after Mr. Biko's death and I think this is a disgrace."

16/11/77

Major Snyman said he had asked Mr. Biko if he had had food. He had not answered him 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.

Wilken had urged Mr. Biko to make a statement. He had been ordered not to question Mr. Biko, he said.

'Shamming' belief

The lieutenant had told him that when Mr. Biko woke up during the night his speech was still slurred.

Major Snyman made an entry in the occurrence book on the 8th although he had made no entry before. He made it because Mr. Biko had stubbornly refused to answer questions and he felt he was "shamming." He did not say in the occurrence book that Mr. Biko was "shamming" but only mentioned the struggle and possible injuries.

He 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. After a tremendous struggle he fell with his head against a wall and sustained an injury on his body."

The injury on Mr. Biko's body was "just a scratch," Major Snyman said.

superiors that Mr. Biko had banged his head aginst a wall? Twenty-eight affidavits had no mention of it? Perhaps it never happened?"

Major Snyman: He must have bumped his head.

Then Major Snyman said he never saw or heard a bump. He was making an inference, but it was still possible that Mr. Biko never bumped his head at all.

Mr. Kentridge: You have clearly demonstrated that no credence can be placed on this evidence.

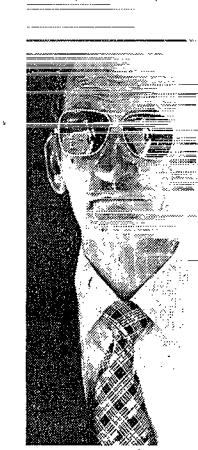
Never a charge

Questioned by Mr. P. R. van Rooyen SC, appearing for the police, Major Snyman said he had been in-

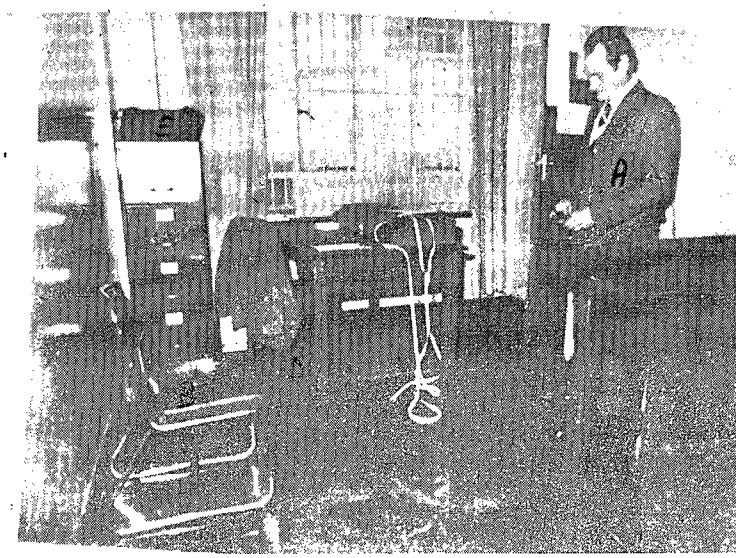
Biko Inquest

RDM 16/11/77 (325-Detention)

Major quizzed on Biko fall



MAJOR H SNYMAN
. . . chief interrogator



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.

16/11/77

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 SC, 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."

Mention was also made for the first time of the fact that the Securiy 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 56 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 6, 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 Sanlam 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 in 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.

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16/11/77

Mr Kentridge: What sort of complaints could he have had? What more could have been done to a man who was wearing chains?

Major Snyman said assault was not part of the method of the Secrity Police. They knew there were many critics of detention under Section 6 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 see that they were carried out.

Major Snyman said on the previous afternoon the interrogation was taken up to a certain point. He and his team had confronted Mr Biko with certain facts, including a visit from one Patrick Titi to him.

They asked Mr Biko if he and Mr Titi had been in Mr Biko's bedroom when Mr Peter Jones had come in and had overheard a certain conversation between them.

Mr Jones had heard Mr Biko and Mr Titi talking about pamphlets and Mr Jones had told Mr Biko that he could see he was busy compiling "the August 18 commemoration pamphlet".

Major Snyman 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.

Mr Biko then said "Okay man, I formulated the pamphlets," Major Snyman said.

He wanted to hand in the pamphlet to the court. It was extremely inflammatory and advocated murder and riot, he said.

Major Snyman 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 — "berserk", "like a madman", Major Snyman said.

It took himself and four members of his team to control Mr Biko.

Major Snyman 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-built men.

Major Snyman said during the struggle he sometimes had Mr Biko by a leg and sometimes by an arm. Even when Mr Biko was pinned to the floor he kept on fighting.

The violence that had to be used proved how strong he was. Even when the handcuffs and legirons were put on him he went on struggling, he said.

Major Snyman said after they had subdued Mr Biko they chained him again to the iron grille. Colonel Goosen came in almost immediately afterwards when Mr Biko was still struggling.

He still had a wild expression in his eyes, spoke incoherently and in a slurred manner. Colonel Goosen was worried because he thought Mr Biko was so angry that he could have a stroke, Major Snyman said.

He himself, however, thought that the slurred speech was caused by a bruise on Mr Biko's upper lip.

A doctor was called and Colonel Goosen later told him that the doctor's certificate showed that there was nothing physically wrong with Mr Biko apart from the mark on his lip.

Major Snyman said one could expect bleeding on the brain when a person got that angry.

After the doctor had left he 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.

When he went on duty the next morning Lieutenant Wilken, who had guarded Mr Biko during the night, reported to him that he had slept calmly but had at one stage asked to make a statement. Lieut Wilken had told him he could make a voluntary statement if he wanted to.

Major Snyman said he doubted if Lieut Wilken had urged Mr Biko to make a statement. Lieut Wilken had been ordered not to question Mr Biko, he said.

Lieut Wilken had told him that when Mr Biko woke up during the night his speech was still slurred.

Major Snyman said he did make an entry in the Occurrence Book on September 8 although he had made no entry before. He made this entry because Mr Biko stubbornly refused to answer questions and he felt he was "shamming".

He did not say in the Occurrence Book that Mr Biko was "shamming" but only mentioned the struggle and possible injuries.

He thought Mr Biko was shamming because he had no external injuries and "never asked 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. After a tremendous struggle he fell with his head against a 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 Goosen that Mr Biko had suffered a blow on the head when he fell against the wall, he said.

Major Snyman said he had made three affidavits, the four members of his squad two each, Colonel Goosen five, Dr Lang six, Dr Tucker two and Dr Hirsch four, making a total of 28 affidavits.

Mr Kentridge: And in not one of them is there a single mention of Mr Biko having knocked his head against a wall when he fell.

Major Snyman said he was later told by General Kleinhaus that Mr Biko had died of a brain injury. He was then invited to add anything he liked to his affidavit 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 with his head against a wall, he said.

Questioned by Professor I Gordon, one of the assessors, he said he didn't show exactly how this had happened because Mr Biko fell several times. He only pointed out the different stages in which 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 Snyman: I probably didn't put it as a fact but said it could have happened.

Mr Kentridge said that police photographers took photographs of a number of things pointed out by policemen and warders, including unidentified marks on walls and the position in which Mr Biko had been lying, but never where Mr Biko fell with his head against the wall.

Major Snyman: 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 he had been assaulted. That is why you made the entry in the Occurrence Book — to cover yourself.

He pointed out that on the morning of September 7 Mr Biko was complaining of symptoms common to brain injury: incoherent and slurred speech and

flower of life for ever pouring water into a leaking vessel which can never by any sleight be filled.

As for Cerberus and the Furies and the filthy darkness and the jaws of Hell belching abominable fumes, these are not and cannot be anywhere at all. But life is darkened by the fear of retribution for our misdeeds, a fear enormous in proportion to their enormity, and by the penalties imposed for crime — imprisonment and ghastly precipitation from Tarpeia's Crag, the lash, the block, the rack, the boiling pitch, the firebrand and the branding iron. Even though these horrors are not physically present, yet the conscience-ridden mind in terrified anticipation torments itself with its own goads 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 mercy to intensify pain. So at length the life of misguided mortals

16/11/77

weakness of the knees.

He was going to suggest that by 7 am on September 7 Mr Biko had already suffered brain damage ... he was going to suggest that the brain injury was probably suffered between the evening of the 6th and the morning of the 7th.

Mr Kentridge said it was "rather odd" that before the post mortem results were out there were statements from Minister Kruger "about things like hunger strike" but absolutely no mention of anyone banging his head against a wall.

"Did you not think it your duty to make known to your superiors that Mr Biko banged his head against a wall? Twenty-eight affidavits had no mention of it. Perhaps it never happened?"

Major Snyman: He must have bumped his head.

Major Snyman said he never saw or heard a bump. He was making an inference. It was still possible that Mr Biko never bumped his head at all.

Mr Kentridge: You have clearly demonstrated that no credence can be placed on this evidence.

Questioned by Mr P R van Rooyen, SC, appearing for the police, Major Snyman said he had been involved in interrogation duties for 10 years.

In all this time he had never had a charge of assault against him. Allegations of assault against members of the Security Police were thoroughly investigated, he said. He also did not know of any assault charges against other members of his staff.

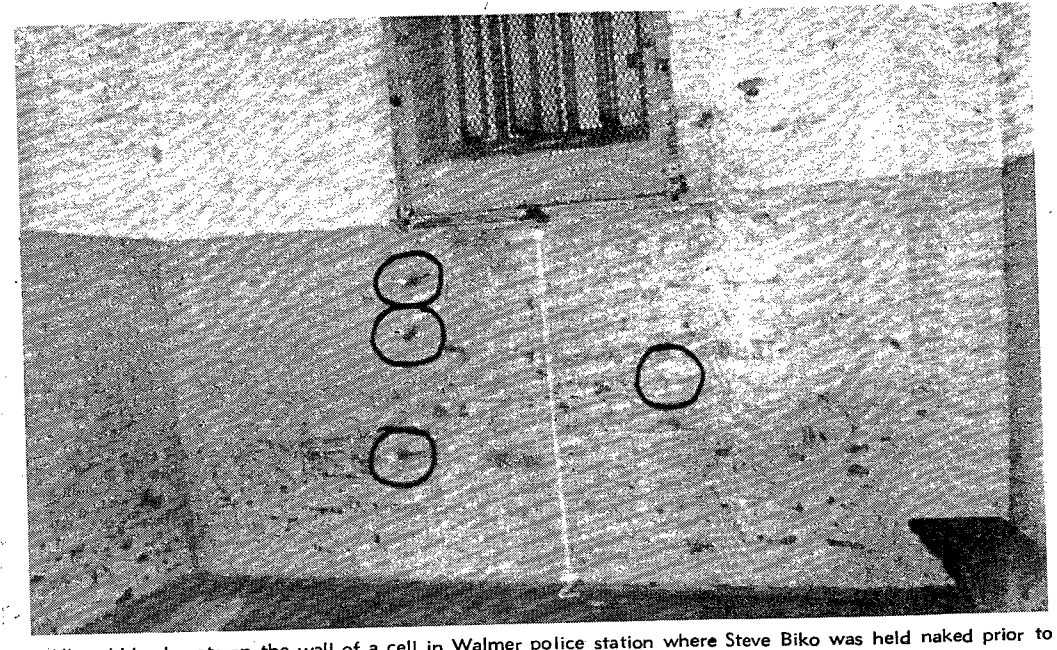
During the interrogation on September 6 he first questioned Mr Biko about his general activities since his student days. He had in his possession a 112-page statement made by Mr Biko during a previous detention, he said.

Just before lunch on that day they reached the topic of Mr Biko's trip to Cape Town. Then they proceed-

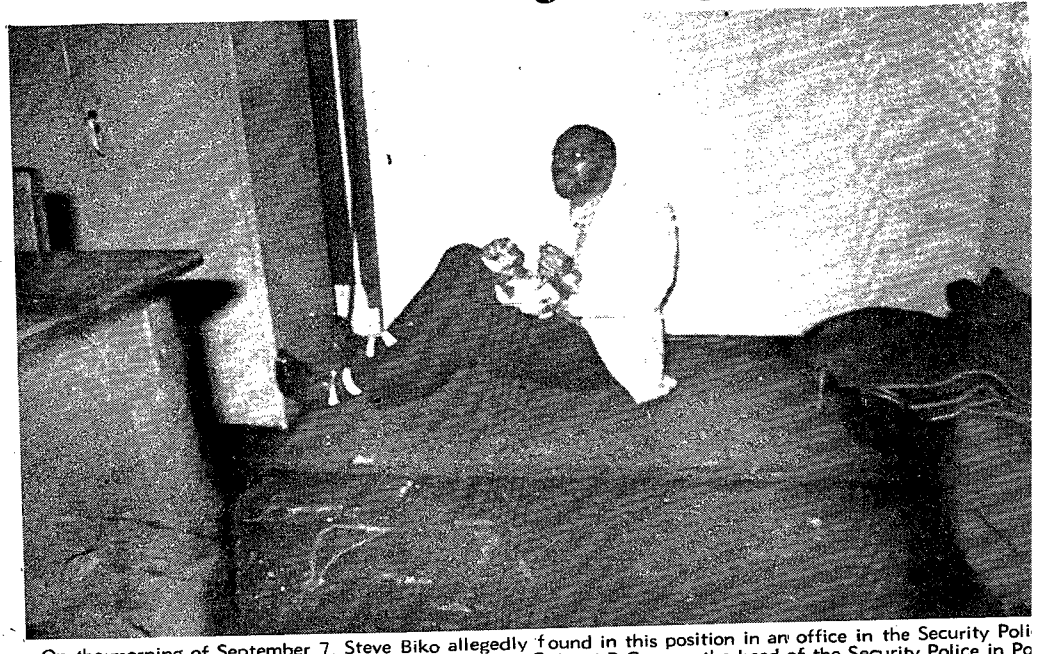
● TO PAGE 9

Biko Inquest

'Affidavits didn't mention head injury'



Alleged blood spots on the wall of a cell in Walmer police station where Steve Biko was held naked prior to his removal to Pretoria.



On the morning of September 7, Steve Biko allegedly found in this position in an office in the Security Poli building in Port Elizabeth. He was allegedly found by Colonel P Goosen, the head of the Security Police in Po Elizabeth. Bico's right foot was manacled to the bars and he was shaking his fists in an effort to get rid of h handcuffs.

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FROM PAGE 8

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 can 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 prove to the world that Mr Biko's image was false.

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"

It would then have been clear to him that his friends had left him in the lurch. "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." No 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 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.

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words. Do you know that?"

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 (geestelike) 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 Septem-

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Mr Van Rooyen: You were there, why did he go berserk? — I confronted him with these facts. He jumped up immediately like a man possessed. I ascribe that to the revelations that I made to him.

What would you say if it was put to you that you pulled these allegations out of thin air? — We had the facts.

Mr Van Rooyen: "... the sworn statements about the authorship of the pamphlets, the typing of it, the roneoing of it 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.

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 part of the reason for his sudden wild outburst.

Mr Kentridge: These sworn statements were put to Mr Biko on the 6th or on the morning of the 7th?

Major Snyman: On the morning of the 7th.

Mr Kentridge then checked with the magistrate that the date of the affidavits ranged from September 15 to 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."

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.

The pamphlet allegedly compiled by Mr Biko was permitted as evidence. It called for all blacks to go for a strike on August 18 in commemoration of the Soweto riots.

Appealing for solidarity for the strike, the pamphlet urged people to organise 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, charged into the interrogation room. When he went into the office he saw Major Snyman, Captain Siebert, and Warrant Officer Beneke struggling with Mr Biko. "He was raving in fury," WO Marx said.

WO Marx and Sergeant Nieuwoudt rushed to the help of their colleagues and during the struggle bumped against tables and 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 leg irons.

WO Marx said he noticed that Mr Biko's upper lip was swollen.

Questioned by Mr Von Lieres, 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 and you are intimidating me."

He was furious and raving, WO Marx said Mr Biko was then pinned down and handcuffed.

Examining him, Mr Kentridge referred to the words: "You are harassing me, 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 Marx 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 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?

Mr Marx: In that skirmish 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 this theory of yours to General Kleinhaus?

Mr Marx: I answered his questions and he didn't ask me to elaborate.

Mr Kentridge: Didn't you think the scuffle was one of the reasons why he was not behaving in a 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 R 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 scuffle 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, Captber 9 Captain Siebert was present when Mr Biko was removed from the prison in Port Elizabeth and taken to a medical examination.

On the morning of September 11 — the day before Mr Biko died — a Major Fischer told Captain Siebert that he, Lieut Wilken, and Detective Sergeant Nieuwoudt, must take Mr Biko back to the cells at Walmer. This 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 Lieres (who led the evidence) has not chosen to take this witness through a full discription 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 scuffle, Mr Kentridge mentioned words allegedly used by Mr Biko that he was being intimidated and harassed.

Captain Siebert said Mr Biko made that claim before the struggle broke out.

Captain Siebert confirmed the evidence of a previous witness that no documents had 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 entry to him.

Mr Kentridge: As far as you were aware was that true?

Captain Siebert replied it was not impossible that he had bumped his head against the wall.

Mr Kentridge: Did you see him fall with his head against the wall? — No.

'Disgraceful smear on Biko after death'

By HELEN ZILLE

IN A dramatic turn during yesterday's hearing at the inquest into the death of Mr Biko, sworn statements presented as part of police evidence were not admitted by the magistrate, Mr M J Prins.

The sworn statements allegedly contained confessions made by other detainees about Mr Biko's involvement in certain activities.

Mr R van Rooyen, for 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 the wild outburst which led to his violent struggle with his interrogators.

Mr S Kentridge SC, for Mr Biko's family, drew attention to the fact that the sworn statements were dated between September 15 and September 30 and could not have been presented to Mr Biko on September 7.

Mr 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 team would have exposed Mr Biko as a man of violence and destroyed his image as a man working for peaceful change.

When confronted in sworn facts contained in sworn confessions by his friends he went "berserk".

Mr Kentridge rose to question Major Snyman.

Mr Kentridge: These sworn statements were the ones you put to Biko — could not have been put to him during his lifetime.

What we have got here is a disgrace.

ing for September 7.

Mr Kentridge then checked the dates of the sworn statements with the magistrate. They agreed they were dated between September 15 and 30.

Mr Kentridge: These sworn statements were the ones you put to Biko on the 6th or on the morning of the 7th?

Major Snyman replied that it had been the morn-

ing of September 7.

Mr Kentridge: Is it a disgrace.

Biko's death and I think

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Le XIXe siècle

Repères chronologiques

INFLUENCES ŒUVRES ROMANS
POLITIQUE ROMANTIQUES THÉORIE ROMANCE

1900-1804 Romantiques Mme de Staël, Chateaubriand

1804-1815 Walter Scott, Mme de Staël, Chateaubriand

1815-1830 Il évoque en particulier sa chambre à Combray

1824-1830

1830-1848

1850

(Les 3 gloires du XIXe siècle)

(Louis-Philippe)

Révolution de 1848

Stropnes I, 2, ...) Ruisbeuf

Chapelle des Meres

François le champi

La Petite Fadette

G. Sand

VII

2/...

FR. 77.67

Biko was kept in his cell for 18 days

325 - Defence.

STAR 17/11/77

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 J Prins, he was kept in this cell at Walmer Police Station.

Asked by Mr Sydney Kentridge, SC, 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 question more slowly. Perhaps we can get on better today than yesterday."

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Colonel Goosen replied that this depended on the particular prisoner and the particular legislation.

In this case communication with people outside the cells had to be prevented. He felt Mr Biko had enough room and air in his cell.

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 8, he was shamming illness.

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Mr Kentridge: Do you think a man who does not go to the toilet for days is shamming?

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Mr Kentridge: Was he shamming?

Col 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?

Col Goosen: I knew about the struggle but had no certainty about what the nature of the injury was . . . at that stage, I did not give it consideration. I thought it probable, but did not have any certainty.

Why then had he not told the doctors, Mr Kentridge asked, submitting that Col Goosen had no certainty that Mr Biko had had a stroke either,

To Page 7, Col 1

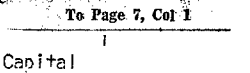
efinite life the formula:

$$\frac{R_n}{(+r)^n}$$

ial return was R100

ed, the result would be conomy.

Marginal Efficiency of Capital



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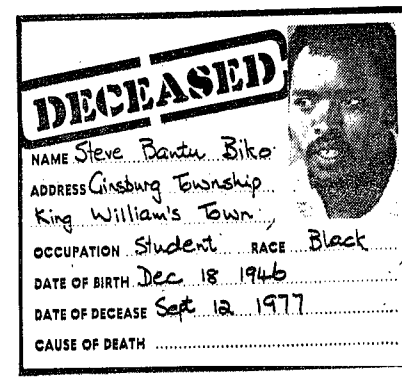
17/11/77

Biko kept in his cell for 18 days, inquest told



Mr Biko, a trip was arranged to Pretoria for further diagnoses.

Mr Kentridge: Yet you tried to get a military aircraft to take Biko to Pretoria.

Colonel Goosen: This shows the good attention he got.

Mr Kentridge. You went to all this trouble for what you called a malingerer.

Colonel Goosen: I did.

Pressed again why Mr Biko's family was not notified about the examination and trip to Pretoria — "plain decency demanded this" — Col Goosen 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 known Mr Biko was ill, he would have notified 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 because better medical facilities, than at the prison hospital were available in Pretoria, Colonel Goosen said.

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 wan't a magician. How could he have escaped (whilst under guard)?

Colonel Goosen: 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 Goosen: Previously, people have escaped.

"Definitely not," was the reply Colonel Goosen 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.

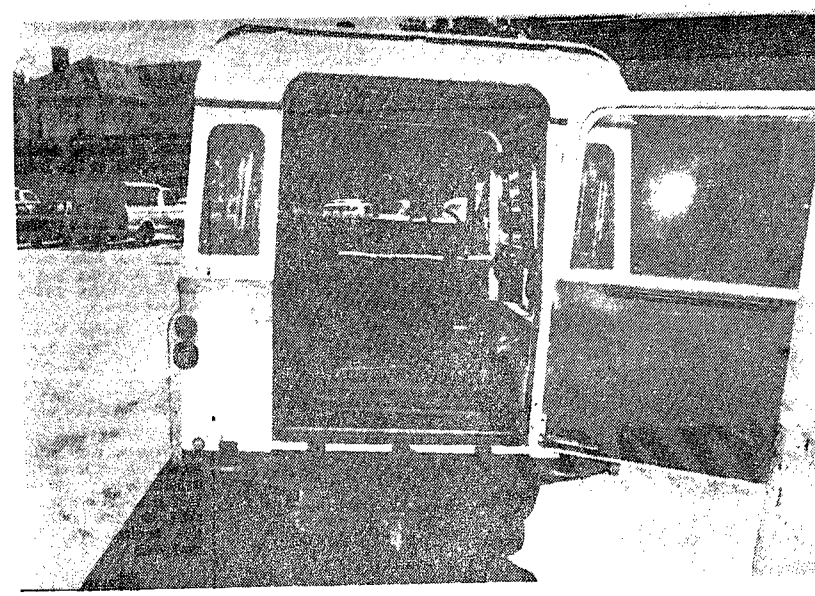
He explained that Dr Lang was also partly of the opinion that Mr Biko had been shamming.

He recalled that Dr Hersch had wanted a lumber puncture to be taken of Mr Biko. Asked by Mr Kentridge whether Dr Hersch himself had lumbar puncture to be lieved Mr Biko was shamming, Colonel Goosen 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 reflexes had been slow and in the second one, it was his left arm reflexes.

(Proceeding)



The Land-Rover in which, according to police evidence, Mr Steve Biko was transported naked from Port Elizabeth to Pretoria.

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 relevance 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 reverberating 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 only the specific events regarding Mr Biko's death, but also questions dealing with the credibility of witnesses.

If the Security Policemen concerned in the case operated outside their regulations, such as keeping him naked, not giving him sufficient exercise, and keeping him in chains, the whole question arose of whether these were not the sort of men who could have mistreated Mr Biko.

Mr Kentridge submitted that in this light his questions were relevant to the case, and the magistrate upheld that they were relevant.

Biko was kept in his cell for 18 days

325 - Defence.

STAR 17/11/77

Pretoria Bureau

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To Page 7, Col 1

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Marginal Efficiency of Capital

K_o

Capital

f interest is i_o the desired stock of capital is K_o.

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becomes a Hell on earth.

Here is something [illegible] You might [illegible] good king Amens looks his last on the [illegible] friend, by a long reckoning. Death has come to many and much lordlier men [illegible] the great deep - where has lepicus Bitera's tears (from to marchaparfe) [illegible] the ocean's roar - even he was robbed of the [illegible] dying frame. Scipio [illegible] to the earth as if [illegible] coverers of [illegible] in solitary glory bore the sceptre but has sunk [illegible] Democritus, who [illegible] running down [illegible] self, when his day it race was run, [illegible] race of man and dismod then all, as the stars [illegible] sun. And will you kick and protest against your [illegible] door to death while you are still alive and [illegible] the major part of your time in sleep and when you are awake dreaming. [illegible] commence [illegible] trouble [illegible]

'Charles X. Ces soirs-là, l'enfant était malheureux car sa [illegible] depressed then [illegible] depression, the origin of [illegible] such a life, as we now see all too commonly [illegible] everyone [illegible] could throw off the load. Often the owner of [illegible] staying at home, takes his departure, only to return as [illegible] himself no better [illegible] has he crossed its doorstep than he starts [illegible] courts. [illegible]

[illegible] is really running away from himself. [illegible] self when he [illegible] ignorant of [illegible] thoughts aside [illegible] is not the [illegible]

What is [illegible] such uncertainties and dangers? [illegible] there is no way [illegible] same throughout. [illegible] So long as the [illegible] thing besides [illegible] thirst for life [illegible] future may bring, what chance may throw in our way, or what By prolonging [illegible] our death. [illegible] tions you may [illegible] eternal death. [illegible] life with yesterday [illegible] year before.

[illegible] lui a recommandé son camarade Bloch. Un jour Swann vient voir le héros au jardin. Swann est amateur d'art et connaît Berlotte, le théâtre, la grande tragédienne, la Berma, mais il choque le héros qui l'interroge, en refusant de donner sérieusement son opinion.

Pendant que le héros lit au jardin, Les [illegible] reçoit des visites : une vieille fille Eulalie, sa favorite, et le curé dont l'érudition la

Révolution de 1848

(Stropnes I, 2, 7)

VII

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'Disgraceful smear on Biko after death'

By HELEN ZILLE

IN A dramatic turn during yesterday's hearing at the inquest into the death of Mr Biko, sworn statements presented as part of police evidence were not admitted by the magistrate, Mr M J Prins.

The sworn statements allegedly contained confessions made by other detainees about Mr Biko's involvement in certain activities.

Mr R 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 the wild outburst which led to a violent struggle with his interrogators.

Mr S Kentridge SC, for Mr Biko's family, drew attention to the fact that the statements were dated between September 15 and September 30 and could not have been presented to Mr Biko on September 7.

Mr 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 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 sworn statements by Mr Kentridge then checked the dates of the sworn statements with the magistrate. They agreed they were dated between September 15 and 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.

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 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.

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▶▶From page 1

but had mentioned this theory to the doctors.

Col Goosen said Mr Biko's difficulty in speaking had made him think he might have had a stroke.

It was possible, Mr Kentridge said, that Col Goosen knew Mr Biko had suffered a head injury and wanted to draw the attention of the doctors away from this possibility.

Mr Kentridge: Do you accept that on these days, when he was in chains, Mr Biko was in fact suffering from the effects of a brain injury?

Col Goosen: I am aware now that it was probable.

Mr Kentridge: We have the situation, leaving aside how he got the injury, that here was a man with a brain injury who was left lying on a mat in chains for 48 hours.

Col Goosen: If I was aware, my actions would have been very different.

Mr Kentridge submitted that the witness had not known what happened to Mr Biko and yet he left him lying on the mat.

Col Goosen accused Mr Kentridge of twisting his words and putting 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.

Col Goosen began to page through an affidavit.

Mr Kentridge: Wait a moment. Don't you remember?

Col Goosen: I do, but I choose to consult my affidavit. You put words in my mouth and twist my words.

Mr Kentridge: Oh, I see. Give me some examples.

After a few moments, Mr Kentridge said: You stand silent. Very well.

Earlier, Col Goosen denied he gave instructions that only whites should deal with Mr Biko at the prison hospital, because of a fear black personnel might leak information about Mr Biko's condition to family members.

MORE WHITES

He gave the instruction because whites were available more often than blacks.

Col Goosen was uncertain whether he instructed that no blacks whatsoever be allowed in contact with Mr Biko.

Questioned whether Mr Biko was taken to hospital on September 8 after dark, to hide his illness, the colonel said this was done because Dr Lang could only examine him that night.

Mr Kentridge 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 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."

DIAGNOSIS

Colonel Goosen said the chief aim of the hospital examination was to diagnose a possible illness. When doctors found noth-





The three Port Elizabeth Security Branch officers who were questioned at the Biko inquest yesterday. From the left are Capt D. P. Siebert, Maj Harold Snyman, and Col Pieter Goosen, head of the Security Branch in the Eastern Cape.

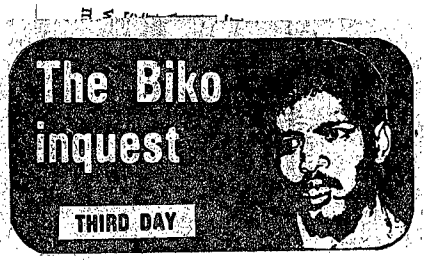
D.D. 17/11/77. (SJ 5) Detention.

Biko smashed up — counsel



17/11/77

Mr Steve Biko's mother, Mrs Alice Biko (in front), arriving at the court yesterday.



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Nakedness explained by colonel

Biko smear claim, page 12
Did fight take place? Page 12
Police quizzed on yoga, page 13
King policeman questioned, page 13

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. Kentridge SC, that, apart from a brief period on the morning of September 7, Mr Biko had spent two days at Special Branch offices in handcuffs and leg-irons.

"What right have you to keep a man in chains for 48 hours or more?" Mr Kentridge asked.

Col Goosen said, as Divisional Commander, he had authority to do so to a man detained under Section 6 of the Terrorism Act to prevent him committing suicide or injuring himself.

Mr Kentridge: Where do you get your authority from? Show me a piece of paper that gives you the right to keep 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 Kentridge asked why Mr Biko had been kept chained in the Special Branch offices on the night of September 6 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 Kentridge: 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 Kentridge: 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.

Asked 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 Kentridge: 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 Kentridge: Have you ever had a man commit suicide with strips torn from his blankets? — In 23 years I do not think I have had one occasion where that has happened. Blankets have been used for escapes.

Col Goosen said he was unaware of Special Branch allegations that men had hanged 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.

Asked whether he had given orders that Mr Biko be kept naked in the prison hospital, Col Goosen said he could not remember giving such an order.

Asked if he would accept that Mr Biko had clothing at the prison hospital, Col Goosen said he was aware Mr Biko. So if Mr Biko had later come to court claiming assault by the Special Branch "he would have been called a liar," Mr Kentridge 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 Kentridge asked. "Have you ever heard of a man hanging himself with a pair of underpants? You have heard of people hanging themselves with strips of blankets, yet he was allowed blankets."

Col Goosen said he did not know of any suicides through the use of blankets. Mr Kentridge said he would give examples later.

Shortly before the inquest adjourned for the day, Col Goosen said Mr Biko might have been injured at 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.

Mr Kentridge later rose to tell the magistrate, Mr M. J. 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 authorities had not hestitated 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 Kentridge 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 Kentridge said.

Earlier yesterday, to gasps 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 detained 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 Kentridge 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 with Special Branch personnel.

"But it was not too difficult to calm him?" Mr Kentridge asked.

Maj Hansen: No.

The hearing resumes this morning.

Biko would have faced charges

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.

From ROGER OMOND
Daily Dispatch man in Pretoria

PRETORIA — Serious criminal charges would have been laid against Mr Steve Biko had he lived, the head of the Eastern Cape Special Branch, Col Pieter Goosen, told the inquest yesterday.

Col Goosen said in an affidavit that the charges 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 townships 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 Peter Jones, 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 forward the theory that Mr Biko had sustained his fatal head injury while in Port Elizabeth prison hospital on September 8 or 9.

He was aware that Mr Biko had been found in the bath twice and on the floor in front of his bed there.

"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 forehead 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 way, later observed and diagnosed by Dr Lang, a district surgeon, as hyperventilation.

This method, used by deep sea 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.

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 in the back of a Landrover from Port Elizabeth to Pretoria the day 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 — which would explain his brain damage — during the fight between him and his captors; and

The Special Branch thought Mr Biko might have tried to commit suicide' in the Walmer Police Station.

Adv S. Kentridge, for the Biko family, interjected several times while the three Special Branch men who gave evidence yesterday were testifying that the inquest was turning into a "posthumous trial."

Mr Kentridge accused Capt D. P. Siebert, who drove Mr Biko to Pretoria, of trying to mislead the Pretoria prison hospital authorities about Mr Biko's condition. Capt Siebert had told them, he said, that Mr Biko had studied medicine for four years, practised yoga, and was an expert in misleading people — all an attempt "to put the medical authorities off the track."

Mr Kentridge also accused the head of the Port Elizabeth Special Branch, Col P. J. Goosen, of never mentioning to anybody 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 "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 was unknown to his mother, widow, brother or sister.

Mr Kentridge asked if this sort of "gossip" fed 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 what they had seen or been told

7/11/77

17/11/77

Biko smear claim

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 made the remark, counsel for Mr Biko's family, Mr S. Kentridge, asked the magistrate, Mr M. J. Prins, 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 Snyman reported to me that Mr Biko had become very aggressive and had thrown a chair at him and had attacked W/O Beneke 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 9,30 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 abovementioned would not speak. I have found no evidence of any abnormality or 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 agained 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 immediate-

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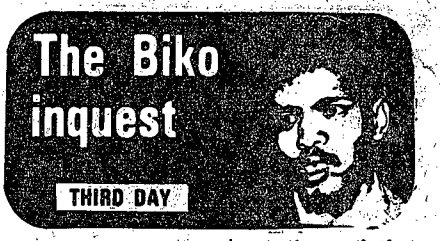
ly visited Mr Biko. He was lying on the cell mats. I spoke to him. He mumbled. I immediately telephoned Dr Lang and asked him to come and examine Mr Biko again as he did not react to our questions.

"At about 12.55 pm, the chief district surgeon, Dr Tucker, and Dr Lang reported to my office. I made a brief report to them on Mr Biko's condition and again expressed concern because he did not eat or drink. Both doctors then examined Mr Biko in my absence. After the examination I was informed by Dr Tucker that neither of them could find anything physically wrong with Mr Biko.

"Dr Tucker suggested Mr Biko be taken to a place where there were better facilities for a proper examination and that a specialist's opinion be obtained," Col Goosen said.



Arrangements were then made to take Mr Biko to a prison hospital where he could be examined by a specialist, Dr Hersch. Later that evening Mr Biko was examined by Dr Hersch and Dr Lang.

"After the examination Dr Hersch informed me that he, like Dr Lang and Dr Tucker before him, could find nothing physically wrong with Mr Biko.

"It was then agreed that Mr Biko should be kept in the prison hospital for observation and that further tests, including a lumbar puncture, should be performed on him by Dr Hersch on the morning of September 9.

"On September 9 Dr Lang informed me by telephone that the lumbar puncture had been performed and that he would like to keep Mr Biko in the hospital block for further observation.

"On September 11 Dr Lang informed me by telephone that neither he, nor Dr Tucker or Dr Hersch could find anything physically wrong with Mr Biko and that I could remove him for further detention in the police cells, Walmer. The necessary arrangements were made with Maj Fischer.

BREATHING

"At about 2 pm on September 11 Maj Fischer asked me by telephone to come to the Walmer police station, where a report was made to me. I visited Mr Biko in his cell. He was lying on his cell mats and his breathing was reasonably irregular. A little foam could be seen around his lips. I immediately telephoned Dr Tucker and asked him to come and examine Mr Biko.

"Dr Tucker examined Mr Biko at 3.20 pm. Both of us expressed concern because the nature of any possible illness could not be diagnosed. It was mutually agreed to transfer Mr Biko to an institution with all possible facilities for a proper medical examination.

"I informed Brig Zietzman of Security Police headquarters in Pretoria telephonically of the state of affairs. Instruction was received to transfer Mr Biko to the central prison in Pretoria. However, I first had to ascertain whether any military aircraft were available. If not, I had to use road transport if the chief district surgeon had no objection."

NO FLIGHTS

Col Goosen continued: "No military or other flights were available. I consulted Dr Tucker who had no objection to Mr Biko being transferred to Pretoria by road provided we let him lie on a mattress or something soft.

"Brig Zietsman was again informed telephonically and the necessary arrangements were made for Capt Sibert, Lt Wilken, W/O Fouche and Sgt Nieuwoudt to transport Mr Biko in this office's comfortable Landrover to Pretoria as speedily as possible.

"At about 6,30 pm on September 11 Capt Siebert informed me telephonically that they were departing for Pretoria with Mr Biko.

"Everything possible was done by me to ensure the comfort and health of Mr Biko while in detention," Col Goosen said. — SAPA

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 ever took place, the Biko inquest was told here yesterday.

Mr S. Kentridge, counsel for Mr Biko's family, questioned Special Branch officers at length yesterday on why no mention had been made in any affidavits that Mr Biko might have hit 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 in his affidavits had put forward a theory Mr Biko was injured in the prison hospital, but not a theory he could have been injured in the struggle on September 7.

"It begins to become doubtful in view of the evidence whether that scuffle ever took place," Mr Kentridge said.

He also suggested that the entry in the police Occurrence Book made by Maj Harold Snyman, the head the interrogation team, on September 8 about the struggle 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 struggle.

Col Goosen: I do not believe he expressly used the term "head against the wall" to me.

KNOCKED

Mr Kentridge: Did any of your officers tell you Mr Biko 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 when Mr Biko could have injured his forehead.

One of them was to Maj-Gen Kleinhaus, the police investigating officer, sent to find out how the injury could have been sustained.

Mr Kentridge: Not in this affidavit nor in any other do you make the suggestion that Mr Biko might have had a bump on the head when he struggled in the office. — It 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 Port Elizabeth prison hospital on the morning of the 9th? — 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 banged his head during the struggle? — It is difficult. In the struggle he might have bumped his head, but it is also possible that he could have injured himself at the prison hospital.

SUSTAINED

Col Goosens agreed that Gen Kleinhaus had warned 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.

Yet 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 with whom I was dealing, Steve Biko. I knew the propaganda that could have been made if something had happened to 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

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Police quizzed on yoga claim

PRETORIA — Counsel for the family of Mr Steve Biko submitted in the Old Synagogue here yesterday that Mr Biko had been "smashed up" while in custody and that the Security Police were not prepared to admit that he had suffered a head injury.

Mr S. Kentridge, for the Biko family, continued his examination of Capt D. P. Siebert of the Security Police in Port Elizabeth.

Mr Kentridge referred to statements by two prison officers in Pretoria, A Col Botha and a Col Dorfling, that Capt Siebert, who brought Mr Biko to the Pretoria prison for medical the trouble of trying to make telephonic contact between the district surgeon in Pretoria and the district surgeon in Port Elizabeth.

Mr Kentridge: All you were concerned about was that when he recovered nobody could point a finger at the Security Police.

Capt Siebert: That is not so.

At the beginning of his cross-examination, Mr Kentridge asked Capt Siebert whether he had heard anyone tell his commanding officer (Col Goosen) that Mr Biko had bumped his head against a wall during interrogation in Port Elizabeth on the not find anything wrong with him and the local hospitals did not have the necessary facilities, he had to be taken to Pretoria for observation and investigation.

Why was he not taken in an ambulance? — They tried to make arrangements for an aircraft to fly him to Pretoria, but no aircraft was available. Therefore the Landrover was used.

Was the purpose that nobody outside your service could have access to this person? — No. He was seen by various doctors and in my opinion they would not have given permission for him to be transported if his condition

Mr Kentridge: According to Col Botha (of the Prisons Department in Pretoria) you told him Mr Biko had studied medicine for four years, that he practised yoga and that it was easy for him to mislead other people. Did you say that?

Capt Siebert: I could have said it.

Why did you take it upon yourself to tell Col Botha this? — I don't believe I said it was easy for him to mislead other people.

Capt Siebert said he personally believed Mr Biko was shamming.

Mr Kentridge: Do you still believe that?

Capt Siebert: No.

Another prison officer, Col Dorfling, made a statement that you told him Mr Biko had been on a hunger strike.

I said I saw him refuse to eat.

Col Botha also said you told him Mr Biko had not eaten since his arrest.

I deny that. I only saw Mr Biko for the first time on September 6.

Col Dorfling also said you told him Mr Biko was a medical student and that he practiced yoga. He understood that to mean Mr Biko could pretend that he was sick.

He was examined by two doctors who could find nothing wrong.

I want to know why you went out of your way to tell the two colonels that Biko was shamming?

Capt Siebert's reply was inaudible.

Asked whether he had told Col Dorfling Mr Biko was an aggressive type of person and that before he went on a hunger strike he had struck a major with a chair, Capt Siebert replied:

"I said he threw a chair at him. As far as the hunger strike is concerned, I think the Colonel is making a mistake."

Capt Siebert said when



he handed Mr Biko over to the prison authorities in Pretoria his condition had not changed from the previous night.

Mr Kentridge: According to the medical orderly who took Mr Biko over from you, Sgt Pretorius, he looked seriously ill and he feared for his life. The medical orderly was correct, wasn't he?

Capt Siebert: If one looks at it now, yes.

The medical orderly also said one of the security men told him Mr Biko studied medicine and yoga. What was the purpose of that — to put the medical men off the scent?

There was no purpose behind it.

In reply to further questions, Capt Siebert said in his view Mr Biko had feigned illness to prevent further interrogation.

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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 Rooyen, 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 bos te lei) 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 did 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

D.D. 17/11/77.

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 (opvliend) 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, 1976, Mr Biko was arrested at the home of Mrs E. T. Mtintso, 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 (behoorlike 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 known about that? —— I know that he was held, possibly for that time. No charges were 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 practised yoga? —— It was general knowledge. I never saw him practise it. — SAPA.

Captain tells of naked ride to Pretoria

By CAROL STEYN

MR STEVE BIKO was taken naked from Port Elizabeth to Pretoria in a Land-Rover and was accompanied by three security policemen with only a supply of water as "medical equipment," the inquest on the black consciousness leader was told yesterday.

Captain D P Siebert, one of the Security Police interrogators who had questioned Mr Biko in Port Elizabeth was examined by Mr Sydney Kentridge, SC, for the Biko family.

He told the court that Mr Biko was taken naked to Pretoria. He thought that being naked might place a damper on any escape attempt, he told the court. He was still not sure if Mr Biko was shamming an illness or not.

Mr Kentridge: Did considerations of common humanity bear no weight with you? — Yes, I am humane.

Lieutenant Wilken and Warrant Officer Niewoudt had travelled in the back of the Land-Rover with Mr Biko, Captain Siebert said.

Mr Kentridge: What medical equipment did they take with them in the back of the van? — They only had a container with water.

Mr Biko was covered with blankets.

They had left Port Elizabeth at 6.30 in the evening and had arrived in Pretoria the next morning, Captain Siebert said. They stopped on the road to take in fuel at a couple of police stations, but Mr Biko never left the van.

Capt Siebert said he had sat in the front of the vehicle and had inquired from time to time if Mr Biko was sleeping. He was told that he was but sometimes when lights were shone into the vehicle at police stations he saw that Mr Biko was awake. He noticed that Mr Biko was breathing deeply at times.

Mr Kentridge: In Colonel Dorfling's statement he said you had told him that you did not want to keep Mr Biko at Port Elizabeth or Uitenhage because it was thought that he might contact other people.

Capt Siebert: Mr Biko had been examined by two district surgeons and a specialist.

Mr Kentridge: It was clear that you lost no opportunity to persuade other people that Mr Biko was shamming. Why would you go out of your way to tell the colonel this?

Capt Siebert: I was told to explain why the man was brought to Pretoria. I didn't water down the fact that he was sent for observation, because if the doctors had found something wrong, they would not have agreed that he should be brought to Pretoria.

Mr Kentridge: According to the colonel you said that Mr Biko was an aggressive sort of person and mentioned that before he was on a hunger strike he threw a chair at a major. — He did throw the chair and he was on a hunger

Capt Siebert: If that was my intention I would not have arranged for the Pretoria district surgeon to phone the Port Elizabeth district surgeon.

Mr Kentridge: I am not suggesting that you and your colleagues thought this was a dying man. You thought he might recover. You didn't think he would die. — Never.

Mr Kentridge: 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 shamming, but you had better know that he had had a bump on the head." When Sgt Pretorius said he thought the man was sick all you gave was the theory of shamming.

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 Col Dorfling.

Mr Kentridge said that he would suggest to the court that Mr Biko sustained 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 R van Rooyen, SC, for the police, then examined Captain Siebert.

Before the Biko interrogation he was concerned in said he and his fellow interrogators showed Mr Biko the notes in such a manner that he could identify them but not read the contents.

It was then put to Mr Biko that while he had been talking in his room to Mr Titi, Mr Jones had entered and also that he had kept a typist after hours to do typing. On those facts anybody would have realised he had been driven into a corner, Capt Siebert said.

Mr Biko then admitted authorship of the pamphlet, he told the court. It was already late and they told Mr Biko they would continue the interrogation the next day, that they had more information and that he had to think the matter over.

Mr Biko was shocked. He did not love us. He realised we were people who were going to expose his image, Capt Siebert said.

Before they continued their interrogation the next morning he and Major Snyman (the leader of the interrogation team) discussed their tactics. They realised that the easy-going method of question and answer was not getting them far and they decided to use the more aggressive method of confronting him with the facts. This had succeeded the previous afternoon, Mr Biko had cracked in his evidence (geknak), Capt Siebert said.

Biko fell flat with his face on the floor.

Capt Siebert said there had been no other incident in his presence when Mr Biko could have hurt himself. Mr Biko was never hit at or slapped at by anybody in his presence.

Mr Biko had never had the appearance of having been "smashed up", Capt Siebert told the court.

Mr Kentridge referred to Capt Siebert's description of Mr Biko as having gone "ashen grey" on the morning of September 7. This description did not appear in Capt Siebert's affidavit, he said.

Capt Siebert: If I had known that there would be a dispute over this I would have mentioned it.

Mr Kentridge: You said that apart from the fall on his face you could think of no other way in which he could have sustained the injury on his head. — I understood Mr Van Rooyen's question to refer to any incident during "the fracas".

Mr Kentridge: I want to put it to you that the story about Mr Biko falling flat on his face is not contained in Major-General Kleinhaus' statement. (Gen Kleinhaus is the investigating officer).

Capt Siebert said he had said in his statement it was not impossible Mr Biko had sustained his injury while the police were trying to restrain him.

Mr Kentridge: Why

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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 mentioned 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 finalised so 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 lei).

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 ever 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 reiteration?

Peter Jones, Captain Siebert said.

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.

Captain Siebert: We had riots in Port Elizabeth which started on August 18. Arson, riots, murder, you name it.

Captain 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 realise that he had been driven into a corner.

Then Mr Biko was told he had to realise his friends who were under detention in Pretoria had been questioned by the police and that notes had been made. Capt Siebert Mr Biko had said at one stage: "You are intimidating me". Then they put it to him that he fell in the category of urban terrorists, Capt Siebert said.

Mr Kentridge rose. "Mr Biko is not merely being tried. He is being convicted. It was their aim to discredit Mr Biko in his lifetime. Not having succeeded they are trying to do it now."

Capt Siebert said the interrogators did not call Mr Biko an urban terrorist to his face. They implied it by the facts they mentioned.

Mr Biko was shocked. He was "ashen grey," Capt Siebert told the court. Mr Biko then said: "You are intimidating me, you are harassing me". Mr Biko had said this during the interrogation and again repeatedly during the struggle, he said.

Capt Siebert again described the "violent struggle". At one stage Mr Biko had said: "You knew I was not going to kill myself. You knew I was not going to run away. You knew I was not going to attack you. You knew I was not going to commit suicide. You knew I was not going to die a natural death. You knew I was not going to fall flat on my face. You knew I was not going to fall flat on his face? You knew he was interested in finding out how the injuries could have been incurred.

Captain Siebert did not answer.

Mr Kentridge: There is no answer to that question, is there?

Mr Prins, the magistrate, told Capt Siebert he had said earlier that when he took Mr Biko for a medical examination on September 8 Mr Biko could walk normally without assistance. Mr Prins said he had a statement from Warrant Officer Beneke which said Mr Biko had to be supported by black warders when he left the prison van.

Capt Siebert said that this support had not been the support one would give to an unconscious man. He took hold of the interpreter's elbow to demonstrate. Two black warders had held Mr Biko by the arms to safeguard him and prevent his escaping, he said.

Biko Inquest

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Biko's 'short temper'

By BERNARDI WESSELS

MAJOR Richard Hansen, branch commander of the Security Police in King William's Town was the second witness.

He got to know Mr Biko as a person with a short-tempered (opvlieënde) nature and referred to several incidents.

In 1975, without any reason, Biko accused Maj Hansen and his personnel of breaking into his offices.

Mr Biko was short-tempered and the major got the impression that Mr Biko could have assaulted him.

After a short time, he calmed down, Maj Hansen said in his statement.

On the morning of August 31, 1976, at 4 am Maj Hansen, accompanied by Warrant Officer Hattingh and other policemen arrested Mr Biko.

At the Security Police offices he instructed WO Hattingh to take Mr Biko's personal particulars.

WO Hattingh informed him that Mr Biko had adopted a cheeky attitude and had refused to give the required information.

Maj Hansen told Mr Biko he must not be childish.

When WO Hattingh asked another question, Mr Biko slapped him and struck at him with a clenched fist.

Major Hansen grabbed Mr Biko from behind and asked him what he thought he was doing.

"The deceased calmed immediately and said: 'Sorry Captain, I lost my temper,' " Major Hansen said.

Mr Biko then acted calmly.

On the night of July 4 this year he received a radio message from a Lieutenant Nel that Mr Biko had refused to be arrested.

He instructed Lieut Nel to use force to arrest Mr Biko.

Major Hansen said he went to Mr Biko's house and found a great group of people there. He found Mr Biko sitting in the middle of his lounge floor. Mr Biko was very excited and shouted that he would not allow himself to be arrested because he had not committed any offence.

He informed Mr Biko that he was arresting him and took him by the arm and led him to a car.

When they arrived at the car Mr Biko had already calmed down. Mr Biko became friendly and there was no sign of cheekiness.

In March 21, last year before Mr Biko was formally charged with obstruction, WO Hattingh had to take his fingerprints.

Mr Biko refused and became angry.

Maj Hansen asked Mr Biko not to be so childish.

Maj Hansen said that he came to the conclusion that Mr Biko went out of his way to belittle and tease (treiter) his personnel.

Mr Von Lieres, for the State said that there were four incidents in which Mr Biko's temperament was illustrated.

Mr Kentridge: You gave a number of descriptions of which he flew into a temper. But I also gained the impression that you had not much difficulty in calming him down. — Reply inaudible.

I would assume that WO Hattingh must have done something to provoke him. — No.

And he did not lay a charge of assault. — No.

Mr Kentridge: According to our information there were a number of charges laid against him in which he was acquitted. There was no reluctance to prosecute Mr Biko. Perhaps that is a comment. Why did WO Hattingh not lay a charge?

Mr Kentridge said the alleged slap was first mentioned in Maj Hansen's affidavit of September 19. The alleged slapping had taken place a year before. How was it that a week after Mr Biko died, Maj Hansen had made that affidavit?

Maj Hansen said he had been asked to make a statement.

Mr Kentridge: Did they say describe the assault? — Yes.

Did you know why they wanted it? — Yes.

Then who asked you to make a longer affidavit? — Reply inaudible.

Was the subject matter his personality? — Yes, his personality.

Mr Kentridge then noted that Mr Biko had been detained at one stage for 10 days and that no charge had been laid against him.

Mr Van Rooyen, representing the police, then questioned Maj Hansen on Mr Biko's size. Maj Hansen agreed that Mr Biko had been a big man, although he was slightly thinner in 1977 than he was in 1975.

Asked whether Maj Hansen and Mr Biko had talked about it, Maj Hansen told of an occasion when they had a beer together.

Major Hansen told Mr Biko he was getting fat but Mr Biko had replied that he was suffering from a kidney or other complaint (evidence inaudible).



Captain D P Siebert . . . told of taking Biko naked to Pretoria.

328 - Detention

Biko taken naked to Pretoria, says interrogator

Own Correspondent

PRETORIA. — Steve Biko was taken naked from Port Elizabeth to Pretoria in a Landrover and was accompanied by three security policemen with only a supply of water as "medical equipment", the inquest into his death was told yesterday.

At the start of yesterday's proceedings Captain D P Siebert, one of the security police interrogators who had questioned Mr Biko in Port Elizabeth, was examined by Mr S Kentridge, SC, for the Biko family.

He told the court that Mr Biko was taken naked to Pretoria. He thought that being naked might place a damper on any escape attempt by Mr Biko. He was still not sure if Mr Biko was shamming an illness or not.

Mr Kentridge: Did considerations of common humanity bear no weight with you?

Captain Siebert: Yes, I am humane.

Lieutenant Wilken and Warrant Officer Niewoudt had travelled in the back of the Landrover with Mr Biko. Captain Siebert said they were not medical orderlies.

Mr Kentridge: What medical equipment did they take with them in the back of the van?

Captain Siebert: They only had a container with water.

They had left Port Elizabeth at 6.30 in the evening and had arrived in Pretoria the following morning, Captain Siebert said. They stopped on the road to take in fuel at a couple of police stations, but Mr Biko never left the van.

Captain Siebert said he had sat in the front of the vehicle and had inquired from time to time if Mr Biko was sleeping. He was told that he was but sometimes when lights were shone into the vehicle at police stations he saw that Mr Biko was awake. He noticed that Mr Biko was breathing deeply at times.

At Pretoria he handed Mr Biko to Colonel Botha and a Lieutenant Colonel.

Mr Kentridge: Colonel Botha has made a statement recording that you brought the prisoner to him and told him that Mr Biko had had a medical examination by a specialist, Dr Hirsch, and that nothing wrong had been found.

Captain Siebert: This was the report I had received from my station commander. If this was false the falsehood was not mine. It is what I was told.

Yoga

Mr Kentridge: According to Colonel Botha you also said the prisoner was a person who had studied medicine for four years and that he practised yoga. You also made the remark that it would be very easy for this prisoner to mislead other people (om ander mense om die bos te lei).

Captain Siebert: I could have said this. I based it on the fact that he had been examined by a doctor. Also I had been told that people who practised yoga could cut themselves off from the world. Major Hansen told me that Biko had practised yoga. I didn't go into the merits of yoga. I don't know if there is a difference between Biko's yoga and other yoga.

Questioned further Captain Siebert said: "I don't think I used the words "ander mense om die bos lei", but I could have said that Biko could be shamming.

Mr Kentridge: Do you still believe that?

Captain Siebert: Well, the man is dead and there are medical reports.

Mr Kentridge: In Colonel Dorfling's affidavit he said you told him the prisoner had been for some days on a hunger strike.

Captain Siebert: I don't think I used the word hunger strike. I could have said he refused to eat or didn't take meals.

Mr Kentridge: Colonel Dorfling said that he told him that since his arrest on August 18 Mr Biko had not eaten.

Medical reports

Captain Siebert: I did not say that.

He said Colonel Dorfling had asked him if he had brought medical reports along. He had not because it had been a Sunday afternoon when he was told to prepare to take Mr Biko to Pretoria.

When Colonel Dorfling asked him about the report he phoned his office in Port Elizabeth and was told to tell the district surgeon in Pretoria, Dr Brandt to phone the Port Elizabeth office and that the medical particulars would be given to him.

Mr Kentridge: In Colonel Dorfling's statements he said you had told him that you did not want to keep Mr Biko at Port Elizabeth or Uitenhage because it was thought that he might contact other people. He said you told him Mr Biko was a fourth year medical student, practised yoga and "kon ander mense om die bos lei". Colonel Dorfling said he understood you to mean that Mr Biko could pretend to be sick when he was not really.

Captain Siebert: Mr Biko had been examined by two district surgeons and a specialist.

Mr Kentridge: It was clear that you lost no opportunity to persuade other people that Mr Biko was shamming. Why would you go out of your way to tell the colonel this?

Water down

Captain Siebert: I was told to explain why the man was brought to Pretoria. I didn't water down the fact that he was sent for observation, because if the doctors had found something wrong they would not have agreed that he should be brought to Pretoria.

Mr Kentridge: According to the Colonel you said that Mr Biko was an aggressive sort of person and mentioned that before he was on a hunger strike he threw a chair at a major.

Captain Siebert: He did throw the chair and he was on a hunger ried. He would have liked the matter to be finalized so that the investigation could proceed.

Mr Kentridge told Captain Siebert that Sergeant Pretorius, a medical orderly, had said in a statement that on the morning of Mr Biko's death he had been worried about him. Mr Biko had looked seriously ill and he feared for his life.

Mr Kentridge said that according to Sergeant Pretorius's 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 lei).

Captain Siebert answered that Mr Biko had been examined by doctors in Port Elizabeth and that 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.

'Off the track'

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 ever 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 thre have been for this constant reiteration?

Captain Siebert: If that was my intention I would not have arranged for the Pretoria district surgeon to phone the Port Elizabeth district surgeon.

Mr Kentridge: I am not suggesting that you and your colleagues thought this was a dying man. You thought he might recover. You didn't think he would die.

Captain Siebert: Never.

Mr Kentridge: 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 shamming, but you had better know that he had had a bump on the head." When Sergeant Pretorius said he thought the man was sick all you gave was the theory of shamming.

Genuinely shocked

Captain 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 Colonel Dorfling.

Captain Siebert said that when he had got Mr Biko off his hands

Captain Siebert: No.

Mr Kentridge said that he would suggest to the court that Mr Biko sustained injuries at some time between September 6 and the morning of September 7.

Captain Siebert: The possibility is not excluded that he could have incurred a bump, but I don't know.

Mr P R van Rooyen, SC, for the police, then examined Captain Siebert. Answering questions, Captain Siebert said that before the Biko interrogation he was concerned in the interrogation of Mr Peter Jones.

He and his colleagues had thought that Mr Biko could be exposed as a different kind of



person from the image he wore. Mr Biko should have realized that this information could have come only from his friends.

Expose Biko

The police had wanted to expose Mr Biko as having attempted to unite the liberation movement in one front which would have arranged deeds of terrorism in South Africa and which would have arranged military training outside this country for the purpose of overthrowing its good law and order. The police had had information to this effect.

The police were in possession of a statement made by Mr Titi and Mr Peter Jones, but these statements were not their only source of information. They had another document in their possession which referred to the merger of the ANC and the Pac under the leadership of Mr Biko.

Mr Van Rooyen: You were concerned during your interrogation with the August 18 commemoration day pamphlet and this merger?

Then Mr Kentridge rose: "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".

Intervention

Then Mr Biko was told that he had to realize that his friends who were in detention in Pretoria had been questioned by the police and that notes had been made. Captain Siebert said that he and his fellow interrogators showed Mr Biko the notes in such a manner that he could identify them but not read the contents.

Into a corner

It was then put to Mr Biko that while he had been talking in his room Mr Peter Jones had entered, and also that he had kept a typist after hours to do typing. On those facts anybody would have realized that he had been driven into a corner, Captain Siebert said:

Mr Biko then admitted authorship of the pamphlet, he told the court. It was already late and they told Mr Biko that they would continue the interrogation the next day, that they had more information in their possession and that he had to think the matter over.

Mr Biko was shocked. He did not love us. He realized we were people who were going to expose his image, Captain Siebert said.

Before they continued their interrogations the next morning he and Major Snyman discussed their tactics. They realized that the easy-going method of question and answer was not getting them far and they decided to use the more aggressive method of confronting him with the facts. This had succeeded the previous afternoon. Mr Biko had cracked in his evidence (geknak) Captain Siebert said.

During the interrogation Mr Biko had said at one stage, "You are intimidating me". Then they put it to him that he fell in the category of urban terrorists, Captain Siebert said.

Mr Kentridge rose: "Mr Biko is not merely being tried, he is being convicted. It was their aim to descredit Mr Biko in his lifetime. Not having succeeded they are trying to do it now."

Captain Siebert said the interrogators did not call Mr Biko an urban terrorist to his face. They implied it by the facts they mentioned.

had tried to continue the interrogation but it was clear that Mr Biko was still beside himself with fury and shock as a result of having been confronted with facts which had dented his image, Captain Sieberg said.

Mr Biko would not talk at all and did not react to questions. He could not say if Mr Biko heard the interrogators talking to him.

Captain Siebert said it was possible that Mr Biko could have incurred bruises during the struggle. Referring to the photograph handed into the court which shows a scar on Mr Biko's forehead he said he never saw the scar on Mr Biko and had been very surprised to see the photograph.

Mr Biko had never had the appearance of having been "smashed up", he told the court.

Mr Kentridge referred to Captain Siebert's description of Mr Biko as having gone "ashen grey" on the morning of September 7. This description did not appear in Captain Siebert's affidavit, he said.

Captain Siebert: If I had known that there would be a dispute over this I would have mentioned it. Mr Biko went "ashen grey" with shock when the facts were put to him, Captain Siebert said.

Mr Kentridge: You said that apart from the fall on his face you could think of no other way in which he could have sustained the injury on his head.

Captain Siebert: I understood Mr Van Rooyen's question to refer to any incident during "the fracas".

Mr Kentridge: I want to put it to you that the story about Mr Biko falling flat on his face is not contained in Major General Kleinhaus' statement.

Captain Siebert said that he had said in his statement that it was not impossible that Mr Biko sustained his injury while the police were trying to restrain him.

Mr Kentridge: Why didn't you tell Major Kleinhaus you saw Mr Biko fall flat on his face? You knew he was interested in finding out how the injuries could have been incurred.

No answer

Captain Siebert did not answer.

Mr Kentridge: There is no answer to that question, is there?

Mr Prins told Captain Siebert that he had earlier said that when he took Mr Biko for a medical examination on September 8 he could walk normally without assistance. Mr Prins said he had a statement from Warrant Officer Beneke in which it was said that Mr Biko had to be supported by African warders when he left the prison van.

Captain Siebert said that this support had not been the support one would give to an unconscious man. He took hold of the interpreter's elbow to demonstrate.

Two African warders had held Mr Biko by the arms to safeguard him and prevent his escaping, he said.

Major Richard Hansen, of the South African police station at King William's Town, then took the witness box. He said he was currently the branch commander of the security branch in the town.

He started his services in the town on January 2, 1975, and since that time had known Mr Biko.

From 1975 till his death he contacted Mr Biko on a number of occasions, either through visiting his house or visits by Mr Biko to his office.

Continuing with his statement handed in to the court, Major Hansen said that he often spoke to Mr Biko in the street and at Zanenpilo Clinic and they had a good relationship and often had long talks about Mr Biko's connection with the BCP, the BPC and Saso.

The first time they met was when Mr Biko visited him in his office. Mr Biko explained that he had been informed that Major Hansen was the new security officer and that he wanted to inform him that if he ensured that the members of his personnel, as in the past, did not bother him at his (Mr Biko's) house, he would not have to expect trouble from Mr Biko's side.

Major Hansen said that Mr Biko told him that the security police continually harassed him at his house, charged him with violating his banning order, but that the security police had not so far succeeded in having him found guilty.

Mr Biko on many occasions led him to understand that the King William's Town's security police harassed him and members of his black power organization.

Major Hansen said that he got to know Mr Biko as a person with a short-tempered (opvliende) nature and referred to the following incidents.

Major Hansen said that at 8am on September 9, 1975, Biko visited him at his office and accused him and his personnel out of the blue and without any reason of breaking in at 15 Leopold Street on the previous night.

Mr Biko was short-tempered and the major claimed that he got the impression that Mr Biko could have assaulted him.

Mr Biko shouted that he knew it was the security branch that had plundered the offices and broken in.

"I told the deceased that I did not know what he was talking about and after he spoke for a short time, he calmed down," Major Hansen said in his statement.

After Mr Biko sat down he repeated his allegation and said that he wanted to conclude an agreement that if Major Hansen acknowledged that it was the security police that broke into the

continued on page 4

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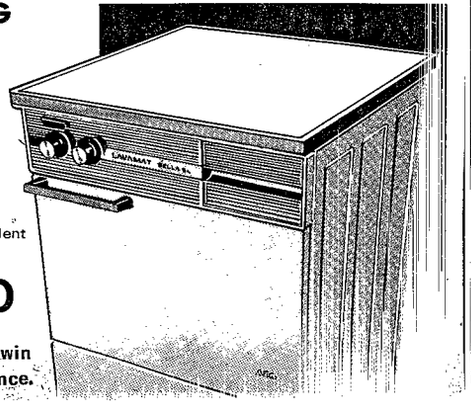

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When VP ... was taken to Pretoria in the Landrover he was conscious, Captain Siebert said.

Mr Kentridge: Was he breathing normally?

Captain Siebert: I mentioned 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".

Captain 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 wor- through the night ... of Elizabeth. When they arrived at their office they heard that Mr Biko had died. He was "genuinely shocked", he said.

It was logical that he would have discussed with his colleagues what the cause of death could have been but they did not speculate on theories, he said.

Mr Kentridge: Did Colonel Goosen not say that perhaps Mr Biko had had a stroke after all.

Captain Siebert: No-one made any suggestion.

Mr Kentridge: Did anyone raise the question of eastern Yoga?

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 told Mr Van Rooyen to continue.

Mr Van Rooyen asked what had happened on August 18, 1976, which was being commemorated.

Captain Siebert: We had riots in Port Elizabeth which started on August 18. Arson, riots, murder, you name it.

Captain Siebert told the court that Mr Biko had to his knowledge not eaten from the time when he arrived at the security police building until he left. Water had been available but he never saw Mr Biko drinking it. Mr Biko never asked for toilet facilities.

The interrogation could be divided into two parts, the first part concerning the meeting in Cape Town and the merger, and the last part the pamphlet and Mr Biko's admission, he said. The police had kept in reserve their knowledge about what would have happened at the meeting.

Mr Biko had contravened his detention order on several occasions and it was not acceptable that a man like him would do this again to escape from his domestic problems, he said.

Not at ease

During the interrogation Mr Biko was not at ease and came to realize that he had been driven into a corner. It then became clear that Mr Biko was very ill at ease. He moved about in his chair and the veins at his throat were throbbing. It was clear that he was worried.

... grey", Captain Siebert told the court. He then said "You are intimidating me, you are harassing me".

Mr Biko had said this during the interrogation and had again repeatedly said it during the struggle, he said.

Captain Siebert again described the violent struggle. Mr Biko had been much larger and heavier than he was. At one stage his own left shoulder was pinned against a wall while Mr Biko stood in front of him with one side towards the wall. Then Mr Biko landed on the floor on hands, elbows and knees. Later he lay flat on the floor and there was a struggle.

Mr Biko at one stage fell flat with his face on the floor. He jumped up immediately, moved towards the wall and stood astride against it supporting himself as if he was saying "now we can continue".

Mr Biko was strong and it was difficult to handcuff him. He was beside himself with fury.

Never hit

Captain Siebert said there had been no other incident in his presence when Mr Biko could have hurt himself. Mr Biko was never hit at or slapped at by anybody in his presence.

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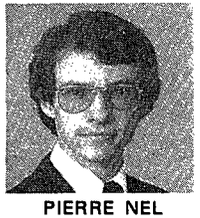

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17/11/77

X 325 - Detention

Found in the bath

continued from page 4

book and there was no room for discretion.

Colonel Goosen: At a normal police station there would be no discretion.

Mr Kentridge: It doesn't apply to you?

Colonel Goosen: 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 Goosen: 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 Goosen: 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 Goosen 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 Goosen repeated that it was to prevent suicide. Mr Kentridge asked whether Colonel Goosen had ever come across a case of suicide with strips of blanket. Colonel Goosen replied that in 23 years he had not come across such a case.

Mr Kentridge asked whether Colonel Goosen had given orders that Mr Biko be kept naked when transferred to the Port Elizabeth Prison on September 8.

Colonel Goosen: I cannot remember that I have that order.

Mr Kentridge: Weren't you afraid that while in prison he may commit suicide?

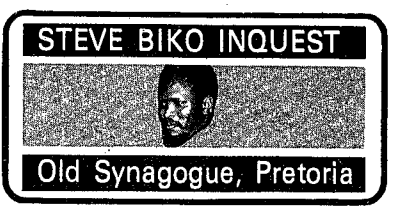
Colonel Goosen replied that he was in a prison hospital with staff who would nurse him.

Mr Kentridge then raised the question of the entry into the occurrence book made by Major Snyman on September 8 in which he mentioned the struggle during which Mr Biko had bumped his head.

Mr Kentridge asked Colonel Goosen if he knew why this entry was not made on September 7 after the incident.

Mr Kentridge suggested that the entry had 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 Goosen, 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 stubbornly refusing to react to questions?



Broad outline

Colonel Goosen: It would have been made in any event.

Mr Kentridge then asked whether Major Snyman had told Colonel Goosen what he had written in the occurrence book.

Colonel Goosen: In broad outline.

Mr Kentridge: Did he tell you at any time that during the scuffle in room 619 on September 7 that Biko had fallen with his head against the wall?

Colonel Goosen: 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 in any way?

Colonel Goosen: Not in so many words. I made the deduction that it was probable he might have.

Mr Kentridge: So you thought it was at least a probability that Biko might have bumped his head during the struggle on the morning of the 7th.

Colonel Goosen: 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 Goosen: I thought it was a possibility.

Mr Kentridge: At the time?

Colonel Goosen: Yes.

Mr Kentridge: Even though neither Major Snyman or anyone else told you it had happened?

Conclusion

Colonel Goosen 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 deal specifically with the issues of the way you thought Biko could have had the injury to his forehead. This is the one you made when General Kleinhans told you he died as a result of brain injury and he showed you the photo of the mark 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.

Colonel Goosen said he had only thought of it as a possibility.

Mr Kentridge said that the possibility was mentioned nowhere in the affidavit.

Colonel 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?

Colonel Goosen: 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 deal 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 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 7th?

Colonel Goosen: 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 Goosen 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 Goosen 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.

Colonel Goosen: After he was taken to Walmer I never saw him again.

Mr Kentridge: You saw him on the afternoon of September 11.

Colonel Goosen: I didn't examine him.

Mr Kentridge: When General Kleinhans came down you knew your men were under suspicion.

Colonel Goosen: 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 Goosen 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 the scuffle, he said he noticed no signs after the scuffle.

Mr Kentridge: When you and the other officers saw him on the 11th, you all say you didn't see the mark anywhere. So what is the difference then? Why put up one theory and not the other? The reason why you didn't put this to General Kleinhans was because none of your men ever suggested

Continued on page 11

325 - Defence

17/11/77

STEVE BIKO INQUEST



Old Synagogue, Pretoria

Continued from page 5

to you that Biko bumped his head in any way during that struggle.

Colonel Goosen said he noticed no signs at all after the incident and said the injury could only have happened in prison.

Mr Kentridge: Do you know how old the wound was at the time of his death? At least four days old. Probably a little more. The general made it clear there was reason to believe that these injuries had been suffered while he was under the control of your interrogators and yet you still did not put forward your theory. I want to put it to you that neither you nor any of your men suggested to the general that during the scuffle he might have had a bump on his head.

Colonel Goosen repeated that he had not seen the mark after the incident.

Mr Kentridge reminded him that no one who saw Mr Biko in Port Elizabeth on September 11 had mentioned the mark in an affidavit.

Mr Kentridge: Nonetheless you put up the theory about the bath. You never raised the question that he might have had a bump on his head during the scuffle. It is beginning to become doubtful whether a scuffle took place as some of the officers attempted to describe.

Mr Kentridge told the colonel that on September 8 he had called the doctors again in spite of the fact that he had the medical certificate of September 7.

Colonel Goosen said he wanted to be very sure whether Mr Biko was shamming illness or not.

Mr Kentridge: Various things were told to the doctors. Not once did anyone say to the doctors, "this man has had a bump on the head".

Mr Kentridge then drew the attention of the court to what he called a veritable panic at the security police offices on the night of September 7.

Colonel Goosen said he did not think it was a panic.

Slurred

Mr Kentridge: According to the affidavits about 9pm Lieutenant Wilken of the night staff found that Biko was speaking in a slurred manner and sent for Major Fisher, as the head of the section, who found Biko was talking incoherently and he telephoned you, Colonel Goosen, to make a report and at 9.30 you arrived at the offices and you also found that he was mumbling in an incoherent way. Were you worried about this?

Colonel Goosen said he knew from Dr Lang there was nothing physically wrong with Mr Biko, 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 Goosen said he believed Mr Biko hoped to be taken to hospital for medical observation.

NM. 17/11/77 (325- det.

Biko 'slapped a police officer'

He was adopting a cheeky attitude' major says in evidence

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 organisations.

The relationship between him and Mr. Biko had been friendly but not exaggerated, Major 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 having broken into 15 Leopold Street on the night of September 18, 1975, said Major Hansen.

"He was hot-tempered and I 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. Mtintso, and detained for questioning.

Major Hansen said: "On our arrival at the security offices in King William's Town, I instructed Warrant Officer 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 stood at the table.

"I told the deceased not to be childish and to give the particulars.

"When W/O Hattingh put a question to Mr. Biko he sprang past me and gave W/O Hattingh a heavy smack (behoorlike 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 Mr. Biko 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, Major Hansen said not as far as he knew.

Asked whether W/O Hattingh had laid a charge of assault against Mr. Biko, Major Hansen replied that 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.

Major 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 had been asked to.

Mr. Kentridge: Did they ask you to describe the assault by Mr. Biko on Mr. Hattingh? 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. Kentridge: 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 since having been in detention.

Mr. Kentridge: Did you



COLONEL P. J. Goosen who gave evidence yesterday.



MRS. ALICE Biko, the mother of Mr. Steve Biko, at yesterday's hearing.

Biko practised yoga?

Major Hansen: It was general knowledge. I never saw him practise it.

At another stage of the hearing, Mr. Kentridge said it was beginning to become doubtful whether the scuffle in which Mr. Biko was alleged to have been injured had ever taken place.

Mr. Kentridge questioned Security Police officers at length yesterday on why no mention had been made in any affidavits that Mr. Biko might have hit his head against a wall during a scuffle on September 7.

Security policemen interrogating Mr. Biko in Port Elizabeth that day have told the inquest that Mr. Biko "went berserk" when told of police information against him, and that in the resultant struggle he might have knocked his head against a wall.

Doubtful

Mr. Kentridge asked Colonel Pieter Goosen, head of Security Police in the Eastern Cape, why he, in his affidavits, had put forward a theory that Mr. Biko had been injured in the prison hospital but not a theory that he could have been injured in the struggle on September 7.

"It begins to become doubtful, in view of the evidence, whether that scuffle ever took place," Mr. Kentridge said.

Mr. Biko was transferred to the Port Elizabeth prison hospital on September 8 and driven to Pretoria on the night of September 11. He died on September 12.

Mr. Kentridge told the Court yesterday that, according to doctors, the fatal head injury had been at least four days old and probably a little older.

He also questioned Col.

RETURN TO PAGE 2

7/11/77

INQUEST TOLD OF BIKO 'ATTACK'

FROM PAGE 1

Goosen at length on why Mr. Biko had been kept in chains for 48 hours, and why he had been kept naked at the Walmer police cells after his arrest.

He suggested that the entry made by Major Harold Snyman, head of the interrogation team, in the police occurrence book on September 8 about the struggle the previous day had been to protect the police in the event of a subsequent complaint of assault from Mr. Biko.

Mr. Kentridge asked Col. Goosen whether Major Snyman had told him at any time that Mr. Biko had fallen with his head against the wall during the struggle on September 7.

Col. Goosen: I do not believe he expressly used the term "head against the wall" to me.

Mr. Kentridge: Did any of your officers tell you Mr. Biko had knocked his head in any way?

Col. Goosen: Not in so many words. I made the deduction that 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 when Mr. Biko could have injured his forehead.

One of them had been to Major-General Kleinhaus, the police investigating officer sent to find out how the injury could have been sustained.

Mr. Kentridge: Not in this affidavit nor in any other do you make the suggestion that Mr. Biko might have had a bump on the head when he struggled in the office.

Col. Goosen: It was never put to me. But it was a probability.

Mr. Kentridge: This is a probability or possibility not mentioned in your affidavits.

Col. Goosen: I did not deal with possibilities in my affidavits.

Mr. Kentridge: Didn't you raise the possibility that Mr. Biko could have suffered this injury when he was in the Port Elizabeth prison hospital on the morning of the 9th?

Col. Goosen: I described it as a possibility.

Possibility

Mr. Kentridge: You described it as more than a possibility. It was your theory.

Col. Goosen: Yes.

Mr. Kentridge: Why didn't you put forward the theory that he might have banged his head during the struggle?

Col. Goosen: It is difficult. In the struggle he might have bumped his head, but it is also possible that he could have injured himself at the prison hospital.

Mr. Kentridge: You dealt at length with the probability when he was found on the morning of the 9th in the bath, and later, you put forward the theory he might have suffered brain injury.

Col. Goosen: That is a probability.

Mr. Kentridge: Why did you not put forward the possibility or probability that it might have happened in the struggle?

Col. Goosen: I thought it possible there could have been a reckless attempt to commit suicide. The possibility that he might have banged his head also occurred to me.

Asked why he had mentioned only one of the two theories, Col. Goosen replied that he had mentioned the strongest probability. He was talking about probabilities because there was no certainty.

Mr. Kentridge: Why did you not say to the investigating officer that the man might have had a lump on the head on September 7?

Col Goosen: There was a distinct mark above his eye. I never saw a mark like that. The first time I saw it was in the photograph.

Mr. Kentridge said Col Goosen had seen Mr. Biko again on September 11 before he was driven to Pretoria, and had not seen the mark then, either.

Col Goosen said he knew Gen. Kleinhaus was trying to find out how Mr. Biko could have sustained a head injury, but had not mentioned the scuffle because there had been no visible sign of injury on Mr. Biko then.

Mr. Kentridge: I suggest that the reason why you did not put this up to Gen. Kleinhaus is that none of

your men have ever suggested to you that Mr. Biko had been bumped in any way during the struggle.

Col Goosen: There was never any visible sign whatsoever. When the photograph was shown to me it gave me an indication that it must have been clearly visible, and if it was clearly visible it could only have happened in the prison hospital. According to the photograph that mark was very prominent.

Mr. Kentridge: Do you know how old that wound was, according to the doctors?

No idea

Col Goosen: I have no idea.

Mr. Kentridge: At least four days old and probably a little more.

Col Goosen agreed that Gen Kleinhaus had warned all the Security Police 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.

Mr. Kentridge: Yet you never raised the question that he might have suffered a bump on the head in the scuffle?

Col Goosen: No.

Asked whether he knew there had been a scuffle, Col. Goosen said he had seen an injury to Mr. Biko's lip. He agreed that this could have been caused in a number of ways.

Questioning Col Goosen on the medical certificate issued by a district surgeon, Dr. Lang, after seeing Mr. Biko on September 7, Mr. Kentridge said the certificate did not mention a lip injury.

"It is clear what would have happened if Mr. Biko had lived. If one day he came to court and complained that he had sustained an injury to his lip on the morning of September 7 this (certificate) would have been produced and he would have been called a liar," said Mr. Kentridge.

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 with whom I was dealing – Steve Biko. I knew the propaganda that could have been made if something had happened to Steve Biko.

After Dr. Lang had examined Mr. Biko he said there was nothing physically wrong, said Col Goosen.

Col Goosen said he would have taken similar action in the case of any other detainee.

Mr. Kentridge: You were afraid they would say the man has been assaulted, and you wanted a certificate to show he hadn't been?

Col Goosen: I don't believe that was my motive.

Asked about a remark in the medical certificate that Security Police had complained that Mr. Biko would not speak, Col. Goosen said he believed Mr. Biko had been feigning illness to avoid answering questions about his activities and associates.

"Why should he have to sham illness to avoid answering questions. Why couldn't he just keep silent?" Mr. Kentridge asked. "How could you have compelled him to answer?"

Questioned further about this by the Magistrate, Mr. M. J. Prins, Col. Goosen said he knew what had happened during Mr. Biko's previous detention.

Col. Goosen had earlier stated that he had told Dr. Lang something of Mr. Biko's personal history.

Dr. Lang had been told police had difficulty in communicating with Mr. Biko.

He had told Dr. Lang that Mr. Biko had been a medical student for four years, but did not believe he had mentioned Mr. Biko's yoga, though this was general knowledge in Security Police circles.

No mention

"Neither Mr. Biko's mother nor his wife nor his sister nor his brother know about that. It is not common knowledge to them," Mr. Kentridge said.

Major Richard Hansen, the Security Police officer in charge of Mr. Biko during his previous detention, had made no mention of a difficulty in communicating with Mr. Biko.

Col. Goosen said he had not been in charge of Mr. Biko during his detention last year.

Mr. Kentridge: Is this the sort of basis on which you make reports to your superiors, as a result of which people are banned and have other action taken against them? . . . this sort of common gossip?

Col. Goosen: I don't think I can answer this sort of ridiculous argument. It is a ridiculous statement and I am not prepared to answer it.

Asked why he had told Dr. Lang he believed Mr. Biko had had a stroke, Col. Goosen said this had been his opinion as a layman. But he had put the facts known to him to Dr. Lang so that he could make a proper diagnosis.

Asked how it had come to be reported to Dr. Lang that Mr. Biko was not using his limbs, Col. Goosen said this had been a deduction on his part from the fact that Mr. Biko had been told to stand and had not done so.

No effort

The Magistrate: Did he try to stand up or stay sitting and make no effort to stand.

Col. Goosen: He made no effort to stand.

The Magistrate: There was nothing to indicate his limbs were affected?

Col. Goosen: No, except that he would not stand up.

Asked whether Mr. Biko had been able to speak, Col. Goosen said that when spoken to Mr. Biko had given a "bumbling reply."

Mr. Kentridge: Did you tell Dr. Lang that he was unable to speak?

Col. Goosen: I said we had problems in communicating with him. I cannot remember my exact words to Dr. Lang.

In other evidence Col. Goosen said Mr. Biko had been held in chains at Security Police offices and kept naked in police cells to prevent him committing suicide or escaping.

Col. Goosen told Mr. Kentridge that, apart from a brief period on the morning of September 7, Mr. Biko had spent two days at Security Police offices in handcuffs and leg-irons.

"What right have you to keep a man in chains for 48 hours or more?" Mr. Kentridge asked.

Col. Goosen replied that, as divisional commander, he had authority to do this to a man detained under Section 6 of the Terrorism Act to prevent him from committing suicide or injuring himself.

Mr. Kentridge: Where do you get your authority from? Show me a piece of paper that gives you the right to keep a man in chains – or are you people above the law?

Col. Goosen: We have full authority. It is left to my sound discretion.

Mr. Kentridge: Under what statutory authority?

Col. Goosen: We don't work under statutory authority.

Mr. Kentridge: You don't work under statutory authority. Thanks very much, Colonel – that's what we have always suspected.

Mr. Kentridge asked why Mr. Biko had been kept chained hand and foot in the Security Police offices on the night of September 6 instead of being sent back to the Walmer police station cells.

Col. Goosen replied that there were a number of reasons.

Facilities

Firstly there were adequate sleeping and toilet facilities at the Security Police offices.

With a detainee such as Mr. Biko there was also the consideration that he might try to escape. If he were transported there might be attempts to free him and, as he was being interrogated about his activities, they did not want him to be able to communicate with anyone outside.

Mr. Kentridge: You mean that, from a prison cell under guard, he would have been able to communicate with someone?

Col. Goosen: That happens daily.

Col. Goosen said Mr. Biko had been kept in chains because not all the offices had burglar-proofing. He had not been locked in an office as the police on guard had been expected to keep an eye on him.

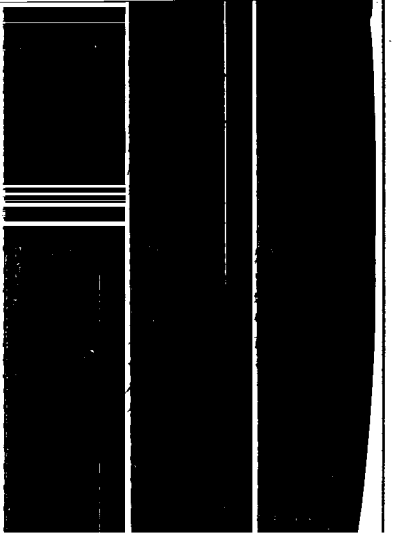
Mr. Kentridge: Would you keep a dog chained up in this way for 48 hours? I want to know what sort of a man you are.

Col. Goosen: If I regarded him as absolutely dangerous I would do so.

The rest of Col. Goosen's reply was largely inaudible, 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 had only been let out of the offices to die.

The hearing continues to-



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THE BIKO INQUEST

SP captain tells of hand-over of prisoner

JOHANNESBURG — Mr. Steve Biko had been taken naked from Port Elizabeth to Pretoria in a Land-Rover and had been accompanied by three security policemen with only a supply of water as "medical equipment," the inquest into his death was told yesterday.

At the start of yesterday's proceedings Captain D. P. Siebert, one of the security police interrogators who had questioned Mr. Biko in Port Elizabeth, was examined by Mr. S. Kentridge, SC, for the Biko family.

He told the Court that Mr. Biko had been taken naked to Pretoria. He had thought that being naked might place a damper on any escape attempt by Mr. Biko.

He was still not sure whether Mr. Biko had been shamming an illness or not.

Mr. Kentridge: Did considerations of common humanity bear no weight with you?

Captain Siebert: Yes, I am humane.

Lieutenant Wilken and Warrant Officer Niewoudt had travelled in the back of the Land-Rover with Mr. Biko, Captain Siebert said. They were not medical orderlies.

Mr. Kentridge: What medical equipment did they take with them in the back of the van?

Capt. Siebert: They had only a container with water.

Capt. Siebert said he had sat in the front of the vehicle and had inquired from time to time whether Mr. Biko was sleeping.

He was told that Mr. Biko was, but sometimes when lights were shone into the vehicle at police stations he had seen that Mr. Biko was awake. He had noticed that Mr. Biko was breathing deeply at times.

At Pretoria he had handed Mr. Biko to Colonel Botha and a Lieutenant-Colonel.

Mr. Kentridge: Col. Botha has made a statement recording that you brought the prisoner to him and told him that Mr. Biko had had a medical examination by a specialist, Dr. Hirsch, and that nothing wrong had been found.

Report

Capt. Siebert: This was the report I had received from my station commander. If this was false the falsehood was not mine. It was what I had been told.

Mr. Kentridge: According to Col Botha you also said the prisoner was a person who had studied medicine for four years and that he practised yoga.

You also made the remark that it would be very easy for this prisoner to mislead other people (om ander mense om die bos te lei).

Capt. Siebert: I could have said this. I based it on the fact that he had been examined by a doctor. Also, I had been told that people who practised yoga could cut themselves off from the world. Major Hansen told me that Biko had practised yoga. I didn't go into the merits of yoga. I don't know if there is a difference between Biko's yoga and other yoga.

Questioned further, Captain Siebert said: "I don't think I used the words 'ander mense om die bos te lei' but I could have said that Biko could be shamming."

Mr. Kentridge: Do you still believe that?

Captain Siebert: Well, the man is dead and there are medical reports.

Mr. Kentridge: In Col. Dorfling's affidavit he said you told him the prisoner had been for some days on a hunger strike.

Captain Siebert: I don't think I used the words hunger strike. I could have said he refused to eat or didn't take meals.

Mr. Kentridge: Col. Dorfling said that you told him that since his arrest on August 18 Mr. Biko had not eaten.

Captain Siebert: I did not say that.

He said Col. Dorfling had asked him if he had brought medical reports along. He had not, because it had been a Sunday afternoon when he had been told to prepare to take Mr. Biko to Pretoria.

When Col. Dorfling asked him about the report he phoned his office in Port Elizabeth and was told to tell the district surgeon in Pretoria, Dr. Brandt, to phone the Port Elizabeth office, and that the medical particulars would be given to him.

Contact

Mr. Kentridge: In Col. Dorfling's statements he said you had told him that you did not want to keep Mr. Biko at Port Elizabeth or Uitenhage because it was thought he might contact other people.

He said you told him Mr. Biko was a fourth-year medical student, practised yoga and "kon ander mense om die bos lei."

Col. Dorfling said he understood you to meant that Mr. Biko could pretend to be sick when he was not really.

Captain Siebert: Mr. Biko had been examined by two district surgeons and a specialist.

Mr. Kentridge: It was clear that you lost no opportunity to persuade other people that Mr. Biko was shamming. Why would you go out of your way to tell the Colonel this?

Captain Siebert: I was told to explain why the man was brought to Pretoria. I didn't water down the fact that he was sent for observation, because if the doctors had found something wrong they would not have agreed that he should be brought to Pretoria.

Mr. Kentridge: According to the Colonel you said that Mr. Biko was an aggressive sort of person and mentioned that before he was on a hunger strike he had thrown a chair at a major.

Captain Siebert: He did throw the chair, and he was on a hunger strike. The sequence is wrong.

Conscious

When Mr. Biko was taken to Pretoria in the Land-Rover he was conscious, Captain Siebert said.

Mr. Kentridge: Was he breathing normally?

Captain Siebert: I mentioned 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 have been finalised so that the investigation could proceed.

Mr. Kentridge told Capt. Siebert that Sergeant Pretorius, a medical orderly, had said in a statement that on the morning of Mr. Biko's death he had been worried about him; that Mr. Biko had looked seriously ill and he had feared for his life.

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 ever 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 reiteration?

Capt. Siebert: If that was my intention I would not have arranged for the Pretoria district surgeon to phone the Port Elizabeth district surgeon.

Mr. Kentridge: I am suggesting that you and your colleagues thought this was a dying man. You thought he might recover. You didn't think he would die.

Capt. Siebert: Never.

Mr. P. R. van Rooyen, SC, for the police, then examined Captain Siebert.

Answering questions, Captain Siebert said that before the Biko interrogation he had been concerned in the interrogation of Mr. Peter Jones.

He and his colleagues had thought that Mr. Biko could be exposed as a different kind of person from the image he wore. Mr. Biko should have realised that this information could have come only from his friends.

Statement

The police had wanted to expose Mr. Biko as having attempted to unite the liberation movement in one front which would have arranged deeds of terrorism in South Africa and which would have arranged military training outside this country for the purpose of overthrowing its good law and order. The police had had information to this effect.

The police were in possession of statement made by Mr. Titi and Mr. Peter Jones, but these statements were not their only source of information.

They had another document in their possession which referred to the merger of the ANC and the PAC under the leadership of Mr. Biko.

Mr. van Rooyen: You were concerned during your interrogation with the August 18 commemoration day pamphlet and this merger?

Mr. van Rooyen asked what had happened on August 18, 1976, that was being commemorated.

Capt. Siebert: We had riots in Port Elizabeth which started on August 18. Arson, riots, murder — you name it.

Captain Siebert told the Court that Mr. Biko had, to his knowledge, not eaten from the time that he arrived at the Security Police building until the time he left.

Water had been available but he had never seen Mr. Biko drinking it. Mr. Biko had never asked for toilet facilities.

The interrogation could be divided into two parts, the first part concerning the meeting in Cape Town and the merger and the last part the pamphlet and Mr. Biko's admission, he said.

The police had kept in reserve their knowledge about what would have happened at the meeting.

Mr. Biko had contravened his detention order on several occasions and it was not acceptable than a man like him would do this again to escape from his domestic problems, he said.

During the interrogation Mr. Biko was not at ease and came to realise that he had been driven into a corner.

Then Mr. Biko had been told he had to realise his friends who were in detention in Pretoria had been questioned by the police and that notes had been made.

Contents

Captain Siebert said that he and his fellow-interrogators showed Mr. Biko the notes in such a manner that he could identify them but not read the contents.

It was then put to Mr. Biko that while he had been talking in his room Mr. Peter Jones had entered, and also that he had kept a typist after hours to do typing.

On those facts anybody would have realised that he had been driven into a corner, Capt. Siebert said.

Mr. Biko then admitted authorship of the pamphlet, Capt. Siebert told the Court.

Before they continued their interrogations the next morning he and Major Snyman realising that the easy-going method of question-and-answer was not getting them far, decided to use the more aggressive method of confronting Mr. Biko with the facts.

During the interrogation Mr. Biko has said at one stage: "You are intimidating me." Then they had put it to him that he fell into the category of an urban terrorist, Capt. Siebert said.

Mr. Biko was shocked, he said. He was "ashen grey."

Then Capt. Siebert again described the "violent struggle" between Mr. Biko and his interrogators.

Captain Siebert said there had been no other incident in his presence in which Mr. Biko could have hurt himself. Mr. Biko had never been hit at or "slapped at" by anybody in his presence.

CLASSICAL ASSOCIATION OF SOUTH AFRICA

WESTERN CAPE BRANCH

Dear

This letter is to give you a preview of some of the meetings planned for 1978.

The Teacher's Meeting will be held on 15th February, 1978 at 7.30 p.m. at the Teachers' Centre, 3 Station Road, Mowbray. Dr. S. Bruwer (University of Stellenbosch) and Mr. R. Whiteford (University of Cape Town) will speak on Cicero, looking at the historical and political background of Rome at the time of Cicero and considering some of the texts prescribed for the matriculation examinations.

As for the Schools' Meeting, this will be at Bishops on Wednesday, 8th March at 7.30 p.m. Mrs. M. Mezzabotta will give an illustrated talk on Hercules (30 mins.). In addition, there will be an inter-school quiz in which the host school challenges two other teams (c. 40 mins). Fo details of this competition, see the attached sheet.

While the Latin reading competition will be retained for Stds. 9 and 1 (7.00 p.m. on Wednesday, 26th April at Star of the Sea Convent), a new kind of competition is planned for Stds. 6, 7 and 8. Each school tha participates in these LUDI ROMANI will be allocated a total of 10-15 m and may use this time to present one or more items. Prizes will be awarded for the best item and the best overall programme. The venue will be Springfield Convent, and the date Wednesday, 16th August at 7

As this is a new venture, a few suggestions might be helpful - althoug these are only suggestions. Please feel free to use any ideas of you

(i) Choral speaking - using selections from ancient or modern authors poets (e.g. Ave, Ogden! - a translation of some of Ogden Nash's v

(ii) Short dramatisations - perhaps from the Cambridge Latin Course or Winnie ille Pu

(iii) An illustrated talk on some topic of general interest.

(iv) A dance drama enacting, for example, a Roman myth.

(v) Latin songs (cf. the selection in Latin for Today, Book Two).

(vi) You might care to choose a legend or episode from Roman history (e.g. Romulus and Remus), or an episode in Petronius' Cena Trima and write your own play in simple Latin.

Should you have any queries about these meetings or foresee any proble the dates please contact either of us. Members of the Committee woul suggestions and criticisms that would help to improve the programme.

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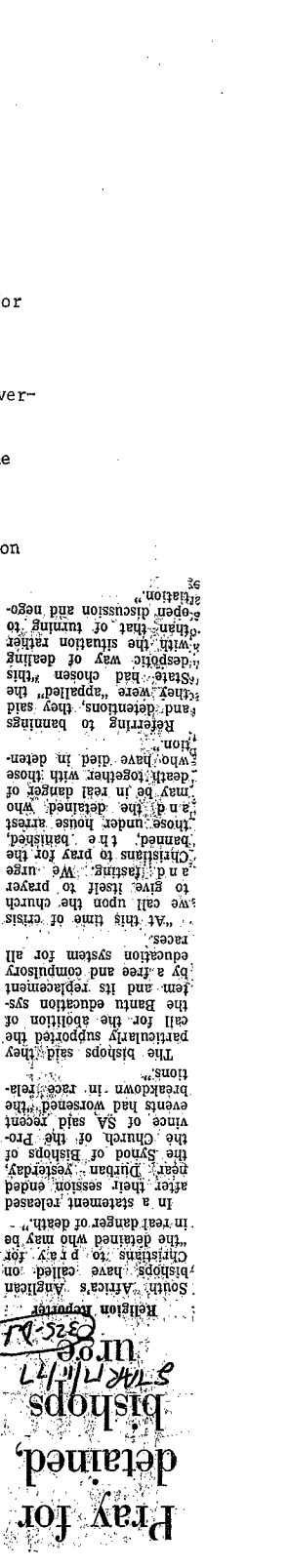
Pray for detained, bishops urge

Rellion Reporter

South Africa's Anglican bishops have called on Christians to pray for those detained who may be in great danger of death."

In a statement released after their session ended near Durban yesterday, 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 they particularly supported the call for the abolition 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 detained who may be in real danger of death together with those who have died in detention."

Referring to bannings and detentions, they said they were "appalled" the State had chosen "this despotic way of dealing with the situation rather than that of turning to open discussion and negotiation."

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Biko chain
hours 'to p

other external injuries. After the investigation Dr Lang gave him a certificate which read:

"This is to certify that I have examined Steve Biko as a result of a request from Col Goosen of the Security Police, who complained that the abovementioned would not speak.

"I have found no evidence of any abnormality or pathology on the detainee."

It was signed by Dr Lang at 10.10 am on September 7.

Colonel Goosen gave instructions that further questioning be limited to a minimum and that Mr Biko be allowed to rest on his cell mats covered with a blanket.

He then phoned Brigadier Coetzee of the Security police headquarters in Pretoria.

On September 7 at 9.15 pm Major Fischer phoned him at home and asked him to come to the Security Police offices.

Major M J Fischer, Lieutenant W E Wilken, WO F V Coetzee and WO H Fouche were present.

Mr Biko, mumbled disjointed replies. At this stage he was of the honest opinion that Mr Biko was playing the fool with them.

Colonel Goosen said he was convinced that Mr Biko was feigning so that he could avoid answering questions.

He again asked Lieutenant Wilken whether Mr Biko had taken any food or liquid. A report was made to him that Mr Biko would not eat or drink.

He told one of the personnel to hold a carton of milk in front of his mouth so that they could see whether Mr Biko would drink it.

Mr Biko took a mouthful of milk and then spat it out.

On September 8 he visited Mr Biko in room 619. He was lying on his cell mats. Mr Biko only mumbled.

He immediately phoned Dr Lang. At 12.35 pm Dr Tucker, the chief district surgeon, and Dr Lang arrived.

Both surgeons then examined Mr Biko in his absence. He was informed by Dr Tucker that both of them could find nothing physically wrong with Mr Biko.

Dr Tucker suggested that Mr Biko should be taken to a place with better facilities for a proper examination and a specialist opinion should be obtained.

Col Goosen said he would move Mr Biko to the North End Prison hospital block.

He met Dr Hersch and Dr Lang at the Northend Prison. The two doctors examined Mr Biko for a long time. Dr Hersch told him that he, too, could find nothing physically wrong with Mr Biko.

On September 9, Dr Lang told him a lumbar puncture had been carried out.

On September 11 Dr Lang informed him that neither he, Dr Tucker or Dr Hersch could find anything physically wrong with Mr Biko and Col Goosen could take him to the police cells.

About 2 pm on September 11 he was phoned by Maj Fischer and he visited Mr Biko in his cell.

Mr Biko was lying on his mat and his breathing was somewhat irregular. A little foam was on his lips. He immediately phoned Dr Tucker.

At 3.20 Dr Tucker examined Mr Biko. Both expressed concern because the nature of any possible upset could not be diagnosed. It was agreed to transfer Mr Biko to an institution with all possible facilities.

He phoned Brigadier Zietsman of the Security Police headquarters in Pretoria. He received instructions to transfer Mr Biko to the Central Prison in Pretoria. If no military plane was available, road transport was to be used if the senior district surgeon had no objections.

No planes were available and Dr Tucker had no objections to road transport to Pretoria for Mr Biko if he was provided with a mattress or something soft to lie on.

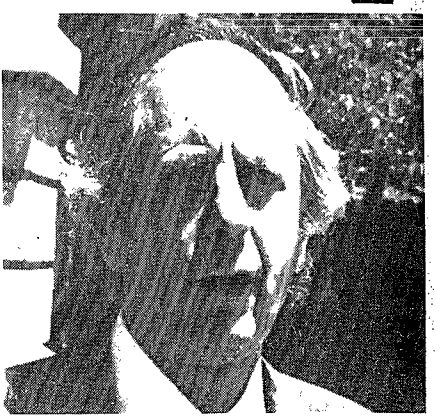
Everything possible was done by him to see to the comforts and the health of Mr Biko while he was in detention, Col Goosen said.

After the statement Col Goosen said that Mr Biko was an important man. It was absolutely important to keep him healthy.

The information was such that he considered it so 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.

Examined by Mr Kentridge, Col Goosen said he knew Dr Tucker and had the greatest respect for Dr Tucker.

At the first medical examination of September 7 Col Goosen informed Dr Lang about Mr Biko's history.



Mr Sydney Kentridge . . . what measure of force were you told was used to subdue Mr Biko?

He told Dr Lang that Biko had studied medicine and he practised yoga.

Mr Kentridge also made a reference to Col Goosen's evidence that he was present at the examination of Mr Biko on September 7 because he feared Mr Biko might attack Dr Lang.

Mr Kentridge: At the examination on September 8 by Dr Lang and Dr Tucker you thought they could deal with him themselves. You didn't think it would have taken five doctors to control him? — That is a laughable statement.

Why is it laughable? — There weren't five doctors.

Mr Kentridge put it to Col Goosen that he called Dr Lang on September 7 as a matter of urgency. Col Goosen replied it was not a case of absolute necessity but he thought it necessary in view of the incident in the office. He knew who Mr Biko was and the propaganda the foreign Press could make out of any incident.

Mr Kentridge: You wanted to call the doctor to make sure there were no allegations of assault against the police . . . are you saying you called the doctor to prevent unfounded allegations of assault against the police?

Col Goosen said he 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 had a stroke?

Col Goosen said he could [illegible] injuries he had seen 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 something 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 unfounded allegations of assault?

Col Goosen said he didn't elaborate on the struggle in Room 619 except to mention by the way that Biko had thrown a chair at Maj Snyman and tried to punch someone else and that he had been subdued by a reasonable amount of force.

Mr Kentridge: What 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 Goosen: It was a logical step. I knew it was Steve Biko. I knew there would be tremendous propaganda if anything would happen to him.

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Colonel Pieter Goosen . . . the force used was never described to me in detail.

Mr Kentridge: It is because of the propaganda that could have been made by Mr Biko who might have complained he had been assaulted. — I would have done the same with others.

Mr Kentridge: The reason is you were worried that afterwards he would say he had been assaulted. 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 a request by Col Goosen of the Security Police who complained that the abovementioned would not speak."

Mr Kentridge: Is it true or false? — I have already said we had difficulty in communicating.

Colonel Goosen said he may have used the terms mentioned. "I said we had problems with communication and that includes 'would not speak'."

Mr Kentridge said that if Colonel Goosen said he could not see the difference between the two statements he (Mr Kentridge) would suggest it could not be an honest answer.

Colonel Goosen: I will leave that for the court.

Mr Kentridge noted that there was no mention of the lip injury on the medical certificate.

Colonel Goosen: It is a medical certificate.

Mr Kentridge: If Mr Biko had lived and supposing one day he came to court and that he complained he sustained an injury to his lip this certificated and he would have been called a liar. Wasn't that the object of the certificate?

Col Goosen said he didn't ask Dr Lang about this.

You didn't cross-examine him on it. You grabbed it with both hands. — That is sarcasm. For my purposes it was completely satisfactory.

Mr Kentridge then raised the subject of Mr Biko being kept in chains during his nights at the Sanlam building. In terms of a standing order it had to be noted in an occurrence book if a prisoner was put under restraint in this way.

Col Goosen replied: "Security police officers do not keep occurrence books." Col Goosen said he did not see the necessity to enter this in an occurrence book because many things were left to his discretion.

Mr Kentridge: I don't understand your answer that you don't keep an occurrence book at security police headquarters. Are you saying you are above standing orders in the Security Branch? — Standing orders are guidelines.

To be obeyed or not as you might see fit? — My security officers have no occurence book and I have never had an order to keep one.

Mr Kentridge later put it to Col Goosen that from the time of the morning of the 7th, excluding the interrogation and the examination of the doctors, Mr Biko remained in chains. "What right did you have to keep a man in chains for [illegible]"

Col Goosen: I have the full power to do it. Prisoners could attempt suicide or escape.

Mr Kentridge: Let's have an honest answer — where did you get your powers? — It is my power.

Are you people above the law? — I have full powers to ensure a man's safety.

I am asking for the statute. — We don't work under statutes.

Mr Kentridge: Thank you very much. That is what we have always suspected.

Col Goosen said he had not meant that he was above the statutes but that he was using his own sound judgment.

You certainly succeeded Col Goosen. He never got out of your hands . . . he was let out to die. — He was not. Everything possible was done to keep him alive.

Mr Kentridge then said the standing order made provision that when a person was kept under this sort of restraint an entry had to be made in an occurrence book and there was no room for discretion.

Col Goosen: At a normal police station there would be no discretion.

Mr Kentridge: It doesn't apply to you? — 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.

Col Goosen: Then I would have had to do it every time.

Mr Kentridge: Yes, quite right — every time you put a man in chains. — 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 Goosen 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 Goosen repeated that it was to prevent suicide. Mr Kentridge asked whether Colonel Goosen had ever come across a case of suicide with strips of blanket. Colonel Goosen replied that in 23 years he had not.

Mr Kentridge asked whether Col Goosen had given orders that Mr Biko be kept naked when transferred to the Port Elizabeth prison on September 8.

Col Goosen: I cannot remember that I gave that order.

Mr Kentridge: Weren't you afraid that while in prison he may commit suicide? 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 Snyman 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 why this entry was not made on September 7 after the incident.

Mr Kentridge suggested that the entry had 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 had been further concern about Mr Biko which made it necessary.

Mr Kentrige then asked whether Maj Snyman had told Col Goosen what he had written in the occurrence book.

Col Goosen: In broad outline.

Mr Kentridge: "Did he tell you at any time during the scuffle in Room 619 on September 7 that Biko had fallen with his head against the wall? — I don't believe that the term head against the wall was specifically used. He said there was a heavy struggle.

Did any of the officers say that Biko had bumped his head in any way? — Not in so many words. I made the deduction that it was probable he might have."

Mr Kentridge: You know colonel, you have made five affidavits in this case. In your affidavit on October 21 you deal specifically with the issues of the way you thought Biko could have had the injury to his forehead. This is the one you made when Gen Kleinhaus told you he died as a result of brain injury and he showed you the photo of the mark

Biko Inquest

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 Sanlam 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 cabinet in the office. It appeared Mr Biko had also not used toilet facilities.

He was not worried because Mr Biko was very big and 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 Lieutenant 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 become very aggressive and had thrown a chair at Major Snyman and had attacked WO Beneke 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 wild 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

Mr Kentridge: Nonetheless you put up the theory about the bath. You never raised the question that he might have had a bump on his head during the scuffle. It is beginning to become doubtful whether a scuffle took place as some of the officers attempted to describe.

Mr Kentridge told the colonel that on September 8 he had called the doctors again although he had the medical certificate of September 7.

Col Goosen said he wanted to be sure whether Mr Biko was shamming illness or not.

The inquest continues today.

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 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 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 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 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 up a theory which took it as far as possible away from your own men.

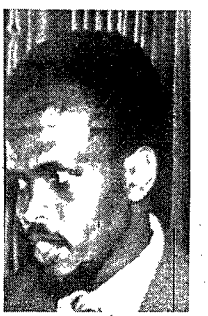
Col Goosen said that he had received a medical certificate after the incident.

Col Goosen said he noticed no signs at all after the incident and said the injury could only have happened in prison.

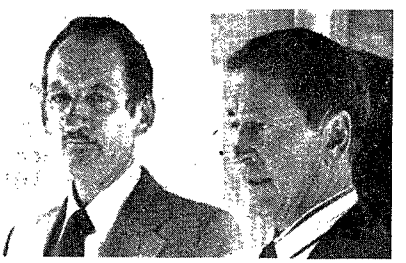
Mr Kentridge reminded him that no one who saw Mr Biko in Port Elizabeth on September 11 had mentioned the mark in an affidavit.

Suicide bid by Biko —Colonel

Cape Times 17/11/77
325 – Detention



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 8/9 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 these incidents occurred during the night of September 8 to the 9, 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 busy 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 Kentridge, 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 Kentridge 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 Kentridge: I am asking you to give the statute.

Colonel Goosen: We don't work under statute.

Mr Kentridge: Thank you very much. That is what we have always suspected.

Colonel Goosen said he did not mean that he was above the

325 - Detainees

Bishops condemn state actions

C.T. 17/11/77

DURBAN. — The Episcopal Synod of the Anglican Church believes that deaths in detention, arrests, bannings and detentions, the rise in unemployment and the present system of Bantu education, can only further exacerbate the breakdown in race relations.

In a statement issued at the conclusion of the seven-day synod of bishops held at Mariannhill, near Pinetown yesterday, it says that after reviewing the deaths in detention of Phakamile Mabija (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 19, 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 whom the State 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 banished, those under house arrest, and the detained "who may be in real danger 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." — Sapa

RDM 17/11/77 325 Words

By HELEN ZILLE

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 occurred on the night of September 8/9 when Mr Biko was found in a bath full of water in an apparent (klaarblyklike) 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 also heard 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 gasp in the crowded courtroom when Captain D Siebert, one of the Security Policemen 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 considerations of common humanity have no influence on you, Capt Siebert?

Capt Siebert: Yes, he was completely covered with blankets.

During later evidence, the first mention was made of an alleged suicide attempt by Mr Biko on the night of September 8 while he was in Port Elizabeth prison hospital.

In a statement, Col 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.

"If one takes into consideration that these incidents occurred during the night of September 8 to 9 I would like to express the serious presumption (vermoede) that the deceased could possibly have sustained the wound on his forehead and his brain damage during these incidents," he said.

Col Goosen said Mr Biko was evidently bent on self-destruction even with his method of breathing while in detention.

"On several occasions I noticed that the deceased was busy 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. This technique is practised 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 bumped his head during the struggle with his interrogators on September 7.

Col Goosen replied he had not been told this in so many words by any of his men but had made the deduction that this could possibly have happened.

Mr Kentridge said: "You have made five 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 did you only 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 men.

Col Goosen replied that he had been shown a photograph of Mr Biko which showed a mark on the left side of his forehead. He had not noticed this mark after the struggle, and although he had seen Mr Biko on September 11, he had not examined him 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 12)? Col Goosen: It was at least four days old. Probably a little

Other main points in yesterday's hearing were:

- An examination by Mr Kentridge of Col Goosen on a standing order which stipulated that if a prisoner was kept in chains, it had to be recorded in an Occurrence Book. Although Mr Biko had been kept in chains, no entry was made. Col Goosen said this standing order was just a guideline and there was no Occurrence Book available at the Security Police offices.

Mr Kentridge asked from where he obtained the authority to keep a man in chains for 48 hours.

Col Goosen: I have the full power to do it to ensure a man's safety.

Mr Kentridge: I am asking you to give the statute.

A gasp rose from the courtroom as Col Goosen replied: We don't work under statute.

Mr Kentridge: Thank you very much. That is what we have always suspected.

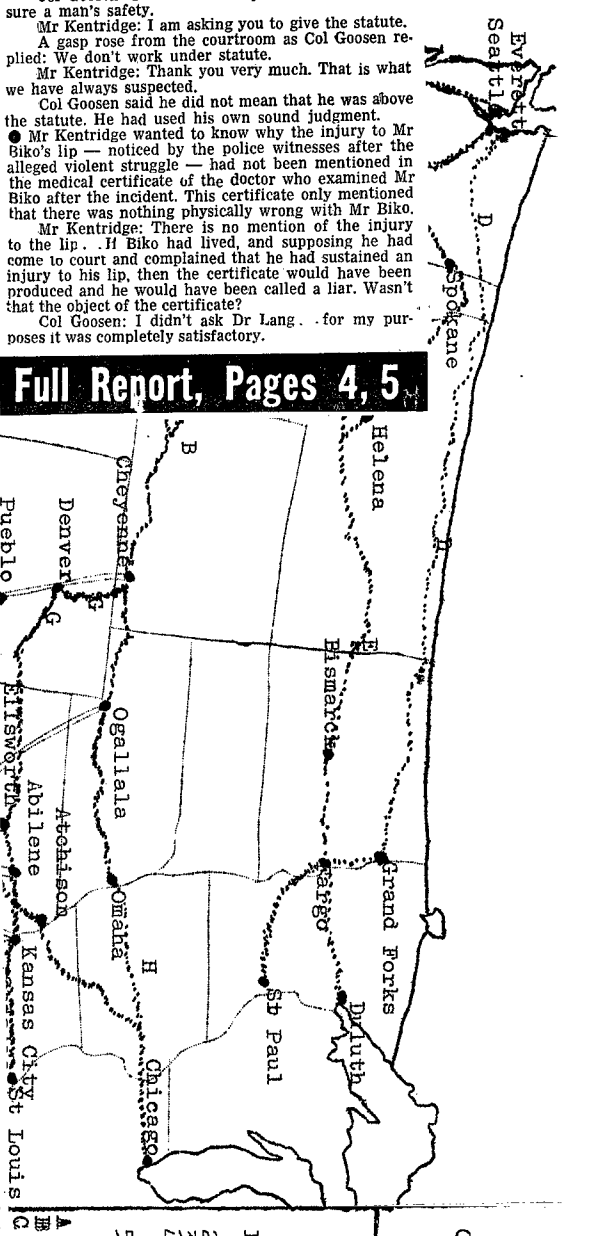
Col Goosen said he did not mean that he was above the statute. He had used his own sound judgment.

- Mr Kentridge wanted to know why the injury to Mr Biko's lip — noticed by the police witnesses after the alleged violent struggle — had not been mentioned in the medical certificate of the doctor who examined Mr Biko after the incident. This certificate only mentioned that there was nothing physically wrong with Mr Biko.

Mr Kentridge: There is no mention of the injury to the lip . . If Biko had lived, and supposing he had come to court and complained that he had sustained an injury to his lip, then the certificate would have been produced and he would have been called a liar. Wasn't that the object of the certificate?

Col Goosen: I didn't ask Dr Lang . . for my purposes it was completely satisfactory.

Full Report, Pages 4, 5



ARGUS 17/11/77

Natal man is detained

(325-beleid)

The Argus Correspondent

DURBAN. — A 32-year-old Hammarsdale writer, Mr Pascal Gwala, has been detained by the security police and is being held in Maritzburg under Section 6 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 inland division's security police, was not available for comment today.

Biko: Ban on outside exercise

ARGUS 17/11/77

325 - Detention

The Argus Correspondent

PRETORIA. — Mr Steve Biko was not allowed out of a police cell — even for exercise — between August 19 and September 6, a police officer said today.

Colonel P J Goosen, head of the Security Police of the Eastern Cape, told the inquest court before Pretoria's Chief Magistrate, Mr M J Prins, that Mr Biko was kept in his cell at Walmer police station.

Asked by Mr S Kentridge, SC, appearing for the Biko family, whether Mr Biko was not allowed out for exercise, the Colonel one hour of outdoor exercise daily.

Colonel Goosen replied that this depended on the particular prisoner and the particular legislation. In this case communication with people outside

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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': cross out the one which does not apply.'

Difficult

Mr Kentrdige 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 P R van Rooyen, appearing for the police, indicated that he had some problems in this 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 ...ld be treated ...ing-trial, pri... ridge asked.

... according ... the pri... ot do out... be given ... the cells had to be prevented. He felt that Mr Biko had enough room and air in his cell.

Mr Kentridge asked what right Colonel Goosen had to override statutary regulations.

At this stage Mr P R van Rooyen queried the relevance of Mr Kentridge's questioning to the inquiry.

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.

A platform

If the forum of the inquest were to be used as a platform for propaganda against the Security Police, then this would constitute misuse of the forum.

In the Timol decision, Mr van Rooyen said, it was made clear that the presiding officer should ensure that matters did not get out of hand.

While the world was reverberating 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.

Credibility

Mr Kentridge submitted that not only the specific events relating to Mr Biko's death were at issue but also questions dealing with the credibility of witnesses.

There was the question of probabilities, he said.

If the security policemen concerned operated outside their regulations, such as keeping him naked, not giving him sufficient exercise and keeping him in chains, the question arose whether these were not the sort of men who could have mistreated Mr Biko.

Mr Kentridge submitted that in this light his questions were relevant to the case, and the magistrate upheld this view.

Colonel Goosen said he was in two minds whether he told Drs Lang and Tucker, two Port

(Continued on Page 4)

3 doctors saw Biko —



R Sydney Kentridge . . . not a dab of ointment for Mr Biko's swollen lip.

(Continued from Page 1)

Elizabeth district surgeons called to examine Mr Biko on September 8, he was shamming illness.

Mr Kentridge suggested to the colonel he tried to put up the story that Mr Biko was shamming.

Mr Kentridge: Do you think a man who does not go to the toilet for days is shamming?

Colonel Goosen: It's unnatural.

Injury

Mr Kentridge: Was he shamming?

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 about the struggle but had no certainty about what the nature of the injury was. At that stage I did not give it consideration.

Why then had he not told the doctors, Mr Kentridge asked, submitting that Colonel Goosen had no certainty that Mr Biko had a stroke either, but had mentioned this theory to doctors.

Colonel Goosen said Mr Biko's difficulty in speaking had made him think he might have had a stroke.

It was possible, Mr Kentridge said, that Colonel Goosen knew Mr Biko had suffered a head injury and wanted to draw the attention of the doctors away from this possibility.

In chains

Mr Kentridge: Do you accept that on these days when he was in chains Mr Biko was, in fact, suffering from the effects of a brain injury?

Colonel Goosen: I am aware now that it was probable.

Mr Kentridge: We have the situation, leaving aside how he got the injury, that here was a man with a brain 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 not 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 no reason for his condition than that he was shamming.

Mr Kentridge said that Dr Tucker had said he could find nothing wrong with Mr Biko but was sufficiently worried to send him to the prison hospital for examination by a specialist physician.

An altercation started when Mr Kentridge asked Colonel Goosen whether he could not have left the leg irons off Mr Biko. There was a good precedent for keeping patients in chains, he added — in the 18th century.

Mr van Rooyen (for the police) rose to say that this was the very sort of comment to which he objected. It made headlines around the world.

Mr Kentridge replied that it was not a comment but a submission that the Security Police were being callous towards Mr Biko.

The magistrate made an observation about 'that man kept in chains a 100

Colonel Goosen replied that was so, but with one specific request that he be kept in isolation.

'Twisting'

Colonel Goosen accused Mr Kentridge of twisting his words and putting 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?

Colonel Goosen: I do, but I choose to consult my affidavit. You put words in my mouth and twist my words.

Mr Kentridge: Oh, I see. 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 because of a fear black staff might leak information about Mr Biko's condition to family members.

He gave the instruction because whites were available more often than blacks.

Colonel Goosen was uncertain whether he instructed that no blacks whatsoever be allowed in contact with Mr Biko.

Questioned whether Mr Biko was taken to the hospital on September 8 after



MR P R van Rooyen . . . 'vendetta against police.'

Mr Kentridge: Yet you tried to get a military aircraft to take Biko to Pretoria.

Colonel Goosen: This shows the good attention he got.

Mr Kentridge: You went to all this trouble for what you called a malingerer?

Colonel Goosen: I did.

Pressed again why Mr Biko's family was not notified about the examination and trip to Pretoria: — 'Plain decency demanded this.' — Colonel Goosen said the police were trying to change the image Mr Biko enjoyed in the Press.

Criticism

'If we told the family he was in hospital, criticism would have mounted.'

However, if he knew Mr Biko was ill, he would have notified the family.

He knew nothing about a lumbar puncture on Mr the opposite arm to Dr Hersch at the prison.

Mr Kentridge: Both you and Dr Lang concluded Mr Biko was shamming 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 Dr Lang's affidavits.

Colonel Goosen said although it was obvious that Mr Biko had shown different arms on the different occasions, he (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

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colonel

He explained that Dr Lang 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 Goosen 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 Goosen 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 Goosen: 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 Goosen: Previously, people have escaped.

Out of sight

'Definitely not,' was the reply Colonel Goosen 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, would you have agreed to this?

Colonel Goosen: If I was aware of what I know now, yes.

No medical facilities were put on the police vehicle which took Mr Biko to Pretoria, Colonel Goosen 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 Goosen said when a Magistrate visited detainees he filed 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 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 Goosen 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 Goosen: 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)

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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 'so 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.

dark 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.

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 shamming a slight paralysis.

Mr Kentridge read an extract from a statement by Colonel Goosen saying that he was present on the evening that Dr Hersch examined Mr Biko in the presence of Dr Lang.

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 maintained his arm was slightly weak, he showed

story in paragraph 14 and 15 of your statement is complete invention.'

He submitted that Colonel Goosen had said it was at once noticeable thatd uring examinations by Dr Lang and Dr Tucker on September 7 and 8, Mr Biko had shown the one arm as being weak.

'Unfortunately, you do not remember that you told us yesterday that you were not present at the examinations by Dr Lang and Dr Tucker on September 7 and 8.'

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.

Spoke to doctors

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 shamming.

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 this meant 'more than one person.'

Biko was special person, court told

(Continued from Page 4)

thought the man was feigning illness, that he was sorry he was wrong and that Mr Biko had died, Colonel Goosen said he immediately telephoned the police in King William's Town and gave instructions for the family to be informed.

None of the Biko family lived near to him, the colonel said. He did not write a letter to them and nor did he telephone the family. He did not know any of the family.

Mr Kentridge put it to Colonel Goosen that in 14 pages of affidavits he had found no expression of regret at Mr Biko's death.

'I don't believe that is the purpose of an affidavit,' Colonel Goosen replied.

'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 a view that Mr Biko was bent on suicide — a view which he said was not based on facts.

At this stage Mr van Rooyen (for the police) rose to his feet once again to object to what he said he had 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 (for doing everything possible for Mr Biko's comforts).

'Venemous'

This was uncalled for and was venemous comment, Mr van Rooyen said.

Mr Kentridge said his submission was that Mr Biko was treated callously.

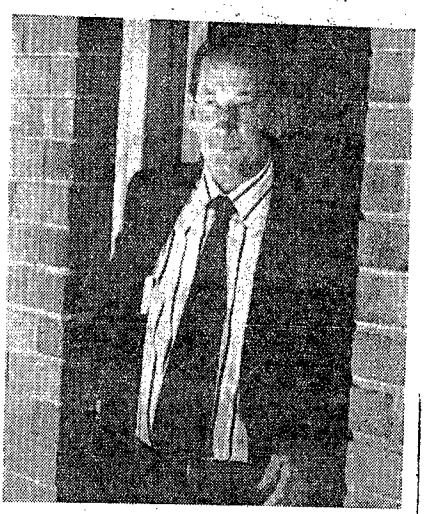
The magistrate asked whether, if a man did not bereave a death, he was acting callously.

Mr Kentridge said that the Biko family had not yet 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.

Regret

Mr Kentridge said the word 'sorrow' 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.



Colonel P J Goosen

'I would have thought that would have been natural,' he said.

Mr Kentridge said Colonel Goosen suggested in his affidavit on a theoretical basis that Mr Biko suffered his injury only after he had left the offices of the security police in Port Elizabeth.

In a bath

He referred to the statement in which Mr Biko was found fully clothed in a bath of water on two occasions, and to the assumption that this was an obvious attempt at suicide.

Asked whether he seriously suggested this, Colonel Goosen said he could come to no other conclusion.

Mr Kentridge said no normal man would get into the bath with his clothes on. He suggested it was obvious that Mr Biko was not a normal man at the time.

Mr Kentridge put it to Colonel Goosen it was strange he did not suggest in any of his affidavits that Mr Biko may have bumped his head in an office at security police headquarters.

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.

'When he wrote that Mr Biko was already dead and you knew he died of a brain injury,' said Mr Kentridge.

Colonel Goosen said that when a photo of a bump on Mr Biko's forehead was shown to him it occurred to him it may have been inflicted during a fight in the office.

'Photos can be misleading,' he said. 'The bump may not have been as pronounced on the forehead, and therefore unnoticeable to 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 shamming brain injury on September 7 and September 8 and then actually suffered brain injury on the morning on of September 9.

Colonel Goosen replied he thought the man had been shamming to prevent interrogation and to get himself to a hospital where conditions woud make suicide possible.

Colonel Goosen said he was satisfied that the brain injury was suffered by Mr Biko elsewhere than in 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.

Colonel Goosen said certain measure of fats, starches and other nutriments were specified for the diets of prisoners.

Asked by Mr Kentridge whether he was aware that Dr Tucker was asked by Mr Biko on September 8 for a drink of water, and that he drank it, Colonel Goosen said he was not aware of that.

Mr Kentridge recalled a statement by the magistrate who saw Mr Biko in the police cells to the effect that Mr Biko complained he was living only on bread. Mr Kentridge said that did not appear to indicate that he was on a hunger strike.

Definition

A quibble over the dictionary definition of the word 'hunger strike' in English and Afrikaans developed between Mr Kentridge and Colonel Goosen.

The magistrate interposed to ask whether a person had to claim he was going on a hunger strike or merely show that he was doing so by his conduct. Mr Kentridge said he supposed a person could do so by conduct, and asked what Colonel Goosen himself meant when he used the words.

Colonel Goosen: I meant he 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.

NM 18/11/77 (325 - detentions)

THE BIKO INQUEST

'At death I knew he hadn't been shamming'

Mercury Correspondent

PRETORIA — Col. P. 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. Mobiki 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. Kentridge, SC, for the family, referred to Col. Goosen's affidavit in which he said that Dr. Tucker and Dr. Lang came to his office to examine Mr. Biko 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 he said.

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 would not eat, react or talk and who used no toilet facilities. This was unnatural behaviour. I did not say "suspicion." I used the word "bedenkinge." 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. Kentridge: Do you think it shamming 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 have suffered [illegible] was sufficiently worried to recommend that Mr. Biko should be sent to the prison hospital to be examined by a specialist. In spite of that you left him lying on the mat.

Col. Goosen: I was responsible for the man's safety. I had reason to believe that he was shamming. Therefore I had to keep him like that.

Mental patients

Mr. Kentridge: There is good precedence for your behavour. I understand that in the 18th Century this was exactly how they treated mental patients.

Mr. van Rooyen rose. This was the sort of comment which hit the headlines and which should not be allowed, he said.

Mr. Kentridge: We make no secret of the fact that we will submit that Mr. Biko was treated with the utmost callousness. You may have to consider if the head injuries ought to have caused death. If Mr. Biko had been properly treated he might not have died at all.

Mr. Prins intervened. Mr. Biko might not have had a head injury at the time, he said.

Mr. Kentridge said he would leave out this sort of comment until he addressed the Court.

'Not even ointment'

He put it to Col. Goosen that from the morning of September 7 until Mr. Biko left the care of the security police he had received not so military plane he asked Dr. Tucker if he could convey Mr. Biko by road. Dr. Tucker said that provided they allowed him to lie on a soft mattress there was no reason why not.

Mr. Kentridge: What facilities was Biko to have?

Col. Goosen: A relatively luxurious Land-Rover was used. Seats were removed to put the mattress on the floor.

Mr. Kentridge: We understand that the only facility available was a container of water.

Nothing prescribed

Col. Goosen: We still thought he was shamming. The doctors did not prescribe anything.

Mr. Kentridge: Do you know that Mr. Biko went to Pretoria without even a medical history accompanying him?

Col. Goosen: I telephoned Brig. Dorfling of the Central Prison and asked who would treat Mr. Biko. He told me it would be Dr. Brandt and told me to tell Dr. Brandt to contact Dr. Lang and Dr. Tucker in Port Elizabeth. Brig. Dorfling was telephoned twice. I think everything possible was done to inform the Pretoria police.

He could not say if the medical history was properly conveyed, he said. He later heard that Dr. Brandt had not telephoned Dr. Lang or Dr. Tucker but he had done everything possible from his side.

Col. Goosen said he now knew that Mr. Biko had complained to a magistrate near to them. I don't know them. I knew he and his wife were estranged.

He did not write to them, he said.

Mr. Kentridge: I can find in all 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. Moki Cekisani. He has attended this hearing every day," Col. Goosen said.

Answering a question by the magistrate, Mr. Kentridge 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 veridetta against the police, he said.

Mr. Kentridge's cross-examination contained venomous comment and un-

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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 for 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 ot it. I did not know for certain. I always had to consider the probability.

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 speech 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 wanted 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 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 the real reason that you did not wany 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 Gericke, 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 on September 2, although at the time he had not known.

Complaint reported

Normally when the magistrate visited the prison he provided him with a car with a driver. One copy of the magistrate's report was sent to the Department of Justice and another to the Security Police headquarters. If there was a serious complaint a doctor was called immediately. It happened daily that he was informed that prisoners had complained about a headache or a cold.

He was reasonably upset when he heard on the morning of the 14th that Mr. Biko had died because Mr. Biko had been a detainee of the security police and because he realised what a terrible tragedy it was that Mr. Biko could not be placed before a Court and shown for what he was.

Regarded as martyr

The sad situation now was that Mr. Biko was regarded by the foreign Press and foreign countries as a martyr. Instead of being able to expose Mr. Biko a veil had been drawn over his activities.

Mr. Kentridge: You have certainly tried to expose him in this courtroom.

Col. Goosen said that when Mr. Biko died he had realised that he had not been shamming at all.

Mr. Kentridge: Unluckily this realisation came too late for Mr. Biko.

Col. Goosen: It was a tragic occurrence for the police and for South Africa because of propaganda which followed on it.

Col. Goosen said that he had discussed Mr. Biko's death with his colleagues but that nobody put up any theories. He had had no idea of what the cause of death could have been.

He was very sorry that Mr. Biko had been under the control of the Security Police when he had died.

He told the Court that immediately after he had learned that Mr. Biko had died he phoned King William's Town and asked Major Hansen to inform the Biko family.

Mr. Kentridge: Did you ever go to any member of the family to say "I'm sorry we thought he was shamming. I'm sorry he died."

Col. Goosen: I was not called-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. Proof of propensity was not allowed in law, he said.

Mr. Kentridge: I am not suggesting 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 was found in a bath. Col. Goosen had said in his affidavit that he would like to express a serious supposition that Mr. Biko had suffered brain injury during this incident.

Col. Goosen had also said that Mr. Biko had been bent 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.

RDM 18/11/77 (325-det.)

Inquest told of Biko 'cover-up'



MR KRUGER . . . statements



MR KENTRIDGE . . . talks of 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 at 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 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 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 interrogation 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."

Picture: MIKE McCANN

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for 15 minutes before answering questions. Then he 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 his ration of porridge by a warder, Mr 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 described how he drank his full portion of magewu (a rich vitamin drink) and asked for water. "He (Mr Biko) said he wanted to kiss me because I had given him the magewu 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 howand 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 Deputy 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 him.

"A man must have very strong motives if he allows his own Minister to be put in this embarrassing 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 30 election, he said.

Other major points in yesterday's hearing were:

● Col Goosen said there was a probability that Mr Biko had suffered his 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 6, when his arrest warrant made provision for daily open-air 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 lease 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 instead of his coming up for trial and being 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".

Full Report, Pages 4, 5



Biko Inquest

Kruger's statement

Biko inquest is told of 'errors'

By CAROL STEYN, BERNARDI WESSELS and HELEN ZILLE

COLONEL Pieter Johannes Goosen, head of the Eastern Cape Security Police, thought Mr Steve Biko was shamming brain injury, just as Mr Moki Cekisani, another leader of the Black People's Convention, "always had strokes whenever he was detained".

Col Goosen told this to the Biko inquest in Pretoria yesterday.

Mr Cekisani was in the gallery 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 Sydney Kentridge, SC, for the family, said he had understood that during the time Mr Biko had been in the Walmer police cells he had not been allowed any exercise on the instructions of Col Goosen.

Col Goosen: I am being wrongly interpreted.

Mr Biko had been alone in a cell and as such had had enough fresh air and could get enough exercise, he said. He admitted that Mr Biko had not been allowed out of the cell.

Mr Kentridge said that according to the warrant under which Mr Biko had been detained certain special provisions had been made that nobody should be allowed to visit him, that he should receive no food from outside and that he should receive no reading matter.

The warrant also specified that Mr Biko should be treated as an awaiting trial prisoner, he said.

According to prison regulations prisoners who did no outdoor work should be allowed one hour's exercise in the open air whenever the weather permitted, Mr Kentridge said.

Col Goosen said the reason for his instruction was to prevent Mr Biko communicating with anybody outside.

Mr Kentridge: What right did you have to override a standing instruction?

Mr P R van Rooyen, SC, for the police, objected. The questions had nothing to do with the cause of death but were part of a "vendetta" against the Security Police, he said.

The inquest should not be used as a platform for propaganda against the Security Police. Its only purpose was to investigate if anybody could be blamed for Mr Biko's death. "While the whole world knows what is going on this room, this goes a bit too far", he said.

Mr M J Prins, the presiding magistrate, said that the state of mind of Mr Biko during his detention was a relevant matter. It was also relevant that a certain state of mind could have been brought about and could have triggered Mr Biko's emotions.

Mr Van Rooyen said a question of whether Mr Biko was allowed to exercise in the open air was relevant, but when Col Goosen was asked if his instructions had been against standing orders, or whether anything had been written in an occurrence book, this had nothing to do with Mr Biko's state of mind and should not be allowed.

Mr Kentridge: I don't think Your Worship has heard any criticism of the Special Branch or of the Security Police except for those in Port Elizabeth or those who were concerned with Mr Biko. I would have expected the police to have dissociated themselves from these members.

His questioning was all part of his showing that there was a process of breaking Mr Biko down by keeping him naked and by keeping him in his cell, he said.

His questions about the use of chains, the failure to allow Mr Biko to exercise and the failure to enter occurrences in the occurrence book, were meant to show that the Security Police showed in the treatment of Mr Biko no concern for legality and did not consider themselves bound by regulations, he said.

He was not concerned with what Col Goosen did with other prisoners but he was concerned with showing that in this instance he had paid no attention to ordinary legality.

Mr Kentridge said a number of police witnesses had testified there had been nothing untoward in their treatment of Mr Biko. The magistrate would have to decide on the credibility of these witnesses. He would have to decide what sort of men he was dealing with.

Mr Kentridge then referred to Col Goosen's affidavit in which he said that Dr Tucker (the chief district surgeon of Port Elizabeth) and Dr Lang (the district surgeon) came to his office to examine Mr Biko 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, he said.

Col Goosen: I told them of my suspicions because Mr Biko had not taken food or liquid. We had here a man who would not eat, react or talk and who used no toilet facilities. This has been unnatural behaviour. I did not say "suspicion". I used the word "bedenkinge". 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 Kentridge: Do you think it shamming if a man does not go to a toilet for three days?

Col 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.

He never told the doctors he thought Mr Biko was shamming, Col Goosen said.

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 have suffered a stroke, Col Goosen said.

After the doctors' examination 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% sure, he said.

On the 8th he knew there had been a violent struggle but did not know for certain what injuries could have been incurred.

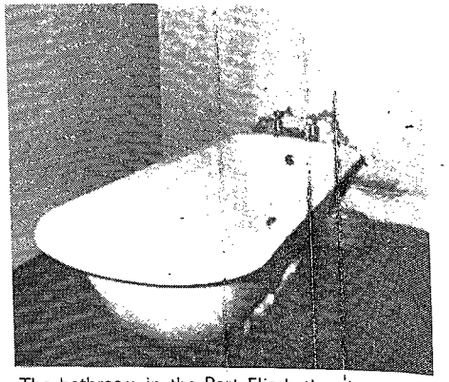
Mr Kentridge: Were you worried that Mr Biko had had a head injury? — At that stage I paid no attention to it. I did not know for certain. I always had to consider the probability.

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.

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 Col Bothma, the prison commander.

Col Goosen said that he had briefly sketched the background to Col Bothma. He had asked Col Bothma to keep Mr Biko for observation and to see to it that he did not communicate with other prisoners.

Mr Kentridge quoted Col Bothma as having said that Col Goosen gave him instructions that Mr Biko should be guarded only by



The bathroom in the Port Elizabeth prison hospital where Mr Biko is alleged to have attempted to commit suicide on the night of September 8/9. The colonel said Mr Biko could have suffered his brain injury during the suicide attempt.

be kept in isolation while in hospital.

While Mr Biko was with him two doctors saw him and it had been their prerogative to prescribe any medicine which they thought necessary.

Mr Kentridge: In fact Dr Lang noticed on the 7th that his ankles were swollen?

Col Goosen answered that he himself had seen marks on Mr Biko's wrists and ankles. This was not unnatural. Mr Biko had strained against his chains like a madman only a few hours before, he said.

Col Goosen said that he still believed that he did 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 Col Bothma, the prison commander.

Col Goosen said that he had briefly sketched the background to Col Bothma. He had asked Col Bothma to keep Mr Biko for observation and to see to it that he did not communicate with other prisoners.

Mr Kentridge quoted Col Bothma as having said that Col Goosen gave him instructions that Mr Biko should be guarded only by 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 for 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 malingerer to Pretoria?— 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.

Do you know that Dr Hersch took a lumbar puncture and that the finding was positive? Red blood cells were found in the spinal fluid. — 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?

Col Goosen said that this showed the care they took to avoid criticism.

Mr Kentridge: I put it to you that the dictates of common humanity and decency would have impelled you to inform the family

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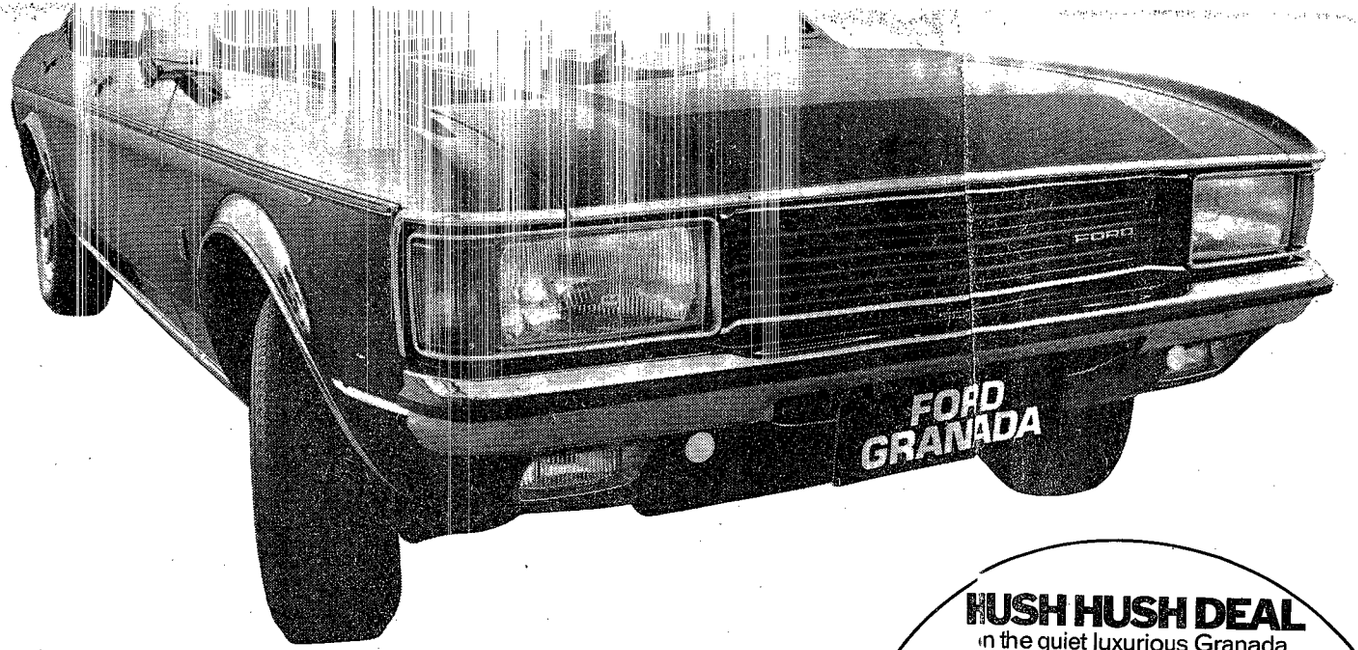

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speech was impaired had made him think that Mr Biko had suffered a stroke.

Mr Kentridge: My submission will be that you knew that Mr Biko might have suffered a head injury but wanted to draw the doctors' attention away from it. — That is not so.

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? — I now know it to be possible.

I will submit that a man with a brain injury was left lying in chains for 48 hours. — If I had known at the time that he had a brain injury I would not.

On your own admission you did not know what was wrong with Mr Biko yet he was left lying on the mat. — The medical doctors could find nothing wrong.

That is not quite true. Dr Tucker was sufficiently worried to recommend that Mr Biko should be sent to the prison hospital to be examined by a specialist. In spite of that you left him lying on the mat — I was responsible for the man's safety. I had reason to believe he was shamming. Therefore, I had to keep him like that.

Mr Kentridge: There is a good precedent for your behaviour. I understand that in the 18th century this was exactly how they treated mental patients.

Mr Van Rooyen rose. This was the sort of comment which hit the headlines and which should not be allowed, he said.

Mr Kentridge: We make no secret of the fact that we will submit that Mr Biko was treated with the utmost callousness. If Mr Biko had been properly treated he might not have died at all.

Mr Prins intervened. Mr Biko might not have had a head injury at the time, he said.

Mr Kentridge said he would leave out this sort of comment until he addressed the court.

He put it to Col Goosen 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.

Col Goosen 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

Goosen ... not trust the black members of the police force.

Col Goosen answered that this was one of his standing instructions in all these cases of detention. Black policemen were not always available.

The prison hospital was manned by whites and 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 as if you didn't want anybody to know that Mr Biko suffered from an ailment?

Col Goosen: Quarters used for awaiting trial prisoners had to be cleared for Mr Biko. I had to consult with Col Bothma and I was told that the doctor could see Mr Biko only late that night.

Mr Kentridge quoted prison 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 Biko's illness had been serious enough to warrant examination by a specialist and to send him 700 miles to a hospital in Pretoria. "Why didn't you notify his next of kin?" Mr Kentridge asked Col Goosen.

Col Goosen: After the

were trying to prove that Mr Biko was somebody quite different from what he had seemed to be. Had we known he was ill the family would have been told.

Mr Kentridge said that in his affidavit Col Goosen had said that Dr Lang had come to the conclusion that Mr Biko was shamming a slight paralysis.

Col Goosen: Dr Hersch and Dr Lang told me they could find nothing physically wrong and strengthened my suspicion that he was shamming illness.

Mr Kentridge: In your affidavit you said that you were present on the evening when Dr Hersch examined Mr Biko. Dr Lang was also there. You say that when Drs Lang and Tucker examined him he pretended that his one arm was slightly weak (I am) but at the prison he indicated the other arm was slightly weak but that you couldn't remember which arm was shown.

Mr Kentridge said he could find no mention of this in Dr Lang's evidence although this had certainly made an impression on Col Goosen.

Col Goosen: I can't remember which arm it was but for me it was very noticeable that he showed another arm. It was just

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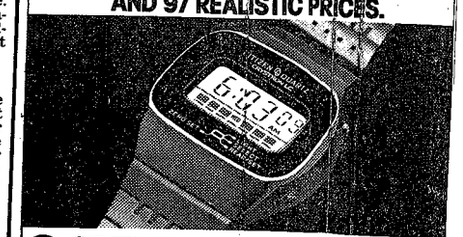

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'Africa will take drastic action on SA'

NAIROBI. — If South Africa refused to change its policy of apartheid soon, black African states would unite to take drastic action, the Kenyan Foreign Minister, Mr Munyua Waiyaki, warned this week.

He gave the warning when he met a group of visiting United States Congressmen on Wednesday, but did not explain what action would be taken.

"To an African, colonialism and racial subjugation are worse than communism," but if communist countries were to help free the people of South Africa then the countries of the Organisation of African Unity would welcome their assistance, Mr Waiyaki said.

At the United Nations, African states are circulating a draft resolution calling on the Security Council to tighten the mandatory arms embargo imposed on South Africa on November 4.

The draft resolution, circulated privately, asks the General Assembly to request that the council order all states, "irrespective of any existing contracts, to revoke all licences and terminate all technical assistance for the manufacture of military equipment and supplies in South Africa".

Where the council demanded an end to co-operation with South Africa in developing nuclear weapons, the rough draft would have the Assembly call a halt to "the transfer of nuclear equipment or fissionable material or technology to South Africa". This would extend the ban to reactor parts and fuel.

Other African proposals would have the assembly:

- Proclaim 1978 the international anti-apartheid year;
- Adopt an international declaration against apartheid in sport;
- Applaud international trade union action against apartheid;
- Strongly condemn Israel for its collaboration with South Africa;
- Strongly condemn South Africa for its "ruthless repression of opponents of apartheid and racial discrimination, and its banning orders";
- Condemn the "illegitimate minority racist regime of South Africa for its criminal policies and actions".

India's ambassador to Washington, Mr N A Palkhivala, told the General Assembly on Wednesday that the UN should support the establishment of a judicial body — similar to the Nuremberg war crimes tribunal after the Second World War — to try those charged with racism.

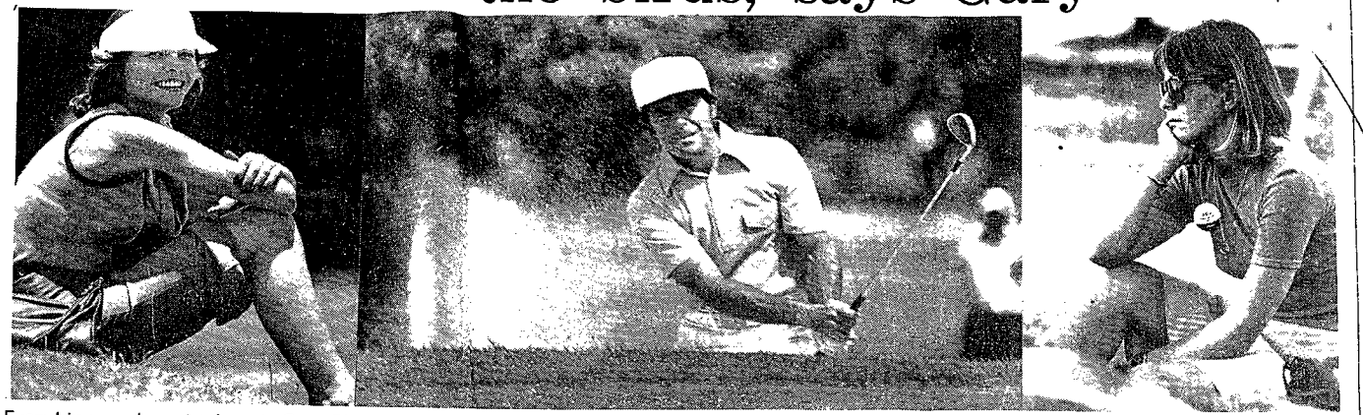
He said an international convention on the suppression and punishment of the "crime of apartheid", to which 37 countries had so far become parties, was a first small step in the right direction.

"Having defined the international crime of racism, the UN should support, if not set up, a truly judicial, non-political forum to try individuals.

France's Ambassador to the UN, Mr Jacques Leprette, endorsed the view that South Africa's total isolation would not help "the struggle of those fighting apartheid".

The recent security crackdown and Mr Steve Biko's death showed the South African Government was moving "further and further along the road of excess and unreason," he said.—Sapa-Reuter-AP.

That one's for the birds, says Gary



Even kings make mistakes as Gary Player proved yesterday when he was forced to blast out of the third green bunker during the second round of the ICL International at Kensington, Johannesburg. And breathing encouragement were Beverly Isherwood, left, from England and Sheila Palys of Rhodesia, both holidaymakers enjoying the golf.

See Back Page

Woods: State appeals today

Own Correspondent

EAST LONDON. — The State's appeal against a Supreme Court acquittal of the editor of the Daily Dispatch, Mr Donald Woods, will be heard today in Bloemfontein.

Mr Woods was sentenced in December 1975 to six months jail for refusing to name an informant who alleged criminal conduct by security policemen.

Mr Woods appealed against the verdict.

His appeal was upheld by the Supreme Court, Grahamstown, on a technicality involving the serving of the original subpoena.

Mr Woods, against whom a banning order has been served by the Minister of Justice, will not attend today's hearing.

Permission to travel to Bloemfontein was refused by the chief magistrate of East London, Mr O Bergh.

He said it was not necessary for Mr Woods to be in court in person.

Judgment is not expected for several weeks.

Fined for cafe shooting

Staff Reporter

EVANDER. — A woman shouted at a supermarket owner in the Evander Magistrate's Court yesterday minutes after he was convicted of killing an 18-year-old policeman in the Eastern Transvaal.

Manuel de Andrade, 32, was fined R1 500, or 200 days jail, for shooting Constable Gert Pieter Aldrich in a Kinross cafe on March 23. He was found guilty on a charge of culpable homicide.

A woman friend of Mr and Mrs G P Aldrich, of Marble Hall, rushed screaming at De Andrade. She was restrained by De Andrade's lawyer, Mr Harry Goss, who told her to "leave matters alone".

The magistrate, Mr J S P Kuhn, declared De Andrade unfit to possess a firearm for the next five years.

Evidence was that Constable Aldrich accompanied Sergeant F J Slabbert to the Lunch Box Cafe at Kinross on the night of March 23 after a telephone call to the charge office. He was not in uniform.

De Andrade called Sergeant Slabbert aside and

Censors axe bishop's SWA book

CAPE TOWN. — From today, it is illegal to possess the book "Namibia" by Bishop Colin Winter.

According to a statement issued in Cape Town by the Directorate of Publications it will be illegal to possess the following (producer or author in brackets).

Moses Kotane: South African Revolutionary (Brian Bunting); A Small Beginning (Elisabeth Adler); Torment to Triumph in Southern Africa (Louis Stack and Don Morton).

Labour: Forced or Free (CFMAG Topics No 1) — (Committee for Freedom in Mozambique, Angola and Guinea, London).

Namibia (Colin O'Brien Winter).

South Challenge No 2, April 1973 (Unknown); Nymph (Joe Weiss); Mao Tse-Tung (Hugh Purcell).

Yearnings for a Big Time (Phillip Benders); Untamed Passions (Sol Brooklyn); Cherry-Go-Round (Lamar McMann); Raw Tongue (G Howard Hall); One More Time (Lee Milton).

Africa in Struggle Vol 1, No 2 (Africa in Struggle, London); New Perspectives Vol 7 4/1977 (Information Centre of the World Peace Council, Finland); Forum: The International Journal of Human Relations Vol 8, No 11 (Forum Press Ltd London).

Distribpix Presents (Distripix Inc New York); Sexmates — Issue Two (Gadoline Ltd Surrey); To Each His Own (Randolph O'Brien); The Pearl (New English Library, London).

From today it will be illegal to import or distribute the following: (Producer or author in brackets).

Enemies (Giles Gordon): The Sunday Hangman (James McLure).

Medupe Writer's Association Newsletter Vol 1, No 1, July 1977 (Dumakude Kandlovu); The Reverend Father Alfred Stubbs CR Circular Letter (Unknown).

Amandla No 6/7 Juni/Juli 1977 (Komitee Zuidelijk Africa (Angola Commite, Amsterdam); Black Students Strike Now — Pamphlet (Unknown). — Sapa.

Boy, 3, drowns

Staff Reporter

A THREE-YEAR-OLD Alberton boy was drowned in Alberton on Tuesday while playing with a friend.

Kevin Brobson, the son of Mr and Mrs Charles Brobson, of Lamprecht Avenue, Verwoerd Park was at a friend's house when he fell into the swimming pool. The friend's mother found him floating in the water and pulled him out.

Diamond deal led to death, says accused

Staff Reporter

A FIGHT over the proceeds of a diamond deal led to the killing of roulette wheel operator Mr Tony Snowden, a Rand Supreme Court judge heard yesterday.

Mr Johnny Gavanozis, 29, said in his evidence yesterday that Mr Snowden owed him R7 000 as a result of a diamond deal.

On the night of April 17 at the Scorpios Gambling Club in Hillbrow he asked Mr Snowden for his money.

Mr Gavanozis said Mr Snowden admitted him, pointed a gun at him and said: "You want money? I'll kill you."

He said a struggle ensued in which he was shot in his right shoulder and a finger.

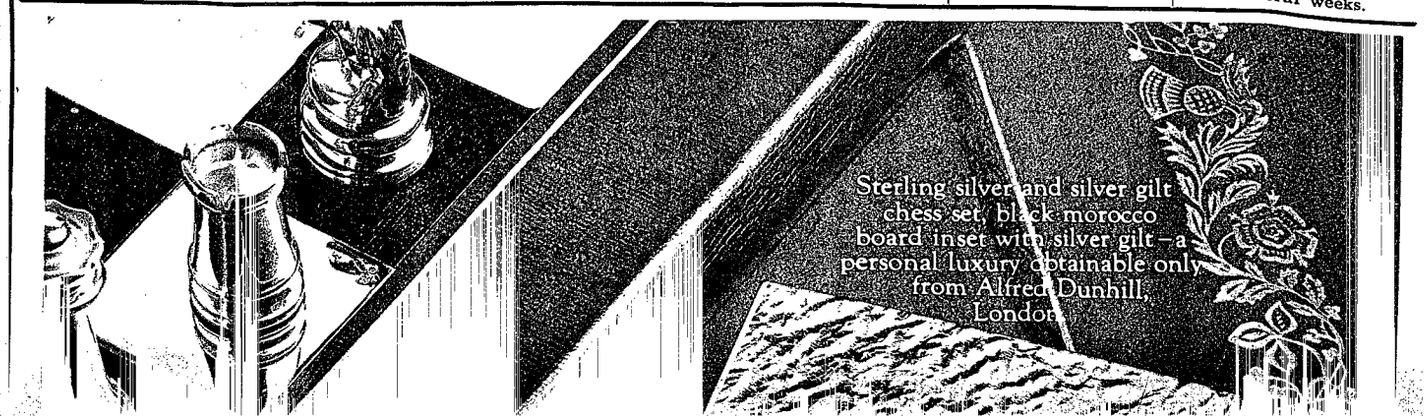
When Mr Snowden, lying on the bed, tried to kick him he pushed his gun against Mr Snowden's buttock and pulled the trigger.

Mr Gavanozis, Mr Anastasios Kokkinis, 29, and Mr Nicholas Vassiliou, 27, and robbery charges.

Mr Gavanozis and Mr Kokkinis have pleaded guilty to the charges of unlawful possession of firearms and ammunition while Mr Vassiliou has pleaded not guilty to these charges.

All three of the accused made statements to the police after their arrest.

However, Mr Vassiliou objected to the admissibility of his statement and alleged that he was forced by the police to make the statement.



where all the club asked him to come to his flat after the club had closed.

At about 2 am he and two friends went to Mr Snowden's flat in Ponti, Berea.

Transvaal, on charges of murder, robbery and unlawful possession of fire-arms and ammunition.

They have all pleaded not guilty to the murder

as evidence.

The hearing continues today.

Mrs H Ellsen, pro deo, Mr G I Hoffman, instructed by Brian Benjamin, and Mr J J Brett, pro deo, appeared for the defence. Miss N Fleischack appeared for the State.

stable Aldrich was hit in the stomach. He died in hospital.

Mr Kuhn, sentencing De Andrade, said he did not intend to kill this "unfortunate young man".

God told me to stand, says Nat Party candidate

By VIV PRINCE
Chief Reporter

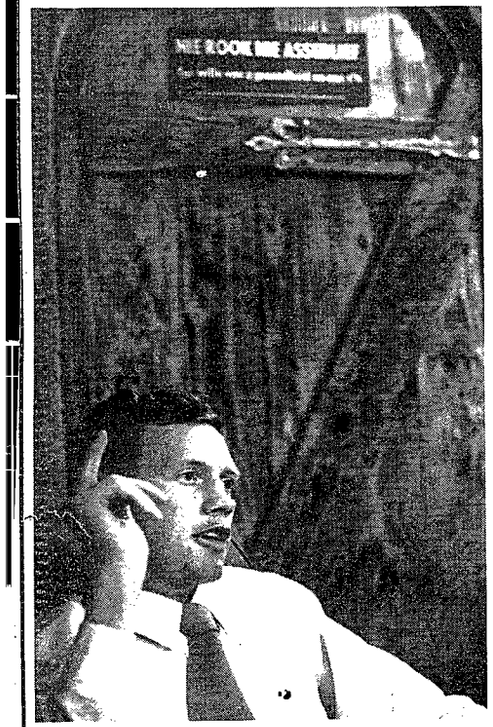
MR CHRISTOFFEL VERMEULEN asked God if he should be an MP. And God, claims Mr Vermeulen, said yes.

That's why angel-faced Mr Vermeulen — the man who says he spends R40 000 a year on his Arab connection — became the National Party's Hillbrow hope.

Mr Vermeulen's God-blessed campaign has already oozed controversy. His claims of professor of Semitic languages and honorary consul for Egypt, Jordan and Syria closely followed by a farm sale row all hit the headlines — hard.

And sparked a buzz of excitement in opposition hornets' nests.

Mr Vermeulen is unbothered. The claims he did make, he said, are true. And besides he has another professorship up his sleeve.



Mr Christoffel Vermeulen . . . National Party candidate in Hillbrow. "The Arabs will go on accepting me, even if I become a Cabinet Minister," he says.

Early next year he plans to start with his family a department of tourism at the University of Stellenbosch. Who will head it? "Maybe still me if I have time with my MP work," said Mr Vermeulen.

Unfortunately Stellenbosch is not so certain. A university spokesman said this week: "I know the idea has been discussed but nothing has been decided or even properly considered."

Later he added: "We have decided not to proceed with this course at all at the moment."

This will be a great disappointment to the former Stellenbosch student who became a company director while studying to be a dominee.

It was at Stellenbosch that young Mr Vermeulen studied Semitic languages.

He was, he confessed, an outstanding student. So outstanding that while he was still a student another university — the University of the Orange Free State — asked him to stand in for the head of their Semitic languages department.

This, said Mr Vermeulen, is where that touch of election confusion crept in. Mr Vermeulen was just 32 when he founded his own travel company, Holidays International, whose clients included, he said, Dr Connie Mulder.

"Dr Mulder accompanied me on a trip to Israel. It was about two years ago," said Mr Vermeulen.

Mr Vermeulen said during the interview he'd also travelled with Senator Loock — to Arab countries.

Mr Vermeulen said he developed his Arab connection when he was lecturing at the University of the Orange Free State. It started as an academic link.

He wanted to open up new fields to Semitic language students. Then the travel element came in. and now, said Mr Vermeulen, he travels to the Arab countries 14 to 25 times a year strengthening his Arab link.

Each ticket, he says, costs R2 000. An average of 20 trips means R40 000 in fares alone.

Who pays for it? "I do," said Mr Vermeulen. "It all comes out of my own pocket. My father died a pensioner, I borrowed money to start university. But I've worked hard and been around the world four times. I once went to South America to take a look at the moon-worshippers for the sake of a lecture I was presenting to students of mine.

"As I said I've worked hard. I've got businesses all over the country—a perfume business, a food business, an intensive farming business.

"I'm an optimist, an opportunist and a believer. My best quality, if I may say so, is the fact that I believe in God. I can't do anything unless I'm convinced that I have the light from above to do it.

"When they asked me to be an MP I prayed for five days—from the 7th to the 12th of October. I asked God and He said yes."

Mr Vermeulen thinks the National Party asked him to stand because of his diplomatic work with the Arabs.

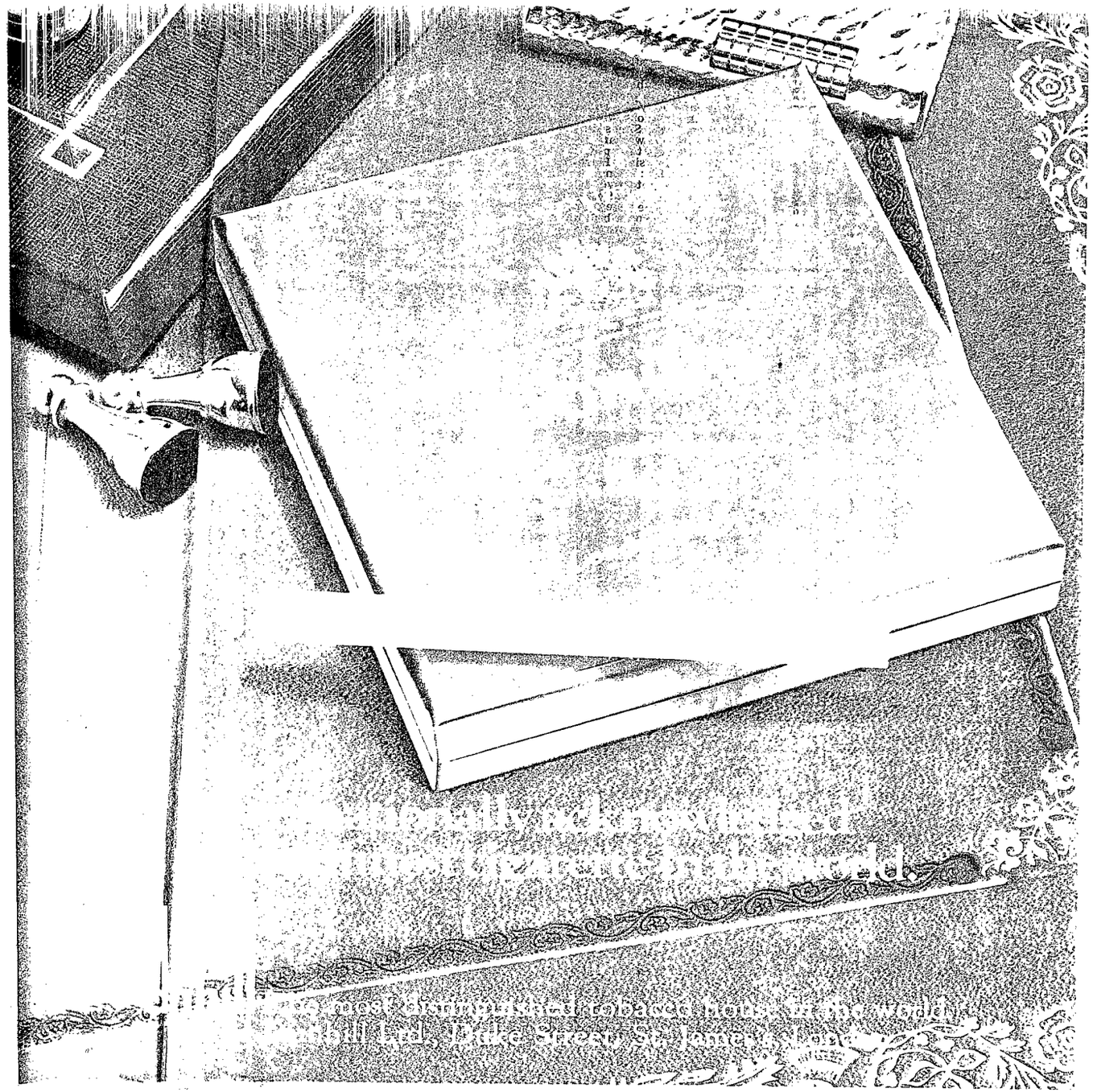
He has, he said, arranged for more than 1 000 people to visit Arab countries since 1973.

Mr Vermeulen is thrilled to serve his country as an unofficial diplomat. In fact he likes it so much that it crowded out his dominee call.

Jordan, he says, regards him as their honorary consul in South Africa.

"The people on the other side (the Arab side) have accepted me once and for all," he said. "They'll go on accepting me — even if I become a Cabinet Minister," said the 35-year-old father of two who hails originally from Prieska in the Cape, which means "the lost goat".

(Report by Viv Prince, 171 Main Street, Johannesburg.)



DHK64

Biko Inquest

'absolutely incorrect'

Kentridge: Hunger strike story a cover up

observation. I made no note of it.

Mr Kentridge: Surely that can't be true? If it made such an impression on you, you must have a picture of it in your mind? I find it strange that you cannot say which arm it was.

Mr Kentridge said Dr Tucker had also made an affidavit in which he said that Mr Biko, when asked to move his limbs, could not move his left limbs properly.

Col Goosen: I wasn't present at Dr Tucker's examination.

Mr Kentridge: I will suggest that this evidence of yours is a complete invention. I'll show you why. In your affidavit you said "it was noticeable that during Dr Lang's and Dr Tucker's examination on the 7th and the 8th Mr Biko pretended that one arm was slightly weak. Yesterday you told us you had not been present. So this statement must be a falsehood.

Col Goosen: Drs Lang and Tucker came to my office and there was a discussion. I wanted to know what the diagnosis was. During the discussion I was told that he pretended that one arm was weak. Dr Lang again drew my attention to it at the prison.

Mr Kentridge: Why didn't Dr Lang mention this? — He will probably give evidence.

Mr Kentridge: Dr Lang said in his affidavit that Mr Biko had refused water and food and had displayed a weakness of all four limbs. Why should he tell you something different from his report?

Col Goosen said that this discussion took place immediately after the examination. He was present at the examination of Drs Hersch and Lang.

Mr Kentridge: At the discussion did Dr Lang say anything about Mr Biko showing a different arm as weak? — This was mentioned for the first time at the examination of Dr Hersch and Lang.

Mr Kentridge said, according to the report, when the reflexes were tested different arms were shown as weak, but the doctors Dr Lang had told him that neither he, Dr Tucker, nor Dr Hersch could find anything wrong and that he could return Mr Biko to Walmer police station.

Mr Kentridge: Did Dr Lang ever tell you that Dr Hersch thought that Mr Biko was shamming illness? — Not in those words.

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 Hersch had found red blood cells in the spinal fluid? What did he tell you?

Col Goosen said that he was told that a lumbar puncture had been done and that Dr Lang and Dr Hersch wanted to keep Mr Biko in the prison hospital for observation.

Col Goosen said 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 are very good hospitals in Port Elizabeth.— With Mr Biko's background there were good reasons why he could not be kept there.

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? — I still thought he was feigning. I thought it was The doctors did not prescribe anything.

Do you know that Mr Biko went to Pretoria without even a medical history accompanying him? — I phoned Brig Dorfling of the Central Prison and asked who would treat Mr Biko. He told me it would be Dr Brandt. I told him to tell Dr Brandt to contact Drs Lang and Tucker in Port Elizabeth. Brig Dorfling was phoned twice. I think everything possible was done to inform the Pretoria people.

He could not say if the medical history was properly conveyed, he said. He later heard that Dr Brandt had not phoned Drs Lang and Tucker but he had done everything possible from his side.

He was "reasonably upset" when he heard Mr Biko had died because he had been a detainee of the Security Police and he realised what a terrible tragedy it was that Mr Biko could not be placed before a court and shown for what he was.

The said situation now was that Mr Biko was regarded by the foreign Press and foreign countries as a martyr. Instead of being able to expose Mr Biko a veil had been drawn over his activities.

Mr Kentridge: You have certainly tried to expose him in this courtroom.

Col Goosen said that when Mr Biko died he had realised that he had not



The head of the Security Police in the Eastern Cape, Colonel Pieter Goosen, left, and Lieutenant W E Wilken, the man who was in charge of the night staff at Security Police headquarters in Port Elizabeth on September 6.

Col Goosen said that the injury on Mr Biko's forehead had never been noticed by him nor by the doctors and he did not know how it could have been caused.

Mr Kentridge: Do you have any theory? — I would now say that there

bility that Mr Biko might have been injured while in the care of the Security Police.

Mr Kentridge: Do you have any theory? — I would now say that there

(Biko) would not hold the spoon to eat although he moved his fingers strongly. I then fed him. After he had had half his porridge he said he didn't want any more because he

beth? 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 stage Mr Van Rooyen, or the police, objected to the handing in of an affidavit containing statements by the Minister.

He said they were hearsay and inadmissible. The magistrate allowed Mr Kentridge to ask further questions before hearing arguments on the relevance of the Minister's statement.

Mr Kentridge asked Col Goosen who reported to the Minister.

Col Goosen: I have no idea, I take the matter to the security headquarters. Then I presume it goes to the Commissioner and then to the Minister.

Mr Kentridge then addressed the court on the objection raised by Mr Van Rooyen.

"We have put before the court the dossier containing a number of statements made by the Minister of Police regarding the death and treatment of Mr Biko.

"The Minister was not in Port Elizabeth. The Minister has no personal knowledge of what took place. He must rely on reports given to him by his officers, as Col Goosen had said, through security headquarters.

"The starting point of the information is Col Goosen. The point about these statements, which we can prove are accurate and which I am sure the Minister will in no way dispute, is that they purport to describe in detail how Biko on September 5 threatened a hunger strike.

"Another statement by the Minister said Biko had asked for a quarter of an hour before saying he would go on a hunger strike.

"This is a very detailed account of what happened and even later, as appears from the dossier, it was reiterated by the Minister that although he never said Biko died of hunger strike, he went on a hunger strike.

"This is completely un-

'Dossier' is irrelevant to death, says State

previous link in the chain, or if that is not so, I fear we must go as high as the Minister himself and ask him to come here and tell your 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 Col 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 if 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 replied: "I have the sneaking feeling I have been listening to a consummate piece of artistry. My learned friend (Mr Kentridge) has succeeded in speaking up on those things on which he could not lead evidence because it would be inadmissible.

"I can only object in the most strenuous 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

fell outside the scope of the inquest was basically irrelevant. The Minister could not contribute any evidence relevant to the inquiry because he was not an eyewitness.

"This affidavit is an attempt to introduce derogatory evidence which is not admissible in terms of the normal rules." Mr Von Lieres suggested that there had been an attempt to turn the court into a political platform for the General Election 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, Mr Von Lieres said.

Replying Mr Kentridge said he was not surprised at the attitude taken by Mr Van Rooyen 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 Von Lieres, in view of the undertaking that there would be the fullest possible inquiry without any suggestion of a cover-up.

In reply to questioning by the magistrate Mr Kentridge said: "We are not dealing here with a misunderstanding. We are dealing with the Minister of Police who made a statement on what has

formation. Then the brigadier would be called to give evidence to collaborate that.

Mr Prins said that if it was found that Col Goosen 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 Prins wanted to know how relevant the Minister's statement was.

"We have tried to show", Mr Kentridge continued, "That there were certain very strange aspects in the affidavits of Col Goosen and his staff. I said to Col Goosen 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, "That the official information to the Minister contains palpable untruths. If we find that someone in the Security Police went to the trouble of planting it on the Minister, 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 Col Goosen.

"If Col Goosen 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 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."

"The interest of the parties that I represent could

tenc reflexes, he said.

He put it to Col Goosen that this alleged discrepancy was an invention on his part.

Mr Kentridge: You said in your affidavit that at the time when you decided to send Mr Biko to Pretoria he had been examined by three doctors and you had been assured by them that there was nothing wrong and that it was the general view that he was shamming illness. Are you trying to tell us that Dr Hersch also could find nothing wrong?

Col Goosen: I had a discussion with Dr Hersch. I was very eager to know his diagnosis. He said he could find nothing physically wrong and he suggested that a lumbar puncture should be taken the next day.

Mr Kentridge: On what basis do you say that Dr Hersch was also of the opinion that there was nothing wrong with Mr Biko? — I did not say that this was the general view of the doctors. I was giving my own opinion. Dr Lang agreed with me to a large extent.

Mr Kentridge reread the paragraph in the affidavit. Was that not intended to include Dr Hersch? he asked.

Col Goosen: I meant that Dr Lang was of the opinion, I was of the opinion, and other people may have been of the opinion.

often had prisoners under guard in hospitals who succeeded in escaping.

Wasn't 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. — I had no reason to hide him. Neither I nor any of my colleagues, nor the doctors saw any external injuries.

Do you know that General Gericke, 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? — Had I known what his condition was I would have agreed to that but I thought then he was feigning illness.

Col Goosen said that when he could not get a military plane he asked Dr Tucker if he could convey Mr Biko by road. Dr Tucker said that provided they allowed Mr Biko to lie on a soft mattress there was no reason why not.

Mr Kentridge: What facilities was Biko to have. — A relatively luxurious Land-Rover was used. Seats were removed to put the mattress on the floor.

Mr Kentridge: We understand that the only facility available was a container of water. — We still thought he was shamming.

late for Mr Biko. Col Goosen: It was a tragic occurrence for the police and for South Africa because of propaganda that could follow it.

Col Goosen said that he had discussed Mr Biko's death with his colleagues but that nobody put up any theories. He had had no idea of what the cause of death could have been. He was very sorry that Mr Biko had been under the control of the Security Police when he had died.

Mr Kentridge said he was not attacking the character of the witness. If the affidavit had only concerned the facts he would not have proceeded on these lines but Col Goosen's affidavit suggests that Mr Biko had been bent on suicide and had been deliberately hyperventilating. Even when Col Goosen made the affidavit the suggestion that Mr Biko had been shamming was not withdrawn.

Mr Kentridge read from Col Goosen's affidavit in which he described an incident when Mr Biko was found in a bath. Col Goosen had said in his affidavit that he would like to express a serious supposition that Mr Biko had suffered brain injury during this incident.

Col Goosen had also said that Mr Biko had been bent on self-destruction even in his method of breathing during detention.

the injury had been overexposed 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 the incident in the bath was an attempt at suicide? Are you saying that a normal person would sit in a bath of water with his clothes on? Don't you think he might already have had a brain injury?

Mr Kentridge said that when 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.

Col Goosen agreed that it was not normal for a man to get into a bath with his clothes on and to turn on a tap and when asked to close it to calmly close it with his foot.

Mr Kentridge: Does that not sound as if he had a brain injury? Why do you only mention it as your serious supposition that Mr Biko had been bent on suicide? Isn't the real explanation that when you made the affidavit you probably realised that the wound had been suffered before he reached the hospital?

Mr Kentridge asked if Col Goosen, when he made his affidavit, had not connected Mr Biko's brain injury with his mumbling and the fact that he wet his blanket.

Col Goosen: I gave a lot of thought to where the brain injury could have been incurred.

Mr Kentridge: When you made the affidavit you still had in mind that Mr Biko might have been pretending the effects of brain injury on the 7th and the 8th and actually had it on the 9th.

Col Goosen: I thought the man might be shamming so as to be allowed into a hospital where he might have had the opportunity to commit suicide.

Mr Kentridge: What about your view that Mr Biko had been deliberately hyperventilating as part of his suicide attempt.

Col Goosen: I was convinced at this stage that the injury had been incurred elsewhere than in our care. I was satisfied that the breathing could have been part of his attempt at self destruction.

Col Goosen said that he had thought of the possi-

Mr Kentridge then turned to the question of a hunger strike and the allegations contained in some police affidavits that Mr Biko was on such a 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 said that it was important to get certainty. If a man did not eat because he felt unwell would the colonel say that the man was on a hunger strike?

Col 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? — Yes — not in that English . . .

What is a "staking"? — It is the same as strike in English.

Mr Kentridge: The man was just not eating? — Yes.

Mr Kentridge said that he wanted to put it to the colonel that he had not been entitled to say that Mr Biko had gone on a hunger strike at all.

Mr Kentridge pointed out that Mr Biko had partaken of the bread, the coffee and the magewu.

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.

The colonel's reply was inaudible.

Mr Kentridge said there was nothing to show that Mr Biko had not partaken of some coffee and bread on September 6.

Mr Kentridge: Some of your officers said that while they were interrogating him he took no food or water. — That is so.

Mr Kentridge said that on the 8th when doctors examined Mr Biko he had asked for water and that he had drunk it.

Col Goosen said he was not aware of it.

After reading from the affidavits referring to Mr Biko partaking in food and drink, he said: "That does not sound like a man on a hunger strike in any sense."

Col Goosen said the strike that he had mentioned had been brought to his attention. Mr Biko had just not eaten.

Mr Kentridge drew the attention of the court to an incident on September 9 after Mr Biko had been found in a bath full of water. Warder Du Preez had taken food to Mr Biko and told him to eat.

Reading from Warder Du Preez' statement Mr Kentridge said: "He

Mr Kentridge then drew Col Goosen's attention to the first official statement made by Mr J T Kruger, Minister of Justice, after Mr Biko's death. In this statement the Minister said that Mr Biko had been on a hunger strike since September 5.

Mr Kentridge then read sections of the statement of the Minister to the court.

Mr Kentridge: You see, in the first place it says that since September 5 Mr Biko refused his meals and threatened a hunger strike. It is quite clear from the evidence he never made any threats in connection with a hunger strike and secondly it is not correct to say that by Sunday (September 11) Mr Biko had still not eaten.

Mr Kentridge: Colonel, there are a number of substantial errors in that statement. You realise that, don't you? — There are contradictions, your worship, if those are the Minister's words. I cannot say it is accurate.

Mr Kentridge said that the Minister had used this statement as a basis of a complaint to the Press Council against the Rand Daily Mail and had attached his signature to a letter accompanying the statement.

Mr Kentridge: There are at least two errors.

Col Goosen: Provided it is the Minister's statement I cannot comment on that.

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 Jones) they then came to Mr Biko and started questioning him. He then said he would go on a hunger strike. He first said he would answer questions, but first asked for quarter of an hour. After that he said no, he would go on a hunger strike.

Mr Kentridge: You know of no evidence to support that statement? The other day I asked Maj Snyman if he had given information to the Minister and he replied it was the duty of his commanding officer.

Col Goosen denied he had contact with the Minister but said he had made 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 Eliza-

It is very clear from the extract I read from statements by the prison warders that it is wrong to say that from September 5 Biko refused food.

"Your Worship, it is absolutely clear therefore that when he made the statement, the honourable Minister was misled and two questions arise — who misled him and why.

"Not only is there a mention of the hunger strike, but nowhere is there any mention of the scuffle. (On September 7). Nowhere is there any mention of the fact that the colonel suspected he had a stroke.

"Nowhere is there any mention of a lumbar puncture and the somewhat disquieting result.

"My 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 as important as any other questions in this inquest. Where did the cover-up start and how high did the cover-up go? If we have answers to those questions it will tell us a great deal about what really happened to Steve Biko while in the custody of Col Goosen.

"There is only one way of ascertaining that. He (Col Goosen) has denied he gave this information. Very well, we must speak to the man to whom he gave the information and if necessary the next in the chain until we have discovered how and why this false story was propagated to the Minister so that he could propagate it to the country and the world.

"You will not fail to observe that whoever gave the Minister this incorrect information was obviously quite unconcerned with the embarrassment it would cause the Minister and the country and this is what he must investigate."

Addressing the court on Mr Van Rooyen's objections that the statements of the Minister contained in newspaper reports were hearsay, Mr Kentridge said it would be no problem at all for 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."

"If Col Goosen denied he gave the wrong information and we call the next man in the chain and the next man, either someone will place the responsibility on the

had read reports that Mr Biko had been murdered and that his head had been bashed in. Newspaper reports were hearsay evidence and inadmissible, he said. There was not the slightest evidence that Col Goosen had made any inconsistent 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 von Lieres, leading evidence for the State, said that anything that

which never happened.

Mr Prins said that some reports had only alleged that the Minister had made the statements.

Mr Kentridge replied: "The investigating officer can fix that up by bringing the Minister here."

The magistrate: The Minister can say that he said it and that nobody told him about it. How would following that line assist us?

Mr Kentridge said it was not a wild goose chase. Suppose the Minister did make the statement and he said in court the brigadier had given him the in-

Mr B de V Pickard, representing the medical doctors, said his clients had no interest in the credibility issue involving Col Goosen. He was opposed to Mr Kentridge's line because his clients were concerned about sitting at the court day after day.

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 Prins adjourned the court, saying that he would give his findings on the admissibility of the reports handed in by Mr Kentridge today.

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LINTAS SB/17052/203

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 opposite 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 hom 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 wasn't 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 into a provincial hospital from where he could possibly escape.

Col Goosen denied 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 hide him away. The reason was to isolate him, to prevent him escaping," he said.

Told that Brig Gericke at Pretoria prison had 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 12 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

BACKGROUND READING FOR LECTURES AND ESSAY

Open University : Income Distribution and 13 - 14. (The Open University, 1974,pap

A.B. Atkinson : The Economics of Inequal paperback).

W.J. Baumol : Economic Theory and Operat edition, paperback) ch. 16, sections of the lectures, e.g. ch. 21.5

S.K. Nath : A Perspective of Welfare Eco ch. 1.

C.K. Rowley and A.T. Peacock : Welfare E Robertson, 1975, paperback). This is r pages may be cited.

D.W. Pearce : Cost-Benefit Analysis (Mac

A. Sen : On Economic Inequality (Oxford Selected page references will be supplie

David M. Gordon : Theories of Poverty ar Chapters 1 and 2.

Biko's death made him a martyr says colonel

The Biko inquest

FOURTH DAY



325-detentions

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 discredited 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 S. 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 14 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 Maj 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 realised that Mr Biko had not 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 realised that Mr Biko was not feigning and that he (Goosen) had been wrong.

Mr Van Rooyen, for the police, said he objected to the tendency 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



The counsel for the Biko family, Mr Sydney Kentridge, SC (centre with a file under his arm) leaving the Old Synagogue in Pretoria after yesterday's hearing at the inquest into the death of Mr Biko.

(325) dat. DD 18/11/77

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 felt unwell, would the colonel say that the man was on a hunger strike?

Col Goosen: No.

If someone does not eat because he says he is not 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 it was said 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 to the 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 mageu.

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 just not eaten. —

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Vendetta claim against Special Branch

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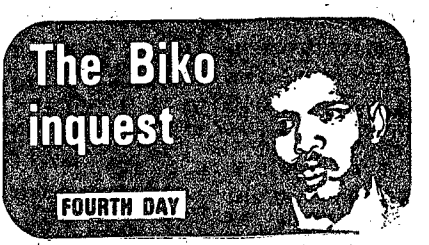

PRETORIA — Counsel for the police claimed yesterday the inquest was being used as a platform for waging a vendetta against the Special Branch.

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 he had given an instruction that Mr Biko was not to be allowed any exercise while detained in the Walmer police cells.

Col Goosen replied that Mr Biko was kept alone in a cell and was not allowed out of his cell.

Mr Kentridge: The warrant for his detention said he should be treated as an awaiting trial prisoner under prison regulations.

Col Goosen: That is correct.

Mr Kentridge: And the prison regulations provide that, weather conditions permitting, a prisoner should be allowed one hour exercise in the open air daily.

Col Goosen replied that he regarded it as his duty to prevent Mr Biko from communicating with anybody outside.

Mr Kentridge: What right did you have to override a prison regulation?

At this stage Mr Van Rooyen interjected and said Mr Kentridge's questions were irrelevant.

"We are busy with an investigation into events which could possibly have led to the death of Steve Biko. During the past two days we have been listening to questions which have nothing to do with the investigation and which in fact amount to a vendetta against the security police. If the investigation is to be used as a platform for propaganda against the security police, I submit that the platform is being abused. What is said here reverberates around the world, and I feel it is going too far," Mr Van Rooyen said.

The magistrate, Mr Prins, asked Mr Van Rooyen whether he did not think Mr Biko's mental state on the morning of September 7 was relevant. He also asked whether the treatment Mr Biko had received up to that stage was not relevant as far as his physical condition was

Mr Van Rooyen said there was nothing wrong in asking the witness whether Mr Biko was 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 such — only 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 exercise privileges."

The Special Branch in Port Elizabeth clearly showed no respect for legality 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 with what sort of men we are dealing and what the motive is for their failure to observe regulations," he said.

Mr Kentridge then asked Col Goosen to explain the "suspicions" which he 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 or react 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? — Biko was my responsibility and I was responsible for his health. I never told the doctors that I thought he was feigning illness.

Did you tell Dr Tucker you were afraid he might suffer a stroke? — I might have said that to Dr Tucker. I am not sure.

You said in your affidavit you were convinced that he was shamming — After the doctors had examined him and could find nothing wrong, I could come to no other conclusion.

And after September 8? — I was hinging on two thoughts.

Weren't you also worried that he was suffering from a head injury? — I had no certainty about an injury. I thought it a probability.

If so, why did you not 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 at the time when he spoke to the doctor he was not considering the possibility or probability 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 Dr 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 precedent 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 uncalled for.

Mr Kentridge: It is not a comment. It's a submission. The man was

Kruger may testify at inquest

The Biko inquest

FOURTH DAY



D.D. 18/11/77
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PRETORIA — The Minister of Police, Mr Kruger, could be called to give evidence in the Biko inquest on what was called a top-level cover-up.

From ROGER OMOND
Daily Dispatch man in Pretoria

The magistrate, Mr M. J. Prins, will give a ruling this morning which will decide whether Mr Kruger and three senior police officers can be called as witnesses.

At issue are differences between statements made by Mr Kruger on Mr Biko's death and evidence given to the inquest.

Counsel for the Biko family, Mr S. Kentridge, said yesterday the inquest had to discover how Mr Kruger came to make a statement about Mr Biko's death which said the black consciousness leader had threatened to go on a hunger strike, had refused all food and which gave the impression — later corrected by Mr Kruger — that the hunger strike had caused the death.

"The hunger strike story was obviously an excuse, a cover-up. This wholly coincide with what I know," Col Goosen admitted.

Mr Kentridge said Mr Biko had never threatened a hunger strike and Mr Kruger had been wrong in saying that by Sunday, September 11, he had still not eaten.

There was also no evidence to support Mr Kruger's statement that after the Special Branch had questioned Mr Peter Jones (detained with Mr Biko on August 18) they had gone to Mr Biko who had at first said he would answer questions, but later said he would go on a hunger strike.

Col Goosen: No.

He added he had not happened there to Mr Biko while under Special Branch custody, and had to rely on reports through official channels.

"Col Goosen is the starting point for this information," he said. Mr Kruger had purported in his first official statement to describe in detail how Mr Biko had threatened to go on a hunger strike. It was "completely unfounded" to say that Mr Biko had said he would go on a hunger strike.

The evidence of Col Goosen, Capt D. Siebert (also of the Port Elizabeth Special Branch) and statements by Port Elizabeth prison hospital warders showed that Mr from the air and making it respectable."

There was no evidence that Col Goosen had made any inconsistent statements. The court should not embark on a trial by newspaper reports, Mr Van Rooyen said.

For the State, Mr Von Lieres said Mr Kruger could not contribute anything relevant to the inquiry. Only if the court was concerned with the forthcoming November 30 election would this evidence Mr Kentridge was trying to produce be relevant.

Replying, Mr Kentridge said he was surprised Mr Von Lieres — the Deputy Attorney - General of the Transvaal — whose job it was to place the fullest possible information before the court was try-

18/11/77

raises two important questions: where did the cover-up start and how high did it go?"

Lengthy argument on whether the court could investigate this "cover-up" concluded the fourth day of the inquest into the death in detention of Mr Biko.

Mr Kentridge's submission was strongly contested by counsel for the State and the police.

The head of the Special Branch in the Eastern Cape, Col P. J. Goosen, was being questioned when this unexpected development occurred.

He was being examined on how information on Mr Biko's condition and possible cause of death had been given to Mr Kruger.

The Minister's first official statement had said Mr Biko had refused meals since September 5 and threatened a hunger strike, Mr Kentridge said, but there were "a number of substantial errors" in the statement he put to Col Goosen.

"If that is the Minister's statement it does not

communicated personally with Mr Kruger, but had phoned his superior officers in Pretoria.

"It must therefore follow that somebody misled the Minister," Mr Kentridge said.

At that point Mr P. van

Kruger had been wrong in saying that Mr Biko had refused food after September 5.

"When he made that statement Mr kruger was misled," Mr Kentridge said. "Who misled him?"

Mr Kruger had mention-

ing to stifle this inquiry." This was especially surprising as his political superiors had promised the fullest possible inquiry.

The magistrate asked whether there could not have been some misunder-

Full coverage of yesterday's evidence, page 6

Rooyen, for the police, rose to object that Mr Kentridge was introducing inadmissable hearsay evidence which was irrelevant.

Mr Kentridge then asked Col Goosen to whom he had spoken by phone in Pretoria. Col Goosen replied it had been Brig Coetzee and Brig Zietsman. It later emerged that the Commissioner of Police, Gen Gert Prinsloo, had been involved in passing on information to Mr Kruger.

In lengthy argument to the court, Mr Kentridge 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 nothing to the effect that Mr Biko had undergone a lumbar puncture.

"The story of a hunger strike was obviously an excuse, a cover-up," Mr Kentridge 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 Kentridge said.

There was no question that Mr Kruger had in fact made this statement, Mr Kentridge said. That could 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 at Col Goosen, why was 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 and 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 that he denies giving false information we must go up the chain.

"Incorrect information given to Mr Kruger must have originated with Col Goosen," Mr Kentridge 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 Kentridge has introduced inadmissable information in terms of evidence: in effect he had been testifying."

"Mr Kentridge is plucking inadmissible evidence

standing along the line.

Mr Kentridge: On a serious matter like this. Let them come and tell us.

"Why would anyone want to put misleading 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 then were Maj Snyman and Col Goosen. Where was the misunderstanding? Who was misled?

"Let us start with the Minister who may say he published his statement in good faith on information supplied by Mr X."

The magistrate: If we disbelieve Col Goosen what would be the result?

Mr Kentridge: 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 wrongdoing.

Mr Kentridge 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 affidavits. 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 not done in any affidavit. "This points that they have something to hide," Mr Kentridge 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 clearest possible proof of guilt."

Mr Kruger's statement had been published all over the country. If Col Goosen was not 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 a full inquiry had taken place if this line of investigation is stifled."



Suicide bid in prison bath claim

PRETORIA — In one incident a warder had found Mr Biko in a bath at a Port 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 bath 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

(325-Detention)
STAR
18/11/77

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 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 Ilona Kleinschmidt had to be examined as to 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 emphasised only the different versions of the Minister and Colonel Pieter Gouser, Security Police chief in the Eastern Province, in relation to Mr Biko's alleged hunger strike.

From a practical viewpoint, Mr Prins said, he found it not only difficult but impossible to see how the Minister could assist the inquest in its purpose of ascertaining how Mr Biko died.

IRRELEVANT

He therefore, found that on the practical test, statements by Mr Kruger were irrelevant to the purposes of the inquest court.

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

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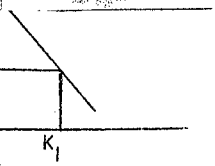

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THE BIKO INQUEST

18/11/77

Ruling on Kruger file

▶▶ From page 1

that Colonel Goosen did not report to the Minister. He reported by telephone and spoke to two different brigadiers.

"Commonsense dictates that the Minister got the information from the administrative head of the police.

"Commonsense dictates that there must be other tween the brigadier and high-ranking officials be the commissioner of police.

"Even accepting that the information was received directly from Colonel Goosen over the telephone by one or other of the brigadiers and from there to the commissioner and from there to the Minister, what we have before us is hearsay so far remote from what happened with so much possibility for misunderstanding that it would be dangerous to accept it in evidence.

"I therefore say that such remote hearsay of this nature cannot be tolerated in a tribunal of this nature and I therefore will not allow."

He did not agree with Mr Kentridge that a rejection of this application would stifle the search after truth.

Other witnesses had given evidence, doctors would still give evidence, and Colonel Goosen's cross-examination was ot yet complete.

There were still many ways left to attack the credibility of Colonel Goosen, the magistrate said.

He had to rule, therefore, that from every point of view, he found the evidence to be inadmissible.

Mr P R van Rooyen, for the police, said he had spoken to the Commissioner of Police about Mr Kentridge's application.

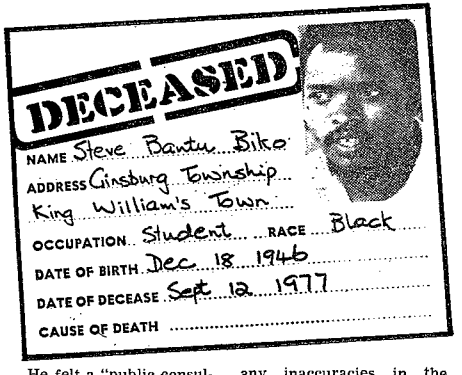
To remove any possible allegation that the inquiry was being stifled, the commissioner had agreed that the two senior officers to whom Col Goosen reported Mr Biko's death could be made available to the court.

The officers would be chiefly available for a private consultation with Mr Kentridge. This should help Mr Kentridge to determine Col Goosen's credibility, he said.

In addition, the pair could be called as witnesses for the limited purpose of testing Col Goosen's evidence.

Mr Kentridge found the offer "very strange."

"I appreciate the offer as far as it goes and we'll certainly consider whether we'll take it up," he said.



He felt a "public consultation" would be worth more than a private one.

Mr K von Lieres, the Deputy Attorney-General of the Transvaal, suggested the court adjourn so Mr Kentridge could interview the officers. He felt this would speed up the proceedings.

Mr Kentridge said he had only a few more questions for Colonel Goosen and would like to continue with the cross-examination.

Colonel Goosen was asked to return to the witness box and he told the court it was outside his "function" to correct any inaccuracies in the Minister of Police's official statement about Mr Biko's death.

Colonel Goosen said he had just made affidavits about the death. No other written report was made and no telex messages were sent.

He could not say why anyone would have a reason to feed Mr Kruger false information.

Colonel Goosen said the thought that Mr Biko might have been hyperventilating with suicidal intent came to him three, four or five days after the death, but before he knew that Mr Biko had died of a brain injury.

It came to him during a discussion with Dr Lang and a Colonel Bothma.

Dr Lang had confirmed to him that hyperventilation could be dangerous if continued for long enough.

Colonel Goosen said he had read up further on the subject in medical books.

Col Goosen said the aim of the Security Police when dealing with all Section 6 detainees was to conduct a thorough interrogation into their activities, source of funds for projects and other aspects.

Everything was done to prevent suicide and escape.

On the subject of assaults, Col Goosen said, a detainee could be held until all questions had been answered. There was no reason to use force to obtain speedy replies.

AGITATION

It was preferable to establish good communication with the detainee, for example asking him about his private life.

The interrogation technique of the Security Police was almost the same as that used on him by Mr Kentridge, who employed both sarcasm and soft talk (mooi praat).

Asked whether any complaints of assault had been lodged against members of the team which interrogated Mr Biko, Colonel Goosen replied: "The assaulting team have never assaulted anyone."

He quickly corrected himself, however, and said the interrogation team had never assaulted anyone.

The staff of the Security Police consisted of carefully selected men, he said. If a person showed any strange behaviour during his career, he would not be appointed to the Security Police.

He presumed his men had a reasonably difficult task to perform. They worked with people who were at times very provocative and tempers had to be kept.

If a Security Policeman showed a tendency towards aggression, headquarters would order his transfer.

He agreed with Mr van Rooyen that tremendous agitation was aimed at South Africa's security laws, by way of the Press, pamphlets and speeches by certain "liberal elements."

He was aware of a tremendous build-up of criticism aimed at getting security legislation abolished.

Many South Africans had developed guilty consciences.

The police therefore had a great responsibility

18/11/77



Mr M J Prins . . . conducting hearing.



Sir David Napley . . . a British observer.



Lieutenant W Wilken . . . to give evidence.



Mr K von Lieres . . . leading evidence.

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 Baader Meinhof 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.

A further legal wrangle developed between council 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 Wentzel, 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.

(Proceeding)

Inquest urged to find who lied to Kruger

COVER-UP ON BIKO?

N.M 18/11/77

325-detentions

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 Mr. 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 information from Col. Goosen to Mr. Kruger therefore had to be investigated, including calling Mr. Kruger himself to give evidence if necessary.

Pretoria's Chief Magistrate, Mr. M. J. Prins, said he would give his decision today on the admissibility 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 before the Court 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 — where did the cover-up start 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 happened to Steve Biko in the custody of Col. Goosen."

As Col. Goosen had denied giving incorrect information to his superiors the chain from him to the minister had to be investigated.

"We must have in court the man who gave the information, 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 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 information."

It had not been his intention to trouble Mr. Kruger, Mr. Kentridge said, but he had not thought Mr. Kruger's statement would be disputed.

Decision

Mr. Kentridge's application 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 this statements concerned had been made by Mr. Kruger.

Mr. Kentridge had put to him that at no stage had Mr. Biko actually said he was going on a hunger strike and that a prison warder in Port Elizabeth said in an affidavit Mr. Biko had taken porridge on September 10.

Yet Mr. Kruger had said in his Press statement Mr. Biko had threatened a hunger strike and that by September 11 had still not taken food. Mr. Kruger had said later that Mr. Biko had said he would answer questions after 15 minutes, and at the end of that time said he was going on hunger strike.

Inconsistent

"There are inconsistencies but I cannot say whether that is the minister's statement," Col. Goosen said.

In reply to a question from Mr. Prins, Col. Goosen said he was prepared to say that, if that was Mr. Kruger's statement, it did not coincide in all aspects with what had happened.

Asked by Mr. Kentridge how information reached Mr. Kruger, Col. Goosen said he did not liaise with Mr. Kruger but with Security Police Headquarters in Pretoria.

He assumed that information would go from Security Police Headquarters to the Commissioner of Police, General Gert Prinsloo, and from General Prinsloo to Mr. Kruger.

Mr. van Rooyen made his objection on behalf of the police when Mr. Kentridge said it was clear Mr. Kruger had been misled and the information could only have

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Counsel asks who lied to Kruger over Biko death

come from the Port Elizabeth Security Police.

What Mr. Kruger said was pure hearsay and inadmissible, Mr. van Rooyen contended. Mr. Kruger had not been in Port Elizabeth and did not qualify as a witness.

If Mr. Kentridge sought to attack Col. Goosen's credibility the only basis for this would be on a previous inconsistent statement.

Mr. Kentridge replied that this was not merely a matter of attacking the credibility of a witness, although this came into it.

The reason he had handed in the dossier of Mr. Kruger's statements was that Mr. Kruger 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 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 slighest tittle of evidence that this witness has made any inconsistent statement. It has not been put to him.

"It's a fishing expedition.

"If Mr. Kentridge's Press reports were admitted, then all other Press reports, some of them highly inaccurate, would also have to be admitted. It would be trial by newspaper."

Some Press reports had said both sides of Mr. Biko's head had been mutilated and tha the back of his head was so smashed up it had toi be covered with red velvet.

Mr. von Lieres, for the State, supported the objection. The purpose of the inquest was to establish the cause or likely cause of death, the date of death and whether it had been brought about by what amounted to an offence by a living person.

Anything outside this was irrelevant and Mr. Kruger could not contribute any evidence relevant to the inquiry.

Election

Statements and speculation about a hunger strike would only be relevant if the inquest court were part of the political platform for the coming General Election.

"This Court was not constituted in terms of the Electoral Act. It is constituted in terms of the Inquests Act."

Mr. von Lieres said Mr. Kentridge's application followed the case he was trying to put.

"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 that assault was inflicted by the Security Police in Sanlam Building and that that 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 inquest.

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 disbelieving 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 during cross-examination been trying to show up aspects of the evidence of Col. Goosen and his subordinates, for exam-

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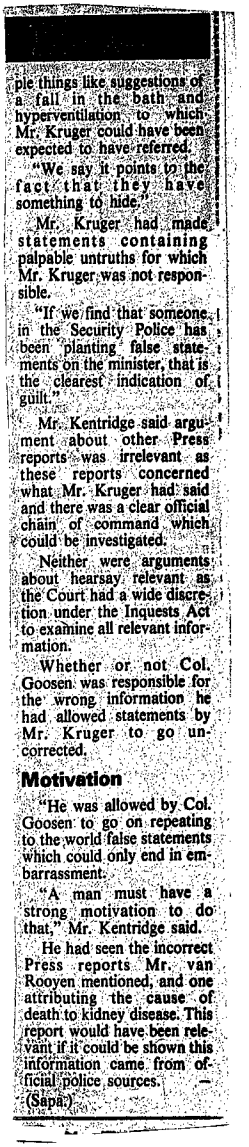


ple things like suggestions of a fall in the bath and hyperventilation to which Mr. Kruger could have been expected to have referred.

"We say it points to the fact that they have something to hide."

Mr. Kruger had made statements containing palpable untruths for which Mr. Kruger was not responsible.

"If we find that someone in the Security Police has been planting false statements on the minister, that is the clearest indication of guilt."

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. — (Sapa)

The Cape Times, Friday, November 18, 1977 325 - Detention

'I still thought he was shamming,'

Own Correspondent

RETORIA. — Colonel P osen, the head of the Port izabeth security police told the quest hearing into Mr Steve ko's death yesterday that he had ought that Mr Biko was sham- ing brain injury, just as Mr obiki Cekisani, another leader the Black People's Convention lways had strokes whenever he as detained".

Mr Cekisani, was in the udience in the Old Synagogue d had attended the hearing ery day, Colonel Goosen said. Afterwards there is never ything wrong," he told the urt.

At the start of yesterday's oceedings the examination of olonel Goosen continued.

Mr S Kentridge, SC, for the mily, said that he had under- ood that during the time Mr iko had been in the Walmer olice cells he had not been al- wed any exercise on the instruc- on of Colonel Goosen.

olonel Goosen: I am being rongly interpreted.

Mr Biko had been alone in a cell and as such had had enough fresh air and could get enough exercise, he said. He admitted that Mr Biko had not been allowed out of the cell.

Mr Kentridge referred to the warrant under which Mr Biko had been detained and said that according to that certain special provisions had been made that nobody should be allowed to visit him, that he should receive no food from outside and that he should receive no reading matter.

Apart from that the warrant specified that Mr Biko should be treated like an awaiting trial prisoner, he said.

According to the prison regulations prisoners who did not do outdoor work should be allowed one hour's execise in the open air whenever the weather permitted, Mr Kentridge asked.

Colonel Goosen answered that the reason for his instruction was to prevent Mr Biko communicating with anybody outside.

Mr Kentridge: What right did you have to override a standing instruction?

Mr P R van Rooyen, SC, for the police, objected. He did not know the relevance of these questions, he said. This had nothing to do with the cause of death but was part of a "vendetta" against the security police, he said.

The inquest should not be used as a platform for propaganda against the security police. Its only purpose was to investigate if anybody could be blamed for Mr Biko's death. "While the whole world knows what is going on in this room, this goes a bit too far," he said.

Mr M J Prins, the presiding magistrate said that the state of mind of Mr Biko during his detention was a relevant matter. It was also relevant that a certain state of mind could have been caused and which could have triggered Mr Biko's emotions.

Mr Van Rooyen said that a question whether Mr Biko was allowed to exercise in the open air was relevant, but when Colonel Goosen was asked if his instructions had been against standing orders or whether anything had been written in an occurrence book, this had nothing to do with Mr Biko's state of mind and should not be allowed.

Mr Kentridge: I don't think your worship has heard any criticism of the special branch or of the security police except for those in Port Elizabeth or those who were concerned with Mr Biko. I would have expected the police to have dissociated themselves from these members.

His questioning was all part of this showing that there was a process of breaking Mr Biko down by keeping him naked and by keeping him in his cell, he said. His questions, concerning the use of chains, the failure to allow Mr Biko exercise and the failure to enter occurrences in the occurrence book were meant to show that the security police showed in the treatment of Mr Biko no concern for legality and did not consider themselves bound by regulations, he said.

He was not concerned with what Colonel Goosen did with other prisoners but he was concerned with showing that in this instance he had paid no attention to ordinary legality.

Mr Kentridge said that a number of police witnesses had testified that there had been nothing untoward in their treatment of Mr Biko. The magistrate would have to decide on the credibility of these witnesses. He would have to decide what sort of men he was dealing with.

The question to be decided was whether a man was mistreated and in this case one had the position of policemen who did not act according to regulations.

This was the sort of people who might have mistreated Mr Biko. One had to establish their motive, he said.

Mr Kentridge then referred to Colonel Goosen's affidavit in which he said that Drs Tucker and Lang came to his office to examine Mr Biko on September 8. The Colonel said that he had told the doctors of his suspicions. He wanted to know what these suspicions had been, he said.

Colonel Goosen: I told them of my suspicions because Mr Biko had not taken food or liquid. We had here a man who would not eat, react or talk and who used no toilet facilities. This has been unnatural behaviour. I did not say "suspicion". I used the word "bedenkinge". 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 Kentridge: Do you think it shamming 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.

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.

He had called Doctor 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 have suffered a stroke.

After the doctors' investigation he was still convinced that Mr Biko was still shamming illness, Colonel Goosen said. Later he was not satisfied, he was in two thoughts about it and wanted to make 100 percent sure, he said.

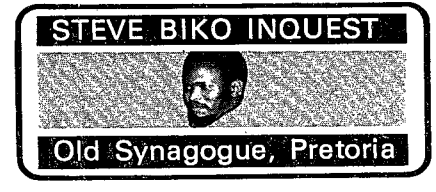
On the 8th he knew there had been a violent struggle but did not know for certain what injuries could have been incurred.

Mr Kentridge: Were you worried that Mr Biko had had a head injury?

Colonel Goosen: At that stage I paid no attention to it. I did not know for certain. I always had to consider the probability.

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.

Colonel Goosen said that the possibility that Mr Biko's speech was impaired had made him think that Mr Biko had suffered a stroke.



Mr Kentridge: My submission will be that you knew that Mr Biko might have suffered a head injury but wanted to draw the medical attention away from it.

Colonel 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?

Colonel 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.

Colonel 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.

Colonel Goosen: The medical doctors could find nothing wrong.

Mr Kentridge: That is not quite true. Dr Tucker was sufficiently worried to recommend that Mr Biko should be sent to the prison hospital to be examined by a specialist. In spite of that you left him lying on the mat.

Colonel Goosen: I was responsible for the man's safety. I had reason to believe that he was shamming. Therefore I had to keep him like that.

Mr Kentridge: There is good precedence for your behaviour. I understand that in the 18th century this was exactly how they treated mental patients.

Mr Van Rooyen rose. This was the sort of comment which struck the headlines and which should not be allowed, he said.

Mr Kentridge: We make no secret of the fact that we will submit that Mr Biko was treated with the utmost callousness. You may have to consider if the head injuries ought to have caused death. If Mr Biko had been properly treated he might not have died at all.

Mr Prins intervened. Mr Biko

says colonel

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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 Goosen 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 Goosen 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 medicine which they thought necessary.

Mr Kentridge: In fact Dr Lang noticed on the 7th that his ankles were swollen.

Like a madman

Colonel Goosen answered that he himself had seen marks on Mr Biko's wrists and ankles. This was not unnatural. Mr Biko had strained against his chains like a madman only a few hours before, he said. Colonel Goosen said that he still believed that he did 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 Bothma the prison commander.

Colonel Goosen said that he had briefly sketched the background to Colonel Bothma. He had asked Colonel Bothma to keep Mr Biko to be examined and to see to it that he did not communicate with other prisoners.

Mr Kentridge quoted Colonel Bothma as having said that Colonel Goosen gave him instructions that Mr Biko should be watched only by white members of the police force. He asked Colonel Goosen if he did not trust the non-white members of the police force.

Colonel Goosen answered that this was one of his standing instructions in all these cases of detention. There were not always non-white policeman 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 as if you didn't want anybody to know that Mr Biko suffered from an ailment.

Colonel Goosen: Quarters used for awaiting trial prisoner had to be cleared for Mr Biko. I had to consult with Colonel Bothma 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.

Serious enough

Mr Biko's illness had been serious enough to warrant examination by a specialist and to send him 700 miles to a hospital in Pretoria. Why didn't you notify his next of kin? He asked Colonel Goosen.

Colonel Goosen: 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 malingerer to Pretoria.

Colonel Goosen: 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 trouble for a malingerer. Why didn't you take a bit of extra trouble and inform his family.

Colonel Goosen. Should I have informed the 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 positive. Red blood cells were found in the spinal fluid.

Colonel Goosen: 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 Goosen said that this

Mr Kentridge: Surely that can't be true. If it made such an impression on you you must have a picture of it in your mind. I find it strange that you cannot say which arm it was. Mr Kentridge referred to Dr Hersch's report in which he said that Mr Biko's left arm had been slightly weak.

Left limbs

Colonel Goosen: I didn't see the medical report.

Mr Kentridge: Dr Tucker had also made an affidavit in which he said that Mr Biko when asked to move his limbs could not move his left limbs properly.

Colonel Goosen: I wasn't present at Dr Tucker's examination.

Mr Kentridge: I will suggest that this evidence of yours is a complete invention. I'll show you why. In your affidavit you said it was noticeable that during Dr Lang and Dr Tucker's examination on the 7th and the 8th Mr Biko pretended that one arm was slightly lame. Yesterday you told us you had not been present. So this statement must be a falsehood.

Colonel Goosen: Doctors Lang and Tucker came to my office and there was a discussion. I wanted to know what the diagnosis was. During the discussion I was told that he pretended that one arm was weak. Dr Lang again fixed my attention to it at the prison.

Mr Kentridge: Why didn't Dr Lang mention this?

Colonel Goosen: He will probably give evidence.

Mr Kentridge: Dr Lang said in his affidavit that Mr Biko had refused water and food and had displayed a weakness of all four limbs. Why should he tell you something different from his report?

Colonel Goosen said that this discussion took place immediately after the Doctor's examination. He was present at the examination of Doctors Hirsch and Lang.

Not sinister

Mr Kentridge: At the discussion did Dr Lang say anything that Mr Biko had shown a different arm as weak?

Colonel Goosen: This was mentioned for the first time at the examination of Drs Hersch and Lang.

Mr Kentridge said that according to the report that when the reflexes were tested different arms were shown as weak, but the doctors did not regard this as sinister. One could not pretend reflexes, he said.

He put it to Colonel Goosen that this alleged discrepancy was an invention on his part.

Mr Kentridge: You said in your affidavit that at the time when you decided to send Mr Biko to Pretoria he had been examined by three doctors and you had been assured by them that there was nothing wrong and that it was the general view that he was shamming illness. Are you trying to tell us that Dr Hersch also could find nothing wrong?

Colonel Goosen: I had a discussion with Dr Hersch. I was very eager to know his diagnosis. He said he could find nothing physically wrong and he suggested that a lumbar puncture should be taken the next day.

Mr Kentridge: On what basis do you say that Dr Hersch was also of the opinion that there was

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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 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 impelled 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 somebody quite different from what he had seemed to be. If he was ill the family would have been told.

Mr Kentridge put it to him that Dr Hirsch saw Mr Biko at the prison hospital on September 8.

Why look at your affidavit? he asked Colonel Goosen.

Colonel Goosen: Because you twist my words and put words into my mouth.

Mr Kentridge: Give me an example of that.

Silence.

Mr Kentridge: Very well, Colonel.

Slight paralysis

Mr Kentridge said that in his affidavit Colonel Goosen had said that Dr Lang had come to the conclusion that Mr Biko was shamming a slight paralysis.

Colonel Goosen: Dr Hersch and Dr Lang told me they could find nothing physically wrong and strengthened my suspicion that he was shamming illness.

Mr Kentridge: In your affidavit you said that you were present on the evening when Dr Hersch examined Mr Biko. Dr Lang was also there. You say that when Drs Lang and Tucker examined him he pretended that his one arm was slightly weak (lam) but at the prison he indicated that another arm was slightly weak but that you couldn't remember which arm was shown.

Mr Kentridge said he could find no mention of this in Dr Lang's evidence although this had 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 did not say that this was the general view of the doctors.

Own opinion

Colonel Goosen: I was giving my own opinion. Dr Lang agreed with me to a large extent. Mr Kentridge reread the paragraph in the affidavit. Was that not intended to include Dr Hersch, he asked.

Colonel Goosen: I meant that Dr Lang was of the opinion I was and other people may have been of the opinion.

Colonel Goosen said that by the words "general opinion" he had 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 Hersch could find anything wrong and that he could return Mr Biko to Walmer police 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 Hersch thought that Mr Biko was shamming 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 Hersch 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 Hersch 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

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A 'relatively luxurious' vehicle

are very good hospitals in Port Elizabeth.

Colonel 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?

Colonel 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 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.

Colonel 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 Gericke, 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?

Colonel 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 military plane he asked Dr Tucker if he could convey Mr Biko by road. Dr Tucker said that provided they allowed him to lie on a soft mattress there was no reason why not.

Mr Kentridge: What facilities was Biko to have?

Colonel Goosen: A relatively luxurious Landrover was used. Seats were removed to put the mattress on the floor.

Mr Kentridge: We understand that the only facility available was a container of water.

Colonel Goosen: We still thought he was shamming. The doctors did not prescribe anything.

Mr Kentridge: Do you know that Mr Biko went to Pretoria without even a medical history accompanying him.

Colonel Goosen: I phoned Brigadier Dorfling of the central prison and asked who would treat Mr Biko. He told me it would be Dr Brandt and told me to tell Dr Brandt to contact Drs Lang and Tucker in Port Elizabeth: Brigadier Dorfling was phoned twice. I think everything possible was done to inform the Pretoria people.

He could not say if the medical history was properly conveyed, he said. He later heard that Dr Brandt had not phoned Drs Lang and Tucker but he had done everything possible from his side.

Colonel Goosen said he knew that Mr Biko had complained to a magistrate on September 2, although at the time he had not known. Normally when the magistrate visited the prison he provided him with a car with a driver. One copy of the magistrate's report was sent to the department of justice and another to the security police headquarters.

If there was a serious complaint a doctor was called immediately. It happened daily that he was informed that prisoners had complained about a headache or a cold.

He was reasonably upset when he heard on the morning of the 14th that Mr Biko had died because Mr Biko had been a detainee of the security police and because he realized what a terrible tragedy it was that Mr Biko could not be placed before a court and shown for what he was.

A martyr

The sad situation now was that Mr Biko was regarded by the foreign press and foreign countries as a martyr. Instead of being able to expose Mr Biko a veil had been drawn over his activities.

Mr Kentridge: You have certainly tried to expose him in this courtroom.

Colonel Goosen said that when Mr Biko died he had realized that he had not been shamming at all.

Mr Kentridge: Unluckily this realization came too late for Mr Biko.

Colonel Goosen: It was a tragic occurrence for the police and for South Africa because of propaganda which followed on it.

Colonel Goosen said that he had discussed Mr Biko's death with his colleagues but that nobody put up any theories. He had had no idea of what the cause of death could have been. He was very sorry that Mr Biko had been under the control of the security police when he had died.

Inform the family

He told the court that immediately after he had learned that Mr Biko had died he phoned King William's Town and asked Major Hansen to inform the Biko family.

Mr Kentridge: Did you ever go to any member of the family to say 'I'm sorry we thought he was shamming. I'm sorry he died.'

Colonel Goosen: I was not near to them. I don't know them. I knew he and his wife were estranged. He did not write to them, he said.

Mr Kentridge: I can find in all your 14 page affidavit not one expression of regret.

Colonel Goosen: I didn't think the affidavit the place to express my regret. That was not the object of the affidavit.

Colonel 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 Moki Cekisani. He has attended this hearing every day," Colonel Goosen said.

Bent on suicide

Answering a question by the magistrate, Mr Kentridge said one would not expect expressions of regret in an affidavit but Colonel Goosen's affidavit was not "that sort of affidavit", he said.

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 judgment," he said.

Mr Van Rooyen rose. He had previously indicated that he was objecting to the proceeding being used as a vendetta against the police, he said. Mr Kentridge's cross-examination contained venomous comment and uncalled 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. His examination created an impression that was being sent worldwide. Proof of propensity was not allowed in law, he said.

Mr Kentridge: I am not suggesting propensity. I am suggesting that Mr Biko was treated callously.

Mr Kentridge said that he had been istructed that up to now Mrs Biko had not been officially notified of her husband's death.

Mr Prins intervened: I find it difficult to see the necessity of having sorrow expressed in an affidavit.

Sentimental

Mr Kentridge: I'm not asking anybody to be sentimental. Sorrow is too strong a word. I would only have expected something like "We now see that we were wrong". That would have been natural.

Mr Kentridge said he was not attacking the character of the witness. If the affidavit had only concerned the facts he would not have proceeded on these lines, but Colonel Goosen's affidavit suggested that Mr Biko had been bent on suicide and had been deliberately hyperventilating. Even when he made the affidavit the suggestion that Mr Biko had been shamming was not withdrawn.

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 Colonel Goosen's affidavit in which he described an incident when Mr Biko was found in the bath. Colonel Goosen had said in his affidavit that he would like to express a serious supposition that Mr Biko had suffered brain injury during this incident. Colonel Goosen had also said that Mr Biko had been bent on self-destruction even in his method of breathing during detention.

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Over-exposed

Colonel Goosen said that 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 in to 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 and 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.

Colonel Goosen: Many of Mr Biko's methods had seemed pretty strange to me.

Mr Kentridge: Why do you put up this theory that Mr Biko had tried to commit suicide and might have bumped his head. Why didn't you say that he might have bumped his head during a scuffle with the security police. Even at

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'I then fed him'

— warder's statement

that stage none of you noticed the wound on the forehead.

Colonel Goosen: As far as I know nobody saw the wound, but according to the photograph there must have been a mark. I have now realized 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 only learnt a day or so ago that 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 learnt that there could have been 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 his bed and noticed that Mr Biko had trouble in walking.

Do you really believe that this was an obvious attempt at suicide, Mr Kentridge asked.

Colonel Goosen: It was a serious assumption.

In his clothes

Colonel Goosen agreed that it was not normal for a man to get a bath with his clothes on and to turn on a tap and when asked to close it to calmly close it with his foot.

Mr Kentridge: Does that not sound as if he had a brain injury? Why do you only mention it as your serious supposition that Mr Biko had been bent on suicide.

Mr Kentridge: Isn't the real explanation that when you made your affidavit you probably realized that the wound had been noticed before he reached the hospital?

Mr Kentridge asked if Colonel Goosen, when he made his affidavit, had not connected Mr Biko's brain injury with his vomiting and the fact that he wet the blanket.

Colonel Goosen: I gave a lot of thought to where the brain injury could have been incurred.

Mr Kentridge: When you made your affidavit you still had in mind that Mr Biko might have been suffering the effects of brain injury on the 7th and the 8th and possibly had it on the 9th.

Colonel Goosen: I thought the matter might be shamming in order that he might be allowed into a hospital where he might have had the opportunity to commit suicide.

Breathing

Mr Kentridge: What about your evidence that Mr Biko had been deliberately hyperventilating as part of his suicide attempt?

Colonel Goosen: I was convinced at this stage that the injury had been incurred elsewhere than in my care. I was satisifed that the incident could have been part of an attempt to self-destruction.

Colonel Goosen said that he thought of the possibility that Biko might have been injured?

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 taking food and water and where he thanked some of the people concerned.

Coffee

Mr Kentridge pointed out that Mr Biko had partaken of the bread, the coffee and the mageu.

He suggested to Colonel 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.

The colonel's reply was inaudible.

Mr Kentridge said that he understood that the prisons were very generous with their daily bread ration and that coffee was also plentiful.

Colonel Goosen indicated that he could not comment but he presumed that this was right.

Mr Kentridge: They also get sugar?

Colonel Goosen: As far as my knowledge goes they get some . . .

Mr Kentridge said there was nothing to show that Mr Biko had not had some coffee and bread on the day of September 6.

Colonel Goosen: I can't comment . . .

Asked for water

Mr Kentridge: Some of your officers said that while they were interrogating him he took no food or water.

Colonel Goosen: That is so.

Mr Kentridge said that on the 8th when the doctor examined Mr Biko, Mr Biko had asked for water and he had drunk it.

Colonel Goosen said he was not aware of it.

Mr Kentridge then pointed out that the affidavits referring to the 8th and the 9th and the affidavits from the warders mentioned that Mr Biko had drunk water.

After reading from the affidavits referring to Mr Biko taking food and drink, he said: "That does not sound like a man on a hunger strike in any sense."

Colonel Goosen said the strike that he had mentioned had been brought to his attention.

Mr Biko had just not eaten.

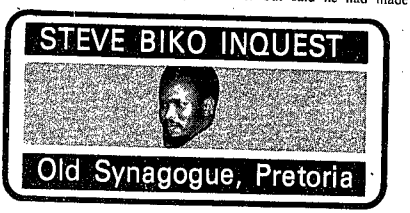
Mr Kentridge drew the attention of the court to an incident on September 9 after Mr Biko had been found in a bath full of water.

Warder Du Preez had taken food to Mr Biko and told him to eat.

Reading from Warder Du Preez's statement, Mr Kentridge said: "He (Biko) would not hold the spoon to eat although he moved his fingers strongly. I then fed him. After he had had half his porridge, he said he didn't want any more because he had had enough. I then gave him his mug of coffee and he drank it up."

Mr Kentridge then confirmed with Colonel Goosen that he had seen Mr Biko on September 5 in Walmer police cell where he had been for about one hour. He never noticed any physical injury on Mr Biko. Colonel Goosen noticed that there was a quantity of half loaves of bread to which he did not pay much attention.

Mr Kentridge then drew Colonel Goosen's attention to the first official statement made by Mr J T Kruger, the Minister of Justice, after Mr Biko's death. In this statement the minister said that Mr Biko had been on a hunger strike since September 5.



Mr Kentridge then read sections of the statement of the minister to the court.

Mr Kentridge: You see, in the first place it says that since September 5 Mr Biko refused his meals and threatened a hunger strike. It is quite clear from the evidence he never made any threats in connection with a hunger strike and secondly it is not correct to say that by Sunday (September 11) Mr Biko had still not eaten.

Errors

Mr Kentridge: Colonel, there are a number of substantial errors in that statement. You realize that, don't you?

Colonel Goosen: There are contradictions. Your Worship, if those are the minister's words, I cannot say it is accurate.

Mr Kentridge said that the minister had used this statement as a basis of a complaint to the Press Council against the Rand Daily Mail and had attached his signature to a letter accompanying the statement.

Mr Kentridge: There are at least two errors.

Colonel Goosen: Provided it is the minister's statement, I cannot comment on that.

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 Jones) they then came to Mr Biko and started questioning him. He then said he would go on a hunger strike. He first said he would answer questions, but first asked for quarter of an hour. After that he said, no, he would go on a hunger strike.

Mr Kentridge: You know of no evidence to support that statement. The other day I asked Major Snyman if he had given information to the minister and he replied it was the duty of his commanding officer. Colonel Goosen denied he had contact with the minister but said he had made 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 stage, Mr R van Rooyen, counsel for the police, objected to the handing in of an affidavit containing statements by the minister.

He said they were hearsay and inadmissible.

The magistrate allowed Mr Kentridge to ask further questions before hearing argument on the relevance of the minister's statement.

Mr Kentridge asked Colonel Goosen who reported to the minister.

Colonel Goosen: I have no idea. I take the matter to the security headquarters. Then I presume it goes to the commissioner and then to the minister.

Mr Kentridge then addressed the court on the objection raised by Mr Van Rooyen.

Mr Kentridge: We have put before the court the dossier containing a number of 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. "The minister has no personal knowledge of what took place. He must rely on reports given to him by his officers, as Colonel Goosen has said, through security headquarters.

"The starting point of the information is Colonel Goosen.

"The point about these statements, which we can prove are accurate and which I am sure the minister will in no way dispute, is that they purport to describe in detail how Biko on September 5 threatened a hunger strike.

"Another statement by the minister said Biko had asked for a quarter of an hour before saying he would go on a hunger strike.

Unfounded

"This is a very detailed account of what happened and even later as appears from the dossier it was reiterated by the minister that although he never said Biko died of a hunger strike, he went on a hunger strike.

"This is completely unfounded. It is contrary to the evidence given by Colonel Goosen and Major Snyman. It is very clear from the extract I read from statements by the prison warders that it is wrong to say that from September 5 Biko refused food.

"Your Worship, it is absolutely clear therefore that when he made the statement, the honourable minister was misled and two questions arise:

"Who misled him, and why?

"Not only is there a mention of the hunger strike, but nowhere is there any mention of the scuffle (on September 7). Nowhere is there any mention of the fact that the colonel suspected he had a stroke. Nowhere is there any mention of a lumbar puncture and the somewhat disquieting results.

"My 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 as important as any other questions in this inquest.

"Where did the cover-up start and how high did the cover-up go?

"If we have answers to those questions it will tell us a great deal about what really happened to Steve Biko while in the custody of Colonel Goosen.

One way

"There is only one way of ascertaining that. He has denied he gave this information. Very well, we must speak to the man to whom he gave the information and, if necessary, the next in the chain until we have discovered how and why this false story was propagated to the minister so that he could propagate it to the country and the world.

"You will not fail to observe that whoever gave the minister this incorrect information was obviously quite unconcerned with the embarrassment it would cause the minister and the country and this is what we must investigate."

Addressing the court on Mr Van Rooyen's objections that the statements of the minister contained in newspaper reports were hearsay, Mr Kentridge said it would be no problem at all for

Continued on page 8

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while in the car of the security police.

Mr Kentridge: Do you have any theory?

Colonel Goosen: I would now say that there is a great possibility that he incurred the injury in room 619.

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 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 certainty. 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.

Replying to 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 to the colonel 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

'It is a fishing expedition in terms of the law'

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 statement 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 do?

"If Colonel Goosen denied he gave the wrong information and we call the next man in the chain and the next man, either someone will place the responsibility on the previous link in the chain or if that is not so, I fear we must go as high as the minister himself and ask him to come here and tell Your 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 if 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 artistry. My learned friend (Mr Kentridge) has succeeded in speaking up on those things on which he could not lead evidence because it would be inadmissible.

"I can only object in the most strenuous 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 head had been bashed in. Newspaper reports were hearsay evidence and inadmissible. He said there was not the slightest evidence that Colonel Goosen had made any inconsistent 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 von Lieres leading evidence for the State, said that anything that fell outside the scope of the inquest was basically irrelevant. The minister could not contribute any evidence relevant to the inquiry because he was not an eye-witness.

"This affidavit is an attempt to introduce derogatory evidence which is not admissible in terms of the normal rules."

Mr Von Lieres suggested that there had been an attempt to turn the court into a political platform for the General Election 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. Mr Von Lieres said.

Replying, Mr Kentridge said he was not surprised at the attitude taken by Mr Van Rooyen 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 Von Lieres, in view of the undertaking that there would be the fullest possible inquiry without any suggestion of a cover-up.

Mr Kentridge said that the witness's denial was final if it related to a collateral issue. But, when the matter of credibility 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 made a report to someone else previously which was in conflict with his evidence, the accused could deny it but the counsel and the court were not bound by this denial. The counsel 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: "On a serious matter like this? Let someone come and say that."

Mr Prins: In what respect will this assist us?"

Mr Kentridge: "We are not dealing here with a misunderstanding. We are dealing with the Minister of Police who made a statement on what happened and which is absolutely incorrect and which contains things which never happened.

Mr Kentridge said: "Why should anyone put such misleading evidence before the minister? Who was it, 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 fix that up by bringing the minister here."

Mr Prins said that Mr Kentridge therefore wanted to take the court back along the line 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.

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BIKO INQUEST

Continued from page 8

Mr Kentridge said that he wanted to find out who gave the minister the false statement.

The magistrate: The minister can say that he said it and that nobody told him about it. How would following the line assist us?

Mr Kentridge said it was not a wild goose chase.

Suppose the minister did make the statement and he said in court the brigadier had given him the information. Then the brigadier would be called to give evidence to collaborate it.

"I don't call that a wild goose chase, I call that a proper investigation," Mr Kentridge said.

"If he finds someone concerned with an incident and you find that what he said was not so, that will influence your decision."

Mr Prins observed that this could also prove the contrary.

But it would tell one a great deal, Mr Kentridge said.

Mr Prins said that if it was found that Colonel Goosen 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 Prins 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 he was in the hands of a certain section of the security police under the command of Colonel Goosen.

"We have tried to show," Mr Kentridge continued, "that there were certain very strange aspects in the affidavits of Colonel Goosen and his staff. I said to Colonel Goosen 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, "that the official information to the minister contains palpable untruths. If we find that someone in the security police went to the trouble of planting it on the minister, 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 Goosen.

"It is possible that somewhere along the line he was misled but that is what a court is to investigate.

"Another more 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 Goosen 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 over 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 stultified," Mr Kentridge said, making it 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 interest of the parties that I represent could never be satisfied if this line of investigation is now stifled," 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 Goosen.

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 concede 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 Goosen.

If anybody else made an inconsistent statement, it would be irrelevant to Colonel Goosen. If Brigadier Coetzee came to court and said that what Colonel Goosen testified was identical to what he was told by him, that would be irrelevant.

If Brigadier Coetzee said that Colonel Goosen had told him something different, that might affect Colonel Goosen's credibility.

His clients were concerned about sitting at the court day after day 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 Prins at this stage adjourned the court, saying that he would give his findings on this question today.

Detentions not meant to intimidate Press — Kruger

ARGUS 18/11/77

325 - Detention

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 deputation 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

Biko hunger strike story false, says counsel

375-Detention

Cape Times 18/11/77

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.

Full report, pages 4, 5, 6, 8 and 13

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 mageu, 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.

18/11/77

Inquest told Biko hit head on wall

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. Yet 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 beserk, 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.

Was it between the cabinet and the chair on which he had been sitting? — That is correct.

What 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 that 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 symptons 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 nothing 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 deudction 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 sustained 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.

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The Biko inquest

SECOND DAY



Major: Biko a revolutionary

PRETORIA — Mr Steve Biko was a violent revolutionary who had gone berserk when he realised he had been betrayed by his friends, the inquest into his death heard yesterday.

Confronted with testimony by his friends, Mr Biko had attacked his Special Branch interrogators on September 7, leading to a violent struggle to subdue him, the court was told.

Mr Biko died of head injuries on November 12.

Maj Snyman of the Port Elizabeth Special Branch said Mr Biko had been told immediately before he went berserk at the Special Branch offices in Port Elizabeth that the police knew of his plans and activities.

The plans included the formation of a united revolutionary front of the Black People's Convention and the banned African National Congress and Pan-Africanist Congress.

This body would have had terrorist branches both within South Africa and overseas, Maj Snyman said. Trained men would have been brought into the country for the armed overthrow of the Government.

SUBVERSIVE

Police also had affidavits showing Mr Biko's involvement in the drafting and distribution of a subyersive and revolutionary pamphlet in black Port Elizabeth townships on August 17.

Maj Snyman was being questioned by Mr P. R. van Rooyen, on behalf of the police, as to the possible causes of Mr Biko's actions on the morning of September 7.

Maj Snyman said he had confronted Mr Biko with statements of friends, whose handwriting he knew, testifying to Mr Biko's involvement in subversive activities.

Mr Biko had been told the police knew he had not gone to Cape Town as he claimed to get away from his marital problems, or because of a breach in the Black People's Convention.

"I put it to him . . . that the primary purpose was actually to contact Neville Alexander and others of the Unity Movement," Maj Snyman said.

"There were discussions on the establishment of a revolutionary front from the ANC and the PAC — which are terrorist organisations, the Unity Movement of South Africa and the BPC.

"I further put it that we had information that plans had already been made for him (Mr Biko) to go overseas so that these four organisations could come together in a united front.

"I put it to him that he had had discussions with Robert Sobukwe the president of the PAC who is restricted."

Maj Snyman said he had told Mr Biko that should able to go abroad, his place would be taken by someone who would represent him and go under the cover of studying theology in England.

This confrontaiton had followed Mr Biko's admission the previous evening that he had been involved in the drafting of a subversive pamphlet.

Mr Biko had also been questioned about Mr Donald Woods, the Editor of the Daily Dispatch, Maj Snyman said.

Mr Woods had written an article about the establishment of a new organisation, the Azanian Liberation Front, and Mr Biko had been asked if he had had discussions with Mr Woods.

Maj Snyman said that, when told what the police knew, "a look" had come into 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 with which we confronted him that morning."

Maj Snyman said he could not give a detailed description of the violent struggle in which first



MAJ SNYMAN . . . Biko went berserk.

three policemen, then five, had tried to bring Mr Biko under control.

He had not before seen the bruise on Mr Biko's forehead shown in a photograph of the body. All he had noticed after the struggle was a bruise on Mr Biko's upper lip and a scratch on his chest.

Asked what reaction he would have expected from a man confronted with evidence against him such as Mr Biko had been, Maj Snyman said a number of things had counted against Mr Biko that morning.

Firstly there were possible charges he could face in connection with breaking the conditions of his banning order.

"He had been connected with a revolutionary pamphlet, and connected with the establishment of a new revolutionary front.

"His own people had left him in the lurch. His public image would seriously have been damaged had he been sentenced."

Questioned by Mr Van Rooyen about Mr Biko's public image, Maj Snyman first said Mr Biko definitely did not have the image of a peaceful person, presented himself

Court told of violence call

PRETORIA — A pamphlet calling for violence and revolution allegedly compiled by Mr Steve Biko was read out in evidence at the inquest yesterday.

The pamphlet, distributed in Port Elizabeth's black townships, called on the people there to stay away from work the following day and to wear black or a black item in sympathy with those who had died or were exiled or jailed.

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 Titi.

Mr Sydney Kentridge, 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 out in full by Maj Snyman.

Headed "August 18th — Commemoration Day" it said:

All black people must show unity in their rejection of this racist regime. Only when we stand united against the enemy can we hope to achieve victory. Students must show solidarity with their fellow students, the workers must show solidarity with the students and black parents with their children. It is high time that everybody should take a stand especially our parents, they must not be neutralists, they must neither identify themselves with the struggle or with the enemy. Our black parents have seen their children being brutally murdered and others maimed for life — all this happened in front of their own eyes!

The oppressed masses of Mozambique and Angola have shown us the way of overthrowing an oppressive regime despite its overwhelming supply of arms.

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 hearts. We have seen unarmed children, old people, our brothers and sisters being blown to pieces by the racist regime's sophisticated weapons. No, South Africa will never forget those days.

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 and parents, during this period last year, by mourning. All workers, shopkeepers, students, teachers, clerks, nurses — the entire black community — must show solidarity with the cause by staying at home on the 18th of August. On this day everybody must wear black clothes or must have at least a black cloth, doek, or handkerchief on the 19th August, at 14h00, a commemoration service will be held at the field near the Great Centenary Hall.

Wherever you are, organise yourselves into groups to deal with those who do not heed this appeal. Beat them, burn their books, burn their cars and shops, show no mercy to informers and other collaborators — they must all be killed.

There must be cries, burning houses, people with clenched fists, bodies lying on streets, bruised and bleeding people — then there will be freedom — yes freedom.

The black people are going to get their freedom, there is not enough power on earth to stop them.

Long live the revolution.

Power to the people. — SAPA.

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Five to subdue Biko

PRETORIA — It had taken five Special Branch men to subdue Mr Steve Biko after he allegedly "went beserk" 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 Snyman by Mr S. Kentridge who is appearing for the Biko family.

Maj Snyman 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 in with fists flying against another Special Branch man. He was beside himself, beserk, acting like a wild man, Maj Snyman said.

Mr Kentridge: It took five men to bring him under control?

Maj Snyman: 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 Snyman in court.

They were Capt D. Siebert, W/O R. Marx, W/O Beneke and Staff Sgt G. Nieuwoudt.

After describing the fight to subdue Mr Biko, Maj Snyman 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 affadavit 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 Snyman: Yes.

Under further cross-examination Maj Snyman said he had tried to continue the interrogation shortly afterwards — after Mr Biko had been seen by a doctor — but the detained 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 Snyman: I deny it. — DDC

Section

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 Snyman 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.

"These 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 Snyman 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 Snyman said in explanation that two of the statements were from Mr Peter Jones, who was arrested with Mr Biko on August 18, and Mr Patrick Titi, with whom Mr Biko is alleged to have compiled a revolutionary pamphlet.

The other affidavits were by Miss Xoliswe Nqabeni, 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 Security 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 claim they were manhandled 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 Mbilivi.

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 Security 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.

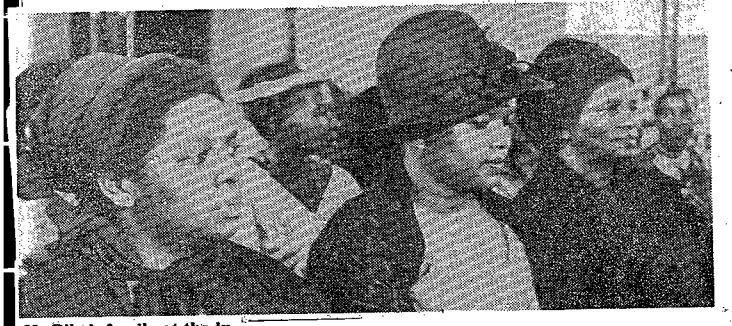
The Biko inquest

SECOND DAY



From ROGER OMOND in Pretoria

Policemen's evidence differs



Mr Biko's family at the inquest. From the left, his widow, Ntsiki; sister, Mrs Nobanile Mvovu; and mother, Mrs Alice Biko.

PRETORIA — Special Branch policemen yesterday gave differing evidence on events leading up to and details of a struggle between them and Mr Steve Biko when he was in detention.

Counsel for the Biko family also questioned why police and doctors made a total of 28 statements without mentioning that Mr Biko had fallen against a wall during the fight. This fact emerged only during examination.

Special Branch officers also said yesterday that Mr Biko had admitted responsibility for inflammatory pamphlets and that he was trying to organise a united front of black political organisations, including the banned African had made a total of 11 statements on the fight and events leading up to it "and in not one did anybody say anything about Mr Biko shouting."

"Now today," he told W/O Marx, "you and Maj Snyman use exactly the same words. Isn't it an invention?"

W/O Marx: No.

Much of yesterday's hearing was taken up with the fight between Mr Biko and the Special Branch and the way in which he is said to have hit his head against the wall.

Maj Snyman was tion Maj Snyman gave evidence that he had not seen Mr Biko's head strike the wall. Capt Siebert also said he had not seen the blow.

Both Maj Snyman and Capt Siebert said Mr Biko had been travelling to Cape Town at the time of his arrest to contact Mr Neville Alexander, a former Robben Island prisoner. Mr Biko was trying to form a united front with Mr Alexander's Unity Movement, the ANC, PAC and the Black People's Convention.

Mr Biko was planning to

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National Congress and the Pan-Africanist Congress.

The Old Synagogue was crowded again as the inquest into the death of the black consciousness leader entered its second day.

Maj Harold Snyman of the Port Elizabeth Special Branch, who led the team interrogating Mr Biko, said that on the morning of September 7, Mr Biko had gone berserk. He had thrown a chair at Maj Snyman, punched another policeman and had fallen to the floor twice, once banging the back of his head against a wall.

At that stage, Maj Snyman said, Mr Biko shouted: "You are harassing me. You are intimidating me."

Later W/O R. Marx also said under cross-examination that Mr Biko had shouted the words during the fight.

But Capt D. P. Siebert, the third Special Branch policeman to give evidence yesterday, told the court Mr Biko had shouted before the fight had started.

Adv S. Kentridge, for the Biko family, said it was strange that the police questioned closely on why he had only recorded the fact at the Baakens Street Police Station the next day when standing orders said any incidents should be recorded immediately.

Mr Kentridge said it was only the following day, September 8, after Mr Biko had been seen by a doctor, that Maj Snyman had recorded the fight.

"At this stage you were worried and felt you had to protect your squad."

Maj Snyman: No.

But it was only then that you wrote in the occurrence book about the previous day's fight? — Yes.

When you found he had not recovered you felt you had to protect yourself? — No.

Mr Kentridge said Maj Snyman had made three statements about the fight, Col Goosen, head of the Port Elizabeth Special Branch, five, four members of the interrogating team two statements each and three doctors. A total of 12. But nobody had mentioned Mr Biko's head had hit the wall.

Under later examination Maj Snyman said Mr Biko had been presented as a man of peace but was really a revolutionary. This, and the fact there was incriminating evidence against him on the authorship of the inflammatory pamphlets that he was trying to form a united black front, and that all this was known to have police could have destroyed his confidence when he was confronted with the evidence and made him go berserk.

A number of statements detailing evidence against him had been put to Mr Biko early on September 7, Maj Snyman said. As the statements were about to be handed into court, Mr Kentridge objected saying they had been signed days after Mr Biko had died.

"This attempt to smear a man who is dead is a disgrace," he said. "They could not have been put to Mr Biko."

Later Capt Siebert said no documents had been put before Mr Biko on the morning of September 7.

Mr Kentridge: So if anybody says Maj Snyman confronted Mr Biko with documents then it would be a lie? You were there and would have seen them?

Capt Siebert: Yes.

Sworn statements were not put to Mr Biko? — No.

The hearing resumes this morning.

Inquest told Biko hit head on wall, Page 6.

Fight caused death?

PRETORIA — A Special Branch man said here yesterday 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 Sydney 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 M. J. Prins, who is hearing the inquest, said the court would continue at this stage with what was available. — SAPA.

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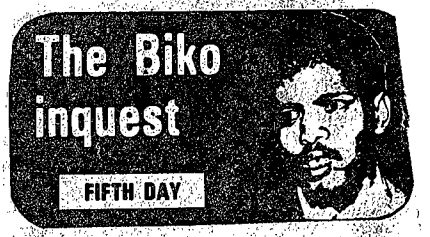

Colonel: suicide theory my own

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 I. 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.

Kruger dossier ruled out of order

PRETORIA — The Minister of Police, Mr Kruger, is now unlikely to be called as a witness in the Biko inquest.

The magistrate, Mr M. J. Prins, ruled yesterday that statements made by Mr Kruger on the death could not be accepted by the court.

Counsel for the Biko family, Mr S. Kentridge, said on Thursday the court should have the statements handed in to discover how discrepancies between the evidence heard and the statements had occurred.

After the magistrate ruled that they were inadmissable, counsel for the police said the two brigadiers who had acted as a link between Mr Kruger and the head of the Special Branch in the Eastern Cape, Col P. J. Goosen, would be available for consultation with Mr Kentridge.

Mr Kentridge said this was a "strange and surprising offer." Why could the two — Brig Zietsman and Brig Coetzee — not be available for public consultation in the witness box?

The magistrate then said if Mr Kentridge thought the two could help the court he would decide whether they should be called as witnesses.

When the inquest adjourned yesterday afternoon until Monday after five days of evidence and legal argument, Mr Kentridge had not told the court whether he wanted either or both brigadiers called.

From ROGER OMOND
Daily Dispatch man in Pretoria

In other developments yesterday:

Col Goosen admitted under questioning that his theory that Mr Biko may have been trying to commit suicide through hyperventilation was without ground;

Statements said to have been made by Mr Peter Jones — detained with Mr Biko on August 18 — were allowed as evidence, but their contents will remain secret;

A prison warder described how he had watched Mr Biko walk round and round his cell for 20 minutes; and

A Special Branch lieutenant denied he had interrogated Mr Biko at night. In earlier evidence, the head of the interrogation team had described Lt W. E. Wilken as head of the night interrogation squad.

Giving his reasons for rejecting the application that Mr Kruger's statements be admitted as evidence, the magistrate said there were still different ways to attack Col Goosen's credibility.

Mr Kentridge had emphasised that the only difference between Mr Kruger's and Col Goosen's versions of Mr Biko's death related to the alleged hunger strike. Mr Kentridge had also said that their submission was that Mr Biko had died as a result of assault while under Port Elizabeth Special Branch custody.

"So from the practical viewpoint it is impossible to see how the Minister can assist this inquest to decide whether the death was brought about by assault or not," the magistrate said.

"I must find that the Minister's statement is irrelevant."

This ruling would not stifle the search for truth, the magistrate continued.

Questioned shortly afterwards, Col Goosen denied he had ever told anybody that Mr Biko had threatened to go on a hunger strike as Mr Kruger had said.

Asked why he had not corrected Mr Kruger's mistake, Col Goosen said it was not his function. He did not know anybody who had a reason to give the Minister incorrect information.

How had this error reached Mr Kruger? Mr Kentridge asked. Col Goosen: I don't know.

There was lengthy legal argument on whether handwritten notes said to have been written by Peter Jones and another man should be allowed as evidence.

In earlier testimony, police witnesses said Mr Biko had been shown Mr Jones' statements and asked if he recognise the handwriting. It was shortly afte this that Mr Biko had "gone berserk and had been subdued by five Specia Branch officers, they said.

Mr Kentridge said the statement should not be allowed because th authors were still Terrorism Ac detainees and could not be brough before court to testify that they had i fact written them or that they had beer written under duress.

After further argument th magistrate ruled the statements woul be admitted to ask Col Goosen whethe they were the same statements show to Mr Biko. Col Goosen said they were the same. The magistrate ruled that the contents of the statements should no be made public.

A Port Elizabeth prison warder, Mr J. Fitchet, told the court of the time when Mr Biko had walked round and round his cell, his head bowed so he was looking at his feet, for 20 minutes.

Mr Biko was not staggering, he said, in reply to a point put by Mr E. Wentzel, also appearing for the Biko family, who said medical evidence on the previous day was that Mr Biko had walked with difficulty.

The hearing continues on Monday.

Yesterday's evidence, page 7.



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The Biko inquest

The Biko inquest

Colonel: no force used on detainees

PRETORIA — There was no reason for the Special Branch to use force to extract information from detainees held in terms of Section 6 of the Terrorism Act, the head of the Special Branch in the Eastern Cape, Colonel P. J. Goosen, said yesterday.

He said the Special Branch had more than enough time to obtain the information they required.

Replying to questions put to him by counsel for the police, Mr P. R. Rooyen, he said Special Branch 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 contact a thorough investigation into activities which might threaten the security of the State.

All possible precautions were taken to ensure the safety of detainees, to prevent them from committing suicide or escaping.

The Special Branch had nothing to gain by assaulting detainees, 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 Kentridge (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 liberalists had created a climate of revolt against security legislation among the general public.

This had caused many South Africans to develop an artificial guilt complex, he said. The Special Branch was very careful not to do anything which could further stimulate this sort of propaganda.

"We treat detainees very well. Any justified charge against a security policeman does us immeasurable harm because we realise the propaganda value of it."

Everything possible was done to prevent detainees from committing suicide. However, this was not always possible, as recent events in a maximum security jail in West Germany had also shown.

Referring to Mr Biko specifically, Col Goosen said his physical and mental health was of the greatest importance to the Special Branch. They wanted him to remain healthy so that he could be shown up in court for what he really was.

"I had pamphlets and other information in my possession which proved that he was busy creating a climate of internal revolution. Mr Biko's early death placed a damper on our investigation," Col Goosen said.

Regarding the use of handcuffs and leg irons, Col Goosen said he 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 Special Branch 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 shown any sign of illness. At that stance, however, he had been convinced that Mr Biko was shamming.

He did not consider removing the handcuffs because he feared a repetition of what happened on the morning of September 7 (when Mr Biko was involved in a struggle with his interrogators).

Col Goosen said he had no control over Mr Biko while he was in the prison hospital. Apart from a swollen upper lip he had noticed no injury on Mr Biko. He was satisfied that Mr Biko would be medically examined by the two district surgeons, Dr Lang and Dr Tucker, and a specialist, Dr Hersch. He denied he had influenced the doctors in their diagnosis.

Under earlier questioning by Mr Kentridge yesterday morning, Col Goosen said it was not his function to correct a report of a statement by the Minister of Police, Mr Kruger.

Asked whether he had made a written report to his superiors, Col Goosen said he had made several affidavits. He did not submit a clerical report.

Mr Kentridge: You say the wrong information did not come from you. From whom did it come then?

Col Goosen: I don't know.

In reply to a further question by Mr Kentridge, Col Goosen said he had never said that Mr Biko threatened 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 student and a leader of the black power movement. He had wanted to make Dr Hersch aware of how important Mr Biko was.

Mr Kentridge: Why did you have to give Dr Hersch this background information.

Col Goosen: Because Dr Hersch was a very busy man and he had to examine Mr Biko at an inconvenient time.

Did you convey to Dr Hersch your feeling that Mr Biko was shamming? — I can't remember.

Col Goosen said it had been a tremendous shock to him to hear of Mr Biko's death and he had telephoned the chief district surgeon, Dr Tucker, to tell him the news.

Mr Kentridge: Did you discuss any theory about Mr Biko's death with Dr Tucker.

Col Goosen: I did not discuss any theory when I learnt of his death. It was a complete mystery to me.

Only after he had been shown a post-mortem photograph of Mr Biko had he become aware of the brain injury.

Mr Kentridge: When did you have a discussion with Dr Lang (the other district surgeon) on the possible cause of death?

Col Goosen: I did not discuss it with him specifically.

When did you discuss the theory of hyperventilation with Dr Lang? — Col Bothma and I were looking it up in a medical book when Dr Lang walked into the office.

So your theory of hyperventilation is yours alone and not Dr Lang's. Did Dr Lang comment on your theory? — He agreed that it could be dangerous if practised in a certain



MR FITCHET . . . I gave him water.

Warder, Biko chatted

PRETORIA — A prison warder told the inquest yesterday that Mr Biko drank a beaker of puzamandla (a vitamin drink) and two beakers of water on September 9, three days before his death.

The warder, Mr Johan Fitchet, said he was stationed at the Port Elizabeth prison.

According to Mr Fitchet's affidavit he took over from a Warder Du Preez between 12 noon and 1 pm in the prison hospital where Mr Biko was being held on September 9.

"At about 12.10 pm I gave him his 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 Magou and water.

"Mr 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 about 20 minutes. He walked without assistance and without holding on to anything. The prisoner did not walk with a stagger 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 Mr 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 Fort Beaufort.

"Apart from that Mr Biko did not want to talk to me," Mr Fitchet said.

He had not noticed any injury on Mr Biko, apart from handcuff marks on both wrists. Neither had he seen a mark on Mr Biko as that indicated on a photograph shown to him.

SAPA

19/11/77

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 M. J. Prins, 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 Prins ruled that it was the fact of the documents' existence that was relevant, not their contents.

Mr Prins 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 withdrawing 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 Titi, alleged with Mr Biko to have drafted a subversive pamphlet distributed in Port Elizabeth 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 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 to prove 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 have been 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 by the Minister of 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 had acknowledged he recognised the handwriting.

As Capt Siebert had not said the contents had been put to Mr Biko, the contents were not relevant.

It had already been held that a statement by a person detained under Section 6 of the Terrorism Act was not admissible as evidence because the Act stated a man could 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, I will submit it is clearly untrue and it is impossible for me to accept the validity and genuineness of the documents."

Mr Prins then ruled the documents admissible.

"A case has been made out that these documents can be handed in to prove their mere existence, not 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.

Mr Biko's alleged 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 counsel on behalf of the district surgeons in the case. — SAPA.

D.D. 19/11/77 325 detentions

The Biko inquest

Lieutenant tells of mark on Biko's forehead

PRETORIA — The last witness yesterday was Lt Winston Wilken, one of the Special Branch officers detailed to guard Mr Biko at their Port Elizabeth offices on the nights of September 6 and 7.

Lt Wilken said in statements that, when shown a photograph of an injury on Mr Biko's left forehead, he remembered seeing a mark on Mr Biko during the night of September 6, the night before the scuffle.

"It was a darkening of the skin similar to a birthmark, dark brown and in more or less the same position as shown in the photograph.

"I attached no importance to it. It did not look to me like an injury. Mr Biko made no complaints to me."

Lt Wilken 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 Maj Snyman had told him Mr Biko had acted violently earlier that day.

"I offered him food, which he refused. I said to not sitting on the chair to ask him some quesitons?

Mr Wilken said he had only sat and watched Mr Biko for a few minutes.

Mr Kentridge said Lt Wilken was the only one of the officers concerned who 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," Lt Wilken replied. "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 time, Lt 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 interrogation.

"I did not refer to any specific information. Interrogation was not my primary task," he said.

Asked why Maj Snyman had said Lt Wilken was one of the night interrogation team, Lt Wilken said



LT WILKEN . . . interrogation not my duty.

Was it not strange that a man says 'come back in 15 minutes' and you find him fast asleep? — He took me for a ride.

After they had been told Mr Biko died of brain injury and had been shown the photograph of the wound on the left side of the forehead the policemen concerned had spoken about it a lot.

He had not told his colleagues he had seen the mark on Mr Biko's forehead, as he had attached no value to the mark. SAPA.

Evidence sickening —paper

Kruger can't assist inquest says Prins

PRETORIA — The Pretoria Chief Magistrate, Mr M. J. Prins, yesterday refused an application to have press reports of statements by the Minister of Police, Mr Kruger, admitted as evidence in the inquest.

Mr Prins said he did not doubt the Minister had been accurately quoted, but he could not see how Mr Kruger could assist the inquest in reaching its required findings.

His decision follows an application on Thursday by counsel for Mr Biko's family, Mr S. Kentridge, to have a dossier of press reports admitted.

Mr Kentridge contended that Mr Kruger's factually incorrect statements concerning Mr Biko could only have been based on information supplied by the head of the Eastern Cape Special Branch, Col P. J. Goosen.

Mr Kentridge suggested that Col Goosen was attempting to cover up what had happened to Mr Biko and that, if necessary, Mr Kruger be called as a witness to say how he had come by the information.

After the magistrate's ruling, Mr P. R. van Rooyen, counsel for the police, said the Commissioner of Police, Gen G. Prinsloo, was prepared to allow Mr Kentridge to have private consultations with the two brigadiers to whom Col Goosen said he had reported.

They are Brig C. F. Zietsman, head of the Special Branch, and a Brig Coetzee at Special Branch headquarters.

Mr Kentridge could from him, Mr Prins said.

"There are material differences between the evidence of Col Goosen and the information furnished by the Minister according to this dossier.

"Col Goosen, so the argument goes, therefore lied when he passed on the information. Starting off with the Minister, we must go down the road to Col Goosen and determine who lied and why. If it was Col Goosen who lied, he must have done it with an ulterior motive."

Mr Prins said strenuous objections to the application had been made by the Deputy Transvaal Attorney-General, Mr K. von Lieres, Mr Van Rooyen on behalf of the police, and Mr B. Pickard on behalf of district surgeons involved.

Allowing for typing errors, words incorrectly transcribed and a page missing from Mr Kruger's National Party congress speech, Mr Prins said he would have said for the purposes of judgment only that Mr Kruger had been correctly reported.

From what Mr Kentridge had said, the only purpose for wanting the dossier produced was to attack Col Goosen's credibility.

After quoting a number of legal authorities, Mr Prins said the dossier was not relevant to the credibility of the witness. He also quoted legal authority on the degree of relevance required before a court undertook a lengthy collateral investigation.

The court should consider all matters which

"I must find according to a practical test that statements by the Minister are irrelevant."

Even if he were wrong in this, the dossier would also be excluded by rules relating to hearsay evidence. Mr Prins said he could not agree with Mr Kentridge that an inquest court had a greater discretion on hearsay evidence than other courts.

And if we were wrong in this, common sense should decide which hearsay evidence was relevant.

The court knew that Col Goosen had not reported directly to Mr Kruger, but to two brigadiers, who presumably reported to the Commissioner of Police, who in turn reported to Mr Kruger.

"What we have before us is hearsay so far removed from what actually happened, with so much possibility of misunderstanding etc, etc, that it would be utterly dangerous to accept that in evidence in the light of what I have quoted.

"I therefore say that such hearsay of this nature cannot be tolerated in a tribunal of this nature. For that reason I cannot allow it," Mr Prins said.

He could not agree with a suggestion by Mr Kentridge that by not allowing the dossier as evidence the search for truth would be stifled.

Other witnesses, including doctors, had still to give evidence, and questioning of Col Goosen was not yet finished.

"In other words, there are still many ways left to attack the credibility of

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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 from a carton of milk. Lt Wilken had held it up to Mr Biko's lips, but Mr Biko spat the milk out. Col Goosen ordered he 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 on 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 this was wrong and anyone could make a mistake under pressure.

He agreed he was surprised when Mr Biko had offered to make a statement after 15 minutes.

Mr Kentridge: It's pretty good going for a non-interrogator.

Lt Wilken: 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 Kentridge: I suggest to you that in those circumstances the obvious thing to have done would be to say 'Here I am. Let's talk'.

Lt Wilken: It might seem logical to this gentleman, but at that stage it was not so logical to me.

LONDON — Evidence emerging from the inquest made sickening reading, the Daily Mail said in an editorial here yesterday.

South African Cabinet members, like the Minister of Justice, Mr Kruger, and the Foreign Minister, Mr Pik Botha, were "developing an almost total blindness of the spirit," the conservative newspaper said.

"Apartheid is doing this. Apartheid is making it impossible for them to discern the common humanity they share with the black men, women and children who are the majority of South Africa's population.

"Apartheid, as it is practised by Mr Vorster and his ministers, dehumanises," the Mail said.

"In the gathering gloom it is still possible for an inquest like that into Steve Biko's death to take place and to be reported.

"How long before even that flickering light's snuffed out?" the paper asked. — SAPA.

decide after this consultation whether he wished to call the brigadiers to give evidence, Mr Van Rooyen said.

An adjournment was proposed so the consultation could take place, but Mr Kentridge said he only had a few more questions to put to Col Goosen.

He would then consult the brigadiers while Col Goosen was being re-examined. He doubted that, if he wished to call the brigadiers, it would then be necessary subsequently to call Col Goosen to give evidence again.

Giving his decision, Mr Prins said the dossier Mr Kentridge handed in comprised alleged statements by Mr Kruger in the form of press cuttings, transcripts of interviews, Sapa telex reports and a transcript of a speech made by Mr Kruger to the Transvaal National Party congress on September 14.

Mr Kentridge's application basically was that as Col Goosen was in charge of the Special Branch in Port Elizabeth, the information fed to the Minister could only have come would assist it to reach a finding, but the value of some evidence was outweighed by practical considerations.

An inquest magistrate, he said, had to reach a finding on the identity of the deceased, the cause or likely cause of death, the date of death and whether it had been caused by anything amounting to an offence by a living person.

According to medical evidence, Mr Biko died of brain injuries.

"Mr Kentridge's case, as he put it, is that that brain injury was sustained when the deceased was assaulted by police during the time elapsed from the evening of September 6 to 7.30 on the morning of September 7.

"Mr Kentridge has so far emphasised only the different versions of Col Goosen and the Minister which relates to a hunger strike.

"So, from a practical viewpoint, I find it not only difficult but impossible to see how the Minister can at all assist the inquest with that purpose I have stated," Mr Prins said.

Col Goosen. I must therefore rule that, from every corner I look at it, I find this inadmissible."

Mr Van Rooyen then said his offer of a private consultation with the Special Branch brigadiers was being made in view of allegations that the investigation was being stifled.

The Commissioner of Police had agreed to the private consultation between Mr Kentridge and the brigadiers in order to test whether Col Goosen had made any previous inconsistent statement.

Nothing would be withheld from Mr Kentridge, who could then, if he wished, apply to have the information introduced in evidence.

Mr Kentridge described this as "a strange and surprising offer" which he appreciated.

"The police are prepared to have a private consultation, but why not a public consultation so they can be asked questions in the witness box?" — SAPA.

Guard: I saw mark on Biko

325 detention 19/11/77

By HELEN ZILLE and BERNARDI WESSELS

THE events of the night of September 6 — the night during which it has been suggested that Mr Steve Biko suffered his 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 Mr Biko during his nights in Room 619 in the Security Police headquarters in Port Elizabeth.

Mr Sydney Kentridge, SC, counsel for the Biko family, has suggested that Mr Biko's brain injury was probably suffered between the evening of the 6th and the morning of September 7.

Lieut Wilken told the court he had noticed a dark mark above Mr Biko's left eye early that night — the night before the alleged violent struggle in which Mr Biko was involved with his interrogators.

Mr Kentridge drew the court's attention to the fact that Lieut Wilken was the only one of a number of officers who saw Mr

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Biko during his detention in Port Elizabeth who had noticed the mark on his forehead.

Lieut Wilken's statement was one of the dramatic developments at the inquest hearing during which the magistrate, Mr M J Prins, ruled that statements 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.

Lieut 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?

Lieut 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 quesions?

Lieut 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 hair to look at Mr Biko in the dark?

Lieut Wilken: Laughable as it may sound, that is so. It was not so dark that he could not see Mr Biko, Lieut Wilken said.

Mr Kentridge: I ask you to take the court into your confidence. What were you really doing in that office that evening?

Lieut 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, Lieut 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 had been 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.

Election '77

Quoted 'World' editorials condemn violence

By GERALD REILLY

A BALANCED look at the editorials of the banned newspaper "The World" indicated that the newspaper had not encouraged violence, it was claimed this week.

The claim was made by Mr Andre van der Merwe, the Progressive Federal Party candidate for Prinshof, at a meeting in the constituency on Wednesday night.

Mr Van der Merwe quoted from a number of editorials from "The World" to support his claim.

His opponent in Prinshof, the Minister of Justice, Mr J T Kruger, gave him permission to quote from the recently banned newspaper.

Mr Kruger also gave the Rand Daily Mail permission to publish the quotations.

Mr Van der Merwe said that on September 27 the newspaper said in an editorial: "The last four days have seen escalating violence and killing in several parts of the country and all of this violence is to be condemned in the strongest possible terms."

The editorial of September 20, according to Mr Van der Merwe, said: "We reject violence as a way to achieve the rights we are denied by the government of this land."

Mr Van der Merwe read from another editorial which condemned terrorists as "merciless murderers".

He said until now selected quotations from editorials in "The World" had been used by Mr Kruger and other Cabinet Ministers to try to show that "The World" was encouraging unrest and insurrection.

But a balanced look at the editorials over a three-month period indicated clearly that the newspaper had not encouraged violence.

Instead it had pleaded ... for

Miller condemns 'foolish' Nat belief

THE Government foolishly believed that by stampeding all the whites into the National Party laager the whole situation of the relationship of white and non-white would be solved, Mr Hymie Miller, the Progressive Federal Party parliamentary candidate for Jeppe, said this week.

"This is just blatant polarisation and is to be condemned," he told a public meeting in Jeppe on Wednesday night.

"South Africans of all political parties resent being dictated to from outside. All parties will resist threats to South Africa from whatever quarter they might come. All will defend South Africa if she is attacked."

But, he said, to defend South Africa against onslaught from outside was not to defend the NP.

"To claim that a vote for the NP is a vote against outside interference is nonsense."

Nothing new had been revealed in the NP election campaign.



MR HYMIE MILLER
"... PM presumptuous"

"Is the NP seeking to eliminate all opposition in the Republic?" This question, he said, was beginning to loom larger as the election campaign drew to its climax.

The NP campaign to denigrate the emerging official opposition, namely the PFP, 'by calling it unpatriotic and un-South African, was a grim foreboding of its purpose. — Sapa.

(Report by P Marais, 627 Mutual Buildings, Harrison Street, Johannesburg.)

'Collective neurosis' diagnosis

By PATRICK LAURENCE

THE National Party was in the grip of a "collective neurosis" which had impaired its judgement, Mr Rene de Villiers, the Progressive Federal Party MP for Parktown said at a meeting in Johannesburg West this week.

"How else do you explain the incredible statement by the Minister of Foreign Affairs, Mr Pik Botha ...

'New deal not for blacks'

Staff Reporter

URBAN blacks would have no part in the Government's proposed constitution, Dr Connie Mulder, Minister of the Interior, said this week.

Answering questions after a meeting in Randfontein on Wednesday night Dr Mulder said blacks would be able to make their own decisions in their own areas.

But they would have to vote through their homelands because they were all connected to one of the country's eight black nations.

"They may speak English to us during the day, but in the evening 99% of them use their own languages when speaking to their families," he said.

(Report by Johann Stoltz, African Eagle Building, corner of Human and Burger Streets, Krugersdorp.) Main Street, Johannesburg.)

The verligte myth

By J H P SERFONTEIN

THE image of the "verligte" Nationalist as a man who wants to modernise his party and to change it from within seems to be evaporating into a myth in the heat of the election campaign.

That was my conclusion after attending a National Party house meeting earlier this week in Parktown addressed by Mr Stephan du Toit, one of the "new look verligte" candidates of the party.

In his address to some thirty-five people, he stressed: "It is not my declared intention to change the NP from within. There is no need to change anything that is good."

Replying to articles in the English Press and allegations by Mr Japie Basson, of the Progressive Federal Party, that "verligte" candidates such as himself were bandwagon climbers, he said: "Those of us referred to are steadfast and strong supporters of the NP and are not on the edge of the party."

Strangely, however, he shared the platform with Professor Marinus Wiegers, a well-known PFP sympathiser, a supporter of Mr Dirk Mudge's new alliance and legal adviser to two of the groups at the former Turnhalle Conference.

Prof Wiegers stressed that consensus politics in South West Africa have shown the Government's colour policy as a "dismal failure".

While Mr Du Toit rejected the analysis of Prof Wiegers as coming from the "ivory towers of Pretoria", the chairman, Mr Wilf Isaacs, the well-known businessman and cricket enthusiast, hailed it as one of the best speeches he had heard for years.

However, dismissing the "very interesting" speech, Mr Isaacs said there was one very relevant factor, even more important than the constitutional changes. This was the situation in Rhodesia. He compared South Africa with the brave stand of Israel and Rhodesia.

The meeting showed that the "verligte" Nationalists do support all aspects of the present policy and that conservative English supporters joining them are more concerned with a united white South Africa where they could play a role than in a serious new political rearrangement.

A day later, Mr D P de Villiers, managing director of Nasionale Pers and the former hope of the verligtes, made a very "verligte" speech in support of Mr Du Toit.

He openly stated that the blacks outside the homelands would eventually be accommodated in the new constitutional arrangement for the whites, coloureds and Indians. This was in conflict with the views of Mr Du Toit who had rejected the idea the previous evening.

This verligte gymnastic effort showed that as long as a "verligte" is not in active politics he can promise South Africa and the world virtually anything and predict major changes, most of which never occur.

But once that "verligte" becomes a party candidate and is inside the party machine, he can say little and do nothing.

(Report by J H P Serfontein, Von der Stel Building, Pretorius Street, Pretoria).

Platform points

SOUTH Africa could not afford to make a virtue of its greatest liability — the actions and policies of the Nationalist Government.— Dr W van Zyl Slabbert, PFP parliamentary candidate for Rondebosch.

★

HUNGRY people are a problem. Unemployed people are subject to temptation, but a combination of hungry and unemployed people represents a very real threat to internal peace and security of the country. — Mr Warwick Webber, Natal leader of the NRP.

★

THE biggest sin perpetrated against the country by the National Party is the systematic erosion of the country's financial reserves. — Mr Alec Gird, NRP provincial candidate for Wynberg.

(Compiled by V Soni, 171 Main Street, Johannesburg.

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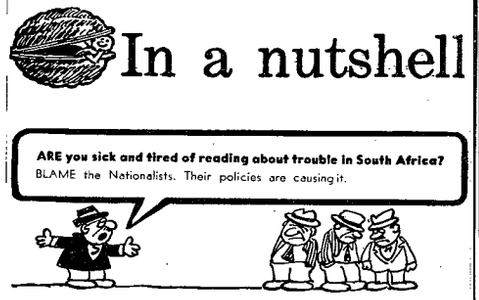
In a nutshell



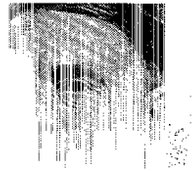
Election Spotlight No 13

Soul-searching choice for Carletonville Nats

By CHRIS SMITH

VOTERS in Carletonville will have a choice between a Nationalist, a "Nationalist" and a New Republic Party candidate when they go to the polls.

Nationalists are going to have to do some soul-searching before choosing ...



dual against the party machine" has not daunted Mr Greyling. He has a history of breaking ranks and claims that all his workers and contributors are Nationalists.

The NRP is aiming its appeal at the urban population, predominantly miners

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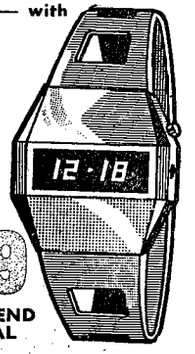

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...tory economics ... which kept blacks chained to poverty, and which were a major cause of grievance, as well as a root cause of discontent which was a factor in urban unrest.

Mr Van der Merwe said "The World" had done little more than concerned English language newspapers were doing in trying to persuade the government to bring about the reforms necessary if South Africa hoped to have a peaceful and secure future.

(Report by Gerald Reilly, Van der Stel Building, Pretorius Street, Pretoria.)

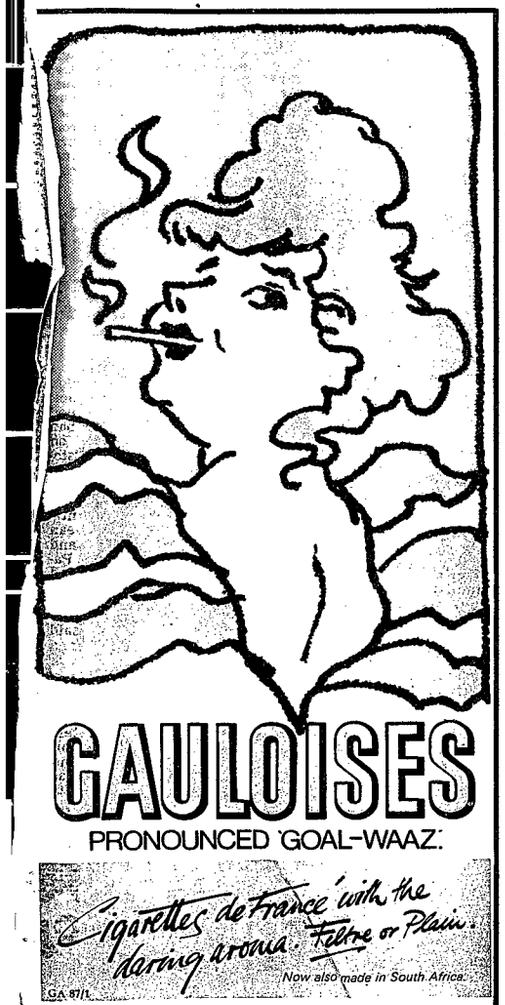
... democracy, is a greater threat to South Africa than the Soviet Union, the strongest communist dictatorship on earth?" he asked.

"How else do you explain a Cabinet Minister's statement that the death in detention of the black leader, Mr Steve Biko, leaves him cold?"

Mr De Villiers was speaking in Johannesburg on Wednesday night.

(Report by Patrick Laurence, 171 Main Street, Johannesburg.)

POLITICAL comment in this issue by Allister Sparks; newsbills by Chris Day; headlines and sub-editing by John Paterson; Cartoons by Bob Connolly all of 171 Main Street, Johannesburg.



candidate is Mr Japie van der Merwe.

The National Party has nominated Mr Wilkens after expelling its MP of 24-years standing, Mr Greyling, because of his opposition to the new constitutional plan.

Mr Greyling, who still considers himself a Nationalist and is standing as an Independent Nationalist, "is determined to make this a key issue.

"It will lead South Africa to destruction on a road we cannot see. I can't imagine this country in a strait-jacket. It will do away with democracy as we know it," he said.

Mr Greyling's stand coupled with his undoubted popularity, has worried the NP, which has sent in many of its "big guns" to boost the party cause.

"They have sent in Andries Treurnicht for the verkramptes and the TV star Pik Botha for the verligte's", Mr Greyling said.

This battle of "indivi... three most important planks of Mr Van der Merwe's platform are: ● Underground workers should automatically qualify for a pension after 25 years; ● better controls over the health checks on miners; and ● job guarantees to whites threatened by blacks moving into previously restricted positions.

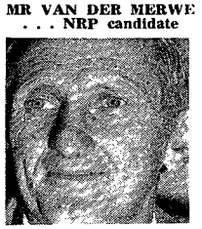
Mr Wilkens, also a farmer, shares Mr Greyling's point of view that the constitutional proposals are the major issue. Unlike Mr Greyling he is confident that the proposals are sound and that will be supported by Carletonville Nationalists.

In 1974 Mr Greyling polled 6 405 votes, increasing his majority over the UP from 2 434 in 1970 to 3 985. On these figures, even if the NP vote is cut in half, the NRP would not win. But it does mean that the winner might need only 4 000 votes.

(Report by Chris Smith, 171 Main Street, Johannesburg.)



MR GREYLING
. . . Independent Nat



MR VAN DER MERWE
. . . NRP candidate

MR WILKENS
. . . official Nat

PFP meeting home stoned

By SHEILA WING

THE house of a woman from Lombardy East, Johannesburg, was "bombarded" with stones after she put up posters in the area advertising a Progressive Federal Party meeting at her home.

Mrs Bobbie Schweitzer, a widow and invalid, who was alone in the house at the time, believes the stone-throwing was a definite attempt at intimidation.

"The roof was suddenly bombarded with stones while I was watching television on Saturday night," Mrs Schweitzer said this week.

"My children were out but the lights were on and the curtains open."

She called the police who investigated with torches but found nothing.

"As soon as the policemen left someone started knocking on the doors. I looked through a window and saw a man duck and run off," Mrs Schweitzer said.

She had put up notices advertising the meeting — held on Wednesday night and addressed by Sandton's PFP parliamentary candidate, Mr Dave Dalling and his running mate, Mr Schalk Visser — at the local shopping centre and on her front gate.

"I think this was the reason for the bombardment and that someone just wanted to give me a fright."

(Report by Sheila Wing, 171 Main Street, Johannesburg.)

Appeal to 'moved' voters

Staff Reporter

PROGRESSIVE Federal Party campaigners yesterday appealed to voters who had moved from the constituencies in which they were registered to apply for postal or special votes through their nearest party offices.

Senator Eric Winchester, PFP parliamentary candidate for Durban North, said the party was involved in one of its most difficult election fights and needed the assistance of all its supporters.

Mr Ivor Sparg, PFP candidate in East London City, asked absent voters who lived in his constituency to call the PFP in Johannesburg at 23-6177 to send in their votes.

(Report by Melanie Yap, 171 Main Street, Johannesburg).

'Laws harsh, but necessary'

By KEITH ABENDROTH

THE Minister of Justice, Mr J T Kruger, said this week that it had not been deemed necessary to act against black consciousness leader, Mr Steve Biko, and newspaper editor, Mr Donald Woods under the Terrorism Act.

Replying to a question from a young woman at a meeting in his Prinshof constituency on Wednesday night, Mr Kruger said he had never acted against anybody without an Act of Parliament to back him.

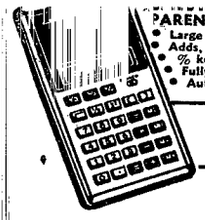
Asked why he had not charged Mr Biko and Mr Woods under the Terrorism Act, Mr Kruger said: "In this sort of case the Terrorism Act is not used."

It had been deemed sufficient to restrict the people concerned. The Terrorism Act had an entirely different purpose, he said.

The laws were designed to ensure the safety of the State. He agreed that some were harsh. He did not like them. Nor did the Prime Minister.

"But if circumstances are such that they must be used I shall use them to ensure law and order in South Africa," Mr Kruger said.

(Report by Keith Abendroth, Van der Stel Buildings, Pretorius Street, Pretoria.)



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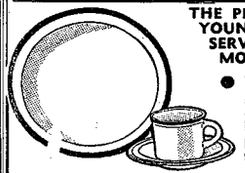

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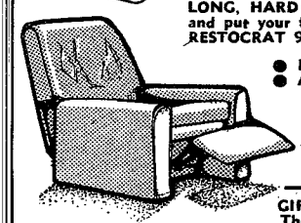

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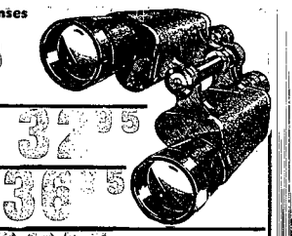

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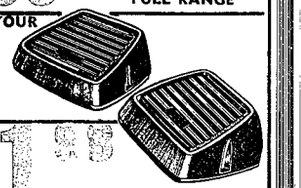

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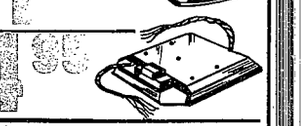

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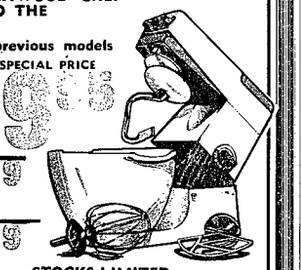

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I made several affidavits which were in the possession of my head office. They included everything which could have been said in a written report.

He could see no reason why anybody would have given wrong information to the Minister. He could name legions of times when the Minister had been wrongly quoted by the Press, he said.

Mr Kentridge: Can you tell us of any way in which such a remarkable error could have crept into the report? — I never said Biko threatened a hunger strike. I cannot comment on how the error reached the Minister.

Col Goosen said he discussed the "hyperventilation" theory with Col Bothma at the Port Elizabeth prison about a week later. "They spoke about the strange breathing exercise" and Col Bothma took out a medical book.

Mr Kentridge: Did Dr Lang agree with your theory of hyperventilation as part of a suicide attempt? — I don't think Dr Lang went into the question.

Dr Lang was present when he spoke of the possibility and Dr Lang stressed that hyperventilation could be dangerous if practised for long enough. This was what he had meant when he spoke in his affidavit of "research in medical books", he said.

This discussion took place long before Gen Kleinhaus came to Port Elizabeth, about five days after Mr Biko's death.

Mr Van Rooyen for the police, then started his examination.

Mr Van Rooyen said he thought the contention had been put to Col Goosen that his men would not hesitate to assault the detainees.

Col Goosen said in all cases of Section 6 detainees the aim of Security Police was to interrogate them thoroughly to establish what their activities were, where they got their funds from, and a legion of other circumstances.

All measures were taken to ensure the safekeeping of such a detainee and to ensure that he did not escape, injure himself or that he would not be injured.

It would be of no avail if such a detainee made an admission and the next moment said that he had made that admission because he had been assaulted.

"We have a lot of time," of health had been of the greatest importance to him. Because of information in his possession he had realised that it was of primary importance to bring this "peacable" man before a court.

He knew that the Black People's Convention had been concerned with training terrorists and that Mr Biko had financed the conveyance of trainees to Botswana.

Mr Biko had been creating "a climate for bloodbath and revolution in South Africa," he said.

Also, it was important to him to find Mr Biko's associates. "His death would have placed an absolute damper on the investigations," he said.

He would have been "disappointed" if Mr Biko had been released and had afterwards alleged that he had been assaulted because he knew how carefully and politely Mr Biko had been treated, Col Goosen said.

Mr Van Rooyen: Then why keep him naked, why in chains? — We have a pattern of suicide. I have had specific orders from my head office that everything should be done to prevent this.

On the morning of September 7, Mr Biko had been "like a madman" and he had been concerned to prevent a repetition of this, Col Goosen said.

Mr Prins: If this was so would the things they had attached to him — would they not have led to injury and harmed the image which you guarded so jealously? — These things are standard equipment. They only curbed 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. There had recently been an incident where a man had jumped through one of those windows, he said.

All the offices had ordinary doors. It would not have been sufficient for Mr Biko's safekeeping merely to lock a door.

While Mr Biko was being interrogated he wore clothes because he was then better guarded than he was in his cell in prison. There had been two instances immediately prior to the Biko incident where prisoners in cells had hanged themselves by their shoelaces and trouser legs, he said.

Col Goosen said that before the interrogation started he had had insight into certain notes.

Col Goosen said according to his instructions detion to, keep a detainee leg-shackled and handcuffed when on a higher floor. That had been left to his discretion. His instruction had been only that a detainee should be treated with the utmost care.

Mr Biko had been dressed and not shackled during interrogation but he had been given orders that Mr Biko should be handcuffed and leg-shackled during the night and that there should be a night guard consisting of Lieut Wilken and two warrant officers.

In the morning the leg shackles and handcuffs were removed and if nothing happened on the morning of the 7th Mr Biko would have been left free. However, something happened that made him realise that Mr Biko was wild and dangerous and he ordered that he should be shackled.

Had Dr Lang said that Mr Biko were ill he would have had him removed to an institution with the necessary medical facilities. He would not have kept him handcuffed and chained to a grille.

Dr Lang had said that there was nothing wrong and Col Goosen had thought Mr Biko was shamming. He kept Mr Biko shackled because he had caused a violent struggle.

Col Goosen said he went into Mr Biko's room periodically during the day. Mr Biko's attitude had not changed except that he was no longer very aggressive.

Col Goosen said he did not release Mr Biko because he was afraid he might injure himself. Mr Biko would have spent the night in chains in any case.

His orders had not been changed because Mr Biko had been chained during the day. He had been convinced that Mr Biko was feigning illness to win concessions which would enable him to escape.

He was afraid that if Mr Biko were taken to a public hospital he would escape or be freed by a group of persons. He had thought that the prison had all the necessary facilities.

Col Goosen said that he would have had no control over Mr Biko in a public hospital. It had been of the utmost necessity for him to find what was wrong with Mr Biko.

To get a diagnosis he had had no objection have Mr Biko examined by a private specialist and had been satisfied he should be kept in the hospital unit of the prison.

Col Goosen said the police had standing orders which prescribed that registers should be kept. This had nothing to do with statutes.

An occurrence book was just a register for good administration.

The Security Police were not above the ordinary police. There were other branches of the force which also did not keep occurrence books.

Mr Prins: If that was so what was the use of making an entry in an occurrence book at all?—It is advisable in many cases for the purposes of good administration to keep an occurrence book. A prisoner might be injured while playing football, there might be an inquiry, a civil action might follow.

Ordinary prisoners were allowed to take exercise in an open space and could then communicate with adjoining cells. In Mr Biko's case, however, communicasay that they had been shown to Mr Biko during the interview.

These documents had in no way been attested to. There was nothing to show that they were in fact the same documents In the ordinary way the people who had made these statements to the police could have been brought to court to say that they had made statements on the dates shown and that they were correct.

The problem here was, however, that the people alleged to have made the statements were detainees still detained under Section 6 of the Terrorism Act according to which nobody may have access to them.

It was interesting that counsel for the police wanted to hand in documents not properly proved in the light of the strong opposition to his application to hand in statements by the Minister, which at least he could have properly proved.

Mr Van Rooyen argued that to prove the documents he did not necessarin court on the basis that they existed.

Mr Van Rooyen then continued with his examination of Col Goosen.

Col Goosen said that during the course of the interrogation procedures, some taking quite a period pencil and paper were made available to the detainee.

As the questions continued over a period of weeks a number of documents could be completed by the detainee.

Some of the statements made under these circumstances could be wrong but there were others that he and his staff believed were right.

Col Goosen said he had the documents before September 6 and that he had discussed their contents with his staff.

Mr Van Rooyen: Did you believe, as far as Biko's involvement with the pamphlet in King William's Town was concerned, that what was in the document was the truth? — Yes.

Did you believe the documents on the activities of the BPC? — Yes.

Did you believe that you

Report by CAROL STEYN, BERNARDI WESSELS and HELEN ZILLE

tion had to be prevented at all costs and he had therefore thought that Mr Biko could get sufficient fresh air and exercise in his cell.

After receiving a report from Maj Snyman on the morning of the 7th he had visited Mr Biko and had seen that he was extremely aggressive but could see no injury. He had called a doctor but the doctor, too, could find no injuries.

He had tried to communicate with Mr Biko, Col Goosen said. Mr Biko had spoken incoherently. From previous experience and because he was a layman he thought that Mr Biko could possibly have suffered a stroke.

Col Goosen said he had been present when Dr Lang had examined Mr Biko. Mr Van Rooyen then quoted Dr Lang's statement as saying: "Col Goosen strongly emphasised the fact that he did not want any harm to befall Mr Biko . . . Mr Biko was able to give me a good account of himself and was unable to give other symptoms than weakness of the limbs and the lack of a desire to eat."

Argument about the admissibility of the handwritten document then resumed.

ily have to bring to court the persons who made them.

He was interested in a state of mind. Mr Kentridge had said that the police had brought Mr Biko from a denial to an admission by assault but the police say they confronted him with the documents.

The state of mind of both the interrogator and the detainee was relevant. If the evidence about the confrontation was true it could have caused a violent reaction. If he did not hand in the notes it could be said that there were no notes.

If it were possible that it could be argued that there were no documents in existence and there had been no confrontation he would suffer irreparable harm if he were prevented from handing in these statements.

Objectively seen the contents may even have been false but the only question here was the state of mind.

Mr Van Rooyen said that when Capt Siebert gave evidence he had not had the documents in his possession because they were in Port Elizabeth. He had now received them.

Mr Von Lieres intervened. The only question had material to question Mr Biko on? — Yes.

Was there enough material to confront him with? — Yes.

Did you have any personal knowledge of the handwriting and authors of the documents? — Yes, I often saw their notes and handwriting.

Are you satisfied that this is the handwriting of Patrick Titi and Peter Jones? — Yes.

Were the documents in the hands of the interrogating team of Maj Snyman? — Yes, they had all three documents and other documents.

Professor I Gordon, one of the two assessors, asked Col Goosen a number of questions involving his suicide theory about Mr Biko.

Prof Gordon: Say the man got a head injury on the 6th or the 7th. Could he not have sat on the bath as a confused man? — Till that stage I did not know there were problems with his head. I now concede that he may have hurt himself in Room 619 but I called the doctor immediately. It is unnatural that the man goes to have a bath at 3 am.

Prof Gordon: How could he commit suicide if there

around his cell for about 20 minutes. He walked without any aid and without holding on to anything. He did not appear unsteady on his feet. He kept his head down with his eyes fastened to the ground. After about 20 minutes he said he was tired and sat on his bed.

In answer to a question by Mr Fitchett Mr Biko said his people lived at Fort Beaufort. In answer to Mr Fitchett's question as to why he was arrested, Mr Biko said he had been travelling in his car.

Asked what sort of car he said it was a Passat which was now in Queenstown. Mr Biko would say nothing more.

After lunch Capt Daniel Siebert was recalled. He was shown the handwritten documents containing alleged statements by Mr Jones and Mr Titi.

Questioned by Mr Van Rooyen, Captain Siebert said that during the interrogation the team asked Mr Biko if he recognised the handwriting as that of Mr Jones and Mr Titi.

The magistrate, Mr Prins then asked Capt Siebert when Mr Biko was confronted with the documents. Capt Siebert said it was during the afternoon of September 6.

Prof Gordon: Did the book also say it is a method of suicide? — No, it is my own theory.

I also want to learn something, if you tell me that a man can commit suicide by that method.— No, I can't say that.

Am I right in coming to the conclusion that you have no firm grounds for stating a man can commit suicide in this way. — It is not on firm ground at all. It was wrong. It was my own layman's approach.

The next witness was Mr J Fitchett, a warder at Port Elizabeth prison, who made three statements before the court. In a statement dated September 15 Mr Fitchett made the following points: On September 9, while he was watching over Mr Biko, he gave him a mug of puzamandla which he drank; Mr Biko then asked for water and drank two full mugs; he then said he wanted to kiss Mr Fitchett because Mr Fitchett had given him mageu and water.

Mr Fitchett also said that Mr Biko stated he wanted to exercise, got out of the bed and walked

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Mr Fitchett held on to the microphone in the dock and remained silent.

Mr Wentzel: You won't get inspiration from the microphone. — I cannot answer that question.

Mr Wentzel also drew Mr Fitchett's attention to the fact that other witnesses had said Mr Biko's speech was slurred on occasions before September 9, and that at a medical examination on September 7, Dr Lang, the district surgeon, had found Mr Biko was staggering.

Mr Wentzel also pointed out that none of Mr Biko's family came from Fort Beaufort and that he was arrested while travelling in a Peugeot, not a Passat, in King William's Town, not Queenstown.

Mr Wentzel also questioned Mr Fitchett on a duplicated statement that he had been asked to fill in by Gen Kleinhaus.

The duplicated affidavit contained statements in connection with Mr Biko's detention and the person filling it in had to cross out incorrect statements and add further comments if he felt it necessary.

Mr Wentzel: A large number of affidavits in this form have been sworn to as evidence in this inquest. In this form of affidavit you were asked to cross out what did not apply and leave in what did apply. You have crossed out the following words: "Besides what I already said in my statement(s) I noticed no injuries of any kind on Stephen Biko."

Mr Fitchett also crossed out the statement: "I noticed the following injury (s) on Steve Biko during my visit to him."

The following statement remains standing in the roncoed form: "I noticed no injury of any description on Stephen Biko." Mr Fitchett added the words . . . "except handcuff marks on both wrists."

The other statement left standing in the form was the following: "I was shown a mark on a photo taken during a post-mortem on Steve Biko. I have not noticed such a mark or injury on Stephen Biko"

Mr Wentzel: Did Gen Kleinhaus give you instructions to cross out what didn't apply while you were alone or with other warders. — He gave us no instructions.

Did he give you the explanation about what he wanted you to do with roneoed forms when you were alone or when your

e... come
route with the truth because he was wasting everybody's time.

"He answered me by saying that I must give him 15 minutes and then he would make a statement. I sincerely believed that he would do it and left him there.

"When I arrived back a little while later I saw that he was asleep and I left him.

"At about 9 pm Mr Biko woke up and he talked with a slurred tongue. I did not know what was happening and phoned Maj Fischer, my section head, and informed him that Mr Biko was to have made a statement earlier in the evening but was now speaking with a slurred tongue," Lieut Wilken said.

Lieut Wilken described the Land-Rover used to take Mr Biko to Pretoria.

He said the back seats had been removed and five cell mats were placed in it. Mr Biko was wrapped in four blankets and he used another as a cushion.

Lieut Wilken's lengthy statement was dated September 17.

In his second statement, dated October 20 Lieut Wilken said that he had that day been informed by Gen Kleinhaus that he was investigating the circumstances which led to the death of Mr Biko.

He was also informed that during the course of a post-mortem it had been established that Mr Biko had died as a result of an injury that had caused brain damage.

A photograph was shown to him where an external mark above the left eye was pointed out.

"It was put to me that it is possible Mr Biko received this injury while he was under my control. I was warned by Gen Kleinhaus that I was not obliged to make any further statement.

"Now that the photo of Biko's face was shown to me with the mark above his left eye, I now remember that when I arrived on duty on the evening of September 6 just after 6 pm, and while Mr Biko was lying on his back with his face to the ceiling, I saw a darkening of the skin, similar to a birthmark, dark brown, above his left eye and more or less on the same position as that on the photo.

"I placed no value on it. It did not look like an injury to me. Biko made no complaints to me."

Lieut Wilken said the

Why did you not wake him up? — It was . . . (inaudible) not my instructions to wake him up.

You made a big breakthrough. You said you were quite pleased. — My instructions were to leave him and let him rest and when it seemed he was asleep, I left him.

Did you not think it strange that he said 15 minutes and then you find him asleep? — He may have taken me for a ride.

Then about an hour later he woke up? — Right.

Mr Kentridge then questioned Lieut Wilken on the mark on Mr Biko's left eye. Lieut Wilken said he had first seen the mark when he had sat next to Mr Biko on the chair in the dark.

Were you not sitting there on the chair, like a night sister, to ask him a few questions? — I don't like the remark, Your Honour, about the night sister but I did not ask him any questions.

Lieut Wilken said he just sat on the chair to pass by a few minutes of time.

Mr Kentridge pointed out there were many ways of passing the time. Besides he had two companions, and what about newspapers? Lieut Wilken confirmed that there were some newspapers.

Lieut Wilken explained that the light in the next door office was on and it was not all that dark.

What were you really doing that evening? — I don't know what you are insinuating, but nothing happened.

Mr Kentridge told him that he was the only one of a number of officers who had admitted seeing any sort of mark on the left side of Mr Biko's forehead.

He had discussed the matter often with his colleagues but he had not told his colleagues about the mark because he had never attributed any importance to it.

The magistrate then adjourned the proceedings until Monday and announced that he had decided, in consultation with the counsels involved in the inquest, that the three documents handed in before lunch would not be made available for publication because they had been accepted on the clear understanding that they were just to serve as proof that the documents existed and not as proof of the content matter of the documents.

B S. Tribune 6/11/77 (135) 3

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 Tucsa is continuing to attract unions representing all political views and racial groups — a growing recognition of the need for a concerted labour movement.

Tucsa's membership now includes seven African unions among its 63 member unions with the number of African workers represented now totalling 23 000 or almost 10 percent of Tucsa's combined new membership figure of about 227 000.

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 a 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 Zietsman, despite several phone calls to his home last night. — DDR

NM 12/11/77 (325-det)

The make-up of a police interrogator

t stage, however, he had
n convinced that Mr.
o was shamming.

He had not considered
hoving the handcuffs
lause he feared a repeti-
h of what happened on
morning of September 7
hen Mr. Biko was in-
lved in a struggle with his
errogators).

Col. Goosen said he had
control over Mr. Biko
ile he was in the prison
spital. Apart from a
ollen upper lip he had
ticed no injury on Mr.
ko.

He was quite satisfied that
r. Biko should be medical-
examined by the two dis-
ict surgeons, Dr. Lang and
r. Tucker, and a specialist,
r. Hersch.

He denied he had in-
uenced the doctors in their
iagnosis.

Under earlier cross-
xamination by Mr. S.
entridge yesterday morn-
ng, Col. Goosen said it was
ot his function to correct a
eport of a statement by the
linister of Justice, Police
nd Prisons, Mr. Jimmy
ruger.

Asked whether he had
ade a written report to his
uperiors, Col. Goosen said
e had made several af-
davits. He had not submit-
d a clerical report.

Hunger strike

In reply to a further ques-
ion by Mr. Kentridge, Col.
Goosen said he had never
aid that Mr. Biko had
hreatened a hunger strike.

Mr. Kentridge: How did
hat error reach the minister
hen?

Col. Goosen: I cannot
ay.

In reply to further ques-
ions, Col. Goosen said he
ad given the specialist, Dr.
Hersch, a short history of
Mr. Biko's background.

He had told Dr. Hersch
hat Mr. Biko was a medical
student and a leader of the
Black Power movement.

He had wanted to make



Mr. Sidney Kentridge, SC.

Dr. Hersch aware of how important Mr. Biko was.

Asked whether he had told Dr. Hersch that Mr. Biko had been detained before. Col. Goosen said he might have but he could not remember.

Mr. Kentridge: Why did you have to give Dr. Hersch this background information?

Col. Goosen: Because Dr. Hersch was a very busy man and he had to examine Biko at an inconvenient time.

Mr. Kentridge: Did you convey to Dr. Hersch your feeling that Biko was shamming?

Col. Goosen: I can't remember.

Col. Goosen said it had been a tremendous shock to him to hear of Mr. Biko's death and he had telephoned the chief district surgeon, Dr. Tucker, to tell him the news.

Mr. Kentridge: Did you discuss any theory about Biko's death with Dr. Tucker.

Col. Goosen: I did not discuss any theory when I learnt of his death. It was a complete mystery to me.

Only after he had been shown a post-mortem photograph of Mr. Biko had he become aware of the brain injury.

Mr. Kentridge: When did you have a discussion with Dr. Lang (the other district surgeon) on the possible cause of death?

Col. Goosen: I did not discuss it with him specifically.

Mr. Kentridge: When did you discuss the theory of hyperventilation with Dr. Lang?

Col. Goosen: Col. Bothma and I were looking it up in a medical book when Dr. Lang walked into the office.

Mr. Kentridge: So your theory of hyperventilation is yours alone and not Dr. Lang's. Did Dr. Lang comment on your theory?

Col. Goosen: He agreed that it could be dangerous if practised in a certain manner.

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 7, causing him, it is said, to realise his friends had betrayed him and resulting in his "going beserk."

The Pretoria Chief Magistrate, Mr. M. J. Prins, over-ruled an objection by Mr. Kentridge that they were made by Terrorism Act detainees who could not be called to verify the documents.

Mr. Prins ruled that it was the fact of the documents' existence that was relevant, not their contents.

Mr. Prins is to decide later whether the contents of the statements are to be made available to the Press.

Major Harold Snyman, of the Port Elizabeth Security Police, has stated that the affidavits were put to Mr. Biko, and that the struggle in which he could have sustained his fatal injury had come when he realised what the police knew.

When it was shown earlier this week that the affidavits had been sworn after Mr. Biko's death, Mr. P. R. van Rooyen, counsel for the police, withdrew his application to have them admitted.

Mr. van Rooyen said yesterday that it was the documents in their handwritten form that had been put to Mr. Biko, and he sought now to introduce them.

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 Titi, 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 Snyman'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 a 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 7, 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 be called to establish how he had come by incorrect information in his statements to the Press.

Mr. Prins said he could not see how Mr. Kruger could assist the Court to reach an inquest finding. — (Sapa.)

19/11/77

THE BIKO INQUEST

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. Kentridge (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 liberalists 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.

"A[illegible] charge against a security policeman does us immeasurable harm."

Everything possible was done to prevent detainees from commiting suicide. However, this was not always possible, as recent events in a maximum security jail in West Germany had also shown.

Referring to Mr. Biko specifically, Col. Goosen said his physical and mental health had been of the greatest importance to the Security Police. They had wanted him to remain healthy so that he could be shown up in court for what he really was.

"I had pamphlets and other information in my possession which proved that he was busy creating a climate of internal revolution. Biko's early death placed a damper on our investigation," Col. Goosen said.

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 [illegible]

CAPE TIMES 19/11/77

(325-Detention)

Police hold 40 Peninsula detainees

By 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 Dependents' Conference of Mowbray.

Dr. Margaret Ellsworth, trustee of the African Scholars Fund, in Rondebosch, said yesterday that she was concerned about the detentions as it appeared that several pupils had been detained while examinations are being written.

She said she knew of a number of African pupils who had been offered bursaries by the African Scholars Fund who had been held in the security police while they were writing their examinations.

"Whereas every effort must be made to find those responsible for the [illegible] bombings in the Peninsula which have affected the lives of many of our own [illegible] representatives in the townships, it is frightening that lives can be picked up without any charge laid, [illegible] the net and who then are held being [illegible] with at present [illegible] are being held [illegible] through [illegible] [illegible] [illegible]

325 detention

Goosen: One got the impression that Biko was in full possession of his faculties

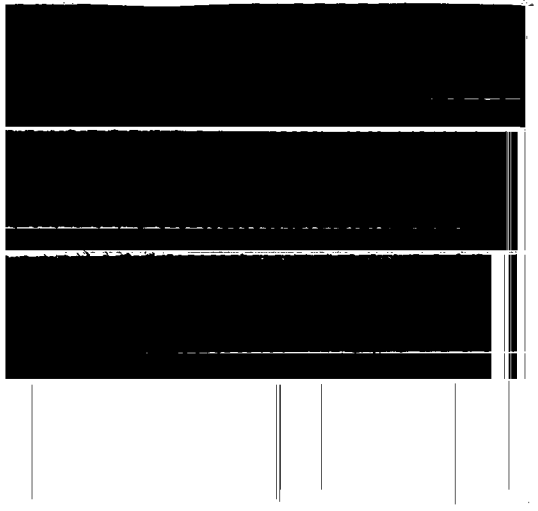
Own Correspondent

PRETORIA. — Mr M J Prins, the magistrate presiding over the Biko inquest, yesterday morning refused to allow newspaper reports and transcripts relating to statements by the Minister of Police Mr J T Kruger, about Mr Biko to be handed in — for four reasons.

According to the rules of evidence, the dossier of reports, if relevant only to Colonel Goosen's credibility should not go in; it should not go in because it was irrelevant to the circumstances of Mr Biko's death; it should not go in because it was hearsay evidence and lastly, it should not go in because it was hearsay evidence "so far removed that it was dangerous", he said.

At the start of yesterday's proceedings Mr Prins gave his full judgment on the admissibility of the report and transcript which Mr S Kentridge, SC, for the family, had wanted to hand in.

Mr Prins said that the dossier consisted of statements made by the Minister of Justice and the police as contained in press cuttings, telexed press releases, transcripts of interviews and a transcript of a speech made at a party congress.



The basis of Mr Kentridge's application was that since Colonel Goosen was in charge of the Port Elizabeth security police the information fed to the minister must have come from him. There were material differences between the evidence of Colonel Goosen and the statements of the minister, Mr Prins said.

Mr Kentridge had argued that starting with the minister one should go down the line to Colonel Goosen to determine who lied. If Colonel Goosen had lied he must have done it with the motive of covering up an assault.

Mr Prins said that Mr P R van Rooyen, for the police, Mr K von Lieres who is leading the evidence and Mr R de V Pickard, for the district surgeons, all objected to the handing in of the dossier.

Mr Prins said that allowing for typing errors, words which were not transcripted here and there and one page which was clearly missing, he would say that the minister had been correctly quoted. Mr Prins said that from Mr Kentridge's argument it would appear that he only wanted to use the documents to attack Colonel Goosen's credibility.

Mr Prins quoted Hoffman in "South African Law of Evidence" as saying that answers of a witness to questions relating to fact might be contradicted by the handing in of documents but answers to questions attacking credibility were final. That was not to say the court had to believe the witness but the answers were final.

Credibility

informal procedure with less rigid rules at an inquest.

Mr Prins said that in his opinion, however, the writer Schmidt was correct as saying that rule against hearsay evidence applies to all judicial proceedings. But even if he was wrong in that and even if he accepted Mr Kentridge's argument and hearsay evidence was admissible, a common sense attitude should be adopted in deciding to what length one should go to allow particular hearsay evidence.

Two brigadiers

It was common knowledge that Colonel Goosen had phoned two brigadiers. Common sense dictated that the minister got this information from the head of the department and that there must have been a high ranking officer between the brigadiers and the commissioner of police.

Even accepting that the information came directly from Colonel Goosen to the brigadier to another official to the minister, one had hearsay so far removed from what actually happened that it was highly possible that the original statement could have been changed.

It would be utterly dangerous to accept that evidence and for that reason he would not allow the dossier, Mr Prins said. He had to rule that although he had looked at the matter from every angle he found it inadmissable, he said.

Mr Van Rooyen rose and told the court that to refute the possibility of any allegation that these proceedings were being

cannot comment on how the error reached the minister.

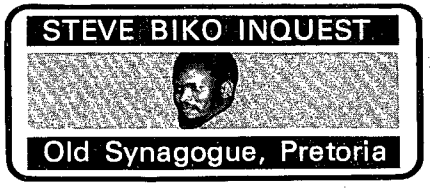
Mr Kentridge asked if when Colonel Goosen saw Dr Hersch on the evening of the 8th he gave him any information regarding the previous detention of Mr Biko.

Colonel Goosen answered that he could not exactly remember but that he had had discussions with Dr Hersch for a few minutes. He had explained who Mr Biko was and the interest of the police to safeguard his health. He could remember that he gave a short historical background, he said.

Importance of Biko

He had told Dr Hersch that Biko had been a medical student and words to the effect that Mr Biko was the honorary president or leader of the black power movement. He could not remember his exact words but gave a short synopsis to show Dr Hersch the importance of the person, he said.

He might have said that Mr Biko had been detained on a



previous occasion and might have told Dr Hersch about Mr Biko's

"We are very disappointed by this criticism because we are laid "against my assaulting team". Laughter followed and he changed the phrase to "the interrogation team".

His team had been chosen for their abilities and their gift of controlling their temper, he said. He would never have kept a man as a member of his staff if there was any danger that he was excitable. Security police staff were carefully chosen from other ranks of the police. If a person had any behaviour problems he would not be on the security staff. "One has in our work to keep your temper at all times," Colonel Goosen said.

If a member of the security police showed the inclination to become aggressive he would be transferred to another branch.

There was a lot of agitation and criticism against the security police. "It has developed so far that South Africans are getting guilt feelings that we might have acted incorrectly," he said. Therefore, the security police were very careful not to give any reasons for criticism.

had had insight into certain notes.

Asked by the magistrate whether this was relevant Mr Van Rooyen said that he was referring to Major Snyman's evidence of having confronted Mr Biko with certain statements.

Mr Kentridge had objected that this was a posthumous smear and this objection had gone around the world.

He wanted to hand in those documents, he said.

Mr E Wentzel, for the family, pointed out that Mr Van Rooyen had put it to Major Snyman that there had been a confrontation and that Major Snyman had had in his possession certain statements on oath.

Mr Wentzel said that these statements, dated after Mr Biko's death, had been shown to counsel for the family but that they had not been shown any other documents.

Mr Van Rooyen said he wanted to recall Captain Siebert so that he could hand in the handwritten documents which Mr Biko had been told were statements by Patrick Titi and Peter Jones.

Objection

Mr Von Lieres objected. He had understood the evidence to have been that only the handwriting had been shown to Mr Biko. The documents were not relevant with regard to content.

Mr Wentzel said that he objected to the documents being handed in at all until he had been shown the documents.

Mr Van Rooyen argued that

Colonel Goosen said that he would have had no control over Mr Biko in a public hospital. It had been of the utmost necessity to him to find what was wrong with Mr Biko and to get a diagnosis. He had had no objection against his being seen by a specialist in the internal diseases. He could see no external injuries.

Colonel Goosen said that he had welcomed the suggestion that Mr Biko be kept longer for observation because he had wanted to make 100 percent sure. He had still subconsciously thought that Mr Biko might have had a stroke, he said.

He had been eager to have Mr Biko examined by a private specialist and had been satisfied that he should be kept in the hospital unit of the prison.

Colonel Goosen said he had not tried to influence the doctors. It had been in his interest to get a diagnosis to know whether he could continue his interrogation of Mr Biko.

He had not tried to keep Mr Biko out of sight of other people. Colonel Goosen said that for the purposes of good administration the police had standing orders which prescribed that registers should be kept. This had nothing to do with statutes. An occurrence book was just a register for good administration.

The security police were not above the ordinary police. There were other branches of the force which also did not keep occurrence books.

Mr Prins: If that was so what was the use of making an entry in an occurrence book at all?

Mr Prins said he therefore had to differentiate between questions of fact and questions of credibility. If the basis for the application for the admission of the dossier was to attack credibility, the application could not be granted.

But even if he was wrong in concluding the dossier was only relevant to credibility and not to fact, there were other issues on which he had to decide.

He again quoted Hoffman as saying that the test to be applied when considering the admissibility of evidence was a practical one. Allowing material was at the discretion of the judge. Applying a practical test, he had to decide what the relevancy of the contents of the dossier was with reference to the purpose of the inquiry.

In an inquest the magistrate had to record a finding on the identity of the deceased, the cause of death, the date of death and if the death was brought about by an act or omision amounting to an offence by any person.

According to the medical evidence, Mr Biko had died of a brain injury. Mr Kentridge's "case" was that the injury was sustained when Mr Biko was assaulted by the police between the evening of the 6th and the morning of the 7th of September.

Mr Kentridge had emphasized only the different versions of Colonel Goosen and the minister which related to a hunger strike.

From a practical viewpoint, he found it impossible to see how the minister could assist the inquest at all to decide if the death had been brought about by an assault or not. He had to find that according to the practical test the statement to the minister was irrelevant.

Third problem

But even if he was wrong in the decision he had a third problem, Mr Prins said. That was the heresay rule. Mr Kentridge had argued that heresay evidence was admissible in inquest proceedings and quoted the Inquest Act as saying that all relevant information should be handed to the court and that the court could call for additional information if it was thought necessary.

stified he had been in contact with the Commissioner of Police and in order to test if there had been inconsistent statements made he had been advised to make the two brigadiers available for consultation to the counsel for the family.

Strange offer

If counsel were not satisfied they could reapply for the admission of further evidence. Mr Kentridge said that this was "a very strange and surprising offer".

He appreciated the offer of a private consultation, "but why not have a public consultation?" he asked. He did not know what the value of a private consultation was. He appreciated the offer, however, "as far as it goes" and would consider it, he said.

Mr Kentridge said that counsel for the family could not present any eye-witnesses and they could only suggest an assault as circumstantial evidence.

"We are not in a position where we have a case. The onus is not on us. I have also noted in the official record that we are said to appear on behalf of the defence. We are not on the defensive," he said.

Mr Prins said that if the word "case" which he had used was objectionable he would withdraw it. The word "defence" was a typist error.

"Not my duty"

Mr Kentridge then resumed his examination of Colonel Goosen. He asked Colonel Goosen why he did nothing to correct the minister's statement when he saw it reported.

Colonel Goosen: I am a police officer, it was certainly not my duty. I could see no reason to do it. That lies outside my function.

Mr Kentridge: You must have made a written report to your superiors.

Colonel Goosen: I made several affidavits which were in the possession of my head office. They included everything which could have been said in a written report.

He could see no reason why anybody would have given wrong information to the minister. He could name legions of times when the minister had been wrongly conduct during previous detentions. He knew that during previous detentions there had been problems in communicating with Mr Biko.

He had thought it necessary to give Dr Hersch the background because Dr Hersch was a very busy specialist and he had asked him to examine Mr Biko at about 10pm. It was a reasonably unusual request.

Mr Mr Kentridge asked if Colonel Goosen had discussed Mr Biko's case with Dr Lang and Dr Tucker after his death.

Colonel Goosen: Not in detail. It was a shock to hear of the death and I think I was the first person who phoned Dr Tucker to tell him the disquietening news. They had ordinary conversations about it during the following days, but he did not think that he discussed any theories with Dr Tucker.

"Speculated"

His first intimation of a possible brain injury came when General Kleinhaus showed him the photographs, he said. He could not remember discussing the death with Dr Lang but vaguely remembered that Dr Lang phoned him after his discussion with Dr Tucker. He had no idea then what the cause of death could have been and did not think that he had a specific discussion with Dr Lang. "We speculated," he said.

"We thought it was a strange occurrence."

Colonel Goosen said he discussed the "hyperventilation" theory with Colonel Bothma at the prison about a week later. They spoke "about the strange breathing exercise" and Colonel Bothma took out a medical book.

Mr Kentridge: Did Dr Lang agree with your theory of hyperventilation as part of a suicide attempt?

Colonel Goosen: I don't think Dr Lang went into the question. Dr Lang was present when he spoke of the possibility and Dr Lang stressed that hyperventilation could be dangerous if practised for long enough. This was what he had meant when he spoke in his affidavit of "research in medical books", he said.

This discussion took place long before General Kleinhaus came aware of the politeness and concern with which we treat detainees. We buy then cigarettes, cold drinks and nice things to eat," he said. Assault charges would harm the image of the security police.

Because threre was a tendency to suicide in police cells, "like the Baarder-Meinhof cases in Germany," they did their utmost to prevent this. If a detainee complained of only so much as a headache, a doctor was called.

If a prisoner suffered, for instance from high blood pressure, it was arranged that he should be regularly visited by a doctor.

Mr Von Lieres objected. This evidence was irrelevant, he said.

Mr Van Rooyen said that if it was going to be argued on circumstantial evidence that there had been an assault it was very important that the state of mind also of the interrogator should be sketched. When one moved in the field of circumstantial evidence the circumstances should include also the degree of care taken by the police.

Degree of care

Mr Prins: There has been evidence that this man was not wrapped in cotton wool at all times. Would it not be more relevant to establish the degree of care against the safety aspect?

Continuing Colonel Goosen said that Mr Biko's state of health had been of the greatest importance to him. Because of information in his possession he had realized that it was of primary importance to bring this peaceable man before a court.

He knew that the Black People's Convention had been concerned with training terrorists and that Mr Biko had financed the conveyance of trainees to Botswana. Mr. Biko had been creating "a climate for blood bath and revolution in South Africa," he said.

Also, it was important to him to find Mr Biko's associates. "His death would have placed an absolute damper on his investigations," he said. He would have been "disappointed" if Mr Biko had been released and had afterwards alleged that he had been assaulted because he knew how carefully and politely Mr Biko had been treated. Colonel

ere had been ev[illegible]
Tuesday that Mr Biko had been confronted with certain facts. He had thought that the facts were contained in certain affidavits but then discovered that he was wrong and that these documents were ex-post facto affidavits. He then had to abandon his application to hand in the statements.

The contents of the affidavits were relevant. He was not saying that they were true or false but if the contents had been put to Mr Biko the contents would have influenced his state of mind and therefore relevant.

If these documents were not handed in one could expect the argument that the story about the documents being put to Mr Biko had been made up to justify the scuffle.

Mr Wentzel: I will not comment about a document that I have not seen. It is the courteous system to let us see the documents before they are handed in. We are entitled to listen to the examination of the witness on the document in the light of our knowledge of the document.

Mr Van Rooyen handed Mr Wentzel the hand-written documents and continued his examination of Colonel Goosen.

Colonel Goosen said that according to his instructions detainees should not be moved from one place to another unless they were handcuffed or unless they were held by the arms by officers. According to his instructions detainees should wherever possible be kept on the ground floor. When kept on a higher floor they had to be shackled (geboei) and had to be guarded by at least two persons.

He had a wide discretion about the treatment of detainees, he said. It had not been part of his instruction to keep a detainee legshackled and handcuffed when on a higher floor. That had been left to his discretion. His instruction had been only that a detainee should be treated with the utmost care.

Mr Biko had been dressed and not shackled during interrogation but he had been given orders that Mr Biko should be handcuffed and leg-shackled during the night and that there should be a night guard consisting of Lieutenant Wilken and two warrant officers.

Playing football

Colonel Goosen: It is advisable in any case for the purposes of good administration to keep an occurrence book. A prisoner might be injured while playing football, there might be an inquiry, a civil action might follow.

Colonel Goosen said that Mr Biko had been kept in a cell at Walmer police station in which as a rule ordinary prisoners were kept. He had been kept alone in a cell normally used for several prisoners.

Ordinary prisoners were allowed to take exercise in an open space and could then communicate with adjoining cells. In Mr Biko's case, however, communication had to be prevented at all costs and he had therefore thought that Mr Biko could get sufficient fresh air and exercise in his cell.

After receiving a report from Major Snyman on the morning of the 7th he had visited Mr Biko and had seen that he was extremely aggressive but could see no injury. He had called a doctor but the doctor too could find no injuries.

Incoherently

He tried to communicate with Mr Biko, Colonel Goosen said. Mr Biko had spoken incoherently. From previous experience and because he was a layman he

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quoted by the press, he said.

Mr Kentridge argued that this information included hearsay evidence and any other information relating to the death and quoted the Timol case as stating that a magistrate may follow an

Mr Kentridge: Can you tell us of any way in which such a remarkable error could have crept into the report.

Colonel Goosen: I never said Biko threatened a hunger strike. I thought that Mr Biko could possibly have suffered a stroke.

Colonel Goosen said he had been present when Dr Lang had examined Mr Biko. Mr Van Rooyen then quoted Dr Lang's statement as saying: "Colonel Goosen strongly emphasized the fact that he did not want any harm to befall Mr Biko ... Mr Biko was able to give me a good account of himself and was unable to give other symptoms than weakness of the limbs and the lack of a desire to eat ... I wanted to give Dr Lang an opportunity to examine Mr Biko fully and had not been in their immediate presence. He had been nearby in case Mr Biko should become aggressive."

Mr Van Rooyen quoted further from Dr Lang's statement: "Biko replied in a slurred manner. He said he had no pain but was unable to move his limbs. He told me that he had spent four years as a medical student, two years studying for a bachelor of commerce degree and had then switched to law which he was studying through Unisa."

Colonel Goosen said he had not paid particular attention to Dr Lang's conversation with Mr Biko. He could hear that they spoke in English and it had seemed quite a rational conversation.

He agreed with Mr Van Rooyen that one got the impression that Mr Biko was then in full possession of his faculties. He did not listen very carefully and did not hear Mr Biko complain that he had been assaulted the previous night.

"I suppose Dr Lang would have brought it to my attention if to Port Elizabeth about five days after Mr Biko's death.

Mr Kentridge sat down and Mr Van Rooyen started his examination.

Mr Van Rooyen said that he thought that the contention had been put to Colonel Goosen that his men would not hesitate to assault the detainees.

Colonel Goosen said that in all cases of Section 6 detainees the aim of the security policy was to interrogate them thoroughly to establish what their activities were, where they got their funds from and legion of other circumstances.

To no avail

All measures were taken to ensure the safekeeping of such a detainee and to ensure that he did not escape, injure himself or that he would not be injured. It would be to no avail if such a detainee made an admission and the next moment said that he had made that admission because he had been assaulted.

"We have a lot of time," Colonel Goosen said. A detainee was detained till he had answered all questions. it sometimes took days and weeks to build up communication and communication sometimes started in a laughable manner.

"Our technique is almost that of Mr Kentridge — sometimes we talk nicely, sometimes we use sarcasm. We have no reason to assault a detainee," he said.

Colonel Goosen then said that no assault charges had ever been Goosen said.

Pattern of suicide

Mr Van Rooyen: Then why keep him naked, why in chains.

Colonel Goosen: We have a pattern of suicide. I have had specific orders from my head office that everything should be done to prevent this. On the morning of September 7 Mr Biko had been "like a madman" and he had been concerned to prevent a repetition of this, Colonel Goosen said.

Mr Prins: If this was so would the things they had attached to him not have led to injury and harmed the image which you guarded so jealously?

Colonel Goosen: These things are standard equipment. They only curbed his movements. There were bars in front of the window of the office on the 6th floor where Mr Biko was kept but not on the windows of other offices nearby, he said.

There had recently been an incident where a man had jumped through one of those windows, he said. All the offices had ordinary doors. It would not have been sufficient for Mr Biko's safekeeping only to lock a door.

While Mr Biko was being interrogated he wore clothes because he was then better guarded than he was in his cell in prison. There had been two instances immediately prior to the Biko incident where prisoners in cells had hanged themselves by their shoelaces and trouser legs, he said. Colonel Goosen said that before the interrogation started he

In the morning the leg shackles and handcuffs were removed and if nothing had happened on the morning of the 7th Mr Biko would have been left free. However, something happened that made him realize that Mr Biko was wild and dangerous and he ordered that he should be shackled.

Had Dr Lang said that Mr Biko was ill he would have had him removed to an institution with the necessary medical facilities. He would not have kept him handcuffed and chained to a grille.

Dr Lang had said that there was nothing wrong and Colonel Goosen had thought Mr Biko was shamming. He kept Mr Biko shackled because he had caused a violent struggle.

Colonel Goosen said he went into Mr Biko's room periodically during the day. Mr Biko's attitude had not changed except that he was no longer very aggressive. Colonel Goosen said he did not release Mr Biko because he was afraid he might injure himself. Mr Biko would have spent the night in chains in any case.

His orders had not been changed because Mr Biko had been chained during the day. He had been convinced that Mr Biko was feigning illness to win concessions which would enable him to escape. He was afraid that if Mr Biko was taken to a public hospital he would escape or be freed by a group of persons. He had thought that the prison had all the necessary facilities.

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Police documents quite irregular

— *Kentridge*

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who was apparently being asked to say that they had been shown to Mr Biko during the interview.

Mr Prins: I understand that Colonel Goosen only desired to say that the documents had been in existence somewhere in the building.

Mr Kentridge said that these documents had in no way been attested to. There was nothing to show that they were in fact the same documents. In the ordinary way the people who had made these statements to the police could have been brought to court to say that they had made the statements on the dates shown and that they were correct. The problem here was, however, the people alleged to have made the statements were detainees still detained under Section 6 of the Terrorism Act according to which nobody may have access to them.

Mr Kentridge said that it was quite irregular to hand in documents of this sort unless people could depose to them.

It was interesting the counsel for the police wanted to hand in documents not properly proved in the light of the strong opposition to his application to hand in statements by the minister which at least he could have properly proved.

Mr Prins: I understood that all he wanted to prove was that documents existed, the contents of which were not put to the deceased.

Mr Kentridge: He wants to prove documents made by persons in their own handwriting. If they cannot testify to this I cannot accept it.

State of mind

Mr Van Rooyen argued that to prove the documents he did not necessarily have to bring to court the persons who made them. He was interested in a state of mind. Mr Kentridge had said that the police had brought Mr Biko from a denial to an admission by assault but the police say they confronted him with the documents.

Mr Van Rooyen said that Captain Siebert had told the court that they had the documents and had confronted Mr Biko with them. He wanted Captain Siebert to identify the documents. The state of mind of both the interrogator and the detainee was relevant. If the evidence about the confrontation was true it could have caused a violent reaction. If he did not hand in the notes it could be said that there were not notes.

Mr Van Rooyen said he only wanted to prove a state of mind, not the contents of the document. If it was possible that it could be argued that there were no documents in existence and that there had been no confrontation he would suffer irreparable harm if he was prevented from handing in these statements.

The family

If, however, counsel for the family said it was not disputed that the documents had been shown to Mr Biko then he would abandon his application to hand them in.

Objectively seen the contents may even have been false but the question here only was the mental state of mind.

Mr Van Rooyen said that when Captain Siebert gave evidence he had not had the documents in his possession because they were in Port Elizabeth. He had now received them.

Dr Von Lieres intervened. The only question here was if the documents existed before the scuffle: It did not matter if the facts were true or false, if Mr Biko believed them to be true. A statement made by a Section 6 detainee was not a voluntary statement as prescribed by l because it could be held that ing detained under Section improper inducement.

Mr Van Rooyen sai not concerned with t the contents in the do was concerned wit

the police officers believed the facts in the documents are true.

"We are interested in the mental state of the deceased and the interrogators. That is the crux of the matter," Mr Van Rooyen said.

Mr Kentridge said with regards to the authenticity of the documents, he wanted to know whether they were what they purported to be. That could only be established if the people who wrote the documents were called.

The magistrate asked whether it was material who wrote the documents.

Mr Kentridge: It is the other way around. They say they showed the documents to Biko and they were in the hands of certain people. The question is, did the interrogators have these documents at all?

People concerned

Mr Kentridge said Colonel Goosen may well say he did and he (Mr Kentridge) would not accept that.

"I would challenge that. The only way that I can prove that is by calling the people concerned. I am not in a position otherwise to say this document is what it purports to be."

Mr Kentridge said in reference to the circumstances in which Colonel Snyman was alleged to have handled the documents, he would allege an untruth was involved.

Mr Van Rooyen said his client should be allowed to present documents made by Mr X and Mr Y, being held under Section Six of the Terrorism Act. But he (Mr Kentridge) would not be allowed to ask Mr X and Mr Y to come to court, and "even you, your worship, cannot call them to court".

Mr Kentridge said if the documents had come from people not being held under Section Six then he would be able to ask them to appear in court.

The magistrate said if a letter was written by a Section Six detainee, he felt if the detainee could not be brought to court to vouch for the letter, did not the production of the letter without the witness throw doubt on the existence of the letter?

Mr Kentridge: Here we have the very man (referring to Colonel Goosen) who is keeping the two people concerned. You can have the documents but you can't have the people to test it.

The magistrate at this stage ruled that a case had been made out for handing in the documents to prove their mere existence but not to prove the veracity or truth contained in them. They could be placed in court on the basis that they existed.

Mr Van Rooyen said there were three documents. One was dated August 1977 and was written by Patrick Titi. The other two came from Mr Peter Jones, both dated August 25, the one without a name but the other with "Cape Town" written on it.

Turning to Colonel Goosen, still in the witness box, Mr Van Rooyen asked whether he was in charge of the interrogating teams.

Colonel Goosen: As the commanding officer, yes.

Mr Van Rooyen: Did you have control over the questions?

Colonel Goosen: Yes (inaudible).

Mr Van Rooyen: In terms of the previous evidence, is it that after the detention of Mr Biko and Mr Jones, it was decided to interrogate the others first on your instructions?

Colonel Goosen: Yes, that is so.

Mr Van Rooyen: Before the questioning of Biko, were you informed that there was enough to go ahead with the interrogation?

Colonel Goosen: Yes, that is so.

Mr Van Rooyen: Before starting the interrogation, were certain statements made before you?

Colonel Goosen: Yes, including these written notes handed to me.

Mr Van Rooyen asked whether the hand-written notes were extraordinary. Colonel Goosen said it was normal and that during the course of the interrogation, pencil and paper was made available to the detainee. As the questions continued over a period of weeks a number of documents could be completed by the detainee. In the end they were typed and roneoed if necessary.

Some of the statements made under these circumstances could be wrong but there were others that he and his staff believed were right.

He admitted to Mr Van Rooyen that he was in possession of the documents before September 6 and that he had discussed their contents with his staff.

Mr Van Rooyen: Did you believe, as far as Biko's involvement with the pamphlet in King William's Town was concerned, that what was in the document was the truth?

Colonel Goosen: Yes, I believe it is true.

Mr Van Rooyen: Did you believe the documents on the activities of the BPC?

Colonel Goosen: Yes.

Mr Van Rooyen: Did you believe that you had material to question Mr Biko on?

Colonel Goosen: Yes, I thought, together with the other information, we had enough to question Biko on.

Mr Van Rooyen: Was there enough material to confront him with?

Colonel Goosen: Yes.

Satisfied

Mr Van Rooyen: Did you have any personal knowledge on the handwriting and authors of the documents?

Colonel Goosen: Yes, I often saw their notes and handwriting.

Mr Van Rooyen: Are you satisfied that this is the handwriting of Patrick Titi and Peter Jones?

Colonel Goosen: Yes.

Mr Van Rooyen: Were the documents in the hands of the interrogating team of Major Snyman?

Colonel Goosen: Yes, they had all three documents and other documents.

At this stage the counsel for the doctors, Mr B de T Pickard, asked whether his questions to Colonel Goosen could hold till a later stage.

He had become involved in the case at a late stage and had had insufficient time to consult his clients. He will have finished his consultations by Monday.

The counsel for the Prisons Department, Mr Heath, asked

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'He was wasting everybody's time' — lieutenan

Continued from page 6

Colonel Goosen whether he was at all times under the impression that Biko was shamming, to which Colonel Goosen replied: "Yes".

Colonel Goosen also confirmed at his request that Mr Biko was taken to the Port Elizabeth prison and, as far as he could remember, he told the prisons authorities that Biko was shamming.

At this stage, Professor I Gordon, one of the two assessors at the inquest, asked Colonel Goosen a number of questions involving his suicide theory about Mr Biko.

Professor Gordon: (inaudible): You say you did not see him yourself in the bath . . . and the hyper-ventilation and that sort of thing. You said they were the two signs of suicide. Say the man got a head injury on the 6th or the 7th. Could he not have sat on the bath as a confused man? If a man hurts his head then, he can even sit in a bath because he is so confused.

Colonel Goosen: Till that stage I did not know there were problems with his head. I now concede that he may have hurt himself in room 619, but I called the doctor immediately. It is unnatural that the man goes to have a bath at 3am.

Professor Gordon: How could he commit suicide if there were other people around? There were people there. They were not alone. How can he commit suicide with other people around?

Colonel Goosen replied that he did not think Mr Biko was under personal supervision, but he was speaking under correction.

Professor Gordon: If he was not under guard, then it was against your instructions.

Colonel Goosen: . . . (inaudible).

Professor Gordon: You have no medical knowledge and (inaudible) . . . Then you are the first to say hyper-ventilation can lead to suicide.

Professor Gordon: Did the book also say it is a method of suicide?

Colonel Goosen: It is my own theory and my remarks.

Professor Gordon: I also want to learn something, if you tell me that a man can commit suicide on that method.

Colonel Goosen: No, I can't say that.

Professor Gordon: Am I right that the basis on which you thought he was trying to commit suicide was on the hyper-ventilation . . . (inaudible)? I just want to ascertain that it was a basis or strong grounds.

Colonel Goosen: . . . (inaudible).

After lunch Captain Daniel Siebert was recalled. He was shown the hand-written documents containing alleged statements by Mr Jones and Mr Titi, detained friends of Mr Biko. Questioned by Mr Van Rooyen, Captain Siebert said the interrogation team studied the documents before interrogating Mr Biko. During the interrogation, the team asked Mr Biko if he recognized the handwriting as that of Mr Jones and Mr Titi.

Mr Kentridge said he had nothing to say, except to persist in his objection to the documents.

The magistrate, Mr M J Prins, asked Captain Siebert when Mr Biko was confronted with the documents. Captain Siebert said it was during the afternoon of September 6. On the morning of September 7 no further documentation was shown to Mr Biko.

The next witness was Mr J Fitchett, a warder at Port Elizabeth Prison who made three statements before the court. In a walked without aid and without holding on to anything.

He did not appear unsteady on his feet. He kept his head down with his eyes fastened to the ground. After about 20 minutes he said he was tired and sat on his bed.

In answer to a question by Mr Fitchett, Biko said his people lived at Fort Beaufort. In answer to Warder Fitchett's question as to why he was arrested, Biko said he had been travelling in his car. Asked what sort of car, he said it was a Passat which was now in Queenstown. Biko would say nothing more.

Questioning Mr Fitchett on this statement, Mr Ernie Wentzel, a counsel for the Biko family, said: "I am told that in the light of his medical condition it is inconceivable that on September 9 he could have walked round in the manner you describe. What would you say about that?"

Mr Fitchett held on to the microphone in the dock and remained silent.

Mr Wentzel: You won't get inspiration from the microphone.

Mr Fitchett — I cannot answer that question.

Mr Wentzel drew Mr Fitchett's attention to the fact that other witnesses had said Mr Biko's speech was slurred on occasions before September 9, and at a medical examination on September 7, Dr Lang, the district surgeon, had found Mr Biko staggering.

Mr Wentzel also pointed out that none of Mr Biko's family came from Fort Beaufort and that he was arrested while travelling in a Peugeot, not a Passat, in King William's Town, not Queenstown.

At this stage Lieutenant Winston Eric Wilken was called to the witness box by Mr Von Lieres.

Mr Biko's one foot was lightly cuffed to the lower end of the grille in front of the door and his hands were cuffed. He could, however, move easily if he wished.

Lieutenant Wilken said he noticed that a carton of milk and a meat pie had been placed on the cabinet. Major Snyman told him Mr Biko would not eat. He asked Mr Biko whether he had any complaints. Mr Biko was aggressive and answered negatively. He also did not want food or water.

At 6pm the next day, the 7th, he was again on duty with Warrant Officer Coetzee and Warrant Officer Fouche.

Major Snyman mentioned that Mr Biko had acted violently earlier in the day and had attacked him and other members, and that it had taken a short time before they could calm him.

"I noticed a swelling on his upper lip and accepted that it was a result of the trouble earlier in the day," Lieutenant Wilken said.

Mr Biko woke up about 7.30pm and Lieutenant Wilken talked to him.

"I offered him food but he refused it. I said to him that he might as well come out with the truth because he was wasting everybody's time," Lieutenant Wilken said in his statement.

"He answered me by saying that I must give him 15 minutes

"About fifteen minutes afterwards Major Fischer arrived at the office and spoke to the detainee. He spoke (Mr Biko) disjointedly and his tongue slurred. Major Fischer 'phoned Colonel Goosen.

"Colonel Goosen arrived about 9.30pm at the offices. He spoke to the detainee and wanted him to drink some of the milk. I brought the carton of milk to the lips of the detainee, who was sitting at this stage.

"When I poured the milk into his mouth, he spat it out with a blowing noise. Colonel Goosen ordered that he be allowed to sleep some more."

On Sunday, September 11, at 9.15am he, Captain Siebert, accompanied by Detective-Sergeant Nieuwoudt, fetched Mr Biko at the prison. Mr Biko walked with assistance.

They took him to police cells at Walmer and left him in his cell.

On the same day, about 5pm he was called to the Walmer police cell, where he, Captain Siebert, W/O Fouche and Detective-Sergeant Nieuwoudt departed with Mr Biko at 6.20pm to Pretoria. He signed the incident book at the police station.

On Monday, September 9, about 9am they arrived at the prison where Mr Biko was handed over to the prison authorities.

In his second statement which

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tion. Photograph No. 7 from a photograph album was shown to him where an external mark above the left eye was pointd out. He was informed that Major-General Kleinhaus was investigating to determine how Mr Biko received this injury and that a criminal case might result from the investigation.

"It was put to me," Lieutenant Wilken said, "that it is possible that Mr Biko received this injury while he was under my control during his period of detention.

"I had already at the request of Colonel Goosen, on September 17, made a statement in connection with the Biko matter without allegations having been made and without any warnings being directed at me.

"I stand by that previous statement. Now that the photo of Biko's face was shown to me with the mark above his left eye, I now remember that when I arrived on duty on the evening of September 6, just after 6.00pm, and while Mr Biko was lying on his back with his face to the ceiling, I saw a darkening of the skin, similar to a birthmark, dark brown, above his left eye and more or less on the same position as that on the photo.

"I placed no value on it. It did not look like an injury to me. Biko made no complaints to me.

In a further statement signed by Lieutenant Wilken on October 18, and which extended his statement of September 17, Lieutenant Wilken said he pointed out certain landmarks to Detective-Sergeant Hamlet.

They included the place behind the Sanlam building where he on September 8, about 8.30pm transported the deceased from the building to the Port Elizabeth prison.

Mr Von Lieres then asked

Mr Kentridge: When you tc over from Major Snyman did keep you informed of the progr of the interrogation?

Lieutenant Wilken: I w aware they had made a certa breakthrough.

Mr Kentridge: Did he say ho they were getting on with Biko

Lieutenant Wilken: I can think that he mentioned an progress but he looked satisfied

Mr Kentridge: When you tool over on September 6 were yoı there to continue the inter rogation?

Lieutenant Wilken: No.

Mr Kentridge: We have been told Mr Biko was chained hand and foot to the iron grille.

Lieutenant Wilken: Yes, he was fastened to the grille but not to the window.

Mr Kentridge: Does it not seem strange that a lieutenant and two warrant officers should be detailed to stand watch over a man chained hand and foot?

Lieutenant Wilken: Yes, probably under normal circumstances. That was the colonel's instruction.

Mr Kentridge: You have not said why it needed three men of comparatively high rank to look after a man chained hand and foot.

Lieutenant Wilken: I don't know whether I can comment. That was my order.

Mr Kentridge: You can't explain that order?

Lieutenant Wilken: I can't question my orders.

Mr Kentridge: During the earlier part of the evening you said to Biko he must come out with the truth.

Lieutenant Wilken: If you refer to Wednesday the 7th, then it is correct.

Mr Kentridge: The truth about what?

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Professor Gordon: . . . He let water in and sat on the bath.

Colonel Goosen: I sought the reasons for his actions. He could have hurt his head on (inaudible) 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 Goosen: I am seeking the reason. It is a deduction I made.

statement dated September 15 Mr Fitchett made the following points: On September 9, while watching over Biko, he gave him a mug of puzamandla which he drank; Mr Biko then asked for water and drank two full mugs; he then said he wanted to kiss Mr Fitchett because Mr Fitchett had given him mageu and water.

Mr Fitchett also said that Biko stated he wanted to exercise, got out of bed and walked around his cell for about 20 minutes. He

He was attached, he said, to the security branch at Port Elizabeth and on Tuesday, September 6, he was at 1800 hours on duty together with warrant officers Coetzee and Fouche 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.

and then he would make a statement. I sincerely believed that he would do it and left him there.

"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 slurred tongue. I did not know what was happening and 'phoned Major Fischer, my section head, and informed him that Mr Biko was to have made a statement earlier in the evening but was now speaking with a slurred tongue.

he read to the court, made on October 20, Lieutenant Wilken said he had that day been informed by Major-General Kleinhaus that he was investigating the circumstances which led to the death of Mr Biko.

He was also informed that during the course of a post-mortem it had been established that Mr Biko had died as a result of an injury that had caused brain damage.

He was informed that this injury had occurred while in deten-

Lieutenant Wilken whether he had cross-examined Mr Biko at any stage, to which Lieutenant Wilken replied: "No, not at any stage."

Mr Von Lieres: Was he assaulted 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, to which Lieutenant Wilken replied: "Not at that stage."

Lieutenant Wilken: It is a general thing (practice) 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

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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 Kentridge: Did you want him to tell the truth about the Unity movement?

Lieutenant Wilken: I did not refer to any specific institution.

Mr Kentridge: Why did you say he was wasting everybody's time?

Lieutenant Wilken said if Mr Biko told the truth they would have taken him back to his cell.

Mr Kentridge: That is not much of an answer, in what way was he wasting everybody's time?

Lieutenant Wilken: I accept that he had not come out with the truth. It was more a remark than a question.

Mr Kentridge: So you can't say why he was wasting people's time?

Lieutenant Wilken: . . . (inaudible).

Mr Kentridge: Major Snyman agreed with me that you were on the night interrogating team with your two assistants.

Lieutenant Wilken: That is not so.

Mr Kentridge: When I cross-examined Major Snyman he had said "correct" when I said 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 Kentridge: How can he make a mistake like that?

Lieutenant Wilken: People make mistakes under pressure.

Mr Kentridge: 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): There are many statements, and I don't know which one to answer.

Pretty pleased

Mr Kentridge: What did he mean when he said give me 15 minutes?

Lieutenant Wilken: Biko said give me 15 minutes.

Mr Kentridge: You must have been pretty pleased that he was prepared to give you a statement.

Lieutenant Wilken: I was surprised and pleased.

Mr Kentridge: That was very good for a non-interrogator.

Lieutenant Wilken: Yes.

Mr Kentridge: Did you then get a sheet of paper and a pen?

Lieutenant Wilken: . . . manner and you called Major Fischer?

Lieutenant Wilken: Yes.

Mr Kentridge: And Major Fischer was worried enough to call Colonel Goosen?

Lieutenant Wilken: Yes.

Mr Kentridge: When Colonel Goosen arrived, did he express any view on what may be the matter?

Lieutenant Wilken: I can't remember specifically. He gave me instructions to give him milk.

Mr Kentridge: Did Colonel Goosen not volunteer what was wrong with the man?

Lieutenant Wilken: He just confirmed what the major said – that the doctor had seen him.

Mr Kentridge then questioned Lieutenant Wilken on the mark on Mr Biko's left eye. Lieutenant Wilken said he first saw the mark when he sat next to Mr Biko on the chair.

Lieutenant Wilken said he sat beside Mr Biko in the dark. The light had been turned off because it was still early evening.

He and the other two men spent the evening in the general office of the security branch. He had no particular objective while sitting next to Mr Biko, who was apparently asleep.

Mr Kentridge: You just sat there on the chair watching him sleep?

Lieutenant Wilken: (Inaudible).

Mr Kentridge: Were you not sitting there on the chair, like a night sister, to ask him a few questions?

Lieutenant Wilken: I don't like the remark, your honour, about the night sister, but I did not ask him any questions.

Newspapers

Lieutenant Wilken said he merely sat on the chair to pass a few minutes. He could not say how long he sat there because he did not look at his watch.

Mr Kentridge pointed out there were many ways of passing the time. Besides, he had two companions, and what about newspapers?

Lieutenant Wilken confirmed that there were newspapers. He explained that he had sat there a few times during the course of the night and on one occasion had actually sat in the dark, silly as this may sound.

Mr Kentridge: 'Silly' is your word, lieutenant.

Lieutenant Wilken explained that the light in the next-door office was on and it was not all that dark.

Mr Kentridge: What were you really doing that evening? . . . would have first got a verbal story.

Mr Kentridge: Did you go back after 15 minutes?

Lieutenant Wilken: Yes, he was asleep.

Mr Kentridge: Why did you not wake him up?

Lieutenant Wilken: It was . . . (inaudible) not my instruction to wake him up.

Mr Kentridge: 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 Kentridge: Were you not told he was an important detainee?

Lieutenant Wilken: Because of his position I was aware that he was important.

Mr Kentridge: 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 Kentridge: 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 Kentridge: Were you not eager enough to find out by waking him?

Lieutenant Wilken: My instructions were to leave him to sleep.

Mr Kentridge: But you were not sure he was asleep?

Lieutenant Wilken: I am not going to lift his eyelids. Your Honour, 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 Kentridge: Then about an hour later he woke up?

Lieutenant Wilken: Right.

Mr Kentridge: Where were you?

Lieutenant Wilken explained that there were three offices. Nobody was in the middle office and he was in the further office about five metres away.

Mr Kentridge: And when he woke up he spoke in a slurred know what you are insinuating, but nothing happened.

Mr Kentridge told him that he was only one of a number of officers who had admitted seeing any sort of mark on the left side of Mr Biko's forehead. The lieutenant confirmed this.

He explained that it was not a mark that had a scab on it, but was more like a birthmark.

Lieutenant Wilken confirmed that when he was interviewed by Major-General Kleinhaus it was the first time that he was officially informed that Mr Biko had died of brain damage, but he confirmed that he had read about it in speculative articles in the newspapers.

He had discussed the matter often with colleagues, but had not told them about the mark because he had never attributed any importance to it.

He confirmed that after Major-General Kleinhaus's visit they had discussed the photographs showing the mark, but he could not remember mentioning it to any specific person.

Unaware

Mr Kentridge: Did you not ask them whether they had seen it?

Lieutenant Wilken said the major-general had seen them individually and he was unaware of what the others said. He had seen Mr Biko once before September 6 but only for a second or two.

Mr Kentridge: Am I right that it was at 1.45 in the morning?

Lieutenant Wilken: No, it was when I went with the magistrate to see Biko.

Mr Kentridge: Then you did not see the mark?

Lieutenant Wilken: I did not even look at him properly.

The magistrate then adjourned the proceedings for the day and announced that he had decided, in consultation with the counsels involved in the inquest, that the three documents handed in before lunch would not be made available for publication because they had been accepted on the clear understanding that they were only to serve as proof that the documents existed, and not as proof of the content matter of the documents. It would be wrong to publish the content matter in the press.

The inquest will continue next week.

RDM 19/11/77

Post-mortem is held on detainee

(325) Detention

Staff Reporter

A POST-MORTEM was carried out on Mr Bonaventura Sipho Malaza, 18, who died in detention in Krugersdorp this week.

Mr Malaza, who allegedly hanged himself in a Krugersdorp police cell, was the 45th person held under security legislation to have died in detention.

The post-mortem was held at the Government Mortuary in Johannesburg. Dr A Jaffe, a consultant pathologist, represented the Malaza family.

Mrs Gertrude Malaza, Sipho's mother, said the police told her on Thursday he had hanged himself in his cell.

The police came to her house on Tuesday this week, but found no-one 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 Willam 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 youth was a student at the Mosupatsela High School in Kagiso.

The principal of the school, Mr Rudolph Mthimkulu 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 in the June examinations and I have no doubt that he would have passed his Junior Certificate with a distinction," Mr Mthimkulu 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 along."

After a few days he took clothes to Krugersdorp jail.

They were taken, but later that month he was told that Sipho was not at Krugersdorp jail.

Several months later he again took clothes to the Krugersdorp prison.

They were also accepted. That was the last time the 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 Zeerust. 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 Rand Daily Mail's inquiries to the Security Police, but Brigadier C F Zietsman, Chief of the Security Police, was not available for comment last night.

S 19
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T 17

BIKO 'WANTED TO KISS ME'

(325-det.)
NM
12/11/77

PRETORIA – A prison warder 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 warder, 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 (wankelrig) 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 Fort 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

TURN TO PAGE 2

19/11/77

THE BIKO INQUEST

BIKO'S GRATITUDE

■ FROM PAGE 1

what type of car he drove and he said a Passat. Apart from that Biko did not want to talk to me," Mr. Fitchet said.

In a separate affidavit Mr. Fitchet said he had been standing at the wash basin in the cell when Mr. Biko got out of the bed to do his exercises. Mr. Biko walked around the cell and he walked to the door and stood there until Mr. Biko returned to his bed.

Handcuffs

In a statement to the investigating officer, Major-General Kleinhaus, Mr. Fitchet said 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 on Mr. Biko, apart from handcuff marks on both wrists. Neither had he seen a mark on Mr. Biko as that indicated on a photograph shown to him.

Replying to a question by Mr. E. Wentzel (for the Biko family) Mr. Fitchet said his command of the English language was poor.

Asked whether Mr. Biko had not spoken of his car as a White Peugeot and his people living in King William's Town, Mr. Fitchet said he was certain Mr. Biko said his car was a Passat and 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 Offices 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 skin similar to a birthmark, dark brown and in more or less the same position as shown in the photograph.

"I attached no importance to it. It did not look to me like an injury. Biko made no complaints to me.

Lieut. Wilken 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 Snyman had told him Mr. Biko had acted violently earlier that day.

"I offered him food, which he refused. I said to 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."

Lieut. Wilken said Mr. Biko woke again at about 9 .m. and his speech was slrred. He called his superior, 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 he be left to sleep.

Questioned by Mr. Kentridge about his affidavits, Lieut. 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, 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. Kentridge: "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 just the night nurse, but were you 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. Kentridge said Lieut. Wilken was the only one of the officers concerned who 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 interrogation.

"I did not refer to any specific information. Interrogation was not my primary task," he said.

Asked why Major Snyman had said Lieut. Wilken was one 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. Kentridge: 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. Kentridge: 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: It might seem logical to this gentleman, but at that stage it was not so logical to me.

Mr. Kentridge: Was it not strange that a man says "come back in 15 minutes" and you find him fast asleep?"

Lieut Wilken: He took me 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 leftside of the forehead the Security Police concerned had spoken about it a lot.

He had not told his colleagues he had seen the 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 magistrate to see him at Walmer Police cells on September 2.

He did not know why a lieutenant and two warrant officers had been needed to guard overnight a man chained hand and foot. It was not for him to question the orders of his superiors.

The instructions however had not been to interrogate Mr. Biko but to leave him to rest.

The hearing continues on Monday with medical evidence.

Further cross-examination of Col. Goosen and Lieut, Wilken will follow. — (Sapa.)

Officer tells of night guard on Biko

CAPE TIMES 19/4/77

325 - Detention

Full report pages 4, 6, 9, 11

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."

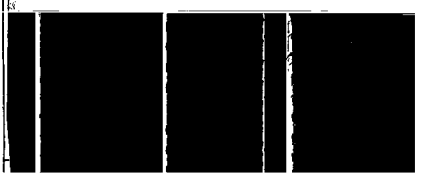
In reply to a question by Mr K von Lieres, leading evidence, Lieutenant Wilken said Mr Biko was never assaulted while under his care.

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) returned 15 minutes later to find Mr Biko asleep.

Mr Kentridge: "You must have been pretty pleased that he was prepared to give you a statement . . . that was pretty good going for a non-interrogator."

Lieutenant Wilken said he was surprised and pleased but let Mr Biko carry on sleeping because "it wasn't my primary task to interrogate him".



27)

ts plans for intimidating the Convention and on
60,000 armed sans-culottes and members of the
submitted, twenty-nine Girondin deputies and
had unseated their rivals.
1st C.P.S. (May-July 1793). The expulsion of the
gs and by mid-June sixty departments were in
revolts stemmed from the impatience of many
dependence and social reforms.
the Convention took two steps. First, to gain
mic concessions were made, such as the outright
icious owners, of all surviving seigneurial
dues. In this way feudalism was finally abolished on 17 July 1793.

Secondly, to convince the department 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 far more democratic than that of 1791. It set up universal franchise for men, proclaimed the right of nations to be masters of their own destiny; declared that the aim of society was the common welfare and happiness of the people; affirmed the right to work, to state assistance, to education, to economic freedom, to property and to the right to rebel. But, the constitution was essentially a political manœuvre. After approval by referendum it was shelved and ignored.

The Federalist risings finally subsided as it was badly led and poorly supported. Through its association with emigrés, additionally, the movement for foreign invasion discouraged moderate royalists from supporting the Girondins.

Meanwhile, on 10 October, the composition of the C.P.S. changed. Seven of its members, including Danton, resigned. The change occurred because the C.P.S. failed to reverse the series of defeats which continued under Dumouriez' direction. Armies had been forced back. The Austrians had invaded France. There was a possibility of the Prussians overrunning Alsace and Lorraine. Spain was preparing to invade. Three fighting fronts ends up the Pyrenees. And within the country itself, the Vendean rebels continued to sap the strength of the Republic.

b) The Terror. On 10 October 1793 the National Convention declared that until the end of hostilities the government of France would be 'revolutionary' - that is, abnormal. The Girondins' administrative failures had revealed the impossibility of directing a war successfully by means of a debating society of 750 members. Under Jacobin rule, which now 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 relegated to hearing committee reports and approving committee decisions.

The two most important committees were the C.P.S. and Committee of General Security, in which executive power resided in theory. The more important of the two, the C.P.S. was the Grand Comité during July and August 1793 and was to rule dictatorially for a year. It was a 'Cabinet without a Premier'; there was no chairman. Its twelve members were individually responsible for different departments (such as army, navy, internal administration and foreign affairs) and did not form a politically harmonious group. There were moderates (Carnot), 'leftists' (Robespierre), 'extremists' (Collaud-d'Herbois), and those who stood variously in the centre and on the right-wing. Robespierre became the C.P.S.'s acclaimed leader. The Committee of General Security - composed of twelve members - controlled the political police. The members of both committees were elected monthly by the Convention.

Grave dangers faced France. Repeated defeats had exposed the country. The revolutionaries believed that they could defeat the dangers at home, and eventually drive off the enemy, only by terrorizing their opponents. Thus the war produced the terror. A revolution which until 1792 had seen only split blood, was now to make violence and murder a method of government. A popular revolutionary government, Robespierre insisted, must have both virtue and terror. Between October 1793 and July 1794 the Terror assumed three forms: economic, religious and political.

The economic Terror was intended to eliminate food monopolists and currency manipulators and to secure essential supplies at a reasonable cost. It was also hoped that the conflicting interests of peasants and urban consumers could be lessened. In Paris bread rationing was introduced in December 1793. Maximum prices were fixed in May 1794. The sale of white bread was forbidden. Food shortages, however, continued. The Food Commission, created in October 1793, failed to control prices effectively.

The religious Terror was largely the work of a few fanatics who were anxious to promote dechristianization. The Convention was persuaded to introduce a new republican calendar which fixed 22 September as its beginning and named months after weather or crops; a ten-day week was introduced. Many local authorities closed churches throughout the country and a new 'cult of Reason' was established in Paris, where the Commune was

(325) detention

Move to counter claims that Biko inquest stifled

SP chiefs will give evidence

Pretoria Bureau

The Commissioner of Police, General Gert Prinsloo, has agreed to make two high-ranking security police officers available to give evidence at the Biko inquest.







Witnesses who have been called to give evidence since the inquest began on Monday (from left) Captain D P Siebert, Major Harold Snyman, Major Richard Hansen, Colonel P J Gooset and Lieutenant W Wilken.

...e said this is to counteract any possible allegations that the inquest into the death of black consciousness leader Mr Steven Biko, who died in custody on September 12, was being stifled.

The officers, Brigadier C F Zietsman, Chief of the Security Police, and a Brigadier Coetzee, will give limited evidence only, the hearing before Pretoria's Chief Magistrate Mr M J Prins, in the Old Synagogue, was told yesterday.

IN PRIVATE

Counsel appearing for the Biko family, Mr Sydney Kentridge SC, can have private consultations with the pair, Mr P R van Rooyen, SC (for the police) said.

On Thursday Mr Kentridge applied to the magistrate that a dossier of documents concerning statements made by the Minister of Police, Mr Kruger, after Mr Biko's death be admitted as evidence.

An aim of the application was to test the credibility of a witness, Colonel P J Goosen, head of the Security Police in the Eastern Cape.

It is said Colonel Goosen reported to the officers after Mr Biko died. Mr Kentridge said on Thursday that there were substantial differences between what Colonel Goosen told the court and what Mr Kruger made public about the death. Mr Kruger, he said, received his information via the police chain of command.

CREDIBILITY

After the magistrate ruled yesterday that statements by the Minister were irrelevant to the purposes of the court, Mr van Rooyen said he had spoken to General Prinsloo about Mr Kentridge's application.

It was agreed the two officers should be made available.

The officers would be chiefly available for private consultation. In addition the pair could be called as witnesses for the "limited purpose" of testing Colonel Goosen's credibility.

Mr Kentridge said: "I appreciate the offer as far as it goes and we'll certainly consider whether we'll take it up."

He said a full "public consultation" in the witness box would be worth more than a private one, however.

A Port Elizabeth prison warder, Mr J Fitchet, who watched over Mr Biko for an hour at lunch time on September 9, told the court that Mr Biko drank copious quantities of liquid, spoke normally, walked normally if slowly, and made no complaints of having been assaulted.

EXERCISED

Mr Fitchet said he gave Mr Biko a beaker of "pauzamandla" (a health drink), which he drank.

Thereafter, Mr Biko had asked for and drank two large beakers of water — after which he asked if he could kiss Mr Fitchet for having given him the drinks.

Mr Biko then said he wanted to exercise, and walked round the cell unaided for 20 minutes.

Asked why he had been arrested, Mr Biko allegedly said it was "for having driven his car." He had said his family lived in Fort Beaufort, and that he owned a Passat car.

Mr Ernest Wentzel (for the Biko family) pointed out that he had been arrested in a Peugeot car, and that his family lived at King William's Town. Mr Fitchet persisted that he had been told the former.

He said Mr Biko had spoken in English, without slurring.

He added in a later affidavit that he had seen no injuries on Mr Biko, apart from handcuff marks on both wrists.

Lieutenant Winston Wilken, head of the three-man squad said to have guarded Mr Biko during his nights at Security Police Headquarters in Port Elizabeth, said that on September 6, the detainee was aggressive.

He would not take food or water and did not want to use the toilet, Lieutenant Wilken said.

The following day Major Harold Snyman told him Mr Biko had attacked the interrogation team and it took some time to bring him under control.

Major Snyman also mentioned that the detainee did not want to eat or drink.

That night he noticed a swelling on Mr Biko's upper lip.

At 7.30 pm Mr Biko woke up. He still refused food. "I told him he should come out with the truth because he was wasting everyone's time.

"He answered that I should give him 15 minutes and then he would make a statement." He noticed later that Mr Biko was asleep and left him.

At 9 pm Mr Biko woke and talked with a slur. Major M J Fischer was summoned and when he arrived the detainee talked incoherently. Colonel Goosen arrived and wanted Mr Biko to drink some milk.

Lieutenant Wilken poured milk into his mouth, but Mr Biko spat it out.

In a statement made to Major-General Kleinhaus, appointed to investigate the death, the lieutenant said: "Now that the photograph of Biko's face has been shown to me with a mark above the left eye, it occurs to me that when I came on duty at 6 am on September 6, and while Biko was lying on his back with his face towards the ceiling, I noticed a darkening of the skin, similar to a birthmark, dark brown in the position indicated on the photo.

"I did not attach any value to it. It did not look like an injury."

Cross examined by Mr Kentridge, Lieutenant Wilken said he sat with Mr Biko in the office twice and watched him sleep — "laughable as it may sound."

Mr Kentridge: You used the word laughable, not me.

On the second occasion Mr Kentridge said, Lieutenant Wilken watched Mr Biko while the lights were out.

Lieutenant Wilken: It was not completely dark.

Mr Kentridge: Come take the court into your confidence and say what happened.

Lieutenant Wilken: I don't know what you are insinuating. Nothing happened.

The lieutenant said his chief purpose of watching Mr Biko sleep was to pass time.

Asked whether he discussed the mark he had seen on Mr Biko's forehead with his colleagues he said: "No, I attached no importance to it."

BIRTHMARK

Lieutenant Wilken said he could not remember if he had said to his colleagues that the only mark he saw on Mr Biko's forehead looked like a birthmark.

He had only seen Mr Biko fleetingly before September 6. Asked if he had seen the mark on the man's forehead on the earlier occasion he said he had not even looked in Mr Biko's direction.



Nothing could dampen the interest

Pretoria Bureau

The poor acoustics of Pretoria's Old Synagogue did little to dampen the keen attention displayed in the proceedings of the Biko inquest by a capacity audience all week.

Pouring out of the hall at tea breaks to demonstrate for the foreign TV cameras many blacks found their seats taken by others on their return and as the week progressed the demonstrations became briefer and the rush back into the courtroom more determined.

Appreciative whistles and laughter greeted some of the more telling cuts and thrusts between counsel for the Biko family, headed by Mr Sydney Kentridge, and witnesses and counsel for other parties involved, notably Mr P R van Rooyen, representing the police.

Hours of detailed, painstaking cross-examination were broken by moments of drama, like when it looked at one stage as though the Minister of Police, Mr Kruger, might be called to testify in person, and when the wrangle over the admissibility of two handwritten documents said to have been shown to Mr Biko were admitted as evidence, while their contents were not admitted.

There was little humour in the hearing, but when it came, it was a welcome break.

Like the slip of the policeman's tongue, when after strenuously denying that the night squad was to interrogate Mr Biko, he agreed that it was an "interrogation team" which opened up a whole new line of cross-examination by the family's legal team.



MR KENTRIDGE



MR VAN ROOYEN

Rapport 20/11/77 (325) Detensie

DIE AGT DAE —EN 'N ANDER

DIE laaste agt dae van die lewe van Bantu Steve Biko. Iewers in die tyd, dag of nag, lê die sleutel tot sy dood en die verklaring van hoe, waar en deur wie se toedoen hy die breinbesering opgedoen het wat volgens mediese verslae vandeesweek voor die ondersoekhof op 12 September gelei het tot sy dood wat om die wêreld heen weergalm het.

Vir die doel van die ondersoek na sy dood wat nou in Pretoria gevoer word, is dit nie ter sake wat vir 'n man Biko werklik was nie, onderstreep landdros M. J. Prins. Dit gaan net daarom om vas te stel hoe hy dood is en of iemand daarvoor verantwoordelik gehou moet word.

Maar in die gemoedere van die publiek, swart en wit, binnelands, buitelands, vind 'n ander verhoor tog ook plaas of die gereg dit so wil of nie.

Kol. Pieter Goosen, bevelvoerende offisier van die Veiligheidspolisie in Port Elizabeth waar Biko tot twee dae voor sy dood aangehou is, gee is getuienis die versekering dat hy allesbehalwe die man vir vrede is soos hy graag aan die wêreld voorgehou is. Uit getuienis van „sy maatjies" (soos adv. Retief van Rooyen, vir die polisie, sê: was dit vir hom duidelik dat hy ontmasker is as „niks beters as 'n terroris".

Daar is aangevoer dat hy betrokke was by 'n groot poging om in hierdie dae alle swart verset saam te snoer met die verbode ANC en PAC en 'n organisasie op die been te bring wat binnelands en buitelands toegespits sou wees op onrus en bloedige verandering in Suid-Afrika.

Dat hy moes sterf voordat hy voor 'n ope hof „ontmasker" kan word, as vir die polisie 'n „verskriklike slag", getuig kol. Goosen.

Adv. Kentridge (vir die Biko-familie): Wanneer sal die beswaddering van Steve Biko ophou? Moet dit wat hulle nie in sy lewe kon regkry nie, nou na sy dood voortgaan?

Dis sulke tale en kaalkop aantygings wat adv. Retief van Rooyen op die been bring om heftig te protesteer teen „hierdie vendetta teen die Veiligheidspolisie" en pogings om hulle in die oë van die wêreld af te kraak.

Volgens getuienisse vandeesweek in die Ou Sinagoge verloop die laaste week van Biko se lewe so:



Die Veiligheidspolisie besluit hulle het genoeg getuienis o.m. uit ondervraging van Patrick Titi en Peter Jones om met ondervraging van Biko self te begin. Die middag besoek kol. Goosen en maj. Harold Snyman hom in die sel waar hy sedert sy arrestasie om veiligheidsredes kaal aangehou word. Hulle sê hy moet die nag maar goed rus, môre word die ondervraging hervat.

Terwyl hulle in die sel is, sien hulle ongeëte halwe

die besering wat hom sy lewe gekos het, in die nag van 6 op 7 September opgedoen.

Luit. Wilken is 'n lang jong man wat selfs onder adv. Kentridge se skerpste sarkastiese spervuur van kruisverhoor kalm bly en soms selfs asof speels-moedeloos glimlag.

Biko is in opdrag van kol. Goosen o.m. om veiligheidsredes en vrees dat „linkse elemente" agter die Walmerpolisiekantoor om met die aangehoudene in aanraking kan kom, nie na die selle teruggeneem nie. Hy word in kamer 619 bewaak.

Biko lê kaal onder komberse op twee slaapmatte, met boeie aan sy hande en sy voete met kettings aan die tralies vas . . . Luit. Wilken vertel hoe hy langs hom op 'n stoel gesit het — „om die tyd om te kry" — en dat hy by dié geleentheid iets opgelet het wat geen ander van die getuies voor die hof in enige stadium raakgesien het nie: 'n kneusplek, „amper soos 'n geboortevlek" bokant Biko se linkeroog.

Dit val weer op dat die aangehoudene niks geniet nie — die vleispasteitjie en melk wat gedurende die ondervraging van die dag vir hom gekoop is, staan onaangeraak op die staalkabinet in die hoek. Hy was ook nooit toilet toe nie.



Biko se dag begin om 7 vm. Hy word losgemaak en kry sy klere, word 'n stoel aangebied, en dis die derde ronde met die Veiligheidspolisie.

Wat presies in kamer 619 gebeur gedurende die eerste twintig minute ná 7 daardie oggend is vandeesweek nie ten volle in die hof vasgestel nie.

Deur Rykie van Reenen

Die polisie getuig dat hulle kajuitraad gehou het en besluit het om 'n taktiek van aggressiewer konfrontasie te volg. Getuienis klop nie presies oor presies wanneer en presies wat in die handskrifte van Titi en Jones aan Biko gewys is nie. Dit kon nie.

soos maj. Snyman eers getuig het, beëdigde verklarings van die twee manne gewees het nie, want dié, blyk dit, is eers ná Biko se dood opgestel. Maar dit is, voer adv. Van Rooyen later aan, aantekeninge wat hulle in eie handskrifte gemaak het ter voorbereiding vir 'n uiteindelik samevattende verklaring.

Volgens regsreëls mag die inhoud van die stukke nie as getuienis aanvaar word nie, want die skrywers, aangehou ingevolge artikel 6 van die Wet op Terrorisme, kan nie geroep word om in die hof daaroor te getuig nie. Getuienis word bloot gelei dat die stukke op 6 September bestaan het.

En volgens getuienis is die uitwerking van die handskrifte op Biko geweldig.

Hy gil: „You are hassling me, you are intimidating me!"

Hy vlieg op, gooi sy stoel na maj. Snyman, storm met gebalde vuiste op kapt. Sieberts af wat met sy arm teen die staalkabinet geleun staan. Die derde man, Beneke, spring by, twee polisie-amptenare uit die aangrensende vertrek kom aangehardloop.



Tienuur die oggend word Biko na die kamer 619 op die sede verdieping van die Sanlamgebou gebring. Hy het vir die eerste keer sedert sy arrestasie weer klere aan: die bruin ferweelbroek en strepieshemp wat hy aangehad het toe hy gevang is. Hy mag ongeboei op 'n stoel sit, en die sessie begin o.l.v. maj. Harold Snyman.

Dit gaan veral o.m. om die outeurskap van 'n opruiende pamflet wat brand en doodslag predik en in die Baai versprei is. Biko bly bot en stuurs, maar ná agt uur, gee hy toe: „O.K. man, I formulated the pamphlet." Daarby word dit vir dié dag gelaat.

Om ses-uur kom die nagspan onder luit. Winston Eric Wilken aan diens.

Wanneer luit. Wilken vandeesweek oor hierdie nagwaak in die Ou Singagoge getuig, is daar gespanne aandag. Adv. Kentridge het gesê hy gaan aanvoer Biko het

Rapport 20/11/77 (325) detention

VAN BIKO VERHOOR

Maj. Snyman gee met lyfbeweging en gebaar 'n beskrywing van die woeste geveg in kamer 619, met Biko, sê hy, „berserk", en soos 'n wilde dier van woede. Dit kos vyf sterk man om hom teen die muur vas te pen tot teen die grond te dwing waar hulle hom weer hand en voet boei. Daar is 'n sug van bewondering van die swart hofgehoor.

Adv. Kentridge wys daarop dat geeneen van die 28 verklarings voor die ondersoek melding maak dat Biko in die gestoei sy kop gestamp het nie. Maar maj. Snyman maak die volgende dag in Bakenstraat se polisie-voorvalleboek so 'n aantekening. Hy en kapt. Siebert sê albei hulle „lei af" dit het gebeur.

Teen 7.30 die oggend wanneer kol. Goosen op kantoor kom, word hy ingewag met die nuus van Biko se uitbarsting. Hy besoek hom dadelik, maar kry net 'n omsamehangende gemompel as antwoord. Die kolonel kry met aansienlike moeite die assisten-distrikgeneesheer, dr. Lang, in die hande wat om 9.30 vir Biko ondersoek. Buiten 'n gekneusde bolip kan hy niks aan hom verkeerd kry nie, en hy reik 'n sertifikaat uit.

"This is to certify that I have examined Steve Biko as a result of a request from col. Goosen of the security police who complained that the abovementioned would not speak. I have found no evidence of any abnormality or pathology in the detainee."

Adv. Kentridge: You grabbed this certificate with both hands?

Kol. Goosen: Dit klink sarkasme is hier op die spel, edelagbare.

Kol. Goosen sê hy het aan dr. Lang die moontlikheid van beroerte genoem aangesien so 'n verskriklike woedebui soos Biko gehad het, dit volgens sy ervaring kan meebring. As dr. Lang ook hiervan geen blyk vind nie, versterk dit by kol. Goosen die oortuiging dat Biko veins en hom as siek voordoen ten einde ondervraging vry te spring. Ná nog 'n paar vrugtelose pogings om met die aangehoudene te „kommuni-

keer", word hy daar gelaat.

SEPT. 8

Die oggend is daar klaarblyklik fout. Die man praat nog sleeptong en sy komberse is deurnat van die urine. Hy reageer hoegenaamd nie op vrae nie. Die kolonel glo in dié stadium nog vas dat hy veins, aangesien twee doktersondersoeke geen sigbare fout gevind het nie, maar hy ontbied weer die dokter. Saam met dr. Lang kom dié keer ook die hoofdistriksgeneesheer, dr. Tucker. Hulle kry nie fout nie, maar beveel aan dat hy vir waarneming na die Noordeinde-gevangenishospitaal gestuur word . . .

Hy loop nog self, hoewel „ondersteun", na die voertuig wat hom soontoe neem.

Die vrees dat hy sal ontsnap of ontset word, is sterk by die polisie. Kol. Goosen gee opdrag dat net blankes oor hom mag toesig hou.

By die gevangenishospitaal word hy ondersoek deur 'n spesialis, dr. Hersch. Kol. Goosen getuig geeneen van die drie geneeshere het fout by Biko gevind nie . . . hoewel daar sekere ongerymdheid met rooi bloedselle is wanneer 'n lumbale punktuur die volgende dag op Hersch se voorstel gedoen word.

SEPT. 9

Daardie nag 8 op 9 September, word Biko twee maal — een keer drie-uur, een keer 6.15 — in vreemde omstandighede in die hospitaal se

ny kan bew. Fichten soen, het hy gesê.

Hierdie getuienis word deur adv. Kentridge gesien as duidelike bewys dat daar van 'n hongerstaking nie sprake was nie. Tussen hom, die landdros en kol. Goosen is 'n taamlik lang leksikologiese bespreking oor wanneer „'n hongerstaking" nie 'n „hungerstrike" is nie.

Adv. Kentridge stel die vraag hoekom Biko se familie nie, soos die regulasies is, verwittig is dat hy siek was nie.

Op 'n vorige dergelike vraag oor regulasies sê kol. Goosen dat hy nie stip volgens statuut werk nie. Heelwat word aan sy diskresie oorgelaat.

Die hofgangers fluit opgewonde as adv. Kentridge sê: Die Veiligheidspolisie werk nie onder statute nie? Dit is wat ons nog altyd geglo het!

SEPT. 11

Aangesien waarneming by die gevangenishospitaal niks oplewer nie, word Biko teen die middag teruggestuur na die Walmer-selle. Kort daarna kry sers. Paul Janse van Vuuren hom skuins oor die selvloer op die grond lê, sy oë glasig, effens skuim om sy mond.

Teen 3-uur die middag besluit die distriksgeneeshere dat hy vir meer gesofistikeerde waarneming na 'n groot hospitaal moet gaan. Port Elizabeth se eie Provinsiale Hospitaal word nie oorweeg nie, uit vrees vir 'n moontlike ontsetting.

Kol. Goosen glo nou vas dat hy veins en, soos dikwels met ander gevangenes gebeur, 'n voorwendsel soek om in 'n hospitaal uit te kom waarvandaan dit vermoedelik makliker kon wees om te ontsnap.

man op hoofkantoor word besluit om Biko na Pretoria

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20/11/77

Daardie aand, terwyl luit. Wilken van die nagspan weer by die vasgeboeide en -gekettingde Biko sit, raai hy hom aan hy moet nou maar praat, hy mors net die polisie se tyd.

„Gee my 'n kwartier," sê Biko. Die luitenant is „effens verras en verheug" oor dié wending.

Maar toe hy ná 'n rukkie weer by Biko kom, was hy oënskynlik aan die slaap — en die luitenant reken „hy het my vir die gek gehou".

Omtrent 9-uur die aand merk hy onraad. Biko is wakker, praat sleeptong en onsamehangend. Hy bel dadelik die hoof van die ander ondervragingspan, maj. M. J. Fischer, dié bel kol. Goosen, kol. Goosen bel dr. Lang (dat daar „paniek" in die Sanlamgebou was, het die kolonel vandeesweek tydens ondervraging ontken). Hy vrees weer dat dit beroerte kan wees van die woede. Dr. Lang kom maar vind weer niks verkeerd nie.

Die eerste keer sit hy, met sy broek aan, binne-in 'n oorlopende vol bad waarin die water nog altyd loop. As die bewaarder hom aanspreek, draai hy die kraan lui met sy toon toe. Die volgende keer is die bad leeg, maar hy lê daar langsaan op die papnat vloer.

As kol. Goosen hiervan hoor, beteken dit vir hom dat Biko selfmoord-gerig was.

Prof. I. Gordon (Natal), geneeskundige assessor: Selfmoord? U het nie die moontlikheid oorweeg dat hy eerder verward was nie?

Kol. Goosen het gesê nee, en herinner daaraan dat hy eers ná Biko se dood gehoor het van sprake van 'n breinbesering.

Dan stel hy die moontlikheid sterk dat Biko die beserings hierdie nag in die hospitaal kon opgedoen het. Hy is ook 'n keer op die vloer langs sy bed aangetref, sê hy.

Adv. Kentridge: Hoekom het u die moontlikheid nooit genoem dat hy sy kop kon beseer het in die gestoei in die Sanlamgebou nie (Volgens die mediese getuienis was die noodlottige besering tot vier dae voor die dood opgedoen).

Biko word dood gekry soos die patoloë die volgende dag vasstel. Aan breinbesering.

Adv. Kentridge aan kapt. Siebrits: Hoe het u gevoel toe u van Biko se dood hoor?

Kapt. Siebert: „Ek was opreg geskok."

* Môre kom die geneeshere in die getuiebank.

Plein dalk genoem na Biko

Van Ons Korrespondent

UTRECHT. — 'n Voorstel is by die Amsterdamse stadsraad ingedien om Pretoriusplein in die stad se Transvaalbuurt te herdoop tot Steve Biko-plein.

Dit is ingedien deur twee raadslede van die Partij van De Arbeid, mnre. W. Polak en A. Blokpoel.

Hulle sê ter toeligting die straatname in die vervalle buurt moet nie net herinner aan die verlede nie, maar ook die aandag vestig op die „stryd om gelykberegtiging en vryheid wat van alle tye is".

SEPT. 10

Oor Saterdag 10 September, is nie veel getuienis nie buiten dié van jong bewaarder Fichten wat vertel hoe Biko van sy bed opgestaan en vir 20 minute lank kop-vooroor vir oefening in die kamer rondgestap het. Kort ná twaalf het hy hom 'n beker puza, mandla (verwant aan magou) gegee en, toe Biko vra, ook nog twee gevangenisbekers water. Daaroor was die aangehoudende so bly, te stuur. Daar is op die Sondagmiddag geen militêre vliegtuie noorde toe nie. Hulle laai Biko nakend agterin die „gerieflike" Landrover-stasiewa van die polisie. Al wat vir die siek man op die lang tog saamgaan, is water.

Daardie nag kom dit voor asof Biko slaap, maar wanneer hulle dorpsligte kry, of stilhou om brandstof in te neem, val sy eienaardige asemhaling op — lang asemteue, vinnig uitgeblaas.

By die Pretoriase gevangenishospitaal aangekom, verwys kapt. Siebert in bevel van sy vervoer, na die asemhaling. Hy bring dit in verband met die feit dat Biko vier jaar medies gestudeer het en, so glo die polisie — hoewel sy ma, vrou of suster en broer nie daarvan weet nie — „Oosterse Joga" beoefen.

Die man het die vermoë om te veins, sê hy. Die hospitaalordonnans Pretorius sê die man lyk vir hom baie siek en hy sê hy vrees vir sy lewe.

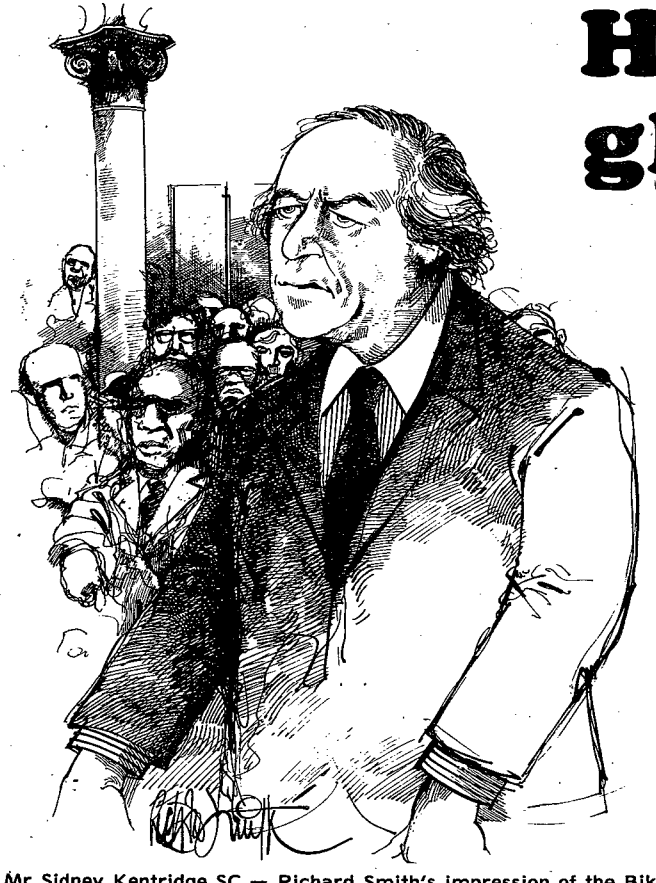
Daar het geen mediese verslag van die pasiënt na Pretoria saamgekom nie, maar kol. Goosen bel sy hoofde in Pretoria en vra dat die distriksgeneesheer Brand, wat oor Biko sal gaan, die dokters in die Baai moet bél. Eers later verneem hy dat dit nie gebeur het nie, sê hy.

SEPT. 12

(325) detention

EXPRESSCOPE WORLD'S NEWSMEN LISTEN

Humanity was ghost haunted



● Mr Sidney Kentridge SC — Richard Smith's impression of the Biko family lawyer in the Old Synagogue.

THE interrogators were interrogated by an interrogated dead man's lawyers in the most dramatic — and highly publicised — inquest in South Africa's history, in Pretoria this week. And all mankind was watching.

The ghost of Steve Biko — a name unknown to most Whites two months ago — surfaced in the Pretoria Magistrate's Court to haunt the minds of an electorate in the throes of a General Election.

His spectre drove election news off the front page of most South African newspapers.

The world outcry after Biko's death was partly responsible for the calling of a snap election — "the most important in our history", according to the Minister of Justice, Police and Prisons, Mr Kruger. But the daily revelations from Pretoria have temporarily eclipsed all election news.

What happened in those 25 mysterious days when Biko was alone in Security Police custody, and how he died, was probed in a muted clash between Biko family lawyers and the police.

Several of the highly-trained officers involved in the interrogation of Mr Biko have been engaged in duels

By CHARLES BLOOMBERG

with Mr S Kentridge SC South Africa's most brilliant cross-examiner.

They are:

● Major Harold Snyman, head of the five-man day interrogation team who say they tussled with him;

● Capt Daniel Siebert, also of the team, who took Biko to Pretoria on the eve of his death;

● Lt Winston Wilken, officer in charge of the men who guarded Biko at night. He denies interrogating Biko;

● Warrant Officer Reuben Marx, of the day interrogators.

Col Pieter Goosen, the Eastern Province Police Chief who set up the teams, compared the interrogation of detainees with the way Mr Kentridge was questioning him.

Police Advocate Mr P van Rooyen, complained of a Kentridge vendetta against the Security Police.

The packed and poached spectators' gallery was choked with 200 people nearly all Black, on Friday. Behind the visible audience was an invisible gallery of millions, as top foreign correspondents sent about 60 000 words a day around the world.

Every day the court gathers at 9 am in Pretoria's Old Synagogue, a decorative 19th century building, its facade topped with two stone replicas of the 10 Commandments from which the ancient writing has been erased.

The magistrate, Martinus Prins, sits in front of a huge maroon velvet curtain. Behind it was once the Holy Ark. He is flanked by two assessors. They face a line of lawyers ranging from the State Attorney — who compiled the inquest — to the trio of family lawyers. Beside them sit three sombrely clad Biko women, his mother, sister and sister-in-law, and a brother. They are impassive, stoical as they listen to a variety of accounts from jailers and interrogators about how Steve Biko died.

With them is Wendy Woods, wife of the banned Editor who wants to "see the Security Police and doctors who were among the last to see Steve alive".

All the world's great newspapers — Le Monde, Washington Post, guardian — TV and radio networks and agencies are represented, often by correspondents who squat on the floor for lack of Press space.

This week the magistrate turned down a petition by 45

Stars of the courtroom . . .



● Mr Shun Chetty, instructing attorney for the Biko family.

By JENNIFER HYMAN

COURT dramas all have their star performers and the Biko inquest in Pretoria's Old Synagogue is no exception.

Of the five legal teams represented — an impressive legal line-up of 20 people — the team led by Mr Sidney Kentridge, for the Biko family, has grabbed the limelight.

And the 55-year-old Mr Kentridge, veteran of many political trials, is undoubtedly the star.

With his slightly long, slightly untidy hair, his unrelenting down-turned mouth and air of preoccupation, Mr Kentridge gazes hawk-like at witnesses before delivering, in the words of one of the other counsel, his "consummate bit of artistry".

He is eloquent and incisive, rarely hesitates and never searches for words. The transcripts of daily court proceedings show an uninterrupted flow of argument that often elicits appreciative murmurs from the spectators.

He smiles seldom — and then at one of his own assistant counsel or his instructing attorney, Mr Shun Chetty.

Like many leading advocates, he has a few characteristic habits. He buttons his jacket prior to firing a round of questions and unbuttons it again when he has finished.

By observing him, one learns to guess when he is about to make a telling point. He slaps his open hand against the table edge and then rubs both hands together, in pleasant anticipation.

Mr P R van Rooyen, representing the South African Police, often smiles under his shock of white hair and thick-rimmed glasses. With the air of a schoolmaster, he has a habit of flinging back his jacket and hitching his trousers when about to make a point in argument.

He and Mr Kentridge engage in legal battle each day — with Mr Kentridge accusing police witnesses of attempting to convict Mr Biko posthumously and Mr Van Rooyen denouncing Mr Kentridge's arguments as "a vendetta against the Security Police".

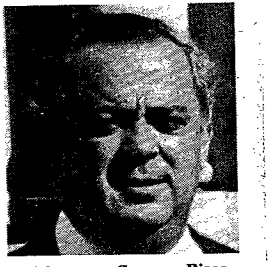
Mr Karl von Lieres, Deputy State Attorney, is much younger than the rest, yet balding, with an air of bespectacled gravity.

Apart from leading evidence from witnesses, he has not played a major role in argument, except to raise points of law and procedure.

The latest advocate to enter the proceedings is Mr B de V Pickard, who arrived in the middle of the week and is representing the doctors involved.

He spoke out for the first time on the question of the admissability of statements by the Minister of Justice, Mr J T Kruger.

He said that while the issue did not concern his clients, he was concerned that if Mr Kentridge's request to call senior police officials was granted, it would delay proceedings and he did not want his clients to be kept waiting day after day.



● Advocate George Bizos, who is assisting Mr Sidney Kentridge — both are appearing for the Biko family.

He often interjects to make points of his own and poses his own questions to witnesses.

One of his two assessors, Professor I Gordon of the University of Natal's Medical School, has taken an active part in putting questions to witnesses. But the packed courtroom, becoming even more packed as the week wore on, has difficulty in hearing him.

Behind the tables of the counsel sit two jurists from abroad who are observing the inquest, with the help of translators, for the bulk of the evidence is in Afrikaans.

Sir David Napley, immediate past president of the British Law Society, was invited by the SA Association of Law Societies to observe the inquest.

The United States Lawyers' Committee for Civil Rights has sent Mr Louis H Pollak, Dean of the Law School at the University of Pennsylvania. Mr Pollak is also representing the US Bar Association.

A number of diplomats are at the Old Synagogue each 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 Ernie Wentzel who is assisting Mr Kentridge.

The Chief Magistrate of Pretoria, Mr M J Prins, looks down, sometimes benignly sometimes slightly exasperated, at counsel when they engage in argument.

A fifth team of advocates arrived on Thursday, to appear on behalf of the Prisons Department.

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SUNDAY EXPRESS, November 20, 1977

TO THE INTERROGATION OF INTERROGATORS

watching as Biko's South African scene



● For the Blacks who massed at the court it was the story of a hero's death.

journalists for permission to buy and install a new amplification system.

Also present are foreign embassies: two US attaches attend daily in shifts "to make known the US presence". Holland, Australia, Germany, Sweden and Britain have sent observers.

Outside, shaded by jacarandas, are Africans who sometimes sing political songs during tea breaks.

When the Biko family appears the atmosphere is animated, electric.

There are armed police and a Land-Rover containing a police dog. And plainclothes police — indistinguishable from Pressmen — photograph and film all newcomers and anyone speaking to the Biko family, their lawyers, or entourage.

Wednesday's stark Vaderland poster, consisting only of BIKO in gigantic capitals, summed up the importance of this court battle which may, in some ways, be as important as the battles on the hustings.

The latter's result is a foregone conclusion, but the effects of this long-awaited inquest are unpredictable. For 20 years the Security Police have been the accusers in a series of celebrated Old Synagogue political trials — the 1956 Treason Trial, the SWA Trial, Winnie Mandela and the 21, the Dean's Trial, the 1977 ANC Trial.

Now the emphasis has shifted: as the family's case unravels itself, it is they who seem to be in the dock.

Mr Kentridge is suggesting that the Security Police "smashed" Biko and are implicated in a "cover up".

Security Police categorically deny allegations, but in the course of the Kentridge probe there has emerged the most detailed, comprehensive, and authoritative picture — from the police themselves — of how they handle political detainees.

Col Goosen, Chief of Eastern Province Security Police, said only the best men of high integrity and self-control were recruited as interrogators. Any signs of temper or aggressiveness disqualified a man. The Security Police acted properly with prisoners. They never used violence. They sometimes gave prisoners drinks

But liberals had created a climate denigratory to the Security Police.

Biko is depicted as quick tempered, volatile, given to unprovoked assaults on policemen, feigning death, suicidal, and a covert revolutionary.

He was confined for 18 days in a cell without being allowed out for exercise. Then he was shackled in leg irons for 50 hours in Room 619 Sanlam buildings; when his condition deteriorated he was driven naked in a Land-Rover 1 200 km to Pretoria, where he died the next day.

For his entire detention Biko was kept naked. The only exception was his two days in Sanlam, where he was handcuffed and clasped in a foot shackle joined by a two metre chain. He was untied only for interrogation and — after wrestling with police — a medical examination.

Mr Kentridge compared the hand-and-foot shackling of Biko to chaining an animal.

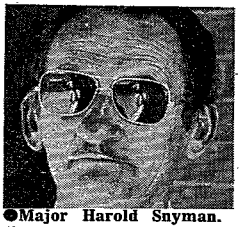
On the eve of the Sabbath, the Court adjourned and the crowd spilled into the late afternoon sun — leaving the naked 10 Commandment tablets alone to their private reflections.

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



●Major Harold Snyman.

the packed courtroom when the heavy leg-irons used to fetter Mr Biko for 48 hours, were handed in clanking, across the counsels' tables.

They did not react as low whistles of shock greeted their revelations that Mr 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, referred 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 55, 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.

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He was their hero



● Songs, shouts — and the Black Power salute outside the court as the inquest begins.

EVERY day as people stream out of court at an adjournment, barrages of television cameras and microphones surge forward to capture the faces and moods of the inquest.

And there is material to film outside too. At tea and lunch adjournments young Black supporters of Mr Biko gather to sing freedom songs and to give clench-fist salutes to cries of "Amadlla" ("Power").

The photographers have a field day, but the purpose of the demonstrations is to provide a singing "guard of honour" for the black-clad members of the Biko family as they leave the courtroom for lunch.

One of the songs changes its lyrics each day to accommodate developments at the inquest. Names of witnesses are incorporated — and abused in harmonious unison.

Part of the song goes: "Azania is ours, Steve Biko is ours, Mandela, Sisulu, Sobukwe are ours. Vorster is theirs, Kruger is theirs, Snyman, Goosen and Section 6 (of the Terrorism Act) are theirs. They should be banned."

325 - detentions

In the Forties, a white man who fought for change



John Vorster: Argued the whole night

THE MADMAN'S knifestroke that ended the life and dreams of Hendrik Verwoerd ironically also fulfilled the political destiny of Balthazar Johannes Vorster, small-town boy with big ideas for his tiny volk.

As that dreadful dagger severed the head from Afrikaner nationalism, so it grafted to it another; an equally hard head but one filled less with dreams and theory and more with the practicality of implementing the Verwoerdian vision.

While Verwoerd was the architect of the grand apartheid plan, Vorster was the fixer, the tough Justice Minister who, hammer in hand, closed the cracks to keep out the winds of change.

Then Verwoerd went and Vorster became the builder, the man who had to put the bricks and mortar in place to construct the grand apartheid citadel. When things went wrong he deviated from the blueprint. He tried detente. And dialogue. And it failed . . . but succeeded in driving into the verkrampte wilderness some of Afrikaner nationalism's most willing workers.

That's history now.

Today Prime Minister Vorster walks a tightrope between an ideology the world and most South Africans despise — and political reality his supporters will not accept because they fear it.

Vorster's brow is thunderous, his political mask granite with not a crease nor a crack, no hint of a smile. That's how the world sees him.

But what about the man behind the mask the world calls "ogre", the father and grandfather who lives and loves and has suffered the same torture of confinement in a dingy prison cell that he has been personally responsible for inflicting on countless others?

What was it that made them lock him up as a threat to South Africa's security during the war? And what are his views of detention without trial?

Political journalist John D'Oliveira provides some insight into these aspects of the Prime Minister in a book to be released later this week, **VORSTER THE MAN** (published by Ernest Stanton Pty Ltd).

THE DETAINEE WHO LIVED

By RODNEY HAXTON

ON SEPTEMBER 23, 1942, the axe fell on John Vorster.

They didn't come in the night to whisk him away to some destination unknown. They phoned the young lawyer in his Port Elizabeth office and asked him to step across the road to the police station.

He did, knowing his number was up.

In Vorster's own words: "They locked me up and they forgot about me. The cell was small, no bigger than 10 by 12 feet and I stayed there for 24 hours out of 24 . . ."

Three weeks later they took him to another police station, another cell worse than the first; they removed the black woman prisoner and locked him up again.

"Heavens alive," Mr Vorster told writer John D'Oliveira, "there it was awful. The cells were below the level of the ground and extremely murky and I stayed in that cell for 10 days. I was never out of the cell even for exercise . . ."

Then on to another cell . . . and a 42-day wait before his first cold shower and his first shave.

On his 27th birthday, 81 days after his arrest, John Vorster and his fellow detainees went on a hunger strike.

"I had sat there in the police cells for 81 days Most of the other chaps had been there for almost as long. Despite the fact that you cannot even keep

The Seventies, a black man who

20/11/77

THE DETAINEE WHO DIED

By PATRICK TAYLOR

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 detainee 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-suited 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-baize 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 hotter up there and most spectators who leant 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 Ockie 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 velvet drop. Below them — on Mr Prins's left — is the Biko family's legal team headed by Mr Kentridge while on his right sit the State advocates and attorneys led by Mr Retief van Rooyen, SC.

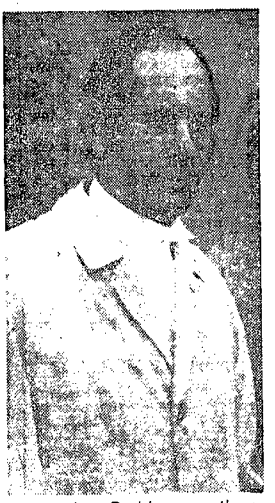
The controversy over Steve Biko's death has raged since he died in Pretoria on September 12.

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 discolouration on his temple.

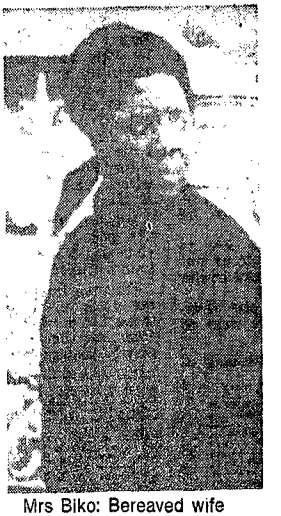
Steve Biko was a large, bearded man. He was of average height and weighed 88 kilograms at his death. Doctors described him as "slightly obese".

Last year, he was detained by the security police and held for 101 days before being released without charges against him. He was the founder of the South African Students Organisation and president of the Black Peoples Convention.

His brushes with the police have been numerous. They have raided the BPC offices in King William's Town often.



Kentridge: Probing questions



Mrs Biko: Bereaved wife



Colonel Goosen: Nice things to eat

could only be reached after unlocking four doors.

His food, according to Sergeant Paul Janse van Vuuren, his jailer, consisted of coffee, bread, soup, magewu (a high protein drink), and jam. Fresh water was, according to Sergeant Janse van Vuuren, always available to him.

Naked

During this period of isolation, Sergeant Van Vuuren visited Mr Biko daily. He said Mr Biko [illegible] towards members of the interrogation team," said Major Snyman. Meat pies and milk were offered to him, but he refused them.

At first, Mr Biko said he had been travelling to Cape Town because of marital problems. Later he had said he was going there to heal a rift in the Black People's Convention.

Major Snyman said that towards the end of the day, Mr Biko had admitted that he had helped compile the pamphlets.

Mr Kentridge asked: [illegible] working for peace [illegible]

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

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 leg irons were tied to the grille.

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 discontinue the investigation [illegible]

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 Sanlam building. Major Snyman said the handcuffs were removed to make Mr Biko feel at ease.

"He adopted an extremely aggressive attitude 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 grille. 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 inadmissable 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.

tridge, Major Snyman said there were no regulations which stated that a detainee had to be kept in leg irons.

"It is customary," the major said.

He was kept in chains "because I had to protect him."

Mr Kentridge: "You certainly succeeded. He was let out to die."

The short, tough, Colonel Goosen said in his evidence that after two doctors had examined Mr Biko on September 8 and had found nothing physically wrong with him he had been convinced that Mr Biko was "shamming" to avoid answering questions.

Hospital

The doctors suggested, however, that he be moved to the North End prison hospital for further examination. Mr Biko was again examined by doctors and Colonel Goosen said he had again been told nothing had been found to be wrong with Mr Biko.



Women spectators were prominent at the inquest on Steve Biko. Outside, before the hearing, some of them gave the black power salute.

26/11/77

In fought 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 man they saw as a troublemaker.

Quote from Mr Vorster: "People talk about the terrors of solitary confinement. I know all about it and I knew I would last the course. It's all a matter of a guilty conscience. If you do not make peace with yourself immediately then I can well visualise 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 Ossewa Brandwag, 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 organisation of even more militant Afrikaners, the Stormjaers, who, says D'Oliveira, "often operated outside the law and indulged in frequent acts of sabotage. And many membersof 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 contradictory.

"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 organisation 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, who as Verwoerd's tough Minister, of Justice ushered in legislation described by many as "draconian" — house arrest, bannings, detention without trial, without access to lawyers? Was he part of the OB plot to 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 organisation and gave the ultimatum to Nationalists to either leave the party or quit Van Rensburg's operation, John Vorster opted for the Ossewa Brandwag.

But, as D'Oliveira points out, in discussing his OB years Vorster vehemently rejects any suggestion that he was involved in violence. He says, too, he was never pro-Nazi, merely anti-British.

Says D'Oliveira: "However, Vorster certainly believed in those 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 la Grange, who quit the OB after the Malan ultimatum, remembered: "John and I argued for a whole night. The argument centred on this: John did not see how the Smuts 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, once again pleading that there should be no violence — because I took it they meant to use violence . . .

Destiny

"We simply could not find each other that night. I argued like Dr Malan, that you could only get the Smuts Government out by voting them out. Vorster argued at the time that he had no faith in democratic methods, that democratic methods would not get rid of the Smuts Government and that 'other methods' should be used . . ."

The war ended. Vorster was released from the camp at Koffiefontein, from 15 months behind barbed wire, back into politics and Parliament within 10 years — until finally destiny put him behind the Justice desk, where it would be his job to do unto others what was once done to him.

Then came the madman with the knife . . . and within days Vorster was thrust on to the centre of the South African political stage — the Prime Minister.



Biko: Naked in police cell . . .

PICTURE: CHR

After two days in the prison hospital, Mr Biko was sent back to the police cells. Later that day, September 11, Colonel Goosen said he had been called to the cell where he found Mr Biko lying on his mat with a little foam round his mouth. His breathing had been irregular.

That afternoon, a Land-Rover had been requisitioned. The seats were removed and Mr Biko was put naked in the back. He was driven through the night to Pretoria where he died soon after arriving.

"What right did you have to keep a man in chains for 48 hours?" Mr Kentridge asked the colonel.

"I have the full power to do it. Prisoners could commit suicide," Colonel Goosen said.

Later, Colonel Goosen admitted that the security police did not work under statutes.

Criticism

Mr Kentridge: "Thank you. That is what we have always suspected."

Colonel Goosen said the men selected to interrogate detainees were specially chosen. They were selected on the grounds of their personality, their ability to communicate with others and their ability to contain their tempers.

There was a lot of criti-

Happy birthday to Amy



SHE'S A little girl who has everything. But like other little girls, Amy Carter celebrated her 10th birthday yesterday with 14 of her friends at a party in the White House solarium.

As a special treat Amy and her friends saw the original film version of "Frankenstein" and the party spread wasn't a gala affair just hamburgers, vanilla cake with chocolate icing and ice cream.

Getting rid of old medicines

A CAMPAIGN called DUMP — Disposal of Unused Medicines — opened in London yesterday with health authorities and druggists asking people to hand in their old medicines and so ensure they are not taken accidentally by childen and the aged.

Previous campaigns have provided some shock results — in the Northern England town of Doncaster, enough poisons and other drugs were handed in to kill every one of the 18 000 people who live there.

was handed in to kill 5 000 people. While, at the university town of Oxford, one old woman delivered enough arsenic to kill 10 000 people.

In the three weeks of the new DUMP project, pills and potions returned to chemists will be destroyed under strict supervision.

Cheers to the Brandy Museum

Flair

MUSEUM
Penny Gordon

DOWN in Stellenbosch, there are two women whose lives have literally revolved round brandy for the past few months.

No, they are not alcoholics, they are Christine Smith and Marie Lourens, the brains and the muscle behind the new Brandy Museum that has just been opened.

The new venture is the sister of Stellenbosch's now famous Wine Museum which houses some fascinating and historic exhibits from South Africa's wine-making industry.

Christine Smith, an attactive and vivacious brunette insists that she began the task of accumulating treasure for the museum, "by accident."

She did a museum course at Stellenbosch University and was approached by Distillers group to come and help for two months on the project — that was a year ago and the job is still ongoing.

She began the formidable assignment by delving into archives, researching and reading extensively in libraries.

She combed newspapers for auction and sale advertisements and if any of the items looked interesting, she was there to bid.

"Many people heard about the Brandy Museum and offered us exhibits as gifts or loans," she said.

"But it's not just a case of accepting or buying interesting looking things. One has to research all the pieces — even things like hip flasks and find out age and origin.

"There's still so much to be done. Everything has to be catalogued and numbered and now that we have a lot of exhibits, it doesn't mean that our work is done. A museum is not a static but a living thing that must grow and change and develop," she said.

Christine is one of those rare and lucky people who are totally absorbed in their work. She says with absolute sincerity and you believe her, "It's been marvellous. I truly would have done it for no salary at all.

And inside the museum, cherishing and caring for the exhibits and showing them off to the visitors is Marie Lourens, the museum's curator.

The museum is housed in an old restored cottage. In true Stellenbosch style, it has thick white walls and highly polished yellow floors.

Magnificent cabinets house the exhibits and in addition to old equipment used for making brandy, are some old advertisements. Which, to put it mildly, lack the razzmatazz of today's commercial appeals. Like the one that formally states, "Impartial opinion is unanimously in favour of Picardie Brandy."

For several years, Marie has been working with Historic Homes, a company that restores old homes and buildings. She wanted a change and a new challenge, so jumped at the job of curator.

She says modestly, "I still have a lot to learn about the history of brandy but I'm doing my homework."

In private life she lives in a declared historic monument — 120 Dorp Street in Stellenbosch, one of the town's oldest buildings, so her life is already surrounded by history.

Her job will be to show people round the museum, tell them about the exhibits and recount some of the history of brandy in South Africa.

For those visiting Stellenbosch, the museum is open from 9 - 12 and 2 - 5 daily.

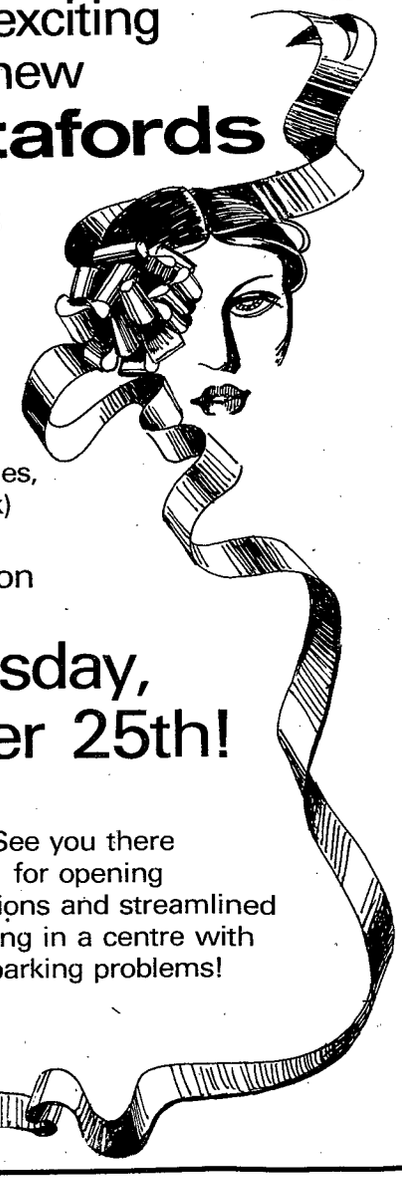


RIGHT Christine Smith has spent the past year searching out items to exhibit in the museum.

BELOW Marie Lourens spends her days showing off the museum's exhibits to visitors.



An exciting new
Stuttafords
opens in the Mall
(between Cradock and Bath Avenues, Rosebank)
on
Tuesday, October 25th!



See you there for opening celebrations and streamlined shopping in a centre with no parking problems!

nside Mail

RDM 20/10/77
(325) detentions

The end of Percy's

OB HITCHCOCK

E WORLD stopped turn- yesterday. And its editor s forced to jump off into arms of two Security ice officers.

he World was Percy P oza. Percy was The rld. They had been ether for almost seven rs.

t was Qoboza who turned ather grey, fence-sitter of newspaper into a voice lecting hard-hitting, ck opinion.

was the blacks own spaper, their only one of note.

the past couple of years, ether sitting or standing, editor who has walked a trope developed a pain- len stance.

hen speaking publicly, frequently folds his arms oss his stomach.

ikewise at his desk. metimes he is almost bent ble with pain. And on e occasions he would out his tin of white der and call for a glass water.

e is a victim of nervous ion and an acute sense of ponsibility. Result: nach ulcers.

esterday afternoon the orial staff of The World e still at their posts, in vain hope that the ional Press Union could uade the Prime Minister a last-minute reprieve ld make sense.

owbiz writer Ernest nyana was tapping out is typewriter a review of opening night of the eli Bat-Dor ballet.

eporter Nunka Mkhalipe gathering public reac- to the banning of his spaper.

ews editor and acting or Joe Latakgomo was ng with a flood of phone s from newspapers ughout South Africa and editor Latakgomo. "It's maybe good therapy that we keep working, going through the motions as it were."

In the single-story headquarters of The World, in the Croesus section of Johannesburg's Industria West, tight little groups of workers gathered to discuss quietly the death of a newspaper.

Overall feeling among them yesterday was one of disbelief. And this despite the angry frown of authority which had hung over their newspaper for some weeks.

The World as the world knows it today — a newspaper frequently quoted by such greats as The Times, of London, and The Washington Post — may be said to be only as old as Percy Qoboza's appointment as editor.

But, in fact, it has a heritage reaching back to the early 1930s when the outspoken weekly, The Bantu World, was first published.

In the late 1930s it had an editor named Selope "Sjambok" Thema, a bit of a firebrand who refused to call a spade a shovel and set the pace for outspokenness which Percy Qoboza was to successfully take up some 40 years later.

In the years between, The World had three editors — M T Moerane, Bonniface Legwete and Dr J Nhlapo, all academically inclined.

In the 1950s and 1960s The World was out-punched by its hard-hitting and hard-campaigning rival, Golden City Post.

The coming of the "Gentle Whirlwind", as Percy Qoboza has been called, was to change all that.

Qoboza was brought up a devout Catholic and remains one.

After a primary education the Brothers of Charity. He was an average student, contemporaries recall. He was a keen sports spectator but played only tennis — and that indifferently.

He matriculated in the early 1950s, became a clerk in Johannesburg and regarded his hobby as studying the political scene.

When he joined The World as a cub reporter in 1962 he was involved with the Progressive Party, sharing at that time that party's dream of a truly multi-racial South African society, with racially shared power.

He belonged to the Catholic Youths' Movement and visited overseas countries under the auspices of the movement in the late 1960s.

Professionally he went through the whole gamut of reporting experiences, including courts, council meetings, crime and sociological investigations.

Percy Qoboza is a man of the townships, more specifically a Sowetan.

As an editor he created from a mass of words a newspaper with a popular touch that had a beginning, a middle and an end.

Qoboza's "World" was cheeky, yet responsible in its accuracy; solemn in its political stance, yet full of fun and spiced with a long line of leggy township beauties.

It loved showbiz, as it called the world of theatre and music, and was a wow on sport, sometimes reporting exactly what the Pirates' goalkeeper said to himself as the Swallows' centre forward booted a sizzler through the net.

Under Qoboza's guidance Qoboza's, Aggrey Klaaste, who also was detained yesterday, ran the now banned Weekend World with a circulation of more than 200 000.

Both papers, editorially, took a strong stance against official injustice but were not shy in coming forward to condemn the wild, violent behaviour of black rioters bent on destruction.

THE detention yesterday of The World editor Percy Qoboza and Weekend World news editor Aggrey Klaaste makes a total of five "World" journalists in custody.

Joe Thloloe has been detained without trial for 233 days today; Willie Bokala, 126 days today; Moffat Zungu, 66 days today.

The World joined other South African newspapers in condemning wanton international terrorism, applauding the action of the West German anti-terror group against hijackers.

In 1975, Percy Qoboza was awarded a Nieman Fellowship which took him to Harvard University for 10 months, studying newspaper techniques and the American political scene.

Says new editor Joe Latakgomo: "I don't think that trip changed his personality or his ideas. He continued to believe in what he was doing — and that what he was doing was in the best interests of South Africa."

Qoboza continued to believe The World had a bright future. His enthusiasm was catching, senior staff of the newspaper will tell you.

"We are very proud to be a part of it," remarks Joe Latakgomo.

But not all blacks associated themselves with The World and its stand.

One of the most attacked newspaper editors in South Africa, Qoboza has come under fire not only from the Government but from militant elements within the black community.

The leadership of the black consciousness movement has often stated its objection to The World as an institution operating within a white establishment, the Argus Company.

In other words, his black critics see Percy Qoboza as a moderate.

In 1973 Qoboza was shot in the stomach by an unknown gunman while attending his 10th wedding anniversary at his Soweto home.

Earlier this year unknown attackers bombed his home, fortunately with little damage and no casualties.

The World's current spate of troubles started last August when the Minister of Justice, Mr J T Kruger, warned he would close the newspaper if it didn't change its attitude towards rioting Soweto schoolchildren.

This official threat was followed by reaction from coloured and Indian leaders and the all-white South African Society of Journalists warning the Government to keep its hands off the Press.

A couple of weeks later the Prime Minister, Mr Vorster, launched a stinging attack against The World, accusing it of demanding black majority rule in South Africa.

To cries of "ban them" from the 3 000-strong audience in the Durban City Hall, Mr Vorster quoted from a leading article in The World.

Earlier this month Mr Kruger lodged an urgent complaint with the SA Press Council against a leading article in The World.

In his letter to the registrar of the Press Council, Mr Kruger said that as Minister of Justice and Police he regarded the article in such a serious light that he was applying for the ordinary rules of procedure of the Press Council to be set aside so that the Council could reach finality on the matter "as speedily as possible".

The Minister's complaint concerned an editorial relating to Mr Kruger's handling of events following the death in detention of Steve Biko.

Mr Kruger complained of "unfair and malicious comment".

On Tuesday this week The World apologised for two points made in its editorial.

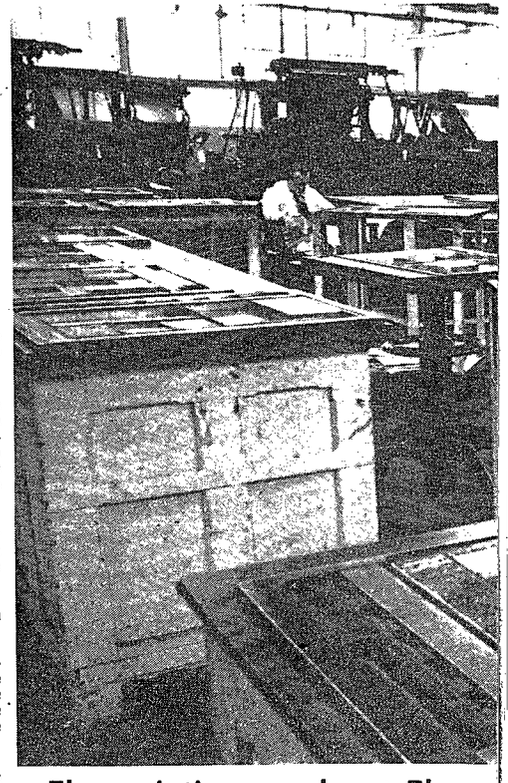
Yesterday, in the offices of the newspaper that has been killed, two humorously philosophical slogans on the wall behind the news editor's desk seemed to take on a sad touch of irony.

"It's no good putting your foot down if you haven't got a leg to stand on," declares one of them.

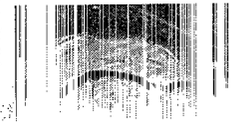
And the other: "I'm an authority on what I think."

Joe Latakgomo looks pensive as he tells me something which will be echoed in the hearts of large numbers of black and white fans of The World.

"We were campaigning for a just society. Nothing more. Nothing less."



The printing works at The World . . . empty and silent



RDM 20/10/77 (325) Deaths

Naude left the laager

Repeated attacks

...e sub-editor Magg...
...erson was poring over
...make-up of the front
...

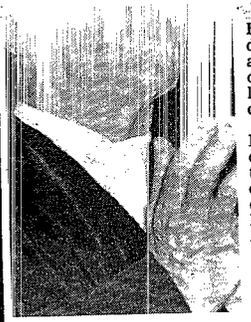
...he shock of it has stun-
...us," explains news

...as a high school stu...
...the celebrated Pax College,
...some 30 km from Pieters-
...burg.

His teachers were Belgians and Hollanders, of

...146 000, making it the South African daily newspaper with the second highest readership.

A longtime friend of



DR BEYERS MAUDE

...ied Christian Institute, Dr C... F Beyers Naude, 62, described by some as a saint and a prophet, hated by others for leaving the laager, was silenced yesterday.

Banned in terms of the Internal Security Act this deeply religious man who attends the Parkhurst Nederduitse Gereformeerde Kerk every Sunday may now no longer be quoted in South Africa.

Conscience led this dominee of the NGK with a Masters degree from Stellenbosch University and honorary doctorates from the Free University of Amsterdam and the Witwatersrand University to leave the Broederbond — for which some fellow Afrikaners have never forgiven him.

Shocked at the Sharpeville shootings, several Afrikaans Church ministers attended the 1960 World Council of Churches' Cottesloe consultation at which it was decided no Christian could be debarred from any Church on the grounds of race or colour. Another momentous resolution was that every person had the right to own land where he was domiciled and to par-

the country. This was considered part of the dignity of all men.

From this grew the Christian Institute, with Dr Naude as one of its founders and its director. Although he was Moderator of the Southern Transvaal Synod of the NGK, Dr Naude lost his ministerial status in the NGK because he accepted directorship of the Christian Institute.

Women wept when he gave his last sermon at the Aasvoelkop NGK in Northcliff in 1963. Years later people present remembered his sermon and his compelling charisma which stemmed from his deep faith and his adherence to the gospel.

Then followed death threats, anonymous letters, abusive phone calls, Security Police raids, withdrawal of his passport and those of other CI workers and then the Schlebusch Commission to "inquire into certain organisations" — among them the CI.

The International Com-

...Dr Naude's trial which followed his refusal to testify before the Schlebush Commission because he objected to its secrecy and the fact that it was not a judicial commission.

Instead of paying the R50 fine when he was finally found guilty, Dr Naude submitted himself for imprisonment on principle as a sign of his protest. After one night in jail, during which he read the books of Amos and Isaiah, the dominee of the church Dr Naude attends, Dr Jan van Rooyen, paid the R50 fine and he was released.

With a Russian nuclear physicist, Dr Naude shared the Reinhold Nieburh award for his "steadfast and self-sacrificing services in SA for justice and peace." Before his passport was removed he addressed numerous meetings and conferences overseas. Once, after his passport had been withdraw, Sir Robert Birley read an address by him to the Royal Institute of International Affairs in London.

In London, Dr Naude met Sir Alex Douglas-Home,

...Secretary. The doctorate was conferred on him by the Free University of Amsterdam for his showing through the CI how "justice and compassion could be realised in race relations".

Yesterday the Reverend Robert Robertson, a Presbyterian minister who was chairman of the national council of the CI until it was banned yesterday, said:

"Beyers has been seen as a beacon of light in South Africa by churches all over the world. If his gifts and insights had been used, he personally could have a great deal to reconcile the forces which are now moving apart. He was always willing to work with people, black, white, and even members of the Afrikaans churches.

Professor Colin Gardner, head of the Department of English at the University of Natal in Maritzburg and a member of CI's council before the organisation was banned said:

"To say that men like Beyers are anarchists — as Mr Kruger has done — is mad."

SEVEN ... organisations banned under the Internal Security Act yesterday were part of the black consciousness movement. The one exception was the Christian Institute.

The banning of the black consciousness organisations comes after repeated attacks on black consciousness by the Minister of Justice, Mr J T Kruger.

Among the accusations made by Mr Kruger were:

- That there was no difference between Black Power and black consciousness and that both were racist movements seeking to polarise blacks against whites.
- That black consciousness organisations had been infiltrated by the illegal African National Congress.
- That he had documentary proof that some militants within the black consciousness movement were planning to launch a "people's war" to liberate blacks.



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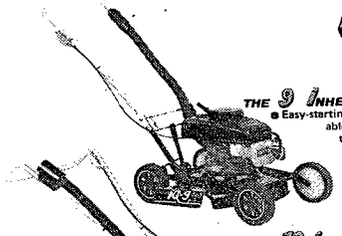

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Wolf-Honda IQ-17

THE 17 INHERENT QUALITY FEATURES
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CAPE TIMES 21/11/77

Biko counsel meets security police heads

328 Defence

Own Correspondent

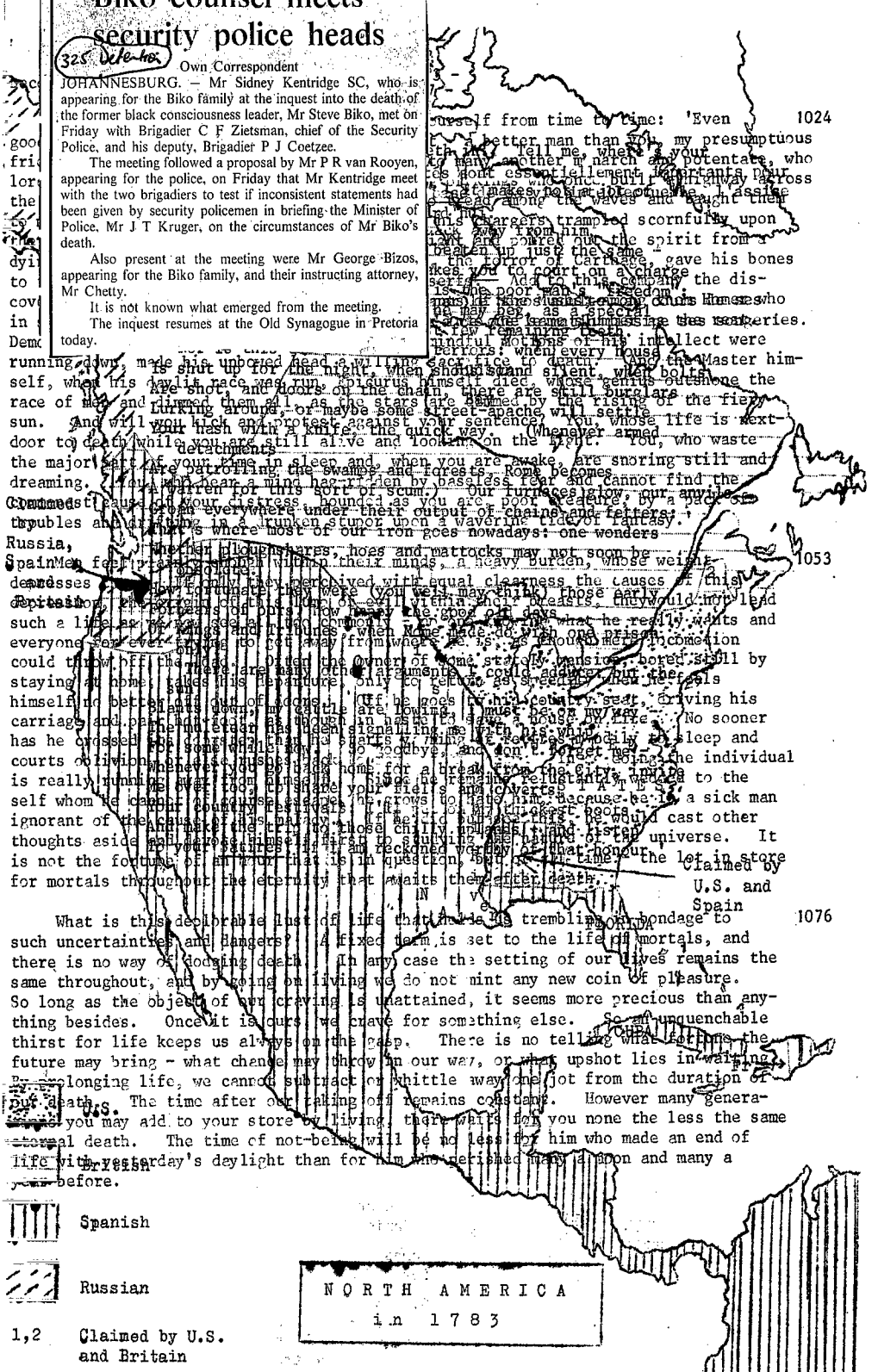
JOHANNESBURG. — Mr Sidney Kentridge SC, who is appearing for the Biko family at the inquest into the death of the former black consciousness leader, Mr Steve Biko, met on Friday with Brigadier C F Zietsman, chief of the Security Police, and his deputy, Brigadier P J Coetzee.

The meeting followed a proposal by Mr P R van Rooyen, appearing for the police, on Friday that Mr Kentridge meet with the two brigadiers to test if inconsistent statements had been given by security policemen in briefing the Minister of Police, Mr J T Kruger, on the circumstances of Mr Biko's death.

Also present at the meeting were Mr George Bizos, appearing for the Biko family, and their instructing attorney, Mr Chetty.

It is not known what emerged from the meeting.

The inquest resumes at the Old Synagogue in Pretoria today.



CAPE TIMES
Press 21/11/77

Council rules in favour of Woods

325 - delete

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

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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 pahmphlet 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 or that he had had a connection with it.

The suggeston 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 Nasionale Koerante, 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, examples of which the minister would show to the press.

The report complained of appeared two days later, after Mr Kruger had shown the 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 hesitated (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 that the respondent (the Burger) must have realized that the reading public would have so 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 Macinttosh as members. — Sapa

● Permission to quote Mr Woods, a banned person, was granted by the Minister of Justice.

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+ (325-Detention)

STEVE BIKO INQUEST



Old Synagogue, Pretoria

continued from page 6

Professor Loubser 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.

Unconsciousness

Drawing on the authority of Sir Charles Symond, Mr Kentridge 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 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: 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.

Professor Loubser 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 the case, this wound must have been suffered before the night of September 8? – If my maths serves me well, yes.

Professor Loubser 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 asked Professor Loubser if it could be due to a fall.

Professor Loubser: Yes.

Mr Kentridge: What about a blow from a blunt object such as a rubber truncheon?

Professor Loubser said he would have difficulty in explaining the size of the wound.

The scab 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.

Professor Loubser 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. Professor Loubser agreed.

Mr Kentridge then asked how someone could fall in this way and not involve the nose in the impact.

Professor Loubser 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 a fall 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 Loubser said this might be difficult.

Mr Kentridge: 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? – Yes.

This kind of injury could be caused by 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.

Mr Kentridge then discussed the lip injury noticed on Mr Biko.

Professor Loubser 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 lip were more 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 probably caused by a jab with a sharp object, for example a finger or a stick.

Professor Loubser 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 Loubser said he believed they were caused by handcuffs and manacles.

He said he had found a wound on Mr Biko's left big toe 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 Loubser said he believed it was a mechanical cause, a bump or pressure at that point.

Mr Kentridge then turned to the cause of contrecoup head injuries. It was common cause 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 Kentridge pointed out that many head injuries suffered by boxers were of the contracoup type.

Professor Loubser agreed that this type of injury was statistically the most important injury suffered by anyone who received a blow to the head in the boxing situation.

It was agreed that the rate of motion of the head was of vital significance. The important point was that the motion of the head was arrested suddenly this could result in a contracoup brain injury without any visible external sign of the scalp.

Professor Loubser said this was possible in the abstract. "I have never experienced this in practice."

First time

Mr Kentridge: With all respect, you may have in this case. There is always a first time.

Discussing Mr Biko's head injury, Professor Loubser said it was possible that if the head was in motion in a forward direction and was arrested by a blow, the injury could have have taken place.

Mr Kentridge: If he was pushed against the wall by the scruff of his neck? – That is possible.

Professor Loubser then drew the attention of the court to a children's programme 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 very hard against the wall of a house. It could have been somethin[illegible]" Professor Loubser [illegible]

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325 - det

Continued from page 8

Professor Simson said from reading he expected to find some indication of an impact either on the scalp skull or associated area in which a lesion occurred. He believed lesion number four was contusional and that it was probably related to lesion number one.

Questioned about lesion number five, Professor Simson said he believed it could not be a coup lesion since the surface area of the scalp and skull showed minimal change. He believed lesion number five was ischaemic — that is secondary.

Mr Von Lieres asked what his attitude was to the five lesions in connection with whether one or more than one application of force was involved.

He said he believed there was evidence here of only one application of force of the contracoup type involving contracoup lesions in the cerebral hemispheres.

One of the medical assessors Professor I Gordon questioned Professor Simson about his contention that a coup injury should involve external signs of impact on the skull, scalp or associated areas.

Professor Simson said he did not accept that an injury sufficient to cause the lesions apparent on Mr Biko's brain could have occurred without some external evidence.

Summing up Professor Simson's evidence Mr Von Lieres said that lesions number one, two and four were seen as contracoup while lesions number three and five were ischaemic.

Improper

Mr Kentridge, SC, appearing for the Biko family, said Professor Simson had changed his mind on relatively minor issues associated with Mr Biko's post-mortem since October 20 when the report was submitted. He asked whether there was anything professionally improper in this.

Professor Simson said he could not see anything improper at all and agreed that there could have been nothing improper in Professor Proctor's view, established more firmly since October 20, that more than one impact over the head was involved.

Mr Kentridge said Professor Simson was fundamentally a general pathologist, whereas in the field of neuropathology Professor Proctor was the leading expert in the country and man of international standing. Professor Simson agreed with this.

Questioned on his evidence that coup lesions were not satisfactorily accounted for without external evidence, Professor Simson quoted from a paper in which he reported an experiment conducted with rhesus monkeys.

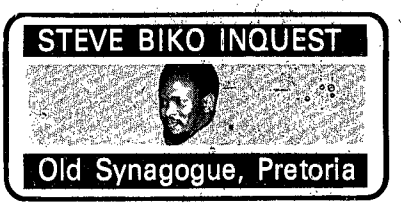
Mr Kentridge said no one was suggesting that it was common to have coup injuries without external signs but asked whether, if one could have sufficient force to fracture a skull without external signs being displayed, it would be possible to indent the brain without external injuries being apparent.

Rare

Professor Simson said he believed this was dealing in probabilities. In relation to lesion number two, that it was rare to find occipital contracoup lesions in the brain.

Mr Kentridge said one of the aspects of Professor Simson's evidence was his view that 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. Professor Simson agreed that there may have been more than one application of force to the left forehead and that it was possible that lesions one and two might be contracoup to two frontal blows.

Mr Kentridge said evidence had been that the angle for lesion number two would be such that it was more likely that a separate blow not in the same position as that which caused lesion one, was responsible for lesion number two.



Professor Simson agreed, but added that the impact in a contracoup lesion fanned out and that both lesions could still be the result of one blow.

Professor Simson said he believed that lesions number 1 and two were separate, and were not in continuity with each other, but that they were not necessarily caused by two blows.

He agreed with Mr Kentridge that his evidence basically was that lesions one, two and four were probably all contracoup 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.

Professor Simson said when the post-mortem report was signed saying that death was due to head injury, the decision to leave it in singular was to avoid controversy at that stage on whether only one or more blows were involved. This decision was however not discussed in detail.

Surprised

Professor Simson said he agreed with Professor Proctor's view that generally he would be very surprised to find a head injury of this type which did not cause unconsciousness.

Mr Van Rooyen, SC, appearing for the police, questioned Professor Simson on his views about different types of brain injuries resulting in unconsciousness or concussion.

Professor Simson 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 strong possibility that Mr Biko's head had 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.

Professor Simson 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.

No word

One of the assessors, Professor Gordon, said this was one aspect which worried him. In the evidence about Mr Biko's banging his head against a wall, there had been no word on loss of consciousness immediately thereafter. Even when he had been subdued and manacled there still remained activity on his part.

Professor Simson said it was impossible to be dogmatic, but that he would find it surprising if Mr Biko sustained his brain lesions without loss of consciousness thereafter.

Mr Kentridge pointed out that Major Snyman had said in evidence that if Mr Biko had hit any part of his head at all, it was the "agterkant". Not one of the police witnesses had said that Mr Biko had injured his forehead during a scuffle where it was likely that he had suffered this injury.

Mr Pickard, representing three Port Elizabeth doctors who attended Mr Biko, questioned Professor Simson on Mr Biko's renal lesion which was caused by disseminated intravascular coagulation, and said coagulation in the kidneys had occurred three to five days before death.

Mr Pickard said the period of aneuria from September 7 to 8, might have been the onset of renal failure.

Professor Simson said he believed if the renal lesion had been treated very early after the head injury was sustained, it would probably have been reversible.

He said the brain injury on its own need not have caused death but agreed with Professor Proctor that hypothetically the onset of rapid oedema (brain swelling) could have caused death.

Professor Simson said the brain injury was complicated by metabolic factors, the acute renal failure, and believed that death might have been obviated at this stage, had Mr Biko been treated for his renal lesion.

Dangerous

He agreed that it was highly dangerous for Mr Biko to have drunk six beakers of fluid on September 9, at a time when 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 Prins on the stage at which Mr Biko must have passed the point of no return, Professor Simson 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.

Fair amount

Asked by Professor Olivier whether it was possible to give an indication of the amount of force necessary to cause the head injury, Professor Simson said he thought it would have needed a fair amount of localized force.

Mr Prins, then began to question Professor Simson on the degree of consciousness that he believed would have followed the head injury.

Professor 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.

It would not be possible to make contact with a person in this state.

Professor Simson said he believed that after a head injury of the type sustained by Mr Biko there would have been a significant change in the level of consciousness.

The magistrate then asked Mr R van Rooyen, for the police, to argue further on whether Brigadiers C Zietsman and Coetzee of Security Police headquarters should be called to give evidence.

Mr Van Rooyen said that in wishing to call the brigadiers, Mr Kentridge wanted to iron out discrepancies between statements before the court by Colonel Goosen and subsequent alleged statements by Mr J T Kruger, the Minister of Police.

Mr Kentridge was not contending that there had been a recent fabrication or discrepancy in Colonel Goosen's evidence arising from the statement of the two brigadiers.

Hearsay

There was no evidence of fabrication or contradiction between Colonel Goosen's affidavits and his evidence before the court. The discrepancy had arisen from hearsay statements allegedly made by the minister. This was inadmissable, Mr Van Rooyen said.

The magistrate said 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 Colonel Goosen.

"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."

Discretion

The discussion then turned to whether affidavits by Dr Reuben Plotkin, specialist neurosurgeon, and Dr R K Tucker, who advised counsel for the Biko family, should be admitted as evidence.

The magistrate, Mr Prins, said he had read the affidavits and had to decide whether to call the doctors to give evidence.

Mr Van Rooyen objected to the submission of the affidavits as evidence. He said it was in the discretion of the magistrate to turn down evidence on the grounds of relevance. He had read Dr Plotkin's affidavit and said the relevance of it was "practically nil".

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 it could lead to a deluge of affidavits from each side trying to prove its point and turn the inquest into a magnum opus for nothing.

Mr B Pickard, for the doctors, also opposed the submission of Dr Plotkin's and Dr Tucker's affidavits. He said that in order to examine further medical witnesses properly it might be necessary to call for an adjournment so that he could be briefed adequately on the matter.

Continued on page 12

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Counsel argue on affidavits

Continued from page 9

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 he did not accept what was in the statement and would have to ask for a postponement to get experts' opinion if it were admitted.

He said that there had been enough expert evidence in the case for the magistrate and the assessor to reach a conclusion.

Mr Heath, for the Department of Prisons, supported the arguments of Mr Van Rooyen and Mr Pickard.

Mr K von Lieres, leading evidence, supported the three advocates in their objection. 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.

'Big spiel'

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 the court's function.

The implications of admitting this evidence were that many more expert witnesses could be called to prove either case.

Mr Kentridge then rose to argue for the admissibility of the affidavits.

Mr Kentridge 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 regarded the evidence of the pathologists sufficient to enable it to come to its conclusion in terms of the Inquest Act, or whether the expert opinion 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 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 always whether the material could assist 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 without calling the witnesses to give evidence, or he could admit affidavits and call the witnesses for examination.

The magistrate, Mr M J Prins, said he would rule on the matter

(325) Detention

Continued from page 6

to hospital in order that a specialist could examine him.

Mr Kentridge: At this stage did you think he was shamming?

Dr Lang: I couldn't understand why he had passed urine in the bed. My only conclusion was that he couldn't get up. I asked him and he couldn't give me a satisfactory answer.

Mr Kentridge: He didn't give a good account of himself in that regard?

Dr Lang: No, not in that regard.

Mr Kentridge then turned to the question of the weakness in Mr Biko's limbs. Under examination by Dr Tucker, Biko had complained that he couldn't use his left upper limb.

Dr Lang said Dr Tucker examined Mr Biko when he complained that he could not use his left upper limb, but when Dr Tucker asked him to walk he found he had full power in his left arm.

Mr Kentridge: We had better leave Dr Tucker to tell us of that. Do you still think of the possibility of his having a head injury?

Dr Lang: It was at the back of my mind.

Mr Kentridge: It might have been at the back of your mind but it was not in the forefront of your affidavit.

Asked what was done when Mr Biko complained of a pain in his head, Dr Lang said he had been very vague about this.

When Dr Hersch was called in to see Mr Biko, Colonel Goosen filled him in on the detainee's background and said he was in detention in East London last year and behaved in a similar manner, not speaking and "drawing a curtain down before his eyes," Dr Lang said.

Mr Kentridge said Colonel Goosen had told the court it was as though Biko brought a veil down between himself and his interrogators, and asked Dr Lang if there had been nothing to suggest that Mr Biko behaved as though he had had a stroke.

Mr Kentridge said Colonel Goosen had put Dr Lang under the impression that during Mr Biko's last period of detention he had manifested the same symptoms as conveyed during September.

If this was false, would he not have been seriously misleading the medical practitioners? Dr Lang agreed.

Mr Kentridge said all that Colonel Goosen had been prepared to tell the court was that in his previous detention Mr Biko had drawn down a veil.

Dr Lang agreed that had he not been given the information about Mr Biko's previous behaviour in detention, his approach to his diagnosis might have been different and it might not have led to the conclusion that Mr Biko was shamming.

Referring to an affidavit by Dr Hersch on September 16, Mr Kentridge asked who gave him information on Mr Biko's previous detention. Dr Lang said Colonel Goosen briefed him.

Mr Kentridge: He dropped a rather heavy hint that this may may be shamming . . . and when Dr Hersch started his examination he had his face firmly turned in a particular direction.

Dr Lang: Yes.

Brain lesion

Dr Lang said on September 8 Dr Hersch found Mr Biko suffering from echolalia, a condition in which a patient repeats a word or part of a sentence addressed to him. He also displayed an extensor plantar reflex which was an indication of a lesion in the brain.

He said the extensor plantar reflex was displayed when the outer surface of the patient's foot was scraped with a semi-blunt instrument and the toes extended instead of curling under.

Mr Kentridge: I would imagine to sham a position of an extensor plantar reflex is virtually impossible.

Dr Lang: This is so.

Mr Kentridge said at that stage the doctors faced the worry that there was something wrong in the brain and carried out a lumbar puncture. The results of this indicated a significant number of red blood cells, which was a sign of something wrong in the brain.

Dr Lang said this would have been so if the number of blood cells were not a "bloody tap". This is blood drawn from a blood vessel, not from the spinal fluid. He said a neuro-surgeon, was consulted on September 10.

Asked whether he was convinced at this stage that Mr Biko was shamming, Dr Lang said: "The whole picture presented such a bizarre appearance, I did not know what to think . . ."

Dr Lang said it was Dr Keely's opinion that all that was necessary was observation of Mr Biko to see if there was any change in his condition. He said he wanted to send Mr Biko back to the Walmer police cells from the Sydenham Prison, since there were no trained staff at the prison.

No option

Dr Lang: The security police would not allow us to transfer him to a hospital. We had no option but to go along with them.

Mr Prins asked whether Dr Lang's decision on a transfer was based on the efficiency of the prison staff, on his own home's proximity to the Walmer police station, or on the dictates of the security police.

Dr Lang: If he had been any other prisoner we would have sent him to the provincial hospital.

Mr Kentridge: Of course you would.

Dr Lang said by September 9 he believed Mr Biko's condition was improving.

Mr Kentridge said he found difficulty with this assumption, and Dr Lang said he had been told that Mr Biko was found in a bath that morning, albeit with his clothes on, and he was told he had attempted suicide.

After asking how he felt, Dr Lang said he assumed Mr Biko was not confused.

He agreed that the doctors would still have sent him to a provincial hospital in Port Elizabeth for proper observation and treatment which was obtainable at any general hospital.

Dr Lang: We were told he was not to go there under any circumstances because he was a security risk. . . . We were restricted in a sense that we could not say where we wanted someone put.

He said this had happened only in Mr Biko's case since he was one of the few detainees on whom Dr Lang worked. Dr Lang said Colonel Goosen was asked to send Mr Biko to the Livingston Hospital, but the colonel refused.

"I suggested a private hospital," but this was also ruled out although Mr Biko needed it, he said.

Asked whether he had not pointed out that Mr Biko could be kept under continuous police guard, Dr Lang said Dr Tucker would have to be asked this question. He agreed, however, that prisoners in hospital were kept under strict police guard.

Mr Kentridge said Dr Keely had made out an affidavit which did not strictly support what Dr Lang said. Dr Keely said Mr Biko's cerebral spinal fluid was faintly blood-stained, but the doctors had not been particularly perturbed about their patient's condition.

Dr Lang said he had told the court exactly what Dr Keely said to him.

Mr Kentridge: You said an ordinary prisoner would have been sent to a provincial hospital.

Dr Lang: I was not a neuro-surgeon. I had to make the best of the situation.

Mr Kentridge: If Dr Keely said close observation was necessary, he meant in a hospital . . . You told him, "sorry, no good, the security police want to keep him in a police cell and we have got to do the best we can."

Dr Lang: 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.

Undesirable

Mr Kentridge: The security police are regarded as a law unto themselves.

Dr Lang: We are district surgeons. We are not with the security branch.

Mr Kentridge: You cannot buck the security branch. It would be undesirable to do so. You have not been in court for the past few days, have you?

Dr Lang: No.

Mr Kentridge: From the time you saw Mr Biko on September 8 till he left Port Elizabeth for Pretoria, he was not under close observation except in the security sense.

Dr Lang: Yes.

The hearing continues today.

21/11/77

Biko evidence disturbing—paper

D.D. 21/6/77

(325) dd

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 20th 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.

be offered in the second half of the year, viz.

International Economics
Welfare and Distribution
Monetary Economics
Labour Economics

out of the four options. Those intending to proceed

he Monetary option.

be required during the year. For d.p. purposes

the 5 essays (and attend 75% of the tutorial class).

Assessment			
	June Test	15%	(7.30 pm Jameson Hall) (2/6/76)
	Essays	5%	
	End of Year Exam	80%	

There may be a test in September, in which case this will also count as 15%, and the end of year exam 65%.

Lecturers responsible for various sub-courses are :

Macro	B. Kantor
Micro	D. Rees
Labour	J. Maroe
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).

* * * * * * *

STAR 22/11/77

Pretoria Bureau

325 - Defence

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 ailing Mr 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.

"It worried me that there was nothing I could do about it. The move also worried Dr Tucker (Port Elizabeth's chief district surgeon)," he said.

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 later. But when he heard he was to be taken by 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 Kentridge SC, 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 Walmer police cells.

Mr Kentridge: How did e react to this bit of ood news?

Dr Lang: He just said, es sir.

At that time, Dr Lang lso told him about the octors' findings about his ealth.

Mr Kentridge said there were affidavits from two 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 Kentridge 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 P J Goosen, head of the Security Police in the Eastern Cape, or Dr Tucker the following morning. Both he and Dr Tucker were absolutely shocked.

Mr Kentridge: Did you

Biko doctor

22/11/77

▶▶ From page 1

feel you must have missed something?

Dr Lang: It was quite obvious we had missed something.

The witness felt something had failed to show up, something which the doctors had not been able to establish.

He recalled having a discussion at the prison after Mr Biko's death with Col Goosen and the prison officer concerning hyperventilation.

The doctor said he was asked a very vague question as to whether hyperventilation could cause death. He told the officers it was possible but was not asked to elaborate.

He agreed that Colonel Goosen had raised the possibility that Mr Biko had tried to commit suicide, but he could not remember when.

Asked if there was evidence of a suicide, Dr Lang said he did not know what to think.

DISCUSSIONS

There might have been discussion with Colonel Goosen about the possible causes of death, he said.

Mr Kentridge pointed out that he was the doctor and Colonel Goosen the officer in charge. Dr Lang replied that there probably had been discussions.

Mr Kentridge: And yet at no stage did Col Goosen suggest he might have had a head injury?

Dr Lang: No.

ridden by authority — that of Colonel Goosen.

Dr Lang agreed this was the only case that he could recall.

INJURY DANGER

Dr Lang said he wanted to point out that prison medicine differed from normal medicine.

Prisoners frequently shammed illness and there was always the possibility of head injury.

Mr Kentridge: The possibility of assault?

Dr Lang: Either by fellow prisoners or by anyone else.

The witness agreed with the magistrate that the possibility of a head injury was not always in one's mind, but only when a complaint was indicative of such an injury.

He agreed with Mr Kentridge that he told Col Goosen it was possible Mr Biko was shamming, but also possible that there was something organically wrong. He added that they could not find out what the problem was.

Dr Lang said further that Col Goosen was wrong when he told the court that he (Dr Lang) could find nothing wrong with Mr Biko.

What he had in fact, tried to convey to Colonel Goosen, he said, was that the features of the case were so bizarre that they did not fit into anything he knew.

ARM WEAKNESS

Referring to Col Goosen's statement in





LEFT: Dr I R Lang, district surgeon of Port Elizabeth, talks to Lieutenant Winston Wilken (left) of the Security Police.

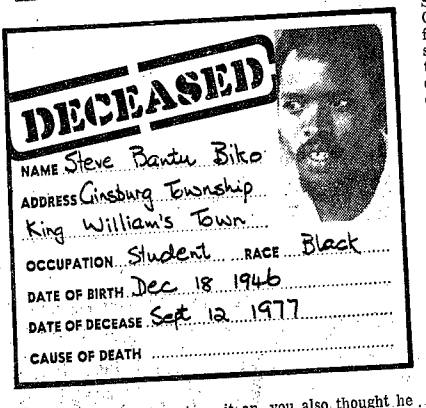
ABOVE: Mrs Helen Suzman, unopposed PFP candidate for Houghton, at the inquest yesterday.

TOP RIGHT: Another spectator — Dr Selma Browde, former MPC for Houghton.

The Star Tuesday November 22 1977

'worried'





could find no organic problems.

Mr van Rooyen: If he was not reacting to Colonel Goosen's questions, to the extent that he thought he was putting it on, you also thought he was shamming? — Yes, at that stage.

Dr Lang agreed that Colonel Goosen would have been justified on the strength of his report, in 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 interrogation had continued.

He had asked Mr Biko why he was not eating and had been 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 replied "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 suggested 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 examining 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 were made available at the prison hospital to diagnose any possible illness Mr Biko might have had.

He agreed that Colonel Goosen wanted the best medical facilities to preserve Mr Biko's health.

Asked whether Colonel Goosen would have allowed Mr Biko to be transferred to a public hospital if he became very sick, Dr Lang said it was "made quite clear — no hospital."

Mr van Rooyen put it to Dr Lang that Colonel Goosen was not going to allow Mr Biko into a public hospital for diagnosis but might have allowed him to be transferred for treatment.

Dr Lang said it was difficult to say where diagnosis ended and where treatment began.

(Proceeding)

The hearing is before Mr M J Prins, Pretoria's Chief Magistrate, assisted by two medical assessors, Professor I Gordon of the University of Natal Medical School and Professor J Olivier of the University of the OFS Medical School.

Leading the evidence is Mr K von Lieres, Deputy Attorney General of the Transvaal.

Appearing for the Biko family are Mr Sydney Kentridge, SC, with him Mr George Bizos and Mr Ernest Wentzel, instructed by S Chetty and Co.

Appearing for the police involved in the case is Mr P R van Rooyen, SC, with him Mr J M C Smit, instructed by the State Attorney.

Appearing for the doctors involved is Mr B de V Pickard, instructed by the State Attorney.

Appearing for the Prisons Department is Mr W H Heath, instructed by the State Attorney.

The hearing proceeds today.

22/11/77

Mr Kentridge: Dr Lang, any professional man can make a mistake, but do you not think that if you had been permitted to keep Biko under close observation in a proper hospital, that whatever was wrong might have been detected?

Dr Lang: I am a general practitioner. I know my limitations and how far I can go. If I was permitted to transfer him to a provincial hospital, I would have transferred him to the care of specialists with more knowledge than myself who were up-to-date with the latest developments.

There the matter would have passed beyond me.

The doctor agreed this would have been his normal procedure if he had been allowed to carry it out.

Mr Kentridge submitted that the representatives of Mr Biko's family had made some inquiries about Dr Lang in Port Elizabeth.

He suggested this was the only time in his career as a district surgeon when Dr Lang's views had been overruled by "general opinion" that Mr Biko was shamming. Dr Lang said "we must have all considered it at some stage."

He said he had probably used the word "shamming" itself, but could not have said for certain that Mr Biko was in fact, shamming.

Dr Lang said also that Col Goosen's statement in court that the doctors had first been told by Mr Biko of a weakness in one arm and later in another, with the inference that he was shamming but had forgotten which story was incorrect.

He attributed this to a possible misunderstanding, possibly caused by language difficulties.

He said he had been told by Mr Biko of a weakness in all four limbs, and later Dr Tucker had noted a slight weakness in the upper left arm. Mr Biko had however, used this arm when he was being helped to walk. By putting it around Dr Tucker's shoulders.

Dr Lang said he could not give any explanation why he did not see an injury on Mr Biko's forehead. A photo before court shows the injury.

Mr Kentridge felt it was inconceivable the injury was missed.

Replied Dr Lang: I did not see that injury and I have no cause to hide that (fact) either. I cannot give an explanation.

He noticed Mr Biko's swollen lip and had there been a similar swelling on Mr Biko's forehead, he would have seen it.

Mr Kentridge submitted Dr Lang and other doctors could not have examined Mr Biko's head properly.

Dr Lang denied this and said he examined the head "very thoroughly" in a well lit office.

Dr Lang also denied his attention had been diverted away from the head.

Referring to a medical certificate issued by Dr Lang after he examined Mr Biko on September 7, Mr Kentridge said it did not list a lip or chest injury.

Mr Kentridge wanted to know whether the forehead injury may also have been omitted. Dr Lang said it was not omitted because there was no head injury, as far as he could see.

Mr Van Rooyen said it had been suggested that Mr Biko was transferred to the prison hospital in order to hide something.

Dr Lang agreed that there had been nothing about Mr Biko's appearance which needed hiding.

What there was to hide, he said, could easily have been concealed by transporting Mr Biko in an ambulance or on a stretcher. There was no visible injury except the lesion on the man's lip.

The witness said there was nothing sinister about Colonel Goosen repeating Mr Biko's background to Dr Hersch once again.

SHUT OFF

Mr van Rooyen submitted that although Colonel Goosen said during previous detention in East London, Mr Biko had shut off completely, the colonel did not suggest that the symptoms found during previous examinations by Dr Lang and Dr Tucker were also present in East London.

Dr Lang remarked that he himself had noticed Mr Biko's speech was thick.

On the Thursday night, Mr van Rooyen said, the picture presented of Mr Biko was different from that on Wednesday morning or Thursday afternoon.

For example, at midday on Thursday, the opinion was that Mr Biko could not walk, possibly because of a psychological problem.

On Thursday night, however, Mr Biko could walk reasonably well.

At midday on Thursday, the patient said he could not use his left leg, although he moved it quite normally while turning. He was later found to be able to walk. It was also found that he had a slight weakness in his left leg.

SLIGHT WEAKNESS

Dr Lang agreed that the weakness found later was a slight one.

Mr van Rooyen submitted that on Wednesday and on Thursday afternoon Mr Biko had total rationality. On Thursday night, however, they noticed a certain condition which caused the patient to be restrained.

Questioned by Mr P R van Rooyen SC, for the police, Dr Lang agreed it was quite clear he and other doctors missed something important when examining Mr Biko.

He said he had "stayed awake very many nights" worrying about why Mr Biko died.

Had Col Goosen not stressed that Mr Biko's health was of the utmost importance to him, Mr Van Rooyen asked?

Dr Lang: He went so far as to say that he wanted this man kept alive.

The witness agreed to hearing that Col Goosen had said he would give his right arm for the life of this particular detainee.

"A VEIL"

He could not remember, however, if he heard it from the colonel directly.

He agreed Col Goosen said he was worried about the patient because he had not taken food or drink, had drawn a veil over himself and could possibly not speak.

Col Goosen told him Mr Biko went berserk and had to be subdued forcibly and that from a state of extreme excitement this detainee had lapsed into a condition devoid of any reaction.

The colonel feared Mr Biko could have had a stroke.

The witness agreed that when the colonel said Mr Biko was high up in a black power movement, he was impressing on the doctor the importance of the detainee.

When the colonel said Mr Biko studied medicine he was conveying how intelligent this personality was Mr van Rooyen submitted.

The witness agreed that such background was useful for examination of a patient.

Professor I Gordon of the University of Natal, one of two medical assessors assisting the magistrate, asked whether, on September 7, Dr Lang had subjected Mr Biko to every one of the many facets mentioned in the doctor's consolidated affidavit.

Dr Lang said he had done so.

THICK LIP

Asked whether, when replying to Dr Lang's questions on personal details, Mr Biko had been perfectly rational, Dr Lang replied: Quite so.

Asked whether Colonel Goosen's fear that Mr Biko had lost the ability to communicate was not well based, he replied: Correct.

Dr Lang added that Mr Biko's speech had been thick, but he attributed this only to his thick lip.

Dr Lang said Mr Biko had not complained of pain, and had borne no signs of having been "smashed up."

He added that Mr Biko had complained of being unable to use his lips, but on examination he could find no weakness. He

DISALLOWED

Dr Lang again said a normal prisoner would have been admitted to a provincial hospital, but this was disallowed by Security Police in Mr Biko's case.

Asked whether dark-skinned people changed colour when shocked, Dr Lang said colour changes would be hardly noticeable.

He would not rely on a statement that a man turned "ashen grey" under shock.

Asked whether the bath incident may have been caused by a brain injury, Dr Lang said: "In retrospect, yes."

However he saw no sign of a head injury on Mr Biko.

Dr Lang said he did not discuss the incident with Mr Biko. It seemed to him Mr Biko's behaviour was largely normal, except for sitting in the bath with clothes on.

The doctor told the court he did not lightly diagnose that a patient may be feigning illness. All possibilities had to be eliminated before this diagnosis was made.

In Mr Biko's case, he said, all the possibilities of pinpointing an illness had not been exhausted.

Asked by Mr Kentridge why he and other doctors were "not really willing" to accept they had a sick man on their hands, the doctor said the case was very "bizarre."

On September 9 and 10, for example, Mr Biko seemed to show signs of improvement. Dr Lang said when Mr Biko was in the Port Elizabeth Prison Hospital "inexperienced people" were observing him. Dr Lang could not change this because of the circumstances.

the last words of any question put to him.

(325. det) 22/11/77

THE BIKO INQUEST

FROM PAGE 1

DOCTOR'S EVIDENCE ON BIKO

examination on September 7 had been sent to the Chief State Pathologist in Pretoria and was presented to the inquest yesterday.

In it Dr. Lang said Mr. Biko had replied in a "slurred manner," to questions put to him, saying he had no pain and had not been ill previously.

"He said he was unable to move his limbs and was not eating, as he did not feel hungry," read the report.

The report, which described Mr. Biko as "a well-nourished, obese male," said he had a small laceration on the inner upper lip.

There had also been a "superficial bruise" over the breastbone, a pigmented ring mark around each wrist and his wrists, hands, feet and ankles had been swollen (oedematous).

Dr. Lang had attributed the slurred speech to the lip injury.

He told the inquest that Mr. Biko's inability to walk properly had probably been due to the fact that manacles had been removed from his feet, which had been chained to a grille, before the examination began.

"His ankles were very, very swollen," said the district surgeon.

He could find no cause for Mr. Biko's failure to eat and could not agree that he had been unable to speak (aphonic).

On the morning of September 8 Dr. Lang had 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 had refused all offers on food."

Dr. Lang said he had agreed to examine Mr. Biko and had requested the chief district surgeon, Dr. 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," said Dr. Lang.

Mr. Biko had now complained of vague pains in the head and back. He had been fully conscious and in possession of all faculties. The bladder had not been distended and the blankets had been wet with urine, said Dr. Lang.

With the exceptin of a doubtful reflex and the blunting of sensation to pin pricks on his legs, Mr. Biko's physical condition had not changed, he said.

At the end of this consultation Mr. Biko had complained of thirst and had been given water by a member of the security staff.

Because of the doutful reflex it had been agreed that 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 Friday, September 9, Dr. Lang had again visited Mr. Biko, who was "perfectly rational and in possession of all his faculties."

During their conversation Mr. Biko had reiterated that he was not hungry, that he had no pain and was comfortable.

On September 10 Dr. Hersch reported the result of the lumbar puncture as being normal except for the presence of blood cells.

Because of this finding Dr. Hersch had suggested it might be necessary to refer Mr. Biko to a neuro-surgeon, Mr. Keely.

"Shortly after this Mr. Keely telephoned me and Biko's clinical state was discussed at length," said Dr. Lang.

"Mr. Keely was, however, of the opinion that the findings to that date were not evidence of cerebral haemorrhage or, for that matter, any other brain damage."

Mr. Keely had therefore felt that an X-ray would not be of much value, said Dr. Lang.

"It was his opinion that all that was necessary at this stage was observation. He agreed that we could transfer him to the custody of the Security Police provided Biko was examined daily by a medical practitioner."

On the afternoon of September 10 Dr. Lang had again visited Mr. Biko and found no change in his condition.

"I received a report that he had flung the plate of food off his bed on to the floor at midday," Dr. Lang told the inquest.

"I informed 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 approximately 5.30 p.m. on September 11 Dr. Tucker telephoned to inform hyperventilating and that he was still not eating. He therefore advised his immediate removal to the Pretoria Central Prison hospital by air or by road."

The next morning (September 12) Dr. Lang had 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.

Under cross-examination by Mr. Kentridge, Dr. Lang said he had first examined Mr. Biko on the morning of September 7.

Mr. Kentridge: Did you regard him as your patient?

Dr. Lang: That's correct.

Mr. Kentridge: Did you treat Mr. Biko with the same care and dedication as you would have treated patients?

Dr. Lang: Yes, I did.

Mr. Kentridge: What was the purpose of the medical certificate you gave Col. Goosen?

Dr. Lang: It was merely for record purposes.

Asked by Mr. Kentridge why he had not mentioned in the certificate that Col. Goosen had told him he feared Mr. Biko might have suffered a stroke, Dr. Lang said he conceded that the first part of his certificate was not accurate.

Mr. Kentridge: Would a person reading the certificate get the impression that there were no injuries on Mr. Biko?

Dr. Lang: Yes.

Mr. Kentridge: Did you not ask Mr. Biko how he had got the cut on his lip and the bruise on his sternum?

Dr. Lang: I was told by Col. Goosen of the struggle that morning and I assumed he had sustained the injuries during this struggle.

Dr. Lang said that neither Col. Goosen nor any other officer had ever told him Mr. Biko might have suffered a bump on the head.

He had been told by Col. Goosen that Mr. Biko had to be manacled because of his aggressiveness.

The manacles had been removed when he examined Mr. Biko, and Mr. Biko had not been aggressive during the examination.

Mr. Kentreige: Did you think Mr. Biko was malingering on September 7?

Dr. Lang: In conjunction with his history I would say he was deliberately feigning illness.

Mr. Kentridge: Was his lip injury really the cause of his slurred speech?

Dr. Lang: Yes.

Mr. Biko had not been able to walk properly because his ankles were swollen, Dr. Lang said.

Mr. Kentridge: Did Col. Goosen tell you his (Biko's) speech was incoherent?

Dr. Lang: No, he said he (Biko) couldn't speak.

Mr. Kentridge: You gave the colonel the certificate and left the patient there. He was not kept under observation?

Dr. Lang: Correct.

Mr. Kentridge: In leaving him like that, is it correct to say that you were acting under the influence of Col. Goosen?

Dr. Lang: No. I examined him carefully and satisfied myself that there was nothing organically wrong with him. The examination was as thorough as possible in the circumstances.

In reply to further questions Dr. Lang said Mr. Biko had given a good account of himself on the first day he had examined him. Mr. Biko had been coherent.

Mr. Kentridge: Yet the police say he was incoherent and that they could get nothing out of him.

On the second occasion he had examined Mr. Biko, Dr. Lang said, his blankets had been wet with urine and had smelt.

He had asked Col. Goosen when Mr. Biko had wet his blankets, but Col. Goosen had said he did not know.

Dr. Lang said he had not found any sign of dehydration.

Dr. Lang said that after Dr. Tucker had also examined Mr. Biko he had 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.

Mr. Kentridge: You then arranged for Mr. Biko to be examined by the specialist Dr. Hersch?

Dr. Lang: Yes.

Mr. Kentridge: When you saw Mr. Biko on the morning of September 8 how was he dressed?

Dr. Lang: He had only his trousers on and they were wet.

Dr. Lang said he had understood from Col. Goosen that Mr. Biko had manifested similar symptoms during his period of detention.

Mr. Kentridge: In other words Col. Goosen dropped a hint that he was shamming.

Dr. Lang: Yes.

The hearing continues.

Sadat

SP 'no' to Biko visit to hospital

RDM. 22/11/77 (325) Detention

PRETORIA — A Port Elizabeth district surgeon said yesterday that had Black activist Mr. Steve Biko been "any other prisoner" he would have had him admitted to a provincial hospital for treatment.

But, Dr. Ivor Lang told the inquest into Mr. Biko's death in detention that he had been prevented from doing so by the Security Police.

Dr. Lang, who spent just over two hours in the witness box yesterday, said he and the chief surgeon district surgeon of Port Elizabeth, Dr. B. J. Tucker, had agreed that Mr. Biko needed treatment in the provincial hospital.

But they had been refused permission to transfer him there by the Chief of the Security Police in the Eastern Cape, Colonel Pieter Goosen.

"We were told that he was not to go there in any circumstances," said Dr. Lang.

Asked by Mr. Sydney Kentridge, SC, counsel for the Biko family, why he had been told this, Dr. Lang replied: "Because he was a security risk."

Dr. Lang said he had also suggested that Mr. Biko be treated in a private hospital, but the Security Police had disallowed this too.

He said under cross-examination that Mr. R. Keely, a neuro-surgeon, had recommended that Mr. Biko be kept under observation, having undergone a lumbar puncture.

Dr. Lang said he had requested that Mr. Biko be moved from the prison hospital in Port Elizabeth to the police cells at Walmer police station because it was more convenient to visit him there on a daily basis.

Mr. Kentridge: Wouldn't it have been better to have moved him to the provincial hospital?

Dr. Lang: I told him (Mr. Keely) what the situation was.

Mr. Kentridge: Didn't you tell Mr. Keely: "Sorry we can't do it. The Security Police say we've got to keep him in a police cell. We've got to do the best we can?"

Dr. Lang: Yes, that's correct.

'No option'

Asked by Mr. Kentridge whether he had been "dictated to" by the Security Police, Dr. Lang said he had had "no option" in the matter.

Mr. Kentridge: That's the Security Branch — a law unto itself.

Dr. Lang: We are district surgeons. We are not with the Security Branch.

Mr. Kentridge: You can't buck the Security Branch. It's very difficult to do so. You haven't been in court for the last few days, otherwise you would realise that.

In an earlier statement to the inquest Dr. Lang said that at no stage had Mr. Biko complained to him he had been injured or assaulted during his detention.

Dr. Lang had told the inquest that he had examined Mr. Biko at he request of Col. Goosen.

"Col. Goosen had expressed concern that Biko might have suffered a stroke since he was not eating, nor was he able to speak and he was not using his limbs," said Dr. Lang in a statement to the court.

"I was given a short resume of the events leading to his detention in the security offices and Col. Goosen strongly emphasised that he did not wish any harm to befall him.

Examination

The district surgeon had then carried out a "lengthy and complete" examination of Mr. Biko, who had been lying in an office on blankets.

"He was able to give me a good account of himself and did not complain of any symptoms other than weakness of his limbs and lack of desire to eat," said Dr. Lang.

Before leaving, Dr. Lang had told Col. Goosen he could find "no orgnic cause of Biko's apparent weakness."

"I was satisfied that he had not suffered a stroke, nor was there any paralysis of any limb," said the doctor.

Mr. Kentridge had earlier told the inquest that from medical evidence to be introduced it "appeared probable" that Mr. Biko had suffered a head injury either during the night of September 6 or before 7.30 a.m. on September 7.

A copy of Dr. Lang's clinical findings followed the

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Biko seemed to be CAPE was afraid for his life

Own Correspondent

PRETORIA. — When the Biko inquest resumed in Pretoria's Old Synagogue yesterday, Mr Sydney Kentridge, SC, appearing for the Biko family reported on his private consultations with the two brigadiers to whom Colonel P.J. Goosen, head of the Eastern Cape security police said he had reported.

The consultations followed the refusal by the presiding magistrate, Mr M.T. Prins, last week, to admit press reports of statements by the Minister of Justice and police, Mr J.T. Kruger, as evidence in the inquest.

It was then arranged, with the permission of the commissioner of police, General Gert Prinsloo, that Mr Kentridge could have private consultations with the two brigadiers — Brigadier C.F. Zietsman, head of the security police, and a Brigadier Coetzee at security police headquarters.

Mr Kentridge said this interview last Friday afternoon had cleared up many problems and it was found that Brigadier Coetzee

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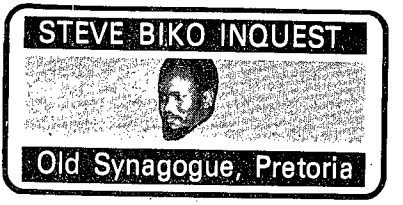
seriously ill and I — medical orderly

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 Zietsman did no more than note what Colonel Goosen told him. This report went to the Commissioner of Police, General Prinsloo, 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 13.

Mr Kentridge said he had asked for telexes relating to the statement (inaudible) to be placed before the court when Brigadier Zietsman was called to give evidence. He said he wanted to hand in affidavits verifying the minister's reported statements on September 13 and 14, by a Rand Daily Mail journalist, Mr Patrick



Laurence, and a lawyer who acted for the Rand Daily Mail in a recent Press Council hearing on the statements, Mr William Lane.

Second bite

Mr P R van Rooyen, appearing for the police, objected to the procedure, particularly to the affidavits 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 had already ruled that documents relating to statements by the minister were hearsay and inadmissible, 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 that he had 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 sweet 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 probed 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 Zietsman. This was the duty of the investigating officer and the deputy Attorney-General.

"I simply held consultations and was clear that from what the brigadiers told me Colonel Goosen did in fact make a statement (inaudible) to false statement when related to evidence here." (inaudible).

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 Zietsman.

He said the Biko family lawyers had satisfied themselves that Colonel Coetzee had nothing to contribute to the court, but that Brigadier Zietsman 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 without knowing what aspects of Colonel Goosen's alleged statement and evidence is wrong . . . (inaudible).

Mr Kentridge: We have had over an hour if not an hour and a half of argument on this — Colonel Zietsman could have been in and out of the witness box in 20 minutes.

Mr Prins: If that's your attitude, Mr Kentridge, you don't want to assist this court.

Mr Kentridge: I'm not an investigating officer or a detective and I don't plan to be made into one.

Accepted as correct

Mr Prins said any affidavit verifying what was said by the minister could not change the matter. What was published as having been said by the minister was accepted as correct. Until the court had some indication of which aspect of Colonel Goosen's evidence were incorrect it would not consider ordering an affidavit from Brigadier Zietsman and would only then decide on whether to call him to give evidence or to make any telexes available on his reports to the ministers.

Lieutenant W E Wilken continued his examination under Mr Kentridge and said he had made a point of visiting Mr Biko from time to time during the night of September 6.

He said he believed he was alone when he spoke to Mr Biko in room 619 and he believed that Mr Biko was asleep most of the night.

Mr Kentridge asked whether Lieutenant Wilken seriously believed a man could sleep through the night with leg irons and handcuffs.

Only one foot

Lieutenant Wilken said a person generally woke up in the night in any event if they did not have on leg irons and handcuffs. Lieutenant Wilken said he had testified that Mr Biko had only one foot in the leg iron which gave him a lot of mobility. When he said Mr Biko was asleep he meant that his eyes were not open.

He said Mr Biko was loosely manacled and denied that the pressure of the leg iron would always be felt as a weight on the leg. He said the pressure would be the same as that on a person who was wearing sunglasses. He would be aware of them. Lieutenant Wilken agreed that Mr Biko's foot and ankle were swollen.

Mr Kentridge said according to medical evidence to be introduced, it appeared probable that Mr Biko suffered head injuries either during the night of September 6 or in the early morning of September 7, i.e. before he came to Pretoria. That was the case the respondents would appear to police with Lieutenant Wilken's night squad or Major Snyman's day squad.

Lieutenant Wilken said he could not throw any light on how Mr Biko might have suffered an injury while under his care or how an injury to his head could have occurred on September 6. He said he had accompanied Mr Biko on the Landrover trip from Port Elizabeth to Pretoria and had sat at the front of the vehicle.

He said Mr Biko's condition was normal except when they approached towns when Mr Biko's breathing became much heavier.

Mr Biko apparently slept most of the way. He said, when they stopped for petrol he did not give Mr Biko a chance to get out to stretch his legs.

He said Mr Biko was given an opportunity to relieve himself, but he did not want to do so. He could not remember when the officers was made to Mr Biko. He said when they arrived in Pretoria Mr Biko's condition was the same, which in Lieutenant Wilken's opinion was normal.

Mr Kentridge: He was normal and now we are speaking of some 12 hours before his death.

Lieutenant Wilken: That is correct. He said he helped Mr Biko into the prison.

Mr Kentridge said a medical orderly in Pretoria prison, Sergeant Pretorius, has said that Biko seemed to be seriously ill and he was afraid for his life.

Mr Kentridge asked whether Lieutenant Wilken remembered hearing this remark. Lieutenant Wilken said he did not remember hearing it.

Mr Kentridge asked him whether while at Pretoria Prison he remembered one of his party saying to the officers that Mr Biko had studied medicine for four years and that he practised yoga and that he could deceive people easily.

Said it himself

Lieutenant Wilken said it was quite possible that he had said it himself. Asked why he should have said it, Lieutenant Wilken replied at that stage he personally believed Mr Biko was shamming.

He said while they were in the Landrover, Mr Biko would breathe normally but when there were lights and people around he would breathe more deeply.

Mr Kentridge said he would ask the magistrate to reject the answer as a basis for Mr Biko's shamming illness. He asked whether Lieutenant Wilken still thought that Mr Biko had been shamming. Lieutenant Wilken replied that Mr Biko was now dead and that he could not say but on the night of September 11 his deep breathing only at particular times made it appear that he had been shamming.

Mr Kentridge: What right did you have to say this man could

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Lieutenant Wilken: It is an opinion.

Mr Kentridge: Why is it you security people insist on telling people all the time that he was

Lieutenant Wilken: It was that doctors said there was [illegible] lung. We were not medical people, we had to assume they were right. We did [illegible] the doctors.

Mr Kentridge: For the obvious reason that there was something you wanted to hide in connection with this man.

Nothing to fear

Lieutenant Wilken: No. We had nothing to fear or hide.

Mr Kentridge said it became clear from affidavits that warders in Pretoria and Port Elizabeth were concerned about Mr Biko's condition and that they had treated him in a humane and considerate manner. One or two had even fed him when he could not feed himself. He asked Lieutenant Wilken to explain why apparently none of the security police accepted that there was anything wrong with Mr Biko.

Lieutenant Wilken said he had also treated Mr Biko humanely.

He said he did not remember hearing Mr Biko speak during the trip from Port Elizabeth to Pretoria.

Mr Kentridge: We have the situation that you are sent on an urgent journey to Pretoria on a Sunday night to take a man to hospital. He had been doing to you [illegible] on the journey to relieve himself. He said as far as we know not a word during the [illegible] when you got to Pretoria you stood up and said to the people in Pretoria that this is a person who can easily deceive others and you think he is shamming. Is that a reasonable summary of what happened?



to the wall or the wall come to the head".

Doctor Ivor R Lang, a Port Elizabeth district surgeon, was [illegible] called to the witness box by Mr Von Lieres, the deputy Attorney General.

Dr Lang said he was a full time district surgeon and since the death of Mr Biko he had made a number of statements which were then handed in to court.

In the first affidavit handed in to court, Dr Lang said: "This is to certify that I have examined Steve Biko at the request of Colonel Goosen of the security police who complained that the above mentioned would not speak.

"I have found no evidence of any abnormality or pathology on detainee," he said. The affidavit was signed on October 11.

Mr Von Lieres: On October 11 you made two further statements

I am concerned with your medical report on Mr Biko and the other on the background [illegible] your report with regard to [illegible]

In the background report handed in to court and headed "Barney Steven Biko", Dr Lang said that at the request of Colonel Goosen, Officer Commanding of the security police, he had examined Mr Biko on September 11 in the offices of the security branch at approximately 12.30 pm.

In a subsequent affidavit, Dr Lang said that the time [illegible] was incorrect and that he had in fact examined Mr Biko at 9.30am.

Carrying on with reading his summary, Dr Lang said that Colonel Goosen had expressed concern that Mr Biko might have suffered a stroke since he was not eating," nor was he able to speak.

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sure that his utterance does not ring true. Subconsciously his heart is stabbed by a secret dread, however loudly the man himself may disavow the belief that after death he will still experience sensation. I am convinced that he does the admission he professes, nor the grounds of it: he does not oust and self root and branch out of life, but all unwittingly makes something of lingering on. When a living man confronts the thought that after death he will be mauled by birds and beasts of prey, he is filled with self-pity, not by distinguish sharply enough between scene not to be squeshed under a crushing weight of death to be mauled and crunched by ravening being mangled, or indeed being cremated. He visualizes that object as himself and that is really all he is aggrieved at. That is why he is appalled at the disagreeable to roast in the scorching cannot [illegible] palmed in honey, stifled and stiff with cold surface [illegible] to be squashed under a crushing weight of

[illegible] how the happy home and the best of wives will [illegible] children rush to snatch the first kiss at your [illegible] you no [illegible] and touch [illegible] or safeguard [illegible] treacherous [illegible] to say: [illegible] they [illegible] would [illegible] to us no [illegible] the speak [illegible] sleep and [illegible] to the [illegible] Ah, [illegible] [illegible] recline

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deceive people and was probably shamming?

Lieutenant Wilken: It was an opinion.

Mr Kentridge: Why is it you security people insist on telling people all the time that he was shamming?

Lieutenant Wilken: The case was that doctors said there was nothing wrong. We were not medical people, we had to assume they were right. We did leave it to the doctors.

Mr Kentridge: Is not the obvious reason that there was something you wanted to hide in connection with this man.

Nothing to fear

Lieutenant Wilken: No, we had nothing to fear or hide.

Mr Kentridge said it became clear from affidavits that warders in Pretoria and Port Elizabeth were concerned about Mr Biko's condition and that they had treated him in a humane and considerate manner. One or two had even fed him when he could not feed himself. He asked Lieutenant Wilken to explain why apparently none of the security police accepted that there was anything wrong with Mr Biko.

Lieutenant Wilken said he had also treated Mr Biko humanely.

He said he did not remember hearing Mr Biko speak during the trip from Port Elizabeth to Pretoria.

Mr Kentridge: We have the situation that you are sent on an urgent journey to Pretoria ... Sunday night to take him to hospital. He had, according to you, refused food and water, nor taken any opportunity in the course of a 12 to 14-hour journey to relieve himself. He said as far as we know not a word during the journey and then when you get to Pretoria you take it upon yourself to tell people in Pretoria that this is a person who can easily deceive others and you think he is shamming. Is that a reasonable summary of what happened?

Lieutenant Wilken: It is one-sided if you don't take in the background but basically, yes, it's correct.

Enemies

Mr Kentridge: I must say that I suggest that it was not Biko that was shamming but members of the security police. I am going to suggest that this constant refrain (inaudible) was to draw attention away from the fact of what the security police had actually done. (reply inaudible).

Lieutenant Wilken said Mr Biko had not always worked with the security police since he regarded them as enemies and that he had a different attitude to the prison warders.

Mr Kentridge said there was another reason for this different attitude since perhaps the prison warders did not assault Mr Biko. Lieutenant Wilken said Mr Kentridge had not been there and could not say this. Mr Kentridge said Lieutenant Wilken was right, but Mr Biko had been assaulted during a particular period and he left it to Lieutenant Wilken to explain how Mr Biko came by this injury.

Mr Kentridge added this pointed to the limitations imposed on holding a man incommunicado.

Mr Van Rooyen, appearing for the police, said he wished to complain bitterly about Mr Kentridge's reference to an alleged assault. So far there was no basis for Mr Kentridge's remarks.

Mr Kentridge said it would be the Biko lawyer's submission that Mr Biko had probably suffered a head injury between 6pm on the evening of September 6 and 7.30 on the morning of September 7. It was naturally suggested that some violence had been applied to him and the court had not heard any explanation of this injury. The court was entitled to draw its inferences.

Mr Van Rooyen said there had been the clearest evidence of an incidence of violence not started by the police but initiated by Mr Biko, on the morning of September 7 when Mr Biko's "head could have connected with the wall. I would be vastly interested to hear my learned colleague on whether the head came to the wall or the wall came to the head".

Doctor Ivor R Lang, a Port Elizabeth district surgeon, was then called to the witness box by Mr Von Lieres, the deputy Attorney-General.

Dr Lang said he was a full time district surgeon and since the death of Mr Biko he had made a number of statements which were then handed in to court.

In the first affidavit handed in to court, Dr Lang said: "This is to certify that I have examined Steve Biko as a result of a request from Colonel Goosen of the security police who complained that the above mentioned would not speak.

"I have found no evidence of any abnormality or pathology on detainee," he said. The affidavit was signed on October 11.

Mr Von Lieres: On October 11 you made two further statements.



I am concerned with your medical report on Mr Biko and the other on the background of your medical report. Read to the court the background report first.

In the background report handed in to court and headed "Bantu Steven Biko", Dr Lang said that at the request of Colonel Goosen, Officer Commanding of the security police, he had examined Mr Biko on September 7 in the offices of the security branch at approximately 12.0-0pm.

In a subsequent affidavit, Dr Lang said that the time 12.00pm was incorrect and that he had in fact examined Mr Biko at 9.30am.

Carrying on with reading his summary, Dr Lang said that Colonel Goosen had expressed concern that Mr Biko might have suffered a stroke since he was not eating," nor was he able to speak.

"I was given a short resumé of the events leading to his detention in the security offices and Colonel Goosen strongly emphasized the fact that he did not wish any harm to befall him.

"I then carried out a lengthy and complete examination of Biko who was lying in an office on a number of blankets.

"He was able to give me a good account of himself and did not complain of any symptoms other than weakness of his limbs and lacked the desire to eat," Dr Lang's statement said.

A copy of the report on his clinical findings was forwarded to the chief state pathologists in Pretoria.

"Before departing I informed Colonel Goosen that I could find no organic cause for Mr Biko's apparent weakness and that I was satisfied that he had not suffered a stroke, nor was there any paralysis of any limb." Dr Lang's affidavit said.

The following morning, September 8, he received another telephone call from Colonel Goosen in which he expressed concern over Mr Biko's condition since he had not passed urine dur-

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Telecall
MOTOROLA
Pageboy II

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SUPERIOR
is worth waitir
Rembrandt Superior Mild has had a wonderful welcome. Success upon success – so much so, that we have not been able to supply the demand at all times. For this wonderful reception – we thank you. However, if you are one of the unfortunate smokers who has not been able to purchase your Superior Mild at all times we wish to apologise for the inconvenience caused and beg your indulgence.
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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 whereupon Warrant Officer Coetzee was asked to give him water.

"In view of our observations it was decided that he be transferred to the Sydenham Prison Hospital where a further examination would be carried out by a specialist physician and this was immediately agreed to by Colonel Goosen."

Dr Lang said that Dr Hersch was contacted during the afternoon and Dr Hersch agreed to examine Mr Biko in consultation with him during the evening.

About 9.45pm Dr Hersch examined Mr Biko in his presence at the Sydenham Prison 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 Hersch who informed me that the lumbar puncture was performed with little difficulty but

'I . . . fou

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 Setpember 10 he again consulted with Dr Hersch 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 Hersch 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 security police provided that Biko was examined daily by a medical practitioner.

Dr Lang said that he advised Colonel Goosen 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 Sydenham 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 Goosen'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 12.00pm 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 suffered a stroke."

Under the heading "history" Dr Lang said that Mr Biko replied to questions put to him in a slurred manner, stating that he had no pain and that he had not been ill previously. He said that he was unable to move his limbs

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nd no evidence

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 had pursued for two years and was at present studying law through Unisa. "He stated 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 obsese male of about 30 years.

"There was a small laceration on the inner aspect of his upper lip which was also oedematous.

"A superficial bruise was present over the sternum at approximately the second vertabrae (in a subsequent correcting affidavit, Dr Lang said the word 'vertabrae' 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 'cardio-vascular 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 dullness and there was good air entry and ventilation.

With regard to the gastro-intestinal system Dr Lang said the tongue was moist and furred. 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, genitals – normal. With regards to the central nervous system, Dr Lang noted: 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, planter reflexes flexored 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 paralysis.

"The slurred speech was attributed to the lip injury and ataxic (uncontrolled) gait to lack of co-operation. I could find no cause for his failure to eat. I could not agree that he was aphonic Colonel Goosen accordingly," Dr Lang said.

Dr Lang said on the morning of September 8 Colonel Goosen again telephoned him to report that he was perturbed at the patient's condition as he was still refusing food and "that he had not passed urine for 24 hours."

"I agreed to re-examine him and requested Dr B Tucker, chief district surgeon, to examine the detainee in consultation with me."

"He now complained of vague pains in the head and back. He was fully conscious and in possession of all his faculties. The bladder was not distended and the blankets were wet with urine.

"With the exception of doubtful plantar reflex on the right, and blunting of sensation to pinpricks 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 extensor plantar reflex it was agreed that he be transferred to the Sydenham Prison Hospital where he would be examined by a physician."

About 9.45 on the same date, Dr Lang said, Mr Biko was examined by Dr C Hersch in consultation with him, and at the end of the examination and consultation it was agreed that the "plantar reflex on the right was extensor and that he might be suffering from echolalia, and it was decided to perform a lumbar puncture the following morning."

(In a subsequent correcting affidavit Dr Lang said the phrase "plantar 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 conversation 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 in view of this finding he requested permission to discuss the case and if necessary to refer Mr Biko to Mr R Keely, a neuro-surgeon.

He was satisfied there was no evidence to suggest intracranial bleeding and that a further examination by himself was not warranted at that stage. He suggested, however, that he be regularly visited by a practitioner in order to ascertain any alter-



About 5.30 in the afternoon of September 11, Dr Tucker telephoned to inform him that Mr Biko was hyperventilating and was still not eating, and he therefore advised Mr Biko's immediate removal to the Pretoria Central Prison Hospital, Dr Lang said.

A fourth statement handed into court contained Dr Lang's remarks to Major-General Kleinhaus, who investigated the circumstances surrounding Mr Biko's death.

Dr Lang said he did not see the bruise on Mr Biko's forehead during an examination on September 7, 8, 9 and 10.

"If it had been as obvious as it appeared on the photograph I do not think I would have missed it," Dr Lang said.

Mr Biko was shackled to a grille 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, counsel for the Biko family, rose to question Dr Lang.

Mr Kentridge then drew the court's attention to a certificate Dr Lang wrote after his examination of Mr Biko on September 7. In this statement Dr Lang said he found no evidence of any abnormality or pathology on Mr Biko.

Dr Lang said he had been asked to make out a certificate at Colonel Goosen's request. He presumed it was merely for record 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?

Dr Lang: Correct. He added that the thought did not occur to him on September 7.

Mr Kentridge then analysed Dr Lang's statement, and compared it with a medical report Dr Lang had handed to the pathologist conducting the post-mortem on Mr Biko. In his original certificate for Colonel Goosen, Dr Lang only mentioned the fact that Mr Biko would not speak as the reason why a medical examination was ordered.

In the report to the pathologist, Dr Lang gave the reason as follows: The detainee had refused water and food and displayed a weakness of all four limbs, and it was feared that he had suffered a stroke.

Cannot explain

Mr Kentridge: In your certificate you only said he would not speak. Why were the other matters not in your certificate?

Dr Lang: I cannot explain it. It is inexplicable.

Mr Kentridge: Being wanted for record purposes, was it important to have a complete and correct record?

Dr Lang: In retrospect, yes.

Mr Kentridge: Why not at the time?

Dr Lang: I didn't think of it.

Dr Lang then admitted that the first part of his certificate made at the request of Colonel Goosen

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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 detainee."

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 have said he had a cut, bruises, swollen lip 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 staggering gait, which he attributed to lack of co-operation.

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 fairly clear that he stressed the fact that he had been a medical student as 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 that Mr Biko pretended he could not speak.

Mr Kentridge: What sort of feigning is it that the moment a doctor comes and in the presence of a colonel he stopped feigning? Isn't it odd?

Dr Lang: It is odd.

Mr Kentridge: May I suggest that the suggestion of feigning was very largely derived from Colonel Goosen?

Questioned on Mr Biko's slurred speech, Dr Lang said he believed it could definitely be attributed to the lip injury. He had not prescribed any treatment for it because the cut was extremely superficial.

Dr Lang said he attributed Mr Biko's staggering (ataxic gait) to the fact that he had been manacled and his ankles were swollen.

Mr Kentridge asked why in his report to the pathologist Dr Lang had attributed Mr Biko's staggering to a lack of co-operation.

Mr Kentridge: Don't you agree that a person reading this would understand it as a deliberate failure to co-operate? You agree on this?

Dr Lang: Yes, I agree.

Mr Kentridge drew the attention of the court to a report made by Colonel Goosen and Major Snyman which said Mr Biko's speech was not merely slurred, but was incoherent.

Mr Kentridge: We can understand that if a man has a swelling of the lip his speech would be somewhat thick, but doesn't slurred speech suggest something more fundamental?

Dr Lang said thick speech was a more adequate description of Mr Biko's way of talking, than the phrase "slurred speech".

Mr Kentridge drew the attention of the court to the fact that after the medical examination Mr Biko was left lying on his mat in the office in chains. Dr Lang said he had examined Mr Biko very carefully and found nothing emphatically wrong with him.

Mr Kentridge asked why Dr Lang had not ordered Mr Biko to be kept in bed due to the symptoms he had noticed. Dr Lang said he told Colonel Goosen that if Mr Biko's condition persisted he (Dr Lang) should be called again.

Many witnesses

blankets, Dr Lang said he might have.

At the end of that examination Mr Biko asked for water because he was thirsty and was given it by a member of the security staff.

Dr Lang agreed that he did not accept Colonel Goosen's story that Mr Biko had not passed urine because he had wet his bed.

Dr Lang said there was no sign of dehydration about Mr Biko.

Mr Kentridge: If someone said he (Mr Biko) had not taken any liquid for three days that would be wrong?

Dr Lang said Mr Biko's tongue was moist, not dry. During the second examination on September 8, Mr Biko complained of vague pains in his head and back.

Dr Tucker said he also found a doubtful "possible extensor plantar reflex." This meant that when he was stroked on the sole of his foot, instead of his toes curling inwards, there was a sign that his big toe might be turning upwards.

Dr Lang and Dr Tucker then said they wanted to take Mr Biko

Continued on page 7

the examination.

Me 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 (Mr 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. The moment I saw the lip, injury was uppermost in my mind.

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-irons 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 malingering?

Dr Lang replied that his findings, as well as the history he had been given on Biko, led to that conclusion. He had been told Mr Biko could not speak and had held a conversation with him.

When Colonel Goosen had spoken to Mr Biko, Mr Biko had not replied. In the medical examination he had spoken to Dr Lang.

Mr Kentridge: Didn't you go into that?

Dr Lang said he believed it was because he was being interrogated.

On the following day, September 8, Dr Lang was again called by Colonel Goosen and arrived to examine Mr Biko with the chief district surgeon, Dr Tucker.

Dr Lang said Mr Biko was coherent.

Mr Kentridge said there were many witnesses who had said that after a certain period Mr Biko was incoherent, and that they could not make contact with him.

Dr Lang said Mr Biko had replied clearly when asked his name. Mr Kentridge said he had been instructed that questioning on that level was not an adequate test of the degree of consciousness or mental ability.

Mr Kentridge noted that the fact that Mr Biko was in chains had not been mentioned till Dr Lang's fourth affidavit.

Mr Kentridge: Didn't you think it necessary to mention that in your original report?

Dr Lang: No, I didn't mention it.

Dr Lang agreed that Colonel Goosen was very worried when he summoned him (Dr Lang) on September 8.

Mr Kentridge: In spite of your certificate?

Dr Lang: Correct.

Dr Lang said Mr Biko was still lying on the mat chained by one foot. He could not remember whether Mr Biko was handcuffed but had not been told that Biko had been violent again.

Mr Kentridge: Weren't you a little shocked?

Dr Lang: I was rather surprised.

Before commencing the examination the doctors were told by Colonel Goosen that Biko had not passed urine for 24 hours. They found on examination that his blankets were wet with urine and that they were smelling.

Mr Kentridge: Was nothing done about that?

Dr Lang: Not while we were there. Dr Lang said he and Dr Tucker had given orders that Mr Biko be removed to the Sydenham Prison Hospital.

Asked by Mr Kentridge whether Mr Biko might have spent some time under the wet

22/11/77

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THE BIKO INQUEST

Shamming by police claims SC

PRETORIA — The Security Police and not Mr. Steve Biko had been "shamming" about his health condition while in detention, the Biko inquest was told here yesterday.

The statement was made by Mr. Sydney Kentridge, SC, for the Biko family, as the inquest entered its second week in the Old Synagogue building.

First in the witness box yesterday was Lieutenant Winston Eric Wilken, officer in charge of the Security Police team which guarded the Black Consciousness leader during the nights of his detention in Port Elizabeth.

Lieut. Wilken, one of the officers who accompanied Mr. Biko in a Land-Rover from Port Elizabeth to Pretoria where he was admitted to hospital, said he had been of the opinion that Mr. Biko had been "shamming" about the state of his health during the trip.

Opinion

Mr. Kentridge: What right did you have to tell people in Pretoria (when Mr. Biko was handed over) that this man was shamming?

Lieut. Wilkin: It was strictly my opinion.

Mr. Kengridge: Why is it that you security people are so insistent . . . that he was shamming?

Lieut. Wilkin: We are not medical authorities.

Mr. Kentridge: Why not leave it for the doctors to decide? Isn't the obvious reason that there was something to hide about this man?

Lieut. Wilkin: We have nothing to be scared of. There is nothing to hide.

Mr. Kentridge 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 concerned about Mr. Biko's condition, that they had treated him humanely, and that one had even fed him when he could not do so himself.

Why had the Security Police, in spite of this, insisted that there was nothing wrong with Mr. Biko?

Asked whether Mr. Biko had uttered any words during 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. Kentridge: Let me put it 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 opportunity 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. Wilkin: Yes, basically.

Mr. Kentridge: 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 this constant refrain was in order to draw attention away from what they had actually done.

Earlier Lieut. Wilkin said he was present when Mr. Biko was taken to Pretoria Prison and handed over.

Serious

Mr. Kentridge: Do you remember a Sergeant Pretorius . . . who took him (Mr. Biko) over from you?

Lieut. Wilken said he could not remember names.

Mr. Kentridge: 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. Wilkin: I can't remember it.

Leg irons

Mr. Kentridge asked that the leg irons which Mr. Biko had worn while in detention in Port Elizabeth be produced.

He questioned whether it was possible for a man to sleep while wearing leg irons and constantly asked Lieut. Wilkin about how tightly the irons fitted around Mr. Biko's ankles.

Lieut. Wilken said the irons fitted "loosish" and were not on tightly.

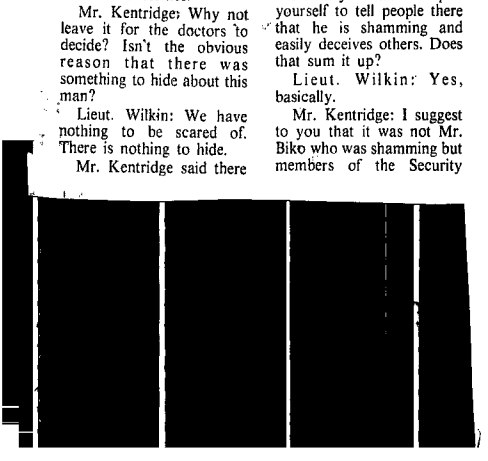
Mr. Kentridge: The pressure (of the irons) could always be felt?

Lieut. Wilken: It's like wearing sun glasses . . . inaudable.

Mr. Kentridge: Did you say that wearing leg irons can be compared with wearing sun glasses. Did you say that?

Lieut. Wilken then protested to the presiding Chief Magistrate of Pretoria, Mr. M. J. Prins, that Mr. Kentridge was putting words into his mouth.

"What I said was that the presence of the irons was like the pressure of glasses."



PRETORIA — An application 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. Kentridge 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 Goosen, and the Minister of Police, Mr. Jimmy Kruger.

He had done so at the invitation of Mr. P. R. van Rooyen, SC, (for the police) and expressed his appreciation at "this intervention aimed at clarifying the situation."

He had interviewed the brigadiers in the presence of the investigating officer, General Kleinhaus. It had appeared that Brigadier Coetzee was away from the office at the time when Col. Goosen reported to his head office on the death of Mr. Biko and he had thus been eliminated from the inquiry.

Clarify

The officer to whom Col. Goosen reported was Brigadier Zietsman, who reported in turn to the Commissioner of Police, General Gert Prinsloo, who presumably reported to the minister.

Mr. Kentridge 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 courts would only have to call Brigadier Zietsman to clarify the situation.

It appeared, Mr. Kentridge said, that contrary to earlier reports by Col. Goosen, there had also been some telex communication between him and his head office. He asked the Court, therefore, to call Brigadier Zietsman to testify in due course, and also to bring with him copies of the telex material.

Mr. Kentridge said also that he hoped to hand in affidavits by Rand Daily Mail reporters Patrick Lawrence and Mr. W. Lane, the newspaper's attorney, concerning reported statements made by Mr. Kruger.

Cherry

Mr. van Rooyen, for the police, rose to object strenuously to these affidavits being handed in. He said it was an attempt to have a second bite at the cherry, regarding the admissibility of the minister's statements, which had been

BID TO CALL BRIG. IS TURNED DOWN

Magistrate, Mr. M. J. Prins.

Affidavits from journalists, Mr. van Rooyen submitted, were irrelevant and objectionable.

He had made it clear that if Mr. Kentridge wished to suggest that there had been prior inconsistent statements by Col. Goosen which could reflect on his credibility, police counsel would arrange for the family's representatives to consult the person to whom Col. Goosen made his reports.

If, while speaking to the potential witness, Mr. van Rooyen said, it was established that there were such inconsistencies, an affidavit should be obtained from the witness.

The affidavit would have to be submitted in terms of the Inquest Act together with a request that the evidence should be led at the Old Synagogue.

Objected

There was nothing in Mr. Kentridge's statement which suggested that Col. Goosen had made any prior inconsistent statement, police counsel submitted.

He objected to this attempt from the Bar to induce Mr. Prins to call witnesses from whom no affidavits had been obtained.

Mr. Prins asked Mr. Kentridge whether affidavits from reporters made the minister's statements "less or more heresay?"

Mr. Kentridge said there previously had been no proper proof that the minister's statements were correct.

Mr. Prins then pointed out he had accepted the minister's statement as being substantially correct for the purpose of judgment.

It was not the job of counsel to take affidavits, Mr. Kentridge added, but that of the investigating officer.

His talk with Brigadier Zietsman had shown that he had got his information from Col. Goosen.

"Zietsman passed on to his superiors what Goosen told him." If he (Mr. van Rooyen) thinks Prinsloo (the Commissioner of Police) distorted 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." — (Sapa.)

DELAY FOR DOCTORS REJECTED

PRETORIA. — An application for a postponement of the medical evidence until January was refused by Mr. 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, Dr Tucker, Dr. Lang and Dr. Hersch, arrived in Pretoria only last Thursday. They were in an extremely difficult position because there was a host of information which had to be canvassed.

There was also a distinct possibility that Mr. Kentridge might level criticism at the doctors who examined and treated Mr. Biko during the last days of his life.

Conduct

The conduct of the doctors would have to be assessed on the basis of their field of practice and experience, Mr. Pickard said. The public and the Biko family were entitled to know exactly what happened from the time Mr. Biko sustained his head injury until his death occurred.

The Court had to be provided with all the medical information available.

Mr. Pickard said a certain patho-physiological 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.

It would be most unfair to Dr. Lang, for instance, if he had to give evidence now before knowing exactly what 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 Rooyen, 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 doctors also had to be faced. Implications had been made that the doctors were in cahoots with the police.

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.

Influence

"We do not intend questioning them on the cause of death. That will be covered by the pathologists," Mr. Kentridge said.

It would be preferable for the doctors to give their factual evidence uninfluenced by the expert evidence of pathologists.

Mr. Pickard said he presumed the Biko family was looking 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 to lead would only be available by the middle of December at the earliest.

Diagnosis

"There is a very 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. 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. (Sapa.)

CAPE TIMES 23/11/77 (325 Defence)

Doctor: Police no to hospita

Own Correspondent

PRETORIA. — The security police refused to allow doctors to transfer Mr Steve Biko from prison to a hospital, the inquest court was told yesterday.

Dr Ivor 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 the provincial hospital in PE. We asked for him to be sent to the Livingstone Hospital and Colonel Goosen (the Eastern Province security police chief) said no."

Dr Lang also said the medical certificate he had written on September 7 — saying he could find no evidence of abnormality or pathology on Mr Biko — was "highly incorrect".

Dr Lang wrote out the certificate at the request of Colonel Goosen after examining Mr Biko following the alleged "violent struggle" with his interrogators.

He said he wrote the certificate although he found Mr Biko had:

- A swollen lip with a small cut.
- Superficial bruising on the chest.
- Swollen hands, feet, and ankles.
- An ataxic (staggering) walk.
- Slurred speech.

Dr Lang said he attributed Mr Biko's speech impediment to his lip injury and the staggering walk to a lack of co-operation.

Asked by Mr S Kentridge SC, for the Biko family, to explain inaccuracies in his certificate, Dr Lang said: "I cannot explain it. It is inexplicable."

Mr Kentridge: Has it occurred to you that if Mr Biko appeared in court and complained of a cut and swollen lip and bruised chest, your certificate would have been a most important piece of evidence and he would have been called a liar?

Dr Lang: I see that now.

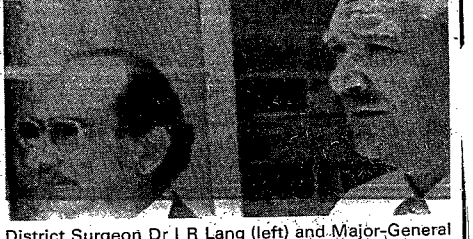
Dr Lang also told the court that in later medical

1 for Biko

Full report, pages 4, 5, 6, 7

examinations at which other doctors were present Mr Biko was found to have:

- Echolalia — a condition where a patient repeats a word in a sentence again and again.
- An extensor plantar reflex of the left foot, which means that when the sole of the foot is scratched the toe turns upwards instead of down. This was a sign of possible brain damage and it was virtually impossible to sham this symptom, Dr Lang said.
- Red blood cells in the spinal fluid after a lumbar puncture. This could indicate a brain haemorrhage if the red blood cells had not come from a blood vessel, Dr Lang said.



District Surgeon Dr I R Lang (left) and Major-General Kleinhaus, the investigating officer, at the inquest yesterday.

RAND
Daily Mail
ANPA WORLD PRESS AWARD 1966

TUESDAY,
NOVEMBER 22, 1977.

Now it's Sipho— the forty-fifth

325 RAM 22/11/77 Detentions

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 Mdluli, 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 Mdluli'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

RDM. 22/11/77.
325 Detention

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 Ivor 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 Livingstone Hospital and Colonel Goosen (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 abnormality or pathology on Mr Biko — was "highly incorrect".

He wrote out the certificate at the request of Col Goosen after examining Mr Biko following the alleged "violent struggle" with his interrogators in Room 619 in Security Police headquarters in Sanlam Building in Port Elizabeth.

Dr Lang admitted he wrote the certificate although he found that Mr Biko had:

- A swollen lip with a small cut;
- Superficial bruising on the chest;
- Swollen hands, feet, and ankles;
- An ataxic (staggering) walk;
- Slurred speech.

Dr Lang said he attributed Mr Biko's speech impediment to his lip injury and the staggering walk to a lack of cooperation.

Asked by Mr Sydney Kentridge, SC for the Biko family, to explain inaccuracies in his certificate, Dr Lang said: "I cannot explain it ... explicable."

Mr Kentridge: Has it occurred to you that if Mr Biko appeared in court and complained of a cut and swollen lip and bruised chest, your certificate 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:

- Echolalia — a condition where a patient repeats a word in a sentence again and again;
- An extensor plantar reflex of the left foot — this means that when the sole of the foot is scratched, the toe turns upwards instead of down. This was a sign of possible brain damage and it was virtually impossible to sham this sympton, Dr Lang said.
- Red blood cells in the spinal fluid following a lumbar puncture. This could indicate a brain haemorrhage if the red blood cells had not come from a blood vessel.

Doctors had recommended that Mr Biko be transferred to hospital but Col Goosen had said, "no ... because Mr Biko was a security risk," Dr Lang said.

Mr Kentridge: You were his doctor. Wasn't it for you to insist he got proper treatment?

Dr Lang: We are restricted ... we cannot tell them (the Security Police) where we want the patient if he's a security case.

Mr Kentridge: 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 Kentridge: So in these matters the Security Branch are a law unto themselves ... you cannot buck them?

Dr Lang said the district surgeons were not connected to the Security Police. He also told the court that Col Goosen had led the doctors to believe that Mr Biko had suffered similar symptoms during a previous period in detention and that he was shamming.

Dr Lang agreed that a medical examination was greatly influenced by the history of the patient he was given.

Mr Kentridge: If this were 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 other issues at the inquest yesterday, the magistrate, Mr Marthinus Prins, said he would decide later in the hearing whether to call the Chief of the Security Police, Brigadier C Zietsman, to give evidence.

His ruling followed a report handed in by Mr Kentridge after a discussion with Brig Zietsman, and a request that Brig Zietsman be called to give evidence.

Mr Kentridge said he was satisfied that Brig Zietsman had reliably conveyed information about Mr Biko to the Commissioner of Police who had passed this information to the Minister of Police, Mr J T Kruger, without distortion. It was therefore necessary to call Brig Zietsman to give evidence.

The magistrate also turned down a surprise application for the postponement of the inquest until early next year so that additional expert medical evidence could be led. This application was made by Mr B Pickard, counsel for the Port Elizabeth doctors.

Mr Prins said the application was premature as the experts could not be asked to pass an opinion before the court heard the factual evidence from the Port Elizabeth doctors.

Full Report, Pages 6



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.

Picture: DAVE PUGHE-PARRY

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in Lieut Wilken's opinion, was normal.

Mr Kentridge: He was normal, and now we are speaking of some 12 hours before his death. — That is correct.

Mr Kentridge said a medical orderly in Pretoria Prison, Sgt Pretorius, had said "Biko seemed to be seriously ill and I was afraid for his life." Mr Kentridge asked whether Lieut Wilken remembered hearing this remark.

Lieut Wilken said he did not remember hearing it.

Mr Kentridge asked him whether while at Pretoria Prison, he remembered one of his party saying to the others Mr Biko had studied medicine for four years, that he practised yoga and that he could deceive people easily.

Lieut Wilken said it was quite possible that he had said it himself because at that stage he believed Mr Biko was shamming.

While they were in the Land-Rover Mr Biko would breathe normally but when there were lights and people around he would breathe more deeply.

Mr Kentridge said he would ask the magistrate to reject this answer as a basis for Mr Biko shamming.

He asked whether Lieut Wilken still thought that Mr Biko had been shamming. Lieut Wilken replied that on the night of September 11 his breathing at particular times only made it appear that he had been shamming.

Mr Kentridge: What right did you have to say this man could deceive people and was probably shamming? — It was an opinion.

Why is it you security people insist on telling people all the time that he was shamming — The case was that the doctors had said there was nothing wrong. We had to assume they were right.

Is not the obvious reason that there was something you wanted to hide in connection with this man — No, we had nothing to fear or hide.

Mr Kentridge said it became clear from affidavits that warders in Pretoria and Port Elizabeth were concerned about Mr Biko's condition and that they had treated him in a hu-

says doctor

One Biko response 'virtually impossible' to sham



GEN KLEINHAUS
. . . investigating officer

September 8 Dr Hersch had found Mr Biko suffering from echolalia, a condition where a patient repeats a word or part of a sentence addressed to him. He also displayed an extensor plantar reflex which was an indication of a lesion in the brain — inaudible.

He said the extensor plantar reflex was displayed when the outer surface of a patient's foot was scraped with a semi-blunt instrument and the toes, instead of curling under, extended.

I would imagine to sham a position of an extensor plantar reflex is virtually impossible? — This is so.

Mr Kentridge said at this stage the doctors faced the worry that there was something wrong in the brain and carried out a lumbar puncture. The results of this indicated a significant number of red blood cells, which was a sign of something wrong in the brain.

Dr Lang said this would have been so if the red blood cells had not been the result of a "bloody tap" — that is, blood drawn from a blood vessel, not from the spinal fluid.

He said the neuro-surgeon, Mr Keely, was consulted on September 7.

Asked whether he was convinced at this stage that Mr Biko was shamming, Dr Lang said "the whole picture presented such a bizarre appearance, I did not know what to think . . ."

Dr Lang said it was Mr Keely's opinion that all that was necessary was observation of Mr Biko to see if there was any change in his condition. Dr Lang said he wanted to send Mr Biko back to the Walmer police cells from the Sydenham Prison since there was no trained staff at the prison.

"The Security Police would not allow us to transfer him to a hospital We had no option but to go along with them."

After further questioning Dr Lang said: "If he had been any other prisoner we would have sent him to the provincial hospital."

Mr Kentridge: Of course you would.

Dr Lang said by Friday morning, September 9, he believed Mr Biko's condition was improving.

Mr Kentridge said he found difficulty with this assumption.

Dr Lang said Mr Biko was one of the few detainees he had worked on. Col Goosen was asked to send Mr Biko to the Livingstone hospital but the colonel refused.

"I suggested a private hospital" but this was also ruled out although Mr Biko needed it, he said.

Asked whether he ha not pointed out that M Biko could be kept und continuous police guar Dr Lang said Dr Tuck would have to be ask this question. He agre Keely had made out however, that prisoners hospital were kept und strict police guard.

Mr Kentridge said I affidavit which did n strictly bear out what Lang had said.

Mr Keely said Mr Bik cerebral spinal fluid w faintly bloodstained bt the doctors had not ben particularly perturbed about their patient's conlition. Dr Lang said he had told the court exactly what Mr Keely had said to him.

Mr Kentridge: You said an ordinary prisoner would have been sent to a provincial hospital? — I was not a neuro-surgeon, I had to make the best of the situation.

If Mr Keely said close observation was necessary, he meant in a hospital . . . you told him: "sorry, 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.

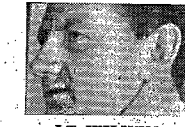
Mr Kentridge: That's the Security Branch — a law unto itself. — We are district surgeons. We are not with the Security Branch.

Mr Kentridge: You can't buck the Security Branch. It's very difficult to do so. You haven't been in court for the last few days otherwise you would realise that.

The hearing continues

Leg-iron pressure same as sunglasses—night squad chief

Biko Inquest



LT WILKEN
. . . night squad chief

ıane and considerate manner.

One or two had even ed him when he could not eed himself.

Lieut Wilken said he ad also treated Mr Biko umanely.

Mr Kentridge: We have ne situation that you are nt on an urgent journey Pretoria on a Sunday ight to take a man to hosital. He had, according you, refused food and ater, nor taken any opportunity in the course of 12- to 14-hour journey to elieve himself. He said, s far as we know, not a ord during the journey nd then when you get to retoria you take it upon ourself to tell people in retoria that this is a person who can easily deceive hers and you think he is ıamming. Is that a reasonable summary of what happened?

Lieut Wilken: It is one-sided if you don't take in the background but basically, yes, it's correct.

Mr Kentridge: I suggest that it was not Biko that was shamming but members of the Security Police. I am going to suggest that this constant refrain was to draw attention away from what the Security Police had actually done — Reply inaudible.

Lieutenant Wilken said Mr Biko had not always worked with the Security Police since he saw them as enemies and that he had a different attitude to the prison warders.

Mr Kentridge said there was another reason for this different attitude since, perhaps, the prison warders did not assault Mr Biko.

Lieutenant Wilken said Mr Kentridge had not been there and could not say this. Mr Kentridge said Lieutenant Wilken was right but Mr Biko had been assaulted during a particular period and he left it to Lieutenant Wilken to explain how Mr Biko came by this injury.

Mr Kentridge added this pointed to the limitations imposed by holding a man incommunicado.

Mr Van Rooyen, for the police, said he wished to complain bitterly about Mr Kentridge's reference to an alleged assault. So far there was no basis for Mr Kentridge's remarks.

Mr Kentridge said it would be the Biko lawyers submission Mr Biko had probably suffered a head injury between 6 pm on the evening of September 6 and 7.30 on the morning of September 7.

It was natural to suggest that some violence had been applied to him and the court had not heard any explanation of this injury. The court was entitled to draw its inferences.

Mr Van Rooyen said there had been the clearest evidence of an incident of violence initiated by Mr Biko and not the police on the morning of September 7 when Mr Biko's "head could have connected with the wall. I would be vastly interested to hear from my learned colleague on whether the head came to the wall or the wall came to the head."

Mr Van Rooyen asked whether Lieut Wilken had seen any injury on Mr Biko which could have given the slightest suspicion that he had been assaulted. Lieut Wilken replied he had not.

In reply to Mr Prins, Lieut Wilken said when he saw the mark above Mr Biko's left eye it appeared only to be darker than the rest of his skin, but did not seem to be the mark of an assault.

Mr B de V Pickard, for the doctors, made an application for the postponement of the inquest after all the "laymen's" evidence had been given. He suggested possible postponement dates as January 9 or 15.

He said Drs Lang and Tucker had only arrived in Pretoria last Thursday and he found it extremely difficult to prepare evidence adequately for the proceedings since there was a wide range of information to be canvassed from various medical experts.

There was a distinct possibility that the Biko family would level criticism at the doctors who treated Mr Biko during the last days of his life.

He added the entire professional careers of the doctors he represented were at stake.

Mr Von Lieres, leading evidence, said the only question of importance was whether the refusal of a postponement would prejudice the doctors.

Mr Kentridge said nothing had been said to indicate what medical experts would be called and asked why the doctors' case should be prejudiced because they had been briefed late.

Mr Kentridge said he had not heard why the expert medical evidence could not stand until all the factual evidence had been led. He did no intend to examine the doctors on the cause of death and the pathological causes but on factual occurrences which were inextricably linked with police evidence.

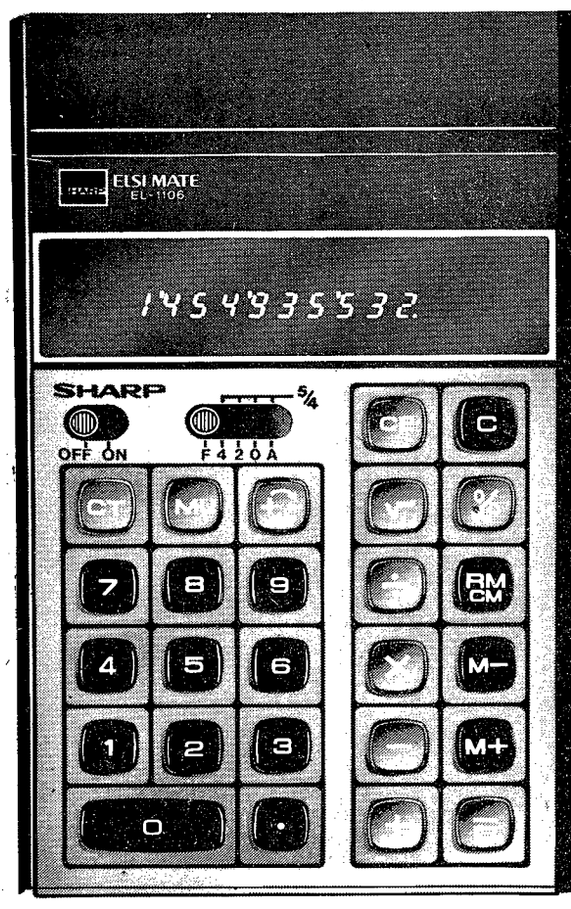
Mr Kentridge said he regretted that the Biko family lawyers would not be available if the case was postponed until next year and the inquest might have to go on without them. This might be a source of satisfaction to certain parties. He suggested that Mr Pickard's application was premature.

Mr Pickard said that it was as clear as daylight to him that unless the court was in possession of the expert evidence he would have to recall the medical witnesses. He had no doubt that the assessors, having heard the expert evidence, would then also want to speak to the doctors.

Mr Prins: Should you not show me first what happened and then, in the light of the expert witnesses, we can decide whether anybody should be blamed or not (inaudible).

After a short adjournment Mr Prins refused the application.

22/11/77



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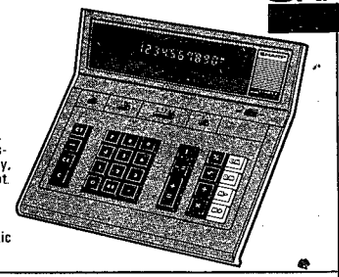

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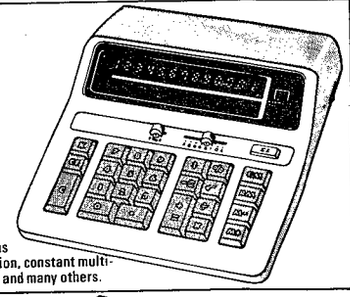

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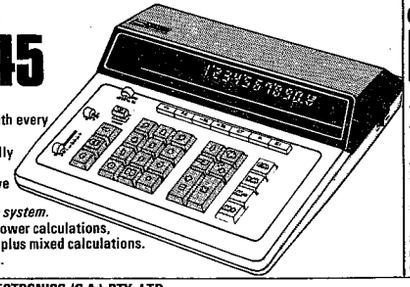

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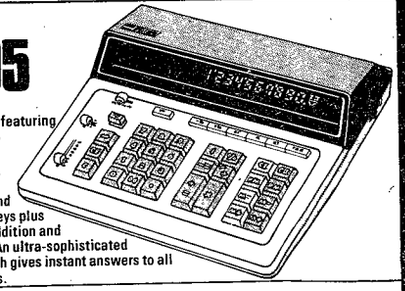

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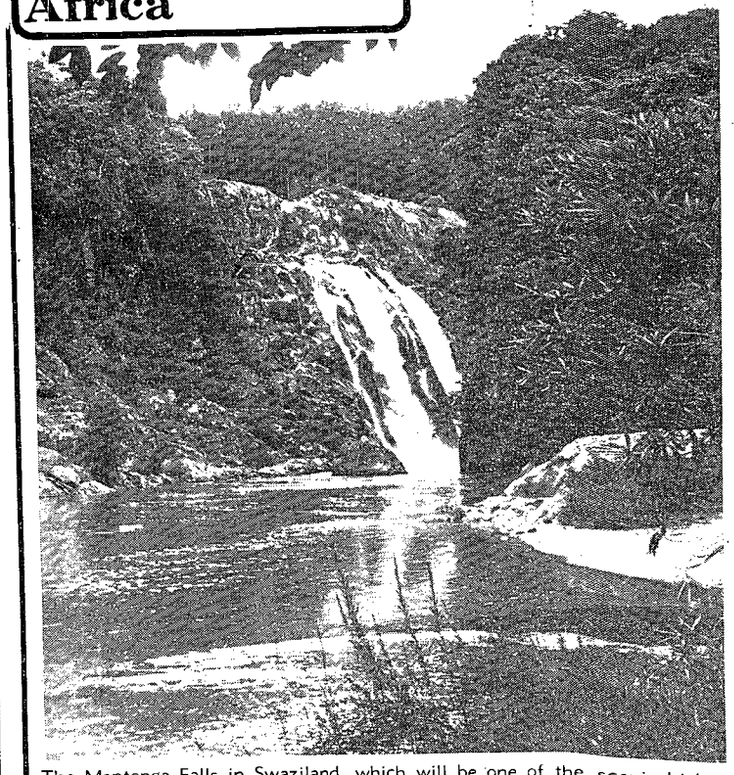
he Lamb's Navy

Africa



The Mantenga Falls in Swaziland, which will be one of the scenic highlights in a hiking trail planned by conservationists.
Picture: GEOFF DALGLISH

Chikerema calls UK treacherous

SALISBURY. — A black Rhodesian leader yesterday accused the British Government of being treacherous and said it would be better if it quit the Rhodesian scene.

On the eve of his departure from Salisbury for talks in London with the British Foreign Secretary, Dr David Owen, Mr James Chikerema, first treacherous," Mr Chikerema said.

"The British Government is gutless. They have no meaningful role in this exercise at all because they have no power to enforce anything they want on this country.

"Therefore it would be better if they left the scene."

He would not give support for Mr Joshua Nkomo, co-leader with Mr Robert Mugabe of the militant Patriotic Front which is vying with internal Rhodesian nationalist organisations for power in a legally independent Zimbabwe.

Asked if he thought Britain backed Mr Nkomo, he replied: "No question about it



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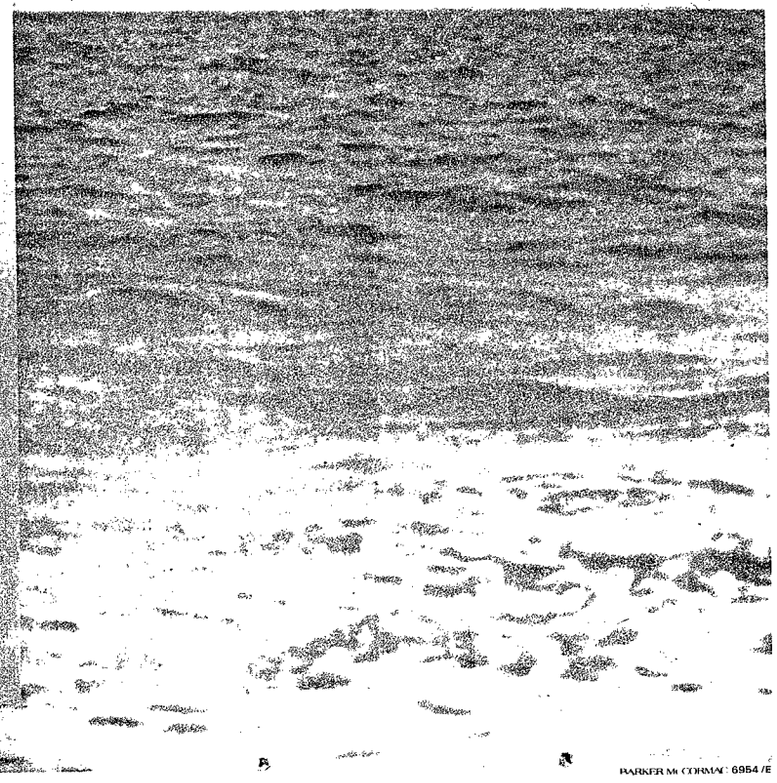

BARKER McCORMAC 6954/E

Abel Muzorewa's United African National Council (UANC), attacked the British Government's behaviour over the Rhodesian dispute.

"I've always believed the British at best were decent on matters of decolonisation, but I never expected them to be so

the UANC view, but said he would hold a news conference in London after he met Dr Owen tomorrow to "spell out their treachery".

Mr Chikerema indicated, however, that it was at least in part connected with what he called the British Government's sup-

word treacherous."

He added: "There have been some treacherous exercises on the part of Dr Owen and the British Government that would make the Anglo-American proposals look absolutely ridiculous." — Sapa-Reuter.

Lens view of Kenya's game

LONDON. — Developed countries could conserve Africa's wildlife by ensuring there is no sale of rhino horns, ivory or animal skins, says writer-photographer David Keith Jones.

Mr Jones, a teacher in Nairobi, is in Britain to launch his "Faces of Kenya", a lavish record of Kenya's beauty.

It has 170 magnificent black and-white photographs and 70 in colour.

Mr Jones said in an interview: "Everyone is concerned with preserving wildlife in Kenya but there is a lot of hypocrisy talked about conservation in the developed world.

"The demand for animal products comes from outside Africa.

"When rhino horn in Hong Kong can fetch twice the price of gold an ounce, there will always be a demand for it.

"Developed countries should impose strict restrictions on products that can only be obtained by the slaughter of wild animals. The trivial whims of an industrialised society can damage the environment of a country like Kenya, or any other rich in wild life." — Sapa.

Blood came from nose, says Colonel

WINDHOEK. — Mr Victor Nkandi, accused of the murder of Chief Filemon Elifas and in terms of the Terrorism Act, refused to talk when taken into custody on September 15 but eventually made an oral statement, Mr Justice F H Badenhorst heard yesterday.

Giving evidence was Colonel Willem Schoon, head of the Oshakati branch of the Security Police in Owambo.

Mr Nkandi, a member of Swapo, has pleaded not guilty to all charges.

Asked by the prosecutor, Mr H F van Zyl, whether Mr Nkandi had been assaulted at any stage during this period, Colonel Schoon replied: "No. As far as I can remember he did have blood on him but I understood this to have come from his nose which appeared to have bled naturally."

Mr Nkandi was completely sober at the time and spoke normally. The Security Police did not make any promises to him, Colonel Schoon said.

The hearing continues. — Sapa.

Guerillas attack walled city

Own Correspondent

LONDON. — Guerilla insurgents of the Western Somali Liberation Front are reported to have launched a make-or-break attempt to capture the ancient walled city of Harar in the mountains of Eastern Ethiopia.

The offensive coincides with the ending of prolonged unseasonal rains which bogged down all movement in the war for several weeks.

The insurgents are believed to be advancing on Harar from all sides, after securing a perimeter within 16 km of the strategic city. But they are meeting solid resistance from reinforced Ethiopian forces.

In New York, Newsweek reported yesterday that Cuba had sent 300 more troops to Ethiopia, following a secret trip to Havana by Ethiopia's leader, Lieutenant-Colonel Mengistu Haile Mariam, reports Sapa-Reuter.

Lawyers slammed

Own Correspondent

NAIROBI.—Black lawyers in Kenya are up in arms over caustic criticism in Parliament of their work.

It started when Mr John Keen, MP, said: "More than 60% of African laywers are worthless."

He was supported by the Attorney-General, Mr Charles Njonjo, who said: "Many of these people have proved to be a disgrace to the legal profession despite the fact that they have done well in their examinations."

Mr Njonjo has urged control over the entry of students into the law school.

Airport refugees housed

Own Correspondent

LONDON. — About 200 refugees who fled the Marxist regimes of Angola and Mozambique and camped at Lisbon Airport for three months were given lodgings throughout Portugal at the weekend.

The Portuguese Government's action came after a campaign in the conservative Press over the refugees' plight.

Two months ago, Portugal announced that it would no longer have anything to do with the housing and care of further refugees. They must do the best they could with the settlement sum of R500 a couple, the government said.

The government has had to cope with nearly 1-million refugees from the former colonies during the past three years, and more are arriving daily.

For the past three months visitors flying to Lisbon Airport were shocked to see an arrival hall converted into a giant encampment where families sat on thin mattresses in the "homes" marked out on the floor by bundles of clothing and cardboard boxes.

Biko Inquest

We don't believe Kruger distorted, says Kentridge

WHEN the Biko inquest resumed in Pretoria's Old Synagogue yesterday, Mr Sydney Kentridge, SC, appearing for the Biko family, reported on his private consultations with the two brigadiers to whom Col Pieter Goosen, head of the Eastern Cape Security Police, said he had reported.

The consultations followed the refusal by the magistrate, Mr M J Prins, last week, to admit Press reports of statements by the Minister of Justice and Police, Mr J T Kruger, as evidence.

It was then arranged, that Mr Kentridge could have private consultations with the two brigadiers — Brig C F Zietsman, head of the Security Police, and his deputy, Brig P J Coetzee.

The brigadiers were thought to be links in the chain of information on Mr Biko's death which passed from Col Goosen to Mr Kruger.

Dealing with his meeting with Brigadier Zietsman and Brigadier Coetzee, Mr Kentridge said: "The two brigadiers consulted with us separately. Both consultations were held in the presence of the investigating officer, Major-General Kleinhaus.

"The information and explanations given to us by the brigadiers have cleared up many of the problems which existed when we first made our application for the calling of these and other officers whom we referred to as the links in the chain of communication reaching from Col Goosen to the Minister.

"We did not then know how many links there were in the chain, or who they were.

"We are now able to eliminate Brig Coetzee from the inquiry entirely. He was away from Pretoria on September 13, and Col



MR KRUGER
. . . no distortion

Goosen did not speak to him on that day. We accept that he can have no responsibility in the matter, and there is no need to call him as a witness.

"The officer to whom Col Goosen spoke on September 13 in the morning, was in fact Brig Zietsman. We are satisfied that Brig Zietsman did no more than to note down the information which Col Goosen gave him. Brig Zietsman asked the questions, and Col Goosen gave the answers, which the brigadier wrote down.

"The brigadier then conveyed the information to the Commissioner of Police, General Prinsloo, who presumably reported to the Minister, as it would be his duty to do.

"We do not think that there can be any question of Gen Prinsloo's having distorted the information given to him; nor do we believe that the Minister did so.

"What is most important, it is clear to us, having spoken to him, is that Brig Zietsman did not do so either. Nor, as he has related it to us, can there have been any room for misunderstanding, at least not for any misunderstanding which could possibly have led to the seriously incorrect version of events published by the Minister on the 13th and 14th September.

"It seems, therefore, that it is necessary only to call brigadier Zietsman. He can briefly clarify the whole issue.

"Moreover, he has told us that subsequent to his conversation with Col Goosen, the Port Elizabeth office did in fact send telexes to Security Branch headquarters in Pretoria in connection with the detention of Biko.

"We have asked for these telexes but Brig Zietsman cannot produce them to us without the consent of the Commissioner. Of course, this court has the power to call for the production of these telex messages, subject to any claim of privilege which may be made in respect of portions of them which do not refer to the facts of the Biko case.

"We therefore ask the court in due course to call Brig Zietsman, and to request him to bring with him the relevant telex messages from Port Elizabeth," Mr Kentridge said.

He wanted to hand in affidavits verifying the Minister's reported statements on September 13 and 14. These were by a Rand Daily Mail journalist Mr Patrick Laurence and a lawyer who acted for the Rand Daily Mail in a recent Press Council hearing on the statements, Mr William Lane.

Mr P R van Rooyen, for the police, objected to the procedure, particularly to the affidavits by Mr Laurence.

He said it appeared Mr Kentridge wanted "a second bite of the cherry" on the admissibility of evidence on which the magistrate had already ruled.

Mr Prins had already ruled that documents relating to statements by the Minister were hearsay and inadmissible, and the affidavit from a journalist was irrelevant and inadmissible.

Mr Prins said any affidavit verifying what was said by the Minister could not change the matted. What was published as having been said by the Minister was accepted as correct.

Until the court had some indication of which aspects of Col Goosen's evidence were incorrect it would not consider ordering an affidavit from Brig Zietsman and would only then decide on whether to call him to give evidence or to make any telexes available on his reports to the Minister.

Lieutenant Winston Eric Wilken then continued his examination under Mr Kentridge and said he had made a point of visiting Mr Biko from time to time during the night of September 6.

He said he believed he was alone when he spoke to Mr Biko in Room 619 and he believed that Mr Biko was asleep most of the night.

Mr Kentridge asked whether Lieutenant Wilken seriously believed a man could sleep through the night with leg irons and handcuffs. Lieut Wilken said a person generally woke up in the night in any event even if they did not have on leg irons and handcuffs.

Lieut Wilken said he had testified that Mr Biko had only one foot in the leg iron which gave him a lot of mobility. When he said Mr Biko was asleep he meant that his eyes were not open.

Mr Biko was loosely manacled and he denied that the pressure of the leg iron would always be felt as a weight on the leg.

He said the pressure would be the same as that on a person who was wearing sunglasses — he would be aware of them.

Lieut Wilken agreed that Mr Biko's one foot and ankle were swollen.

Mr Kentridge said according to medical evidence to be introduced it appeared probable that Mr Biko suffered head injuries either during the night of September 6 or in the early morning of September 7, before 7.30 am. If that was the case the responsibility would appear to lie with Lieut Wilken's night squad or Major Snyman's day squad.

Lieut Wilken said he could not throw any light on how Mr Biko might have suffered an injury while under his care or how an injury to his head could have occurred on September 6.

He had accompanied Mr Biko on the Land-Rover trip from Port Elizabeth to Pretoria and had sat at the front of the van. Mr Biko's condition was normal, except as they approached towns, when Mr Biko's breathing became much heavier.

Mr Biko apparently slept most of the way. He said when they stopped for petrol he did not give Mr Biko a chance to get out to stretch his legs, Lieut Wilken said.

Mr Biko was given an opportunity to relieve himself, but he did not want to do so. He could not remember when the offer was made to Mr Biko.

When they arrived in Pretoria Mr Biko's condition was the same, which,

Medical certificate incorrect,

DR IVOR LANG, a Port Elizabeth district surgeon, faced intensive examination about the treatment he had given Mr Biko in detention.

He was called to the box by Mr K von Lieres, who is leading the evidence.

Dr Lang said he was a fulltime district surgeon and since the death of Mr Biko he had made a number of statements which were then handed in to court.

In the first affidavit Dr Lang said:

"This is to certify that I have examined Steve Biko as a result of a request from Col Goosen of the Security Police who complained that the abovementioned would not speak.

"I have found no evidence of any abnormality or pathology on detainee," he said.

The affidavit was signed on October 11.

Mr Von Lieres then dealt with a background report also made by Dr Lang on October 11.

In this report, headed "Bantu Steven Biko", Dr Lang said that, at the request of Col Goosen, he had examined Mr Biko on September 7 in the offices of the Security Police about 12 pm.

'If he had been any other prisoner we would have sent him to a



Dr Lang had not ordered Mr Biko to be kept in bed with symptoms he had noticed. Dr Lang said that he had told Col Goosen that if Mr Biko's condition persisted he should be called again.

On the following day, September 8, Dr Lang was again called by Col Goosen and arrived to examine Mr Biko with the chief district surgeon, Dr Tucker. Dr Lang said Mr Biko was coherent.

Mr Kentridge said there were many witnesses who had said that after a certain period Mr Biko was incoherent and that they could not make contact with him. Dr Lang said Mr Biko had replied clearly when asked his name. Mr Kentridge said he had been instructed that questioning on that level was not an adequate test of the degree of consciousness or mental ability.

Mr Kentridge noted that the fact that Mr Biko was in chains had not been mentioned until Dr Lang's fourth affidavit.

Didn't you think it necessary to mention that in your original report? — No I didn't mention it.



MR VAN ROOYEN

12 pm was incorrect and that he had in fact examined Mr Biko at 9.30 am.

[redacted]

Carrying on with his summary, Dr Lang said Col Goosen had expressed concern that Mr Biko might have suffered a stroke since he was not eating "nor was he able to speak and was not using his limbs."

"I was given a short resume of events leading to his detention in the security offices and Col Goosen strongly emphasised the fact that he did not wish any harm to befall him.

"I then carried out a lengthy and complete examination of Biko who was lying in an office on a number of blankets.

"He was able to give me a good account of himself and did not complain of any symptoms other than weakness of his limbs and lacked the desire to eat," Dr Lang's statement said.

"Before departing I informed Col Goosen I could find no organic cause for Mr Biko's apparent weakness and that I was satisfied that he had not suffered a stroke, nor was there any paralysis of any limb."

The next morning, September 8, Col Goosen expressed concern over Mr Biko's condition since he had not passed urine during the previous 24 hours and he had refused all offers of food.

He agreed to re-examine Biko later in the morning and had requested the chief district surgeon, Dr B J Tucker to examine Mr Biko in consultation with him.

This examination started about 12.45 pm in the security offices. Dr Lang said he noted no material changes in Mr Biko's physical condition save for the facts set out in his medical report.

[redacted]

"There was certainly no distention of his bladder and no indication that he was suffering from retention of urine. At the conclusion of this examination, Mr Biko complained of thirst whereupon Warrant Officer Coetzee was asked to give him water.

"In view of our observations it was decided that he be transferred to the Sydenham Prison hospital where a further examination would be carried out by a specialist physician and this was immediately agreed to by Col Goosen.

Dr Lang said that Dr Hersch was contacted during the afternoon and Dr Hersch agreed to examine Mr Biko in consultation with him during the evening.

About 9.45 pm Dr Hersch examined Mr Biko in his presence at the Sydenham Prison and it was agreed that a lumbar puncture be performed the next morning to exclude the possibility of cerebral haemorrhage or other cerebral disease.

A lumbar puncture was performed by Dr Hersch and shortly after this, about 9.45 am Dr Lang visited Mr Biko.

"He was comfortable and did not complain of any pain and was in possession of all his faculties. I received a report from Warder Shehab 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.

[redacted]

"Shortly after this I telephoned Dr Hersch who informed me that the lumbar puncture was performed with little difficulty but that the cerebro-spinal fluid, although not under pressure, was bloodstained. Furthermore, there was no change in Biko's physical condition."

Dr Lang said that on the morning of September 10 he again consulted Dr Hersch on the phone and the report of the analysis of cerebral haemorrhage was discussed.

Because of the presence of blood Dr Hersch was of the opinion that a neurosurgeon be consulted and if necessary an X-ray of the skull be obtained. He gave his consent.

Shortly after this Mr R Keely, a neuro-surgeon telephoned him and Mr Biko's clinical state was discussed at length.

Mr R Keely was of the opinion that the findings to date were not evidence of serebral haemorrage 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.

Mr Keely had agreed that "we could transfer him to the custody of the Security Police provided that Biko was examined daily by a doctor.

Dr Lang said he advised Colonel Goosen of this. It was agreed that Dr Lang would visit Biko during the afternoon and that he would be moved from Sydenham Prison the next morning.

At 3.30 pm he again visited Mr 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.

"I informed Mr Biko of the findings of the various medical practitioners and that he was to be moved from Sydenham Prison the following morning.

"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 9.30 am he asked Major Fischer to advise Pretoria that whoever assumed charge of Mr 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 clinical report on Mr Biko.

He said that at Col Goosen's request he examined Mr Biko on Wednesday, September 7, at the offices of the Security Police about midday (Dr Lang in a subsequent affidavit changed the time from 12 pm to 9.30 am.

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 suffered a stroke".

Dr Lang said Mr Biko "replied to questions in a slurred manner, stating that he had no pain and that he had not been ill previously. He said that he was unable to move his limbs and that he was not eating as he did not feel hungry".

Mr Biko had stated that he had studied medicine for four years after which he had switched to a Bachelor of Commerce degree for two years and that he was at present studying law through Unisa.

He had stated that he lived in King William's Town and was married.

Dr Lang said Mr Biko was "a well nourished obese male of about 30 years."

There was a small laceration on the inner upper lip and a superficial bruise over the breastbone "at approximately the second vertebra" (in a subsequent correcting affidavit Dr Lang said the word "vertebra" should read "rib."

A pigmented mark was present around each wrist and his hands, feet and ankles were swollen.

Dr Lang said there was no evidence that Mr Biko had suffered a stroke nor was there any evidence of any paralysis.

He attributed the slurred speech to the lip injury and (uncontrolled) gait to lack of cooperation. He could find no cause for his failure to eat and could not agree that he was aphonic (unable to speak). "I advised Col Goosen accordingly," Dr Lang said.

Dr Lang then again dealt with his further examination of Mr Biko, the decision to send him to prison hospital and the agreement that Mr Biko could be transferred back to the police cells.

A fourth statement handed into court contained Dr Lang's remarks to Gen Kleinhaus.

Dr Lang said he did not see the bruise on Mr Biko's forehead during examination on September 7, 8, 9 and 10.

"If it had been as obvious as it appeared on the photograph I do not think I would have missed it," Dr Lang said.

Col Goosen had informed Dr Lang that Mr Biko "had been aggressive and had tried to hit an officer with a chair. He therefore had to be restrained". Mr Biko was shackled to a grille 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 Kentridge, then rose to question Dr Lang. Dr Lang agreed that his primary responsibility as a doctor was to his patient, Mr Biko.

His responsibility was not only to diagnose the cause of his condition but to prescribe any treatment that might be necessary. Dr Lang said he had treated Mr Biko with the same care and consideration as he would have given any other patient.

Mr Kentridge then drew the court's attention to a certificate Dr Lang had written after his examination of Mr Biko on September 7. In this statement Dr Lang said he found no evidence of any abnormality or pathology on Mr Biko.

Dr Lang said he had been asked to make out a certificate at Col Goosen's request. He presumed it was "merely for record 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? — Correct.

Dr Lang added that the thought did not occur to him on September 7.

Mr Kentridge then analysed Dr Lang's statement and compared it with a medical report Dr Lang had handed to the pathologist conducting the porst-mortem on Mr Biko.

In his original certificate for Col Goosen Dr Lang only mentioned the fact that Mr Biko "would not speak" as the reason why a medical examination was ordered.

In the report to the pathologist, Dr Lang gave the reason as follows: "The detainee had refused water and food and displayed a weakness of all four limbs and it was feared that he had suffered a stroke."

In your certificate you only said he would not speak. Why were the other matters not in your certificate?—I cannot explain it. It is inexplicable.

Being wanted for record purposes wasn't it important to have a complete and correct record? — In retrospect, yes.

Why not at the time? — I didn't think of it.

Dr Lang admitted that the first part of his certificate made at the request of Col Goosen was incorrect.

Mr Kentridge then turned to the sentence that read: "I have found no evidence of any abnormality or pathology on the detainee."

Dr Lang admitted that 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? — Yes, it was.

It may have been that Mr Biko would one day have said he had a cut, bruised swollen lip and he would have been called a liar? — I see that now.

Isn't that why Col Goosen wanted the certificate? — I don't think so.

In the same report Dr Lang said that in his examination of September 7 he noticed Mr Biko's speech was slurred, which he attributed to the lip injury, and that he had a staggering 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 Col Goosen, which were later confirmed by Mr Biko himself.

Mr Kentridge: Isn't it fairly clear that he (Col Goosen) stressed the fact that he (Biko) had been a medical student as a hint to you he might be shamming? — This is a probability.

Did you question Mr Biko? — Yes.

Did you ask how he got the cut on his lip and the bruise on his chest? — No. Why not? — Because I was told by Col Goosen that he (Mr Biko) had gone into a rage and had attempted to assault an officer with a chair and had to be restrained.

Dr Lang agreed that he had assumed that the lip injury and the bruise had been sustained while the police were trying to control Mr Biko. Mr Biko had not complained of being injured or assaulted, Dr Lang said. Why did you make an assumption? — I think if Biko had not been injured as result of restraint Col Goosen would have told me. Would he? — Dr Lang said Col Goosen had been present for about half the examination.

Mr Kentridge asked why Dr Lang had not asked Mr Biko for his version of the event while Col Goosen was out of the room.

Dr Lang: I assumed he (Mr Biko) would have told me himself.

Were you not reluctant to embarrass Col Goosen? — No.

Didn't the possibility of a head injury occur to you? — Yes, immediately. The moment I saw the lip injury this was uppermost in my mind.

Why didn't you ask any questions about it? — I can't answer that.

Col Goosen never said anything to you to suggest that he (Mr Biko) had had a bump on his head? — No.

He said no security police officer had ever 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. 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 irons not to be replaced due to the swelling on Mr Biko's ankle. Dr Lang replied 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 malingering?

Dr Lang replied that his findings as well as the history he had been given on Mr Biko led to that conclusion. He had been told Mr Biko could not speak and yet he had held a conversation with him.

When Col Goosen had spoken to Mr Biko, Mr Biko had not replied. In the medical examination he had spoken to Dr Lang.

Mr Kentridge: Didn't you go into that?

Dr Lang said he believed that it was because he was being interrogated Mr Biko pretended he could not speak.

Mr Kentridge: What sort of feigning is it that the moment a doctor comes and in the presence of a colonel he stopped feigning. Isn't it odd?—It is odd.

May I suggest that the suggestion of feigning was very largely derived from Col Goosen? — It contributed to it.

[redacted]

Questioned on Mr Biko's slurred speech Dr Lang said he believed it could definitely be attributed to the lip injury. He had not prescribed any treatment for it because the cut was "extremely superficial".

Dr Lang said he attributed Mr Biko's staggering (ataxic) gait to the fact that he had been manacled and his ankles were swollen.

Mr Kentridge asked why, in his report to the pathologist, Dr Lang had attributed Mr Biko's staggering to "a lack of cooperation".

Don't you agree that a person reading this would understand it as a deliberate failure to cooperate. You agree that this is misleading. — Yes, I agree.

Mr Kentridge drew the attention of the court to a report made by Col Goosen and Maj Snyman which said that Mr Biko's speech was not merely slurred but incoherent.

Mr Kentridge: We can understand that if a man has a swelling of the lip his speech would be somewhat thick but doesn't slurred speech suggest something more fundamental?

[redacted]

Dr Lang said "thick speech was a more adequate description of Mr Biko's way of talking than the phrase 'slurred speech'".

Mr Kentridge drew the attention of the court to the fact that after the medical examination Mr Biko was left lying on his mat in the office in chains. Dr Lang said he had examined Mr Biko very carefully and found nothing "emphatically wrong with him.

Mr Kentridge asked why Dr Lang agreed that Col Goosen was very worried when he summoned him (Dr Lang) on September 8.

In spite of your certificate? — Correct.

Dr Lang said Mr Biko was still lying on the mat chained by his one foot. He could not remember whether Mr Biko was handcuffed but he had not been told that Mr Biko had been violent again.

Weren't you a little shocked? — I was rather surprised.

Before commencing the examination the doctors were told by Col Goosen that Mr Biko had not passed urine for 24 hours. They found on examination that his blankets were wet with urine and that they were smelling.

Was nothing done about that? — Not while we were there.

Dr Lang said he and Dr Tucker had given orders that Mr Biko be removed to the Sydenham Prison hospital. Asked by Mr Kentridge whether Mr Biko might have spent some time under the wet blankets, Dr Lang said "he might have."

At the end of that examination Mr Biko had asked for water because he was thirsty and had been given it by a member of the security staff.

Dr Lang agreed that he did not accept Colonel Goosen's story that Mr Biko had not passed urine because he had wet his bed.

Dr Lang said there was no sign of dehydration about Mr Biko.

[redacted]

Mr Kentridge: If someone said he (Mr Biko) had not taken any liquid for three days that would be wrong?

Dr Lang said Mr Biko's tongue was moist, not dry.

During the second examination on September 8, Mr Biko had complained of vague pains in his head and back. Dr Tucker said he also found a doubtful "possible extensor plantar reflex." This meant that when he was stroked on the sole of his foot, instead of his toes curling inwards, there was a sign that his big toe might be turning upwards. Dr Lang and Dr Tucker then said they wanted to take Mr Biko to hospital in order that a specialist could examine him.

At this stage did you think he was shamming? — I couldn't understand why he had passed urine in the bed. My only conclusion was that he couldn't get up. I asked him and he couldn't give me a satisfactory answer.

He didn't give a good account of himself in that regard. — No, not in that regard.

Mr Kentridge then turned to the question of the weakness in Mr Biko's limbs. Under examination by Dr Tucker, Mr Biko had complained that he couldn't use his left upper limb.

Dr Lang said that when Dr Tucker helped him to walk he found he had full power in his left arm.

We had better leave Dr Tucker to tell us of that. Do you still think of the possibility of his having a head injury? — It was at the back of my mind.

Mr Kentridge: It might have been at the back of your mind but it was not in the forefront of your affidavit.

Asked what had been done when Mr Biko complained of a pain in his head, Dr Lang said he had been very vague about this.

[redacted]

When Dr Hersch was called in to see Mr Biko, Col Goosen filled him in on the detainee's background and said he had been in detention in East London last year and behaved in a similar manner, not speaking and "drawing a curtain down before his eyes," Dr Lang said.

Mr Kentridge said Col Goosen had put Dr Lang under the impression that during Mr Biko's last period of detention he had manifested the same symptoms as conveyed during September.

If this were false, would he not have been seriously misleading the medical practitioners? Dr Lang agreed.

Mr Kentridge said all that Col Goosen had been prepared to tell the court was that in his previous detention Mr Biko had drawn a veil down.

Dr Lang agreed had he not been given the information about Mr Biko's previous behaviour in detention his approach to his diagnosis might have been different and that it might not have led to the conclusion that Mr Biko was shamming.

[redacted]

Referring to an affidavit by Dr Hersch on September 16, Mr Kentridge asked Dr Lang who gave him information on Mr Biko's previous detention. Dr Lang said Col Goosen had briefed him.

Mr Kentridge: He dropped a rather heavy hint that this man may be shamming . . . and when Dr Hersch started his examation he had his face firmly turned in a particular direction? — yes.

Dr Lang said that on

Cont. at C.

hospital'

The district surgeons at the Biko inquest. From left they are Dr I R L ang, Dr C Hersch, Dr Marquard de Villiers, (back to the camera), assisting Mr Pickard, counsel fo r the doctors, and Dr B J Tucker.

By CAROL STEYN, BERNARDI WESSELS and HELEN ZILLE

2 doctors suspected head injury

Cape Times 23/11/77

325-detention

Evidence on pages 3, 4, 5, 6



Dr B J Tucker, left, with Colonel Du Preez, assistant investigating officer, at the Steve Biko inquest yesterday.

* * * *

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 Ivor 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 you don't ask questions, do you?" Dr Tucker: "I would say no."

Uproar 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'

(325) detention Star 23/11/77

Pretoria Bureau

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 1 200 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.

DIDN'T ARGUE

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 minibus and did not know he 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 localised 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

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23/11/77

THE BIKO INQUEST

Biko—'Security paramount'

From page 1

was no change, Dr Tucker said he meant no essential change. What he had been looking for was intra-cranial lesions.

He had been unable to ascertain any results for certain, but noted that there was no spasticity.

Asked why he performed such a cursory examination, Dr Tucker said he did not agree that a five-minute examination was necessarily cursory.

His lungs were clear, and the foam on his mouth could have been from sputum, expelled through his rapid breathing.

Dr Tucker said he did not take the urine test from Mr Biko as he had no catheter and did not ask the detainee to pass urine.

He agreed with Mr Kentridge that Mr Biko could not have responded to the request and that his level of consciousness must have been low.

DENIAL

He denied it was obvious that Mr Biko was a desperately ill man.

Mr Kentridge asked the doctor how he could say there were no positive signs to indicate organic disease.

The advocate pointed out that the presence of a positive extesor plantar reflex had been detected. This was a sign of organic disease.

There were no other signs, the witness replied.

He agreed that his report, which was being read out to him, said they could find no signs of organic desease.

He would like to qualify that statement however. The finding of the extensor plantar reflex was not accompanied by any other localising signs of organic disease.

"NOT CLEAR"

Mr Van Rooyen asked if Dr Tucker was aware on September 8 whether he had a sick person on his hands.

Dr Tucker: Not in the slightest.

This answer prompted Professor I Gordon, one of the two assessors, to say Dr Tucker was not being clear. On the one hand, he agreed Mr Biko was not sick, but on the other, recommended hospitalisation.

Dr Tucker replied Mr Biko had "certain vague signs" which needed to be examined and one place for the examination would be a public hospital.



Mr P R van Rooyen, SC . . . questioning for the police.



Mr S Kentridge, SC . . . he represents the Biko family.



Dr B Tucker . . . he admitted making an incorrect statement.

Mr Biko, however, could not be moved to a public hospital because of security reasons, so he was taken to a prison hospital.

Dr Tucker said he had nothing against this because it was not absolutely necessary to get Mr Biko into a hospital. There were sufficient facilities available for an examination at the prison hospital.

IMPORTANT DETAINEE

Questioning of Dr Tucker was then taken over by Mr van Rooyen SC, for the police.

He ascertained from the witness that he had had a discussion with his assistant, Dr I R Lang, on his findings of September 7, before they both examined Mr Biko on September 8.

Dr Tucker said he went into the examination with the object of confirming that there was nothing wrong with Mr Biko, as Dr Lang had suspected, or looking for something which he might have missed.

Mr van Rooyen asked him whether Col Goosen was concerned with Mr Biko's good health. "He wanted him alive and well, did he?"

Mr Tucker: Very much so.

Mr van Rooyen asked whether Mr Biko was an extremely important detainee who had to be kept in good health, to which Dr Tucker agreed.

Mr van Rooyen: And he was looking to you, the doctors, to see that he remained in a good state of health as far as was possible? — Yes.

WRONG

Dr Tucker agreed with Mr van Rooyen that part of his evidence yesterday was wrong. He had said under cross-examination by Mr Kentridge that his conversation with Mr Biko on September 8 was limited to the asking of one question and receiving of one answer.

There had in fact, been more conversation, the doctor said. Mr Biko not only complained about the pains in his head and back but also referred to his left limbs and asked for water.

He agreed there had been enough conversation to show Mr Biko was mentally alert, could understand the nature and import of his questions and could answer them intelligently.

Mr Van Rooyen: If it was claimed Mr Biko had been allegedly smashed up, his appearance was not in accordance with such a description.

Dr Tucker: Definitely not.

The hearing is before Mr M J Prins, Pretoria's Chief Magistrate, who is assisted by two medical assessors, Professor I Gordon of the University of Natal Medical School and Professor J Olivier of the University of the OFS Medical School.

Leading the evidence is Mr K von Lieres, Deputy Attorney-General of the Transvaal.

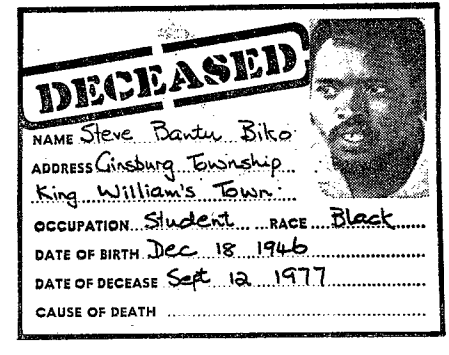
Appearing for the Biko family are Mr Sydney Kentridge SC, with him Mr George Bizos and Mr Ernest Wentzel, instructed by S Chetty and Co.

Appearing for the police involved in the case is Mr P R van Rooyen SC, with him Mr J M C Smit instructed by the State Attorney.

Appearing for the doctors involved is Mr B de Pickard, instructed by the State Attorney.

Appearing for the Prisons Department is Mr W H Heath, instructed by the State Attorney.

(Proceeding)



D.D. 23/11/77

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 semi-consciousness.

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 in 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 semi-consciousness? — A collapse into semi-consciousness would negate that.

You would never have allowed him to go 700 miles by road like that? — Not in a state of semi-coma.

Dr Hersch said Mr Biko should have been kept in a hospital after a neuro-surgeon 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."

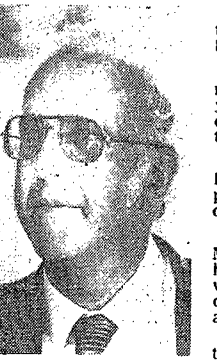
Mr Kentridge told Dr Hersch that the spinal fluid sample from the lumbar puncture performed in the Port Elizabeth Prison hospital had been sent to medical research laboratories labelled Stephen Njelo.

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, Mr 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 symptons of brain damage as swelling in the brain developed and



DR HERSCH

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 shamming.

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 shamming 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 shamming.

Mr Kentridge. Was this not an effort to prejudice you? — I would not say an effort. I had a message that he may be feigning.

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.

23/11/77

325 - dot



Goosen was concerned inquest told

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. R. 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 B. de V. Pickard, 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 euremia, 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 euremia.

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 fore front of Dr Tucker's mind. — That is 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

NM 23/11/77 (325-det.)

PRETORIA — The chief district surgeon of Port Elizabeth, 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 co-operation" 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 Port Elizabeth, 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 con-

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BIKO UPROAR

■ FROM PAGE 1

tended.

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 misconstructed 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 co-operation from them (the Security Police).

Mr. Kentridge: And did they have complete co-operation from you? What co-operation 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 prematurely 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 Port Elizabeth.

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. — (Sapa.)

NM. 23/11/77 (325 def.

THE BIKO INQUEST

'NOTHING MENTIONED ABOUT ASSAULT'

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 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 become dehydrated as a result of his poor intake.

"At the time of the examination he (Mr. Biko), was lying on a cell mat covered with blankets. Both were wet and smelling of urine. His upper lip was swollen and there were abrasions encircling both wrists.

Obese'

"He was an obese individual and showed no signs of dehydration. His tongue was furred but moist. Mentally he was alert and answered questions in an intelligent manner, which might have been 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 hypogastrium 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 to him by Warrant Officer F. V. Coetzee 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 lumbar puncture that morning, the report on which was

"On September 11 Col. Goosen asked me to see him (Mr. Biko) again at the Walmer police station, which I did at about 3.20 p.m.

"He was apathetic and unco-operative and was hyperventilating.

"Fine froth was present about his lips and his tongue was furred but moist. The lungs were clear and there were no signs to indicate a cause for the hyperventilation.

Unchanged

"His pulse rate was 80 per minute and regular and his heart sounds were closed. The central nervous system showed no change to what I had found in my previous examination.

"Because of his unco-operative attitude, the fact that he was hyperventilating 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 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 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.

"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 transpired. Dr. Lang enlightened me as to Biko's condition while in the Sydenham Prison, the result of the lumbar puncture performed by Dr. Hersch and said he had discussed the matter with Mr. Keely."

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 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 that there was sufficient light to have enabled me to see these lesamine his eyes and pupils.

"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 had to be restricted, and at the commencement of my examination he was manacled by means of a handcuff around his right ankle 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 in the week prior to 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. Bothma.

They had had a medical book open and were discussing whether hyperventilation could cause death.

Dr. Lang had told them there was a possibility that it could.

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: Didn't 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

D.D 28/11/77 325-def.



DR TUCKER . . . didn't ask about blow to head.

Media rivet on Biko

LONDON — Every day since his death Steve Biko has been immortalised in print in newspapers throughout the world.

The Western European and British press alone devoted tens of thousands of words to the initial announcement of his death in detention — and he was generally praised as a non-racialist, a young visionary and a black man whose ambitions offered a future of some hope to people of all races in South Africa.

Television and radio reports going round the world now add to the vast demand for a full explanation into his death. Fleet Street newspapers alone published more than 250 column centimetres yesterday on Monday's inquest proceedings.

The British Council of Churches is publishing bound volumes of his speeches. So is the United Nations. Scotland hundreds of young people are wearing "Biko badges.

Church and exile groups here cannot recall any incident in South Africa's history since the advent of apartheid creating such prolonged and persistent space in the media internationally. Comment had been almost unanimously scathing, even in Fleet Street's right wing press.

The British Anti-Apartheid Movement said yesterday there would be much more reaction. "People who two months ago scarcely knew or cared about the existence of South Africa now know through Steve Biko what it is and what it stands for — and are judging you accordingly," a spokesman said. — DDC.

Counsel accuses Biko doctor

PRETORIA — The chief district surgeon of Port Elizabeth was yesterday accused of supplying false information to the Biko inquest.

From ROGER OMOND
Daily Dispatch man in Pretoria

Heated row at inquest

PRETORIA — There were heated exchanges at the Biko inquest yesterday when counsel for the Biko family, Mr S. Kentridge, was accused of emotional and inflammatory cross-examination.

Mr Kentridge had been cross-examining the chief district surgeon of Port Elizabeth, Dr B. Tucker, about why he had not asked Col Goosen, head of the Special Branch in the Eastern Cape, whether Mr Biko 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 Special Branch? When you are in the Special 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.

You would say no? — I don't agree with that statement.

After a short adjournment the magistrate, Mr Prins, warned that any further uproar would result in his clearing the courtroom of all but the essential people involved in the inquest.

During earlier cross-examination of Dr Tucker there had been outbursts of laughter from the crowded downstairs benches and upstairs gallery and Mr Prins warned: "This is to stop, and stop finally."

Such interruptions were "most tiresome" to counsel and even more so to the witnesses, he said.

At this point Mr P. R. van Rooyen, counsel for the police, objected to the "brow-beating nature" of some of Mr Kentridge's cross-examination. Its "inflammatory nature" was a major cause of the disturbances in court, he contended.

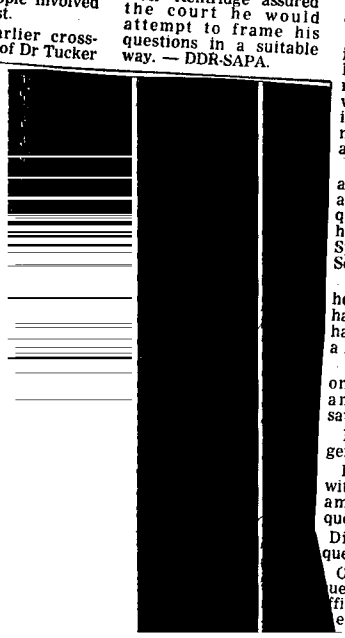
The question dealing with Dr Tucker and the Special Branch was one such example, he said, and should be disallowed.

Because Dr Tucker had not been able to complete his reply a large section of the press "might have misconstrued his answer," Mr Van Rooyan said.

"Things are getting out of hand," he added.

Mr Von Lieres, counsel for the State, also objected and was followed by counsel for the doctors, Mr Pickard, who said Dr Tucker was not on trial.

Mr Kentridge assured the court he would attempt to frame his questions in a suitable way. — DDR-SAPA.



Counsel for the Biko family also said Dr B. Tucker should have asked Mr Biko how he had suffered a lip injury which he had failed to do.

There were unprecedented scenes of emotion in court when Mr S. Kentridge, SC, for the Biko family, put it to Dr Tucker that he had not asked these questions "because when you are in Special Branch offices you don't ask questions."

In other developments yesterday:

Dr Tucker said he had not told the head of the Special Branch in Port Elizabeth, Col P. J. Goosen, that he thought Mr Biko was feigning illness;

Counsel for the police, doctors and State objected to the way Mr Kentridge was cross - examining Dr Tucker;

The magistrate warned he would clear the court if there were any more disturbances after he had adjourned proceedings for five minutes to allow a noisy eruption to subside; and

It was revealed that Dr Tucker had consulted with counsel for the police and the investigating officer in the Port Elizabeth Special Branch offices a fortnight ago.

Dr Tucker and Dr I. R. Lang, principal district surgeon of Port Elizabeth, were the only two witnesses yesterday as the inquest into the death in detention of Mr Biko entered its seventh day.

Dr Tucker was still being cross - examined by Mr Kentridge when the magistrate, Mr M. J. Prins, was forced to adjourn during a hailstorm which made proceedings inaudible.

In tense cross - examination, Mr Kentridge asked Dr Tucker if he had questioned Mr Biko when he examined him in the Special Branch offices on September 8.

Dr Tucker replied that he had asked Mr Biko if he had any complaints and he had answered that he had a headache.

Mr Kentridge: That is one question and one answer. Was it a satisfactory answer?

Dr Tucker: It was a general answer.

Did Dr Lang (present with Dr Tucker at the examination) leave the questions to you? — No.

Did Dr Lang ask any questions? — I can't say.

On that basis (of one question) you say in your affidavit that Mr Biko was alert and answered questions in a coherent manner. That is misleading. It is plainly false information. You didn't ask questions, you only asked one question. On the basis of a single question and answer you had no right to say he was alert. Do you agree with me? — Not exactly.

It was obvious that Mr Biko was in a vague and confused state? — No.

It should have been obvious. — I can't answer that.

Mr Kentridge went on to say that Dr Tucker should have tested Mr Biko's memory which he had not done. He was doing a neurological examination and would be thinking of head injuries, but he had not asked Mr Biko or Col Goosen the cause of the lip injury which may have also caused a head injury.

Dr Tucker said it was not required. Col Goosen had told him earlier that there had been a scuffle when Mr Biko had to be restrained.

Mr Kentridge: Why didn't you ask Col Goosen if there had been a blow to the head?

Dr Tucker: I didn't.

Why not? Wasn't it the obvious question to ask? — I didn't ask.

So you didn't ask the only two people who might have told you? — No.

Weren't you afraid you would embarrass Col Goosen? — No.

Mr Kentridge went ton to ask Dr Tucker whether he was aware the police sometimes assaulted detainees. Wasn't it his duty to find out if there had been an assault in this case?

Dr Tucker said it was.

Questioned by the magistrate, Dr Tucker said he had accepted as fact what Col Goosen had told him about the scuffle and the police restraint of Mr Biko. Mr Prins asked whether it was not a doctor's duty to find out what had caused a patient's condition.

Dr Tucker said he had the information from Col Goosen.

Mr Kentridge asked whether Dr Tucker would have asked about a blow to the head if he had been examining somebody else on suspicion of brain damage.

Dr Tucker: Yes.

Mr Kentridge: The only reason you didn't ask in this case was because you were in Special Branch offices and when you are in Special Branch offices you don't ask questions?

Dr Tucker: No.

You don't? — I don't agree with your statement.

At that stage the magistrate adjourned proceedings because of loud exclamations from the public gallery.

When the court sat again, Mr Kentridge said Dr Tucker had disagreed with his statement. Dr Tucker replied that questions were not based in the Special Branch offices.

Mr Kentridge said he was not suggesting this, but that Dr Tucker had not asked necessary questions.

Mr Kentridge also asked Dr Tucker why he had not said in his report that when he came to the Special Branch offices Mr Biko had been handcuffed and shackled. Dr Tucker said Mr Biko had been handcuffed to a grille by handcuffs around his right ankle.

Why had he not said that abrasions on the wrists were due to previous application of handcuffs? — I didn't think it was significant.

There were abrasions on Mr Biko's feet and ankles which also had not been mentioned in Dr Tucker's report. The question arose as to how they had got there and the answer was through the use of manacles.

Dr Tucker said it was an error that this had not been mentioned in his report.

Mr Kentridge said if Mr Biko had lived and had come to court to complain that he had been chained by the ankles, Dr Tucker's report would have been used to show he was a liar.

Dr Tucker said he would have said Mr Biko had been shackled.

Earlier, Dr Tucker said under cross - examination that he had consulted with counsel for the police, Mr Van Rooyen, in the Port Elizabeth Special Branch offices on Thursday before last. Dr Lang and Dr Hersch (also due to give evidence) had also been present.

Dr Tucker also said he had made an affidavit after being questioned by the investigating officer, Gen Kleinhaus, for three hours. Col Goosen had been present some of the time, but had just listened, he said.

The hearing continues today.

DD 23/4/77 (325) detention

Lang: death shocked me

PRETORIA — It was obvious that the doctors who had examined Mr Biko during the week before his death had missed something, the inquest was told yesterday.

Appearing in the witness box for the second successive day, Dr Ivor Lang, the Port Elizabeth district surgeon who saw Mr Biko on four occasions before his death, said: "It was quite obvious that we had missed something."

Asked by Mr S. 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."

Asked how he and the other doctors who had seen Mr Biko during the week prior to his death had felt about the black consciousness leader's death, Dr Lang said: "Well, we felt that something had not shown up . . . which we were not able to establish."

Dr Lang said the chief district surgeon of Port Elizabeth, Dr B. J. Tucker, had been "as shocked as I was" when he heard of Mr Biko's death.

On September 11 at about 4.45 pm he had been telephoned by Dr Tucker and told that Mr Biko was being moved to Pretoria prison hospital as he had been hyperventilating and was still not eating.

Mr Kentridge: That surprised you? — Very much so.

Dr Tucker had told him Mr Biko was being taken either to Pretoria or Cape Town to get proper supervision, Dr Lang said.

Mr Kentridge: By proper supervision, do you mean that he could be under close observation? — Yes.

Could he not have received this at the Port Elizabeth provincial hospital? — I cannot remember whether I discussed this with Dr Tucker. I think he said that that was out . . . beyond his control.

As it was beyond yours? — That is correct.

Wouldn't Cape Town have been better? — I think the decision was made that Pretoria would have been better.

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."

Didn't you have a discussion with Col Goosen about the possible cause of death? — There may have been . . .

And at no stage did Col Goosen mention the possibility of a head injury? — No.

Mr Kentridge said he accepted that any professional man could make a mistake. But he wondered whether Mr Biko's death could have been avoided if he had been kept under observation at the Port Elizabeth provincial hospital.

Dr Lang replied: "I am a general practitioner. I have my limits and I know my limitations. Had I been permitted to transfer him to a provincial hospital I would have handed him over to specialists with more specialised knowledge than I have. He would have been passed on to them."

This was his "normal procedure" in other cases, he added.

Mr Kentridge: That would have been your procedure if you had been allowed to carry it out? — Yes.

Mr Kentridge said he hoped Dr Lang would not mind if he told the court that he had made "certain inquiries" about Dr Lang in Port Elizabeth.

He believed it was the first time in Dr Lang's career that he had been "overriden by anybody" in the course of his duty.

Dr Lang denied he had been "overridden" but when Mr Kentridge persisted with his contention that Dr Lang had "allowed himself to be overridden by authority," the district surgeon conceded it was the first time.

Dr Lang agreed with Mr Kentridge's assertion that if the Special Branch had not been involved, he would have dealt with Mr Biko "as I would have dealt with any other patient."

Closely examined on what he had told Col Goosen about Mr Biko's condition after he had examined him on September 7 and 8, Dr Lang agreed that what he had said was there was a possibility Mr Biko was shamming, but the probability was that something was organically wrong with him.

He agreed that a medical certificate written by him on September 7 saying that there was nothing organically wrong with Mr Biko was incorrect.

"What I tried to convey was the bizarreness of the case . . . so bizarre that they (the symptoms) didn't fit into anything I knew."

Mr Kentridge then drew Dr Lang's attention to a photograph taken of Mr Biko's face after his death and, in particular, to "a very prominent scab" on the face.

Mr Kentridge: You examined him? — Yes.

And his head? — Very carefully.

It seems inconceivable that as an examining doctor you didn't see that injury. — I didn't. I didn't see that particular injury or any swelling. I have no cause to hide that fact either. — SAPA.

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23/11/77 DA(325)det.

No assault complaint —

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 19, he said Dr Lang had asked him on September 8 to see Mr Biko whom he had examined the previous day 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 defaecated. 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 cell mat covered with blankets. Both were wet and smelling of urine. His upper lip was swollen and there were abrasions encircling 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 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.

"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 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 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 unco-operative 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 Keely."

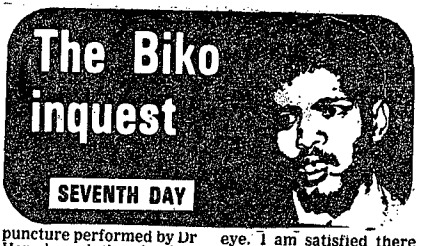
In a second statement, dated October 20, Dr Tucker said he had been shown certain photographs taken of Mr Biko at the post-mortem examination, indicating a lesion and deep bruising of the scalp.

"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



DAILY DISPATCH, WEDNESDAY, NOVEMBER 23, 1977

325 - detentions

Doctor tells of sleepless nights

The Biko inquest

SEVENTH DAY



PRETORIA — The Port Elizabeth district surgeon, Dr Ivor Lang, told the inquest yesterday he had "stayed awake many nights" worrying about why Mr Biko had died.

Cross-examined by Mr P. R. van Rooyen, SC, for the police, Dr Lang agreed it was quite clear he and other doctors had missed something when examining Mr Biko.

Had Col Goosen not stressed that Mr Biko's health was of the utmost importance to him, Mr Van Rooyen asked.

Dr Lang: He went so far as to say that he wanted this man kept alive.

The witness agreed to hearing that Col Goosen had said he would give his right arm for the life of his particular detainee.

He could not remember, however, whether he had heard it from the colonel directly.

Dr Lang said when he examined Mr Biko on the morning of September 7 he had considered the possibility of a head injury, but had not found one.

In reply to further questions, Dr Lang said he had asked Mr Biko his name, where he came from and whether he was married. Mr Biko had replied rationally to all the questions and had told him that he had studied medicine at the University of Natal and law at the University of South Africa.

"I could find no fault with his mental faculties or recollection and communication," he said.

He had asked Mr Biko whether he had any complaints and the answer was no. Apart from the mark on his upper lip he had seen no other injuries.

Mr Van Rooyen: He did not look like a person who had been smashed up by the Security Police?

Dr Lang: If he had been smashed up I would have expected more extensive injuries.

If Mr Biko gave Col Goosen the impression that he could not speak, he was shamming? — At that stage, yes.

Did you ask Mr Biko why he was not eating? — Yes, he said he was not hungry.

Asked about the purpose of the certificate he had given Col Goosen, Dr Lang said the certificate showed he had found an absolute absence of organic disease.

On September 8 the senior district surgeon, Dr Tucker, had examined Mr Biko in his presence, Dr Lang said. He had not noticed any material chance in Mr Biko's physical condition. He was still rational and he and Dr Tucker had had no difficulty in understanding him. Mr Biko had complained of vague head and back pains.

While Mr Biko had no trouble walking the previous day, he had had to be assisted to stand up on September 8.

"The sudden inability to walk did not satisfy me. I had the impression he was putting on. There was something odd about the whole thing," Dr Laing said.

Dr Laing said he and Dr Tucker could not find anything wrong with Mr Biko, but because some doubt existed they had decided to call in a specialist.

Asked again about the possibility of shamming, Dr Lang said there was evidence for as well as against it. "I cannot say that we found evidence to strengthen the impression of shamming during the second examination."

He and Dr Tucker had wanted Mr Biko transferred to a hospital, but Col Goosen had had him sent to the prison hospital for security reasons. The facilities at the prison hospital were limited, Dr Laing said.

He agreed with Mr Van Rooyen that they wanted Mr Biko to be examined by a specialist because the specialist might find something they had missed.

Mr Van Rooyen: What Col Goosen wanted was the best possible medical service for this man to preserve his health? — Yes.

You obviously told Dr Hersch (the specialist) of your observations so that he would be on his guard against possible marlingering? — He would be on his guard, yes. All I gave Dr Hersch was a factual account of what I found.



DR LANG . . . saw no head injury.

Dr Lang conceded that Col Goosen could easily have been under the clear impression, from what he had heard the doctors discussing, that Mr Biko was shamming.

Col Goosen had been present when Dr Lang had discussed Mr Biko's condition with Dr Hersch. "That's why there could have been a misunderstanding," the witness said.

Mr Van Rooyen: You wouldn't argue with this . . . that Col Goosen could easily have been under the clear impression in his mind that this man was shamming? — No, not from a layman's point of view.

In fact, said Dr Lang, apart from the fact that Mr Biko had an extensor plantar reflex of the left foot (when the sole of the foot is scratched the toe turns upwards instead of down indicating possible brain damage) he also thought Mr Biko was shamming.

Mr Van Rooyen: Dr Hersch also associated himself with this suspicion of shamming? — Yes.

He says 'there are indications of shamming, but I'd also like to do a lumbar puncture tomorrow morning.' Is that correct? — Yes.

Dr Lang agreed he had spoken to Dr Hersch telephonically the next day to discuss the lumbar puncture.

Mr Van Rooyen: Dr Hersch told you there was no trouble, that there was no pressure on the cerebral spinal fluid, that it was clear and that the result at that time was negative? — Correct.

Later, under microscopic examination, the fluid was found to contain red blood cells.

Mr Van Rooyen: On the 9th, after seeing Mr Biko and after your discussion with Dr Hersch, it must have comforted you that you were not missing anything vital? — Up to that point, yes.

Mr Van Rooyen went on to describe how Dr Hersch, after obtaining the results of the lumbar puncture, wanted further assurance and referred the case to a neurosurgeon, Mr Keely.

Mr Keely decided, after consultation with Dr Lang, that no further examinations were needed and that a proposed X-ray of Mr Biko's skull would not help. He advised Dr Lang merely to visit Mr Biko regularly, the court was told.

Mr Van Rooyen: You interpreted the results of the sum total of these investigations to be negative — with one exception (that he experienced weakness on one side)? — Yes.

And that you reported to Col Goosen? — Yes.

Dr Lang explained to the court he had received a report from a prison warder that Mr Biko had been in a bath of water with his clothes on during the early hours of September 9.

Dr Lang was asked whether this indicated a suicide attempt. — He got into the bath on his own, got out of the bath on his own, and went back to bed. This is what was told to me. The actions were quite rational. I couldn't work out why he had got into a bath with his clothes on, though. This was abnormal.

The magistrate, Mr Prins, asked Dr Lang whether he had discussed the bath incident with Mr Biko. — I can't recall. My memory is vague.

One of the two medical assessors, Prof I. Gordon, put it to Dr Lang that this so-called "abnoramality" of taking a bath fully-clothed could have indicated confusion on Mr Biko's part as the result of a head injury.

Under cross-examination, Dr Lang replied he had no indication of a head injury at that stage.

Mr B. de V. Pickard, for the doctors: Have you in your experience ever come across a situation similar to this? — Never.

Mr K. von Lieres, deputy Attorney-General of the Transvaal who is leading the evidence: When did Col Goosen tell you that Mr Biko displayed similar symptons during his previous period of detention?

Dr Lang: On the morning of September 7.

Dr Lang said he had not been told before his examination of Mr Biko on September 8 that his speech was slurred and that he had spat out milk given to him. He said he had known Col Goosen since March 1976.

Mr Von Lieres: It has been suggested that you acted under the influence of Col Goosen. Did Col Goosen give you the impression that Mr Biko was shamming? — Yes. —

Reporter detained

Cape Times 23/11/77 (325-Detention)

DURBAN. — A Daily News reporter, Mr Wiseman Khuzwayo, 23, was yesterday detained by security police under Section Six 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 Hammersdale. 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

ICS 11

5 per cent per annum payable in arrear.

At the end of 1 year you will receive R100 + R5.

If P_o = the sum lent, P_1 = the sum received after 1 year and i = the rate of interest

$$P_1 = P_o (1 + i) = R100 (1 + 0.05) = R105$$

(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.

$$P_3 = P_o (1 + i)^3 = R100 (1 + 0.05)^3 = R115.76$$

Alternatively we can write theequation

$$P_3 = P_2 (1 + i) = R110.25 (1 + 0.05) = R115.76$$

These two examples show how compound interest is calculated and what the value of a sum of money loaned to-day will be worth at some future date, depending upon the rate of interest. Conversely, if we know that we shall receive a specific sum 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

$$P_o = \frac{Pt}{(1+i)^t}$$

where Pt 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 profi (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 so 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.

Expected Return		Value Discounted at 3%	4%	5%	6%
Year 1	R100	R97.09	R96.15	R95.24	R94.34
Year 2	R100	94.26	92.46	90.70	89.00
Year 3	R100	91.51	88.90	86.38	83.96
Year 4	R100	88.85	85.48	82.27	79.21
Sum of discounted returns		R371.71	R362.99	R354.60	R346.51
Cost of asset		R354.60	R354.60	R354.60	R354.60

Biko to hospital

D.D. 23/11/77
325-def

Goosen said No says doctor

PRETORIA — The Special Branch barred Steve Biko from going to hospital a few days before his death.

He was allowed to be kept under observation only in a prison hospital where facilities were inadequate and in police cells until the decision was made finally to transfer him to Pretoria Prison hospital just over 24 hours before he died.

This emerged yesterday during questioning of Dr I. R. Lang as the inquest into the death in detention of the black consciousness leader entered its sixth day.

In other developments:

Counsel for the Biko family suggested that the head of the Special Branch in Port Elizabeth, Col P. J. Goosen, must have been responsible for feeding wrong information to the Minister of Police, Mr Kruger, on the death;

Counsel for the family also suggested there had been a concerted campaign by the Special Branch to put doctors on the wrong track as to Mr Biko's condition;

An adjournment until January next year was urged by counsel for the doctors which, however, was refused by the magistrate; and

Further details of Mr Biko's treatment by the Special Branch during his detention and the trip to Pretoria emerged.

Questioned by Mr S. Kentridge, SC, for the Biko family, Dr Lang said that on September 10 he had wanted Mr Biko transferred from the Port Elizabeth Prison because the facilities to keep him under observation there were inadequate.

There was only one trained medical orderly who could keep Mr Biko under observation — as urged by a specialist — and he was away on a course.

From ROGER OMOND
Daily Dispatch man in Pretoria

Mr Biko died on September 12.

"But the transfer (to a hospital) was not allowed," Dr Lang said.

Mr Kentridge: Exactly. The Special Branch dictated his treatment.

Dr Lang: They dictated where he was kept.

And you went along with that? — Yes.

Dr Lang said his home was nearer the Walmer police station than the prison and he would have been able to keep a closer watch on Mr Biko there.

Dr Lang said under further questioning he agreed that if the patient had been anybody else besides Mr Biko and he had not been in Special Branch custody he would have been admitted to a provincial hospital.

Mr Kentridge: Why didn't you insist on it?

Dr Lang: I was told he could not go under any circumstances.

Who told you? — Col Goosen.

Why? — Because he was a security risk.

But you were his doctor? — We are restricted and can't say where we want people kept.

Where did this come from? — Col Goosen said he could not go to Livingstone Hospital (which Dr Lang had suggested).

He also said no to a private hospital? — Yes.

Mr Biko needed to be kept under observation? — Yes.

Mr Kentridge asked whether Dr Lang had said to Col Goosen that Mr Biko could be kept under constant police guard while in hospital. Dr Lang replied that another doctor, Dr Tucker (who is also due to give evidence) had spoken to Col Goosen on that.

Mr Kentridge: Have you not come across cases where injured prisoners have been kept in hospital under strict police guard?

Dr Lang: Yes.

Mr Kentridge asked whether Dr Keeley had meant Mr Biko should be kept under close observation in hospital. There regular checks could be made on his pulse and breathing.

Dr Lang: Yes.

He added that after the Special Branch had refused to allow Mr Biko to be taken to hospital he had had to "make the best of the situation."

But Mr Biko could not be taken to hospital because the Special Branch insisted on keeping him in a cell? Mr Kentridge asked.

Dr Lang: Yes.

Did you report this to Dr Tucker (the chief district surgeon who had also examined Mr Biko)? — No.

Dr Lang added that Dr Tucker had also heard that the Special Branch would not allow the transfer to hospital.

Mr Kentridge: If you had had a free choice, Mr Biko would have been sent to hospital by September 10?

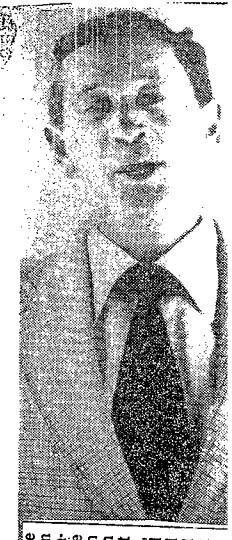
Dr Lang: He would have already been in hospital.

The Special Branch are a law unto themselves. You can't buck the Special Branch. It's very undesirable to do so? — I wouldn't say that.

Mr Kentridge: You haven't been in court the last few days.

Dr Lang agreed with Mr Kentridge that from September 8 until his final journey to Pretoria which began on September 11, Mr Biko had not been kept under close observation as Dr Keeley had urged "except in the security sense."

Under earlier questioning, Dr Lang admitted that the medical certificate he had handed



to Col Goosen after he first examined Mr Biko on September 7 did not contain all the information he had observed and been told — that Col Goosen thought Mr Biko might have suffered a stroke, that Col Goosen had told him Mr Biko had refused food, that Mr Biko had told him (Dr Lang) that his limbs were weak.

DD 22/11/77 (325) det.

Biko complained of lack of appetite - doctor

PRETORIA — A doctor who examined Mr Biko on the morning of September 7 during his detention at Special Branch headquarters in Port Elizabeth said yesterday he had found nothing organically wrong with him.

Dr I. R. Lang, Port Elizabeth district surgeon, said he examined him at the request of Col P. J. Goosen, head of the Special Branch in the Eastern Cape.

"Col Goosen had expressed concern that Biko might have suffered a stroke since he was not eating nor was he able to speak and was not using his limbs," Dr Lang said in a statement to the court.

"I was given a short resume of the events leading to his detention and Col Goosen strongly emphasised the fact that he did not wish any harm to befall him," Dr Lang said.

The district surgeon then carried out a "lengthy and complete" examination of Mr Biko who was lying in an office on blankets. "He was able to give me a good account of himself and did not complain of any symptoms other than weakness of his limbs and lacked the desire to eat."

Before leaving, Dr Lang told Col Goosen he could find "no organic cause of Mr Biko's apparent weakness and I was satisfied that he had not suffered a stroke, nor was there any paralysis of any limb."

A copy of Dr Lang's clinical findings following the examination on September 7 was sent to the chief state pathologist in Pretoria and presented to the inquest yesterday.

In it Dr Lang said Mr Biko replied to questions put to him in a slurred manner, saying he had no pain and had not been ill previously. He said he was unable to move his limbs and that he was not eating as he did not feel hungry.

The report, which described Mr Biko as a well - nourished obese male, said he had a small laceration on the inner upper lip.

There was also a superficial bruise over the breast bone, a pigmented ring mark was present around each wrist, and his wrists, hands, feet and ankles were swollen.

Dr Lang attributed the slurred speech to the lip injury.

He told the inquest that Mr Biko's inability to walk properly was probably due to the fact that manacles had been removed from his feet, which had been chained to a grille, before the examination began. "His ankles were very, very swollen," said the district surgeon.

He could find no cause for Mr Biko's failure to eat and could not agree that he was unable to speak.

On the morning of September 8 Dr Lang Dr Hersch suggested it might be necessary to refer Mr Biko to a neurosurgeon, Mr R. Keely.

"Shortly after this Mr Keely telephoned me and Mr Biko's clinical state was discussed at length," Dr Lang said.



Dr I. R. Lang, a Port Elizabeth district surgeon, left, and Dr C. Hersch have a discussion outside the Old Synagogue in Pretoria yesterday before the proceedings began.

of the medical certificate you gave Col Goosen? — It was merely for record purposes.

Asked by Mr Kentridge why he had not mentioned in the certificate that Col Goosen had told him that he feared Mr Biko might have suffered a stroke, Dr Lang said he conceded that the first part of his certificate was not accurate.

Mr Kentridge: Would a person who is reading the certificate get the impression there were no injuries on Mr Biko?

Dr Lang: Yes.

Did you not ask Mr Biko how he got the cut on his lip and the bruise on his sternum? — I was told by Col Goosen of the struggle that morning and I assumed he sustained the injuries during this struggle.

Dr Lang said neither Col Goosen nor any other officer had ever told him Mr Biko might have suffered a bump on the head.

Mr Kentridge: Did you think Mr Biko was malingering on September 7?

Dr Lang: In conjunction with his history, I would say yes. At that stage I would say he was deliberately feigning illness.

Was his lip injury really

22/11/77

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, however, 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.

"I 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 5.30 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 the cause of his slurred 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 organically 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 8, 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.

325 - det.

Counsel: Special Branch shamming



PRETORIA — The Special Branch and not Mr Biko were "shamming" about his health condition while in detention, the inquest was told yesterday.

The statement was made by Mr S. Kentridge, SC, for the Biko family.

First in the witness box yesterday morning was Lt W. E. Wilken, officer in charge of the Special Branch team which guarded Mr Biko during the nights of his detention in Port Elizabeth. Elizabeth.

Lt Wilken, one of the officers who accompanied Mr Biko in a Landrover from Port Elizabeth to Pretoria where he was admitted to hospital, said he had been of the opinion that Mr Biko had been "shamming"/about the state of his health during the trip.

Asked by Mr Kentridge how he arrived at this opinion, Lt Wilken said he was not a medical authority and that his opinions were strictly his own.

Mr Biko had breathed unusually and this led him to believe that the man was shamming. "When we were driving along in the dark he breathed normally. But as soon as we came to a town or where it was light he took deep breaths."

Mr Kentridge: Do you honestly believe that he did this to attract the attention of people outside (the vehicle)?

Lt Wilken: Yes.

Do you honestly believe he was shamming? — Yes. His deep breathing made me believe this.

What right did you have to tell people in Pretoria (when Mr Biko was handed over) that this man was shamming? — It was strictly my opinion.

Why is it that you security people are so insistent . . . that he was shamming? — We are not medical authorities.

Why not leave it for the doctors to decide? Isn't the obvious reason that there was something to hide about this man? — We have nothing to be scared of. There is nothing to hide.

Mr Kentridge 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 concerned about Mr Biko's condition, that they had treated him humanely, and that one had even fed him when he could not do so himself.

Why had the Special Branch, in spite of this, insisted that there was nothing wrong with Mr Biko?

Asked whether Mr Biko had uttered any words during the journey from Port Elizabeth to Pretoria, Lt Wilken said he was not with him all night, but he could not remember him saying anything.

Mr Kentridge: Let me put it to you 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 opportunity 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 in Pretoria that he is shamming and easily deceives others. Does that sum it up? — Yes, basically.

Mr Kentridge: 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 this constant refrain from the Security Police was in order to draw attention away from what the Security Police had actually done.

Earlier, Lt Wilken said he was present when Mr Biko was taken to Pretoria prison and handed over.

Mr Kentridge: Do you remember a Sgt Pretorius . . . who took him (Mr Biko) over from you?

Lt Wilken said he could not remember names.

I will not describe Sgt 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 (Mr Biko's) life. — I can't remember it.

Mr Kentridge asked that the leg irons which Mr Biko had worn while in detention in Port Elizabeth be produced.

He questioned whether it was possible for a man to sleep while wearing leg irons and constantly asked Lt Wilken about how tightly the irons fitted around Mr Biko's ankles.

Lt Wilken said the irons fitted "loose-ish" and were not on tightly.

The pressure (of the irons) could always be felt? — It's like wearing sun glasses . . . inaudible.

Mr Kentridge: Did you say that wearing leg irons can be compared with wearing sun glasses? Did you say that?

Lt Wilken then protested to the magistrate Mr M. J. Prins, that Mr Kentridge was putting words into his mouth.

"What I said was that the presence of the irons was like the pressure of glasses."

Mr Kentridge said according to medical evidence to be introduced it "appears probable that Steve Biko suffered a head injury either during the night of September 6th or before 7.30 am on the morning of the 7th."

If this was so the responsibility (for the injury) would appear to lie either with the night squad under Lt Wilken or the day squad under Maj Snyman, he told the packed courtroom.

In reply to questions by Mr Van Rooyen, for the police, Lt Wilken said nothing had happened during the journey to Pretoria to indicate that Mr Biko's physical condition was deteriorating.

Asked by one of the assessors, Prof Gordon, whether he had seen any bruises on Mr Biko on September 7, Lt Wilken said he only saw a mark on his upper lip which he presumed he got from the struggle in the interrogation room that morning. He also saw a mark on his forehead which looked like a birthmark. — SAPA.

DD 22/11/77 (325) det.

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 patho-physiological 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.

Biko Inquest

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Loubser: One 'blow' could have done it

ser, Chief State Pathologist in Pretoria, gave highly technical evidence yesterday on Mr Steve Biko's brain injuries.

He was examined at length by Mr Kentridge and Mr Van Rooyen on theories advanced by their respective medical advisers.

At the start of yesterday's proceedings, Mr Kentridge referred to Prof Loubser's previous evidence when he said that the brain injuries might have been caused by a man bumping his own head against a wall.

Mr Kentridge: You are not advancing as a theory that this is what happened, are you? — I cannot put it forward as a probability, nor aside as a possibility.

Mr Kentridge: Would that mean that such a man stood in front of a wall and dashed his head against it? — Yes, repeatedly.

Mr Prins: A person in a struggle could bump his head against a wall and this could have been repeated? — Correct.

Mr Kentridge: If someone else banged the head it would be easier to explain the acceleration? — I can conceive that a jack-knifing movement would be ample.

Prof Loubser said a fall from a chair would cause more lesions than a bump from a standing position. He had not in his experience found a similar lesion as a self-inflicted injury. "But there is always a first time", he said .

Mr Kentridge: On the evidence the late Mr Biko had been lying on a mat handcuffed and with one or both feet chained to a grille from the evening of September 6 to the morning of September 7. The mat was in a corner. As he lay on the mat, one wall would have been on his right hand side.

Mr Kentridge showed Prof Loubser two photographs, one of a man lying in the position in which Mr Biko had been chained and another of the Three man in the same position as Mr Biko might have been if he had been sitting up.

Mr Kentridge: Let us say that Mr Biko had been sitting up with the wall on his right hand side. In order to knock his head against the wall to cause the injuries on the left side of his forehead he would have had to contort himself in a rather extraordinary fashion? — Correct.

Mr Kentridge: Taking into account the physical contortions necessary, it would seem very unlikely that a man in that position could have inflicted such a wound on himself? — If such a person should have lunged forward with his neck turned, it could have been a conceivable way of inflicting such an injury.

That is one possibility in a hundred million? — That is possible. I don't think we have to consider it.

It is a far-fetched possibility? — I still consider it an alternative — far-fetched as it might be.

You mean he banged his head repeatedly on the floor? — No, I mean he fell over on his left.

I must submit that is really impossible. Assuming that a man shackled to a grille somehow lost his balance and fell then the necessary acceleration achieved? — I don't think he could have fallen. I mean he energetically lunged forward.

Mr Prins: Can you explain what you mean by lunging forward?

Professor Loubser: A fast, strong movement from the legs. He would have had to kick against the wall and with that movement to dive into the floor as a deliberate action. It would have been impossible to knock his head against the wall.

Mr Kentridge: If a man wanted to bang his head he could do it on the wall next to him. Only then it would have been on the wrong side.

Mr Kentridge referred to one of the five lesions on the brain and said that according to Professor Proctor the age was similar to the age of the other lesions. Professor Loubser agreed.

Mr Prins: One application of force could have fanned out to cause all the injuries? — Yes.

(At the inquest yesterday the word "blow" was defined as "an application of force to avoid suggesting how the injury was caused.)

Mr Van Rooyen then began his examination: My advice has been that one application of force to the forehead could have caused all five lesions. Do you agree? — On a broad basis, yes.

You had examined the skin and the skull for signs of force? — There was nothing visible.

According to your report the injuries to Mr Biko's lip had probably been caused by his front teeth? — Those were the external injuries.

Mr Prins: Is it possible that there had been other visible signs which had already disappeared? — No. If the signs had disappeared it would mean that they had been very slight.

Mr Van Rooyen: You as pathologist saw the brain four to eight days after the bruising. There had been many secondary changes? — Correct.

Would it have been possible from this picture, after all these changes had occurred, to say that the original injury was of such a kind that the man should have been unconscious? — I cannot concentrate on primary trauma. The injury would have gone its normal way. I cannot say that.

I have listened to Mr Kentridge's questions and I have seen the ghost of an argument arising that this man must have been unconscious during a certain incident when I would say he was not unconscious. My advisers say that the original lesions to the brain were not in the part of the brain which would, per se, have caused unconsciousness? — I agree.

For unconsciousness there must have been a disarrangement of the nerves in the brain stem? — Correct.

No injury of the brain stem was found? Correct.

I was also told that the question of unconsciousness depended on the direction from where the application of force came. For example, if one fell on the back of the head, you could easily become unconscious while a blow on the side of the forehead need not necessarily cause unconsciousness? — The [illegible] of the pressure caused is important. It has a certain projection. There has to be a certain force which causes a certain impression in the skull.

Mr Van Rooyen: I was told that one could not be dogmatic about the question of unconsciousness, that there were many degrees and kinds of unconsciousness? — Yes.

Between being completely conscious and completely unconscious, there are many degrees like dizziness which the objective observer would find hard to detect? — Correct.

Evidence has been given of an incident on the morning of September 7 when Mr Biko allegedly went berserk, assaulted people and had to be restrained by force. At one stage people tried to hold him by the arms and a man came with his shoulder in a Morne du Plessis type tackle, and forcibly pinned Mr Biko against the wall. It has been said that at this stage Mr Biko had his left side to the wall. There has been no evidence that anybody thought that he bumped his head against the wall, but the head moved freely on the neck. If this is a reasonable possibility that the head connected with the wall in an acceleration movement, if the left forehead bumped against the wall, there would have been a bruising of the type you found? — Correct.

It was also said that Mr Biko fell, but jumped up again immediately. The struggle continued with a falling over chairs and tables but he was overpowered. He trod on the foot of a man holding him from the back, the man stepped back and Mr Biko fell flat. There was no evidence that anybody saw Mr Biko fall with his left side of his forehead against the floor. But if that had happened could that have caused the injury? — I don't want to put it as a probability. It could be a possibility.

The evidence was that Mr Biko jumped up again. He was brought to the floor while still struggling and shackled with a difficulty. Would such a version, if the injury had occurred during this incident be in accord with the pathology? — It could be.

According to the evidence, Mr Biko had sat down and had jerked at his shackles but within the next two hours he spoke in a slurred manner and not quite coherently? — This I regard as a reasonable possibility.

Afterwards he did not react to questions but when the doctor saw him he was completely orientated. All that the doctor could find wrong was the thick speech but the doctor ascribed this to Mr Biko'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 fact that he had already incurred brain injury? — Yes.

Referring to the scab on the left side of the forehead. The skin is not abrased, but dented. It is doubtful if it bled at all? — Yes.

Mr Prins: Could blood have seeped through the skin in time? — I cannot say that the wound must have bled. On the contrary,

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Proctor: At least three 'blows' needed

showing macroscopic lesions and examined these microscopically.

He said he had prepared the model of the brain which had been shown in court, but added that it was smaller than an adult male human brain and the lesions he had marked out on the model were not exactly to scale.

Mr Kentridge questioned Prof Proctor closely on the five distinct areas of injury — the lesions which were outlined during Thursday's hearing.

The five lesions were:

- The most important, the right parietal lesion in the right parieto-fronto-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. Both these lesions extended into the white matter.
- The third lesion was on the surface of the cerebellum, or lower brain, on the righthand side, adjacent to the bone at the base of the skull.
- The fourth lesion was deep in the substance of the cerebellum on the right.
- The fifth lesion was in the parietal region of the cerebral cortex on the left.

Mr Kentridge said he understood that the nature of lesions No 3 and 5 could possibly be called into question and asked Prof Proctor for his opinion on these lesions.

Prof Proctor said the third lesion was the least conspicuous and was not clearly visible on the surface of the brain, except for a reddish discolouration of the cerebellum. He said the lesion was 1 cm deep and 1 cm 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 (bruising) injury.

As for lesion No 5, Prof 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 (death of tissue) of the contusional type, he said.

In this area and others involved in the lesions, the nerve cells had undergone a reddish discolouration and shrinking, he said.

Asked by Mr Kentridge whether he agreed with Prof Loubser on whether the first and second lesions were continuous. Prof Proctor said he had detected a clear zone of uninvolved brain matter between the two lesions.

"This is obviously one of the important features of these lesions. They are two clearcut lesions, although the brain on the whole right side was swollen as a result of the injuries present."

Prof Proctor agreed with the view of other pathologists that the main lesion in Mr Biko's brain could be described as a contra-coup injury. He said he thought it was extremely reasonable that the principle injury was on the left forehead.

Mr Kentridge asked whether he could express a view on what caused lesion No 2.

Prof Proctor said there were two possibilities:

- 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; or
- If there had been two blows on the forehead, the one nearest the midline would have produced, by contracoup, a lesion at the back of the brain, that is No 2.

The chances were in favour of No 2 being a direct injury, Prof Proctor said.

On lesion No 3, Prof Proctor said it was unlikely that this had been caused by a direct coup injury and it was possible that this lesion was the contracoup of lesion No 5.

Mr Kentridge asked Prof Proctor whether it was possible to explain all the lesions in terms of a single blow to the left forehead.



PROF PROCTOR
. . . 25 years experience

Prof Proctor said that everyone agreed that the injury to the left forehead region and lesion No 1 was contracoup.

In his opinion all the lesions were not caused by a single blow and believed there must have been at least three blows.

Mr Prins asked whether the possibility of rotational force causing an injury could be ruled out.

(According to the rotational 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.)

Prof Proctor said the site of the frontal regions indicated that the degree of rotational force would be minimal and contrasted the case with that of a boxer who when hit on the chin suffered a rapid rotational action of the head.

Prof Proctor said he believed there was considerable evidence to indicate that brain injury would result in unconsciousness.

In Mr Biko's case a macroscopic examination revealed no evidence of any brain stem lesion, but microscopically there were tiny lesions in the stem as well as in other parts of the brain.

He said he did not know what the cause of these lesions were, but they might be attributed to a trauma or injury at the same time as the other lesions occurred since it was extremely difficult to date minute haemorrhages.

An alternative cause could have been the toxic effect of Mr Biko's kidney failure — uraemia (presence of urine in the blood).

This might be the cause of immediate unconsciousness, Prof Proctor said.

Mr Kentridge said on the morning of September 7 Mr Biko had been difficult to make contact with, did not answer questions, was incoherent, displayed indications of ataxia (staggering gait); the following day he had a weakness on his left side, showed the extensor plantar reflex and the morning after that red cells were found in his cerebral spinal fluid.

Given this picture, he asked Prof Proctor whether the injuries suffered would have resulted in immediate unconsciousness.

Prof Proctor said from this picture with the nature and extent of Mr Biko's injuries, he must have been unconscious.

He said Mr Biko had suffered moderate to severe brain damage. In the case of moderate injury he estimated 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 only momentarily unconscious.

Mr Kentridge said in Prof Proctor's conclusion he had estimated contusions in the brain to be at least three to five days old, and not more than 12 to 15 days. He asked whether Prof Proctor had done this dating from microscopic appearance.

Prof Proctor agreed and gave a technical explanation.

He said 12 days was much more likely than 15 as the outside limit of the age of the lesion but would agree with Prof Loubser that a period of five to eight days was the closest one could get to a reasonable analysis of the age of the lesions.

He believed that the lesions were of the same age, but could not say whether they were inflicted simultaneously.

Mr Kentridge questioned him on the degree of oedema — brain swelling — in Mr Biko's brain.

He asked whether the degree of oedema was in itself a potential danger to life.

Prof 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, Prof Proctor said.

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.

Prof 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 neuropathologist 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, Prof 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.

The hearing continues on Monday.

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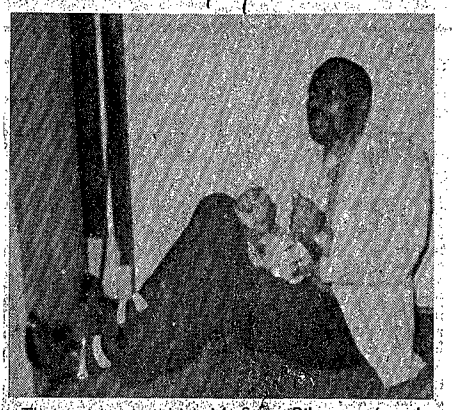
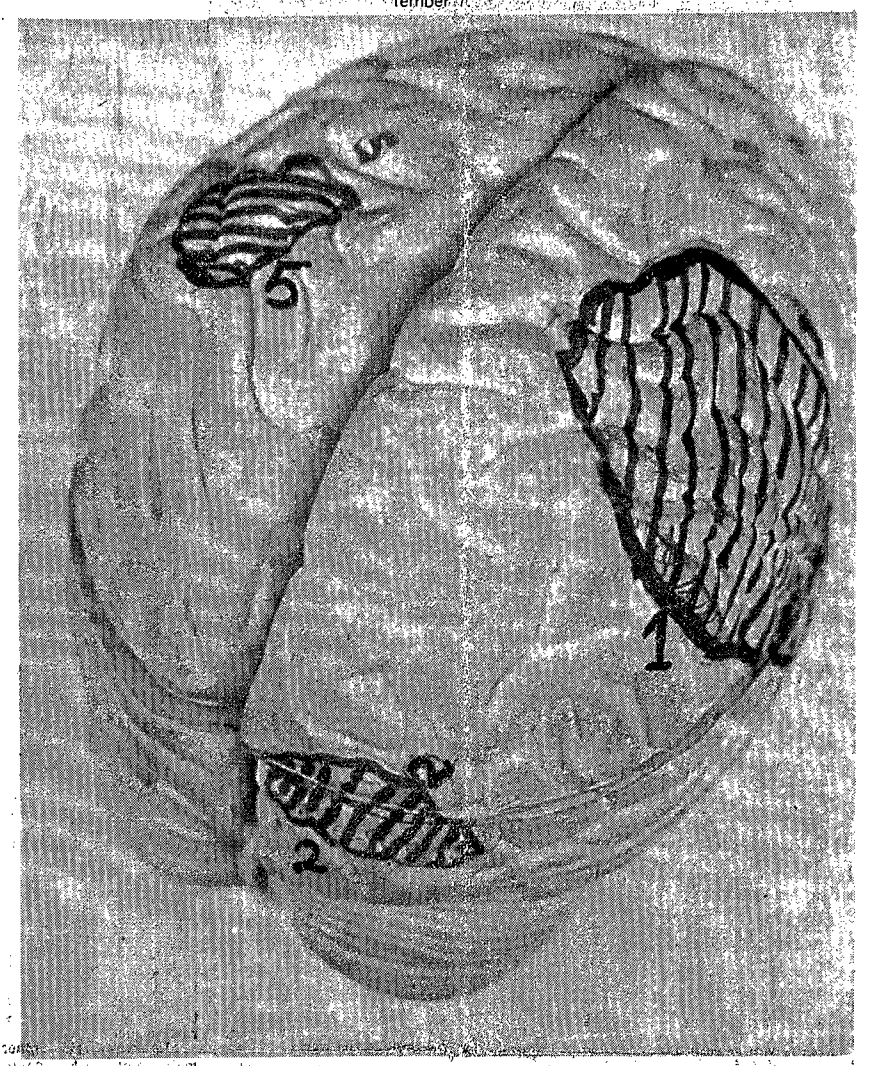


The position in which Mr Steve Biko was found by Col Pieter Goosen, Security Police chief in the Eastern Cape, in Room 619 of Security Police headquarters early on the morning of September 7.



Three lesions found on Mr Biko's brain. They are on a plastic model of the human brain displayed at the inquest yesterday. They are marked lar ger than they were on Mr Biko's brain.

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 by the atmosphere. My view is that it should have been visible within the first few hours.

You looked at it postmorten. Is it possible that more visibility developed after death? — Yes.

Is it possible that it became 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 is possible in a pigmented skin, the skin became palę and the contrast greater.

In the photographic process we have a situation that the reflection can also accent the contrast? — I saw the wound itself, not the photograph. And for me it was an extremely visible lesion. I saw and described the wound before it was photographed.

My problem is that a large number of people saw Mr Biko in life but with the exception of one, none of them admitted under oath to having seen the wound. It is possible that in life the wound was not obvious? — I have found that I, too, in doing post-mortems have missed lesions because of the subjective factor.

Professor Loubser said that he had been looking for external lesions and that the lights in the dissection hall had been exceptionally gooa.

Mr Van Rooyen: Was there a correlation between the wound (on the lip) and the two front 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 in the abstract.

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 ninth? — One can exclude this. I thought it occurred more to the middle of the four to eight days.

The chain to which Mr Biko had been attached 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 contortions are not valid? — Correct.

Mr Van Rooyen referred to lesion No 3 as shown on a model brain before the court. His advisers did not agree that this need have been an original lesion, he said.

You also have doubts? — Correct. No 3 and 5 are in the same category for me. I think their nature is more secondary.

Professor Loubser said that he regarded lesion No 4 as a primary lesion.

Mr Pickard referred to the hyperventilation: It has been testified that in certain phases Mr Biko breathed very deeply and that this varied? — This is very understandable in the light of the injuries. This is always regarded as a very serious symptom.

Answering Mr Von Lieres, Professor Loubser said the model of the brain before the court was much smaller than the actual adult brain. The lesions marked on it were not in perspective. They were shown on the model as larger in relation to the brain than they actually were.

Professor Loubser said that the suggestion of two or more blows as a cause for the five lesions was speculative.

The area of bruising shown on the brain could give a false picture of the area of impact, he said, because bruising spread. The bruising of the brain could explain the discolouration of Mr Biko's eyelid. It was also speculating to say that the area of bruising was consistent with two applications of force.

He found bruising on Mr Biko's body which was of a later date than the brain injury, Professor Loubser said. This bruising was consistent with a man falling from his bed.

Professor Loubser said that he did see contusion of the brain which could be ascribed to rotational forces. The existence of an element of rotation could not be excluded.

Mr Kentridge: It was put to you that there had to be some disturbance of the nerve cells to lead to unconsciousness? — I agree.

There is nothing to say that this was not the case here. You are not saying that there was no disturbance of the nerve cells and blood vessels? — No.

Mr Kentridge: Our submission will be that with this degree of brain damage it is virtually inconceivable that there would not have been an appreciable period of unconsciousness.

Mr Van Rooyen rose again. He referred to the brain stem: I put it to you that on Dr Proctor's histological report there were only secondary lesions of the brain stem? — The changes could have been secondary. There was no recovery reaction from which dating could be made.

Mr Van Rooyen then said that he was returning to a discussion of each of the five lesions to establish which reactions had been primary and which secondary.

He referred to the first lesion which was in the right parietal region. Mr Prins interjected: Can you say if a man with that type of injury would "recover immediately or whether he would be unconscious for a long time? — I would say damage of that region would have led to unconsciousness.

Prof Loubser 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% possibility.

Mr Van Rooyen: You cannot rule out the possibility that he was not unconscious? — Yes.

The next witness was Professor Neville Proctor, professor of Anatomical Pathology at the University of the Witwatersrand and head of the school of pathology at the South African Institute of Medical Research.

He said a swelling in Mr Biko's brain might have proved fatal if he had not in fact died on September 12.

Prof Proctor said there was a degree of oedema (swelling) in Mr Biko's brain which could have been fatal.

Mr Biko might have died of "tentorial herniation," had he not died when he did.

Prof Proctor 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 himself for a macroscopic (naked eye) examination.

He said he took sections of the brain paying particular attention to those

By CAROL STEYN and MELANIE YAP

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.

Pathologi

Own Correspondent

PRETORIA. — Professor Johann Loubser, chief state pathologist of Pretoria, resumed his evidence yesterday morning with details of highly technical nature of Mr Biko's brain injury.

Professor Loubser was examined at length by Mr S Kentridge, SC, counsel for the family, as well as by Mr R van Rooyen, counsel for the police, both of whom put to Professor Loubser theories advanced by their respective medical advisers.

At the start of yesterday's proceedings, Mr Kentridge referred to Professor Loubser's

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previous evidence when he said that the brain injuries might have been caused by a man bumping his own head against a wall.

Mr Kentridge: You are not advancing as a theory that this is what happened, are you?

Professor Loubser: I cannot put it forward as probability nor aside as a possibility.

Mr Kentridge: Would that mean that such a man stood in front of a wall and bashed his head against it? — Yes, repetitively.

Mr Prins interjected: A person in a struggle could bump his head against a wall and this could have been repeated? — Correct.

Mr Kentridge: If someone else banged the head it would be easier to explain the acceleration? — I can conceive that a jack-knife movement would be ample. A fall from a chair would cause more lesions than a bump from a standing position. He had not in his experience found a similar lesion as a self-inflicted injury. "But there is always a first time", Professor Loubser said.

Mr Kentridge: On the evidence the late Mr Biko had been lying on a mat handcuffed and with one or both feet chained to a grille from the evening of September 6 to the morning of September 7. The mat was in a corner of two walls and as he lay on the mat one wall would have been on his right hand side.

Mr Kentridge showed Professor Loubser two photographs, one of a man lying in the position in which Mr Biko had been chained and another as Mr Biko might have been if he had been sitting up.

Contort himself

Mr Kentridge: Let us say that Mr Biko had been sitting up with the wall on his right hand side. In order to knock his head against the wall to cause the injuries on the left side of his forehead he would have had to contort himself in a rather extraordinary fashion? — Correct.

The wound was an abrasive one giving rise to a scab? — Correct. Yet there were no marks of blood or otherwise on the wall? — Correct.

If the damage on the forehead had been caused by a collision with the wall would you not have expected a mark? — It would have been possible to bring out such a mark if there had been one.

Mr Kentridge: We understand that the police have techniques by which blood marks can be brought out? — From histology of the scab I cannot take the view that the wound must have been responsible for blood loss.

Working alternative

Mr Kentridge: Taking into account the physical contortions necessary it would seem very unlikely that a man in that position could have inflicted such a wound on himself? — If the man had been sitting as the photograph shows with the wall

person could have lunged forward with his head to the right and his neck extended and struck his head on the floor. This is a working alternative to this very hypothetical consideration.

That is one possibility in a hundred million? — That is possible. I don't think we have to consider it.

It is a far-fetched possibility? — I still consider it an alternative, far-fetched it might be.

You mean he banged his head repeatedly on the floor? — No, I mean he fell over on his left.

Lunged forward

I must submit that that is really impossible. Assuming that a man shackled to a grille somehow lost his balance and fell then necessary accelaration could not have been achieved? — I don't think he could have fallen. I mean he energetically lunged forward.

Mr Prins: Can you explain what you mean by lunging forward?

Professor Loubser: A fast, strong movement from the legs. He would have had to kick against the wall and with that movement to dive into the floor as a deliberate action. It would have been impossible to knock his head against the wall.

Mr Kentridge: If a man wanted to bang his head he could do it on the wall next to him. Only then it would have been on the wrong side.

Felt mat

Professor Loubser referred to cases of boxing injuries and said that in the boxing ring the floor's matting was important. Two mats were shown on the photograph and it would not have been possible for a person to incur such a brain injury from a sitting position against the felt mat because they would have absorbed the shock.

Mr Kentridge referred to one of the five lesions on the brain and said that according to Professor Loubser the age was similar to the age of the other lesions. Professor Loubser agreed.

Professor I Gordon, one of the assessors, interjected. He quoted a medical author as saying that once there was an application of force to the head one could get injuries in a variety of planes and directions.

Professor Gordon: Isn't it true that the five lesions in Mr Biko's brain could have been caused by a single application of force?

Professor Loubser: If one subscribed to this dictum which says that any kind of injury could be caused by any kind of force applied to the skull or the brain, one could agree on a very broad basis.

Mr Prins: One application of force could have fanned out to cause all the injuries?. — Yes.

Professor Loubser said that he had witnessed a case where a person had put a pistol against his head and had fired a shot which transversed the whole of his skull and the frontal regions of his brain and had not become unconscious for three hours. Boxing injuries were very complex injuries. He did not think anybody could say what damage was caused by blows and what injuries by falls. That was why the matting becomes important.

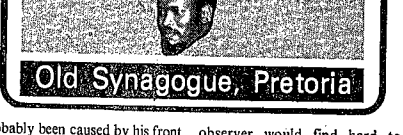
Mr Kentridge: My advisers agree with you. It is understood that a penetrating wound of the brain can be very severe without causing unconsciousness.

Mr Van Rooyen then rose.

Mr Van Rooyen: My advise has been that one application of force to the forehead could have caused all five lesions. Do you agree? — On a broad basis, yes.

You had examined the skin and the skull for signs of force? — There was nothing visible.

According to your report the injuries to Mr Biko's lip had



probably been caused by his front teeth? — Those were the external injuries.

Mr Prins: Is it possible that there had been other visible signs which had already disappeared? — No. If the signs had disappeared it would mean that they had been very slight.

Mr Van Rooyen: You are the pathologist who saw the brain four to eight days after the bruising. There had been many secondary changes? — Correct.

Would it have been possible from this picture, after all these changes had occurred, to say that the original injury was of such a kind that the man should have been unconscious? — I have a more global view. I cannot concentrate on primary trauma.

I have listened to Mr Kentridge's questions and I have seen the ghost of an argument arising that this man had been unconscious during a certain incident when I would say he was not unconscious. My advisers say that the original lesions to the brain were not in part of the brain which would per se have caused unconsciousness. — I agree.

For unconsciousness there must have been a disarrangement of the nerves in the brain stem? — Correct.

No injury of the brain stem was found? — Correct.

I was also told that the question of unconsciousness depended on the direction from where the application of force came. For example, if one fell on the back of the head you could easily become unconscious while a blow on the side of the forehead need not necessarily cause unconsciousness? — The road of the pressure caused is important. It has a certain projection. There has to be a certain impression in the skull.

Mr Prins: If Mr Biko had been sitting on the mat and for some reason or other he hit his head on the floor could that have caused the contracoup (fanning) reaction? Does it follow a route? — The causing of lesions are complex, it is not a pure transmission by translation.

Mr Van Rooyen: I was told that one could not be dogmatic about the question of unconsciousness, that there were many degrees and kinds of unconsciousness? — Yes.

Between being completely conscious and completely unconscious there are many degrees like dizziness which the objective observer would find hard to detect? — Correct.

Evidence has been given of an incident on the morning of September 7 when Mr Biko allegedly went berserk, assaulted people and had to be restrained by force. At one stage people tried to hold him by the arms and a man came with his shoulder in a Morne du Plessis-type tackle, and forcibly pinned Mr Biko against the wall. It has been said that at this stage Mr Biko had his left side to the wall. There has been no evidence that anybody thought that he bumped his head against the wall. But the head moved freely and connected with the wall in an acceleration movement. If the left forehead bumped against the wall, there would have been a bruising of the type you found? — Correct.

It was also said that Mr Biko fell, but jumped up again immediately. The struggle continued with a falling over chairs and tables but he was overpowered. He trod on the foot of a man holding him from the back, the man stepped back and Mr Biko fell flat. There was no evidence that anybody saw Mr Biko fall with his left side of his forehead against the floor. But if that had happened could that have caused the injury? — That is difficult to answer. There are many possibilities.

I have to deal now with hypothetical situation. I don't want to put it as a probability. It could be a possibility. The evidence was that Mr Biko jumped up again. He was brought

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and shackled with difficulty. Would such a version, if the injury had occurred during this incident, be in accord with the pathology? — It could be.

According to the evidence, Mr Biko had sat down and had jerked at his shackles but within the next two hours he spoke in a slurred manner and not quite coherently? — This I regard as a reasonable possibility.

Thick speech

Afterwards he did not react to questions, but when the doctor saw him he was completely orientated. All that the doctor could find wrong was the thick speech but the doctor ascribed this to Mr Biko'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 fact 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 scab on the left side of the forehead. The skin is not abrased, but dented in. It is doubtful if it bled at all? — Yes.

Mr Prins: Could blood have seeped through the skin in time? — 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 few hours.

Is it possible that it became 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 is possible in a pigmented skin, the skin became pale and the contrast greater.

In the photographic process we have a situation that the reflection can also accent the contrast? — It is my experience that this happens because photographs are sensitive to the infra-red spectrum. But I saw the wound itself, not the photograph. And for me it was an extremely visible lesion. I saw and described the wound before it was photographed.

Subjective factor

My problem is that a large number of people saw Mr Biko in life but with the exception of one none of them admitted under oath to having 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 I, too, in doing post-mortems have

Continued on page 31

Cape Times · 26/11/77 (325 - Detention.)

Swelling was potential danger — prof

adult brain. The lesions marked on it were not in perspective. They were shown on the model as larger in relation to the brain than they actually were.

False picture

Professor Laubser said that the suggestion of two or more blows as a cause for the five lesions was speculative. The area of bruising shown on the brain could give a false picture of the area of impact, he said, because bruising spread. The bruising of the brain could explain the discolouration of Mr Biko's eyelid. It was also just speculating to say that the area of bruising was consistent with two applications of force.

He found bruising on Mr Biko's body which was of a later date than the brain injury, Professor Loubser said. This bruising was consistent with a man falling from his bed.

Professor Gordon: The contracoup is a well accepted one but over and above that there is also the theory of rotational injuries. Both of them can come to work? — Yes.

Mr Kentridge rose: This means you can have an acceleration and deceleration of injuries but also a rotational force which causes the injuries? — Yes.

What is the rotational movement if a man falls on the floor with his head hitting the floor?

Professor Gordon interjected: Unless the head is kept absolutely still as had been done by keeping it still with screws, etc, unless it was kept absolutely rigid there was absolutely no incident where the brain would not rotate, he said.

Professor Loubser said that he did see contusion of brain which could be ascribed to rotational forces. The existence of an element of rotation could not be excluded.

you that there had to be some disturbance of the nerve cells to lead to unconsciousness? — I agree.

There is nothing to say that this was not the case here. You are not saying that there was no disturbance of the nerve cells and blood vessels? — No.

Mr Kentridge: Our submission will be that with this degree of brain damage it is virtually inconceivable that there would not have been an appreciable period of unconsciousness.

Mr Van Rooyen rose again: Referring to the brain stem, I put it to you that on Dr Proctor's histological report there were only secondary lesions of the brain stem? — The changes could have been secondary. There was no recovery reaction from which dating could be made.

Mr Van Rooyen then said that he was returning to a discussion of each of the five lesions to establish which reaction had been primary and which secondary. He referred to the first lesion which was in the right parietal region.

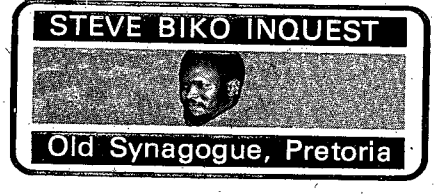
Mr Prins interjected: Can you say if a man with that type of injury would recover immediately or whether he would be unconscious for a long time? — I would say damage of that anatomic region would have led to unconsciousness.

sions and examined these microscopically. He said he had repaired the model of the brain which had been shown in court, but added that it was smaller than an adult male human brain and the lesions he had marked out on the model were not exactly to scale.

Mr Sydney Kentridge, SC, appearing for the Biko family, questioned Professor Proctor closely on the five distinct areas of injury.

Mr Kentridge said he understood that the nature of lesions No. 3 and 5 could possibly be called into question and asked Professor Proctor for his opinion on these lesions.

Professor Proctor said the third lesion was the least conspicuous



undergone a reddish discolouration and shrinking, he said.

Asked by Mr Kentridge whether he agreed with Professor Loubser, who testified earlier, on whether the first and second lesions were continuous, Professor Proctor said he had detected a clear zone of uninvolved brain matter between the two lesions.

"This is obviously one of the important features of these lesions. They are two clear-cut lesions although the brain on the whole right side was swollen as a result of the injuries present in it ... There is clear burn separating lesions 1 from 2 ... There was a yellowish discolouration 2 or 3 centimetres in front of No. 2 haemorrhage which indicates the beginning of that lesion, which ex-

contracoup a lesion at the back of the brain, that is No. 2.

Most authorities stated that the latter was an unusual sight for a contracoup lesion and the chances were in favour of No. 2 being a direct injury, Professor Proctor said.

Mr Kentridge said that Professor Loubser had pointed out that there had been no bruising or contusion in the scalp or skull to correspond with lesion No. 2.

Professor Proctor said this was an important observation but it was well documented that lesions might occur without such external evidence.

microscopically.

In Mr Biko's case a macroscopic examination revealed no evidence of any brain stem lesion, but microscopically there were tiny lesions in the stem as well as in other parts of the brain.

He said he did not know what the cause of these microscopic lesions were, but they might be attributed to a trauma or injury at the same time as the other lesions occurred since it was extremely difficult to date minute haemorrhages.

An alternative cause could have been the toxic effect of Mr Biko's kidney failure — uraemia.

This might be the cause of immediate unconsciousness, Professor Proctor said.

Mr Kentridge said on the morning of September 7 Mr Biko had been difficult to make contact with, he did not answer questions. He was incoherent and he displayed indications of ataxia. The following day he had a weakness on his left side, showed the extensor plantar reflex and the following morning red cells were found in his cerebral spinal fluid.

Given this picture, he asked Professor Proctor whether the injuries would have resulted in immediate unconsciousness.

Professor Proctor said from this picture, with the nature and extent of Mr Biko's injuries, he must have been unconscious.

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Doubts

He said Mr Biko had suffered moderate to severe brain damage. In the case of moderate injury he estimated 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 contusions 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 engulfed damaged tissue. He said phagocytes never made their appearance before three days and all 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 Loubser 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 Rooyen: 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 Medical Research, told the court that a swelling in Mr Biko's brain might have proved fatal if he had not in fact died on September 12.

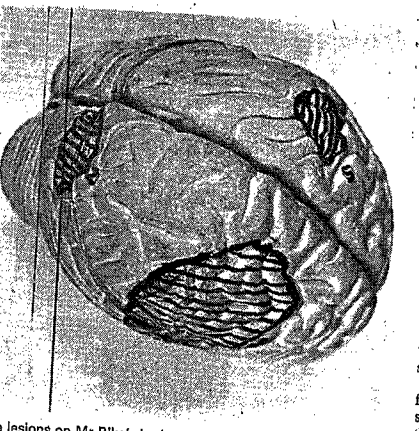
He said there was a degree of oedema brain swelling in Mr Biko's brain which was a potential danger to life.

Professor Proctor said Mr Biko might have died of tentorial herniation 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 himself for a macroscopic examination.

He said he took sections of the brain, paying particular attention to those showing macroscopic le-



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 discolouration 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 panded into microscopic bleeding," Professor Proctor said.

The magistrate, Mr Prins, 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 contracoup injury. He said he thought it was extremely reasonable that the principal injury was in the left forehead.

Mr Kentridge asked whether he could express a view on what caused lesion No. 2.

Professor Proctor said there were two possibilities:

- 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, or
- If there had been two blows on the forehead, the one nearest the midline would have produced by

A tree falling

Mr Kentridge: Captain Siebert 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 Prins interjected. He did not think one could take much notice of Captain's Siebert's description because one still would 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 contracoup of lesion No. 5.

Mr Kentridge asked Professor Proctor's 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. The 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 contracoup and from Professor Loubser'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 shearing 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 Prins 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 contrasted the case with that of a boxer who when hit on the chin suffered 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 neuronal shock, a state which cannot be [illegible]

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Continued from page 4

missed lesions because of the subjective factor.

Professor Loubser said that he had been looking for external lesions and that the lights in the dissection hall had been exceptionally good. The lip injuries looked like tears.

Mr Van Rooyen: Was there a correlation between the wound and the two front 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 in the abstract.

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 ninth? – One can exclude this. I thought it occurred more to the middle of the four to eight days.

The chain to which Mr Biko had been attached 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 contortions are not valid? – Correct.

Mr Van Rooyen referred to lesion No. 3 as shown on a model brain before the court. His advisers did not agree that that need have been an original lesion, he said.

Doubts

You also have doubts? – Correct. No. 3 and 5 are in the same category for me. I think their nature is more secondary. Professor Loubser 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? – This 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 Loubser said that the model of the brain before the court was much smaller than the actual

The

nearer to five days than three because of the number of phagocytes present in the lesions.

On the opposite side, he estimated 15 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 myelen – a form of insulation around the nerve fibre in the tissues.

He said 12 days was much more likely as the outside limit of the age of the lesion but would agree with Professor Loubser that a period of five to eight days was the closest one could get to a reasonable analysis of the age of the lesions.

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 haemmorhage.

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.

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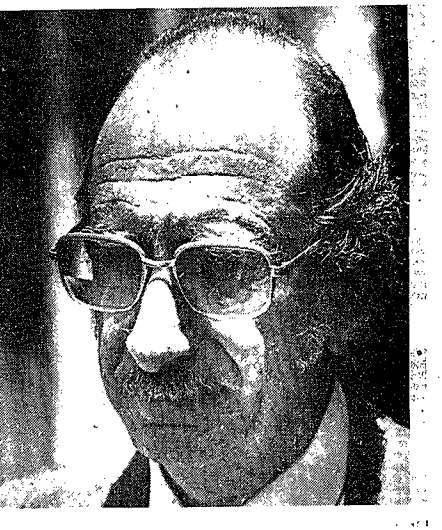
Biko doctor

'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 [illegible] injury? — Correct.

Mr Van Rooyen: Col Goosen told you that this was a high up figure 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? — He was giving me a background.

Questioned by Professor I Gordon, of the University of Natal Medical School, one of the assessors, Dr Lang said that the examination took about 45 minutes and that Col Goosen could have been absent for 10 to 15 minutes.

Prof 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. — I did everything that appeared in the consolidated report.

You said you carried [illegible] 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

23/11/77

Biko Inquest

A PORT ELIZABETH district surgeon, Dr Ivor 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.

[redacted]

He told the court that Col Goosen had at some 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 scab 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.

[redacted]

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 practitioners 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.

Biko doctors suspicious

DM. 23/4/77. 325 Detention

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 Pretoria yesterday, where Dr Benjamin Tucker, the chief district surgeon of Port Elizabeth, gave evidence for the first time.

Dr Tucker told the court it 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 Pickard 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 cases 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 if the doctors had had positive proof that there was something seriously wrong with him.

Earlier, he said he got the impression that under no circumstances would Col Goosen allow Mr Biko to be transferred to hospital.

Full Report, Pages 6, 7, 8

23/11/77

Biko Inquest

Threat to clear the courtroom

• FROM PAGE 7

You did not? — No. You say you had in mind the possibility of a head injury? — Yes.

If someone said this man had bumped his head against the wall, would you have taken a different view? — No.

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. — Reply unaudible.

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 at this stage objected strongly to Mr Kentridge's statement.

Mr Kentridge to Mr Van Rooyen: It is a question, not a statement.

Mr Kentridge to Dr Tucker: Why, don't you ask a question in that situation? — I would say no you don't.

At this stage there was a murmur from the packed court and Mr Prins called an adjournment for five minutes.

After the adjournment Mr Prins threatened to clear the courtroom if the laughter in the gallery did not stop.

Mr Van Rooyen then formally objected to Mr Kentridge's line of questioning.

He said cross-examination at an inquest should not be intimidatory. It should be factual and not emotional and not based on supposition or be of a browbeating nature, especially when the court had a professional witness in the box.

He submitted that the cross-examination just before the court adjourned had been the cause of the disturbance in the court.

At an inquest questions could only be put through the court and he respectfully requested the magistrate not to allow such questions.

A large segment of the Press, in view of these questions, was now under the impression that questions were not asked when an issue involved the Security Police, which meant that it was a place of terror where no professional questions were asked.

Mr Kentridge, addressing the magistrate, said that it seemed that the objection was levelled at both him and Mr Prins. He would attempt to phrase his questions as he had always phrased them.

Dr Tucker: I would like to rephrase my reply.

Mr Kentridge: I thought you were agreeing with me.

Dr Tucker: My answer to the question is: No, it is not so. Questions asked by the district surgeon 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. — I can only object strongly. At all times I have always had all the cooperation necessary from the Security Police.

Mr Kentridge: You used the word "cooperation". — What cooperation? What does cooperation mean? — You used it. My meaning of the word is that when we require information and when we require things to be done, then they are done.

You deny you have any inhibitions asking them questions even if they embarrass them. — Yes.

Why did you not ask whether Biko got a bump on the head?

Mr Kentridge: At no stage did Goosen say to you that this man had received a bump on his head? — No.

Nor did any other officer say that to you? — No.

Did anyone suggest to you that Biko had received a bump on the head? — Gen Kleinhaus.

When? — At the time of the interview.

That was the first time it was suggested to you — also when I spoke to Prof Loubser the chief State pathologist in Pretoria, on the following morning, probably the 13th . . .

When you last saw him was he still on the same mat under a wet blanket with the same trousers on?—Yes. He had given no orders in that regard, he said.

Mr Biko was examined by Dr Hersch and you were told of his finding? —Yes. The following day.

He had known about the plantar reflex tests but had not known that red blood cells had been found in the cerebral spinal fluid, he said.

You have said in your affidavit that Dr Lang had informed you that Dr Hersch had examined Mr Biko and could find nothing wrong except a possible plantar reflex. That was a very serious finding, was it not?

Dr Tucker said. It would have indicated a possible neurological defect. "I cannot express expert knowledge but it is a very serious sign of brain damage."

Did you get the results of the lumbar puncture? — No.

Wasn't that of interest to you? — The patient was Dr Lang's.

The hearing continues today.

:back on
ristmas Day.
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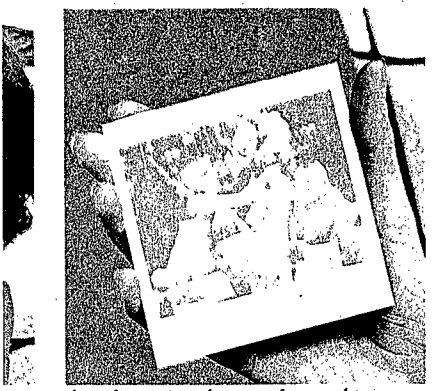

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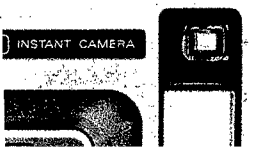

Great drinking decisions-4

The parable of the business

23/11/77

tells of slee



Dr B J Tucker, the Chief District Surgeon of Port Elizabeth, tries out an overseas TV crew's camera during the lunch break at the Biko inquest yesterday.

• FROM PAGE 6

if there was anything wrong with him he compiained of vague pains in his head and back, nothing serious? — Correct.

Dr Lang said that the "pinprick sensation test" had been bizarre. The reaction to this test looked as if "somebody was putting something on".

On the examination on the previous day the pinprick test had been quite normal, he said.

Mr Van Rooyen quoted Dr Tucker's report as saying that Mr Biko had moved his upper arm with difficulty but when changing his position had moved his lower limb normally. This would have made Mr Biko's complaints seem unfounded, he asked.

Dr Lang: Correct.

Also there had been a sudden inability to walk which did not satisfy you? — Correct.

Mr Van Rooyen then referred to the extensor plantar reflex. The previous day everything had been in order, he said. On the 8th, however, the position did not make Dr Lang and his colleagues happy at all, he said.

Dr Lang: I could not tie it up.

Prof Gordon intervened: You can't sham a plantar reflex. — We were not sure about it on the 8th. We were not sure if the toe went up or remained horizontal.

This was a critical question. — We were worried about it. I think it was recorded as doubtful.

Mr Van Rooyen: You had one possible doubtful test according to which there might have been something wrong and you thought you should have the specialist in. But you couldn't find anything wrong. You had found additional ground that the man was shamming. I am saying that your suspicions that he had been shamming were strengthened. — There was evidence against it but also for it.

You didn't find any sign of organic disease on midday the 8th. — There was one query.

You obviously did not report that to Col Goosen? — Correct.

The other signs were in accord with his having put it on? Basically Col Goosen would have been in very much the same position after you discussed this examination with him as he would have been in on the previous day?—Correct.

Col Goosen wanted the best facilities to preserve the man's health but was dead set against any hospitalisation.

Mr Van Rooyen: At no stage did you even remotely suggest to Col Goosen that Mr Biko needed treatment. On the contrary you made it quite clear to Col Goosen that you could not find anything organically wrong? — Correct.

Professor Gordon: Where does diagnosis or treatment begin or end? — Reply inaudible.

Mr Van Rooyen: Colonel Goosen was quite happy to have an examination by any physican? — Correct.

Mr Van Rooyen said that the suggestion had been made that Mr Biko was transferred to the Sydenham Prison after dark to hide something.

Dr Lang: It would have been quite easy to hide his appearance by conveying him in an ambulance on a stretcher but there were no injuries on his face to hide. Also, he was speaking quite rationally and there was nothing there to hide.

On the morning of the 7th he was alone for quite some time with Mr Biko, Dr Lang said. Later he was again alone with Mr Biko. Mr Biko had had ample opportunity to complain to him about any assault but no such complaint was even hinted at, Dr Lang said.

Mr Van Rooyen then referred to the examination at Sydenham Prison by Dr Hersch and Dr Lang.

There had been nothing sinister about Col Goosen telling Dr Hersch the story again. There had been no vestige of a suggestion that Col Goosen had told Dr Hersch that all the symptoms, like the thick speech, had also been present in East London?

Dr Lang: Col Goosen had used words to the effect that Mr Biko's behaviour in previous detention had been similar.

Col Goosen had not been trying to explain all the symptoms and had not tried to connect them up with what happened in East London, Dr Lang said.

What you said must have warned Dr Hersch that it was possible that this man was putting it on? — Correct.

Obviously, any reasonable specialist would have been on his guard? — Yes.

Mr Van Rooyen said that on Thursday evening at 9.45 pm there was clearly quite a different picture from the Wednesday morning or the Thursday afternoon.

Dr Lang: Correct.

What was found now was that such things as blood pressure and the pulse rate were normal, but if one looked at Dr Hersch's report it was found that as far as Mr Biko's movements were concerned, he had difficulty in turning over on the bed.

But on the other hand, Mr Biko walked well with a left side limp. And at midday the impression was that he could not walk. — Yes.

Either it was due to an inability or his uncooperativeness? — Yes.

Did you think that it could have had a phsycological origin because on the Wednesday night he was walking reasonably well?—Correct.

And it produced a rather bazarre picture? — Correct.

Would it be fair to say that in regard to the possible plantar on the right and now the plantar on the left, would you have said that the picture is a bizarre one? — Correct.

Professor Gordon: You agree with him? — I can't understand his question.

Mr Van Rooyen: I want to put it to you that you thought it is impossible and bizarre? — To remember what I thought then, is now very difficult.

Professor Gordon: Why do you say bizarre when you have clear-cut evidence of a plantar? — Reply inaudible.

Tackling his questions from another point, Mr Van Rooyen said to Dr Lang: When the examination with Dr Hersch was concluded, I assume there was quite a bit of talk. — Yes.

This whole question of shamming was now part and parcel of the discussions? — Yes.

The rapid change of the picture was also discussed? — Yes.

Colonel Goosen remembers there was the question of the different arms? — Yes.

That would indicate to a layman and yourself that there was shamming? — Yes.

That was in fact the situation that night? — With the exception of the extensor plantar on the left.

You thought he was shamming? — Yes. He told the court that this could be associated with hysteria, as could hyperventilation.

Dr Hersch associated himself with that line of thinking on the shamming? — Yes.

That is why we find that Dr Hersch says that there were indications of shamming but that the situation also worried him and that he would like to do a lumbar puncture? — Yes.

One thing is sure that as of that night the discussions centred around the issue that there was quite a lot of shamming, but that a lumbar puncture should be performed the next morning? — Yes.

Is it that strange that Col Goosen should have had a clear impression that this man is shamming?

After the lumbar puncture was done you would have expected him to have a headache? — Yes.

But he says he has no headache, no pain and he is comfortable? — Correct.

Prof Gordon: Did you do an extensor test after the lumbar puncture?—No, I did not. I did not want to disturb him too much.

Dealing with the events of the 9th, Dr Lang said he discussed with Dr Hersch the lumbar puncture. The results were largely negative.

The ninth went by with no further developments? — Yes.

Answering a question by Prof Gordon, Dr Lang said: "I only know of the one incident with the bath. Warder Shehab told me about it. He gave me the information.

Mr Van Rooyen: As far as the information went on Friday morning, it did not perturb you? — No.

But what about the psychology? — I could not understand the whole thing. I couldn't work out why he had got into a bath with his clothes on. This was abnormal.

Mr Prins asked Dr Lang whether he had discussed the bath incident with Mr Biko. — I can't recall. My memory is vague.

Mr Van Rooyen: At the time you had no communication of any head injury? — No.

Dr Hersch said he would like to discuss the matter with a Port Elizabeth neuro-surgeon, Mr R Keeley, and refer the patient to him?—Yes.

If any further special attention was indicated it would have been arranged?

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The questions PE's chief district surgeon didn't ask

— Yes.

You and Mr Keeley consulted at length. You were quite satisfied that there was no intracranial bleeding and that further examination was not warranted and that x-rays would not help?—Correct.

But as long as you visited him regularly, that is all that was required? — Correct.

The ultimate result is that after the discussions there was no evidence of intracranial bleeding and cerebro-spinal pressure. It was not necessary for any further special investigation? — Mr Keely said not at that stage.

Therefore all the tests you saw were in fact negative? — Yes.

And you reported this to Col Goosen? — Yes.

Mr B de V Pickard, counsel for the doctors, then rose to question Dr Lang. Dr Lang told him that he could not remember having examined a detainee held under section 6 of the Terrorism Act before the Biko case.

After the examination of Dr Hersch, there was a probability of an organic lesion, Dr Lang said, and that is why a lumbar puncture was recommended.

The results of the lumbar puncture were largely negative with the exception of the red cells, which looked very suspiciously as though they might be due to a "bloody tap". This meant that the red cells might have been drawn from a blood vessel and not the spinal fluid.

"I was not worried about Mr Biko's condition, nor did I think he might be dying," Dr Lang said.

Mr K von Lieres, who is leading evidence, asked Dr Lang when he heard Mr Biko manifested similar signs in previous detention.

Dr Lang said he had learned this on September 7th and this information was repeated to Dr Hersch at a later date. He did not know if Dr Tucker had heard this.

Mr Von Lieres: "Did you find anything to suggest that he had been smashed up by the police?" — What is your definition of smashed up?

Mr Von Lieres: . . . a vicious assault.

Dr Lang said there was no evidence of a vicious assault. On September 8th at a second examination there was nothing indicative of a further assault by the police.

Mr Von Lieres: As a result of the bizarre symptoms you were unable to make a diagnosis and therefore you couldn't have told Col Goosen Mr Biko was a sick man? — No I didn't.

Mr Von Lieres said Dr Lang's evidence suggested that he wished to send Mr Biko 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 he believed that if he had told Col Goosen there was positive information that Mr Biko was definitely ill, he would have been sent to hospital.

The next witness was the chief district surgeon in Port Elizabeth, Dr Benjamin Tucker.

Mr Kentridge, for the Biko family, asked why Dr Tucker had only made his affidavit on October 19.

Dr Tucker said he was away on leave and when he had returned to Port Elizabeth he was told by Col Goosen an affidavit was required. His second affidavit was made at the request of Major-General J F Kleinhaus, the investigating officer.

Dr Tucker said Gen Kleinhaus asked whether he had seen any abrasions and whether Mr Biko had mentioned an assault.

Dr Tucker said Gen Kleinhaus also asked him whether he had been informed by Col Goosen of what had occurred in Room 619 before the first medical examination.

Mr Kentridge: General Kleinhaus simply asked you whether Col Goosen had told you Biko had been aggressive and attacked a member of his staff? Dr Tucker confirmed this.

Mr Kentridge: So Gen Kleinhaus put words in your mouth? — He asked questions and I answered them.

Mr Kentridge: 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 Kleinhaus and that Col Goosen was present at the interview. — "he just listened" he said.

Mr Kentridge: This three-hour interview comes out in half-a-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.

Dr Kentridge: 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 or an attorney took place in Port Elizabeth on November 10. Asked by Mr Kentridge who the advocate was, Dr Tucker replied: Mr Van Rooyen.

Mr Kentridge: Mr Van Rooyen, counsel for the police? Do you mean the counsel for the police?

Dr Tucker confirmed it was the same person.

Dr Lang and Dr Hersch had been present at the consultation but Col Goosen was not there, Dr Tucker said.

Last week Mr Pickard had been called in to act as counsel for the doctors, the court heard.

Despite Dr Lang's findings that there was nothing much wrong with Mr Biko, Col Goosen had called the doctor again the next day.

Mr Kentridge: Surely Col Goosen must have had some worries that he had not passed on to you. Surely on what you saw it was 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 so.

He did not think Mr Biko was incontinent but that because of his position he had been unable to move.

Because he was chained up? . . . Did you call Col Goosen's attention to this? — No.

Col Goosen had said Biko hadn't asked to go to the toilet.

Mr Kentridge: Wasn't he your patient at this stage? — Yes.

Were you not interested why your patient, a grown man, should have wet his bed? — I was.

Why didn't you ask him? — I cannot answer.

There is only one answer, you knew he couldn't answer you. I'm afraid

that is incorrect.

Mr Kentridge then asked Dr Tucker if he had asked Mr Biko how he cut his lip. Dr Tucker replied he had not.

What sort of doctor is it who doesn't ask a patient how he got his injury?—Col Goosen told me that Biko became aggressive, had to be restrained and I assumed that the lip injury was the result of this restraint.

Mr Kentridge: You assumed it?

Dr Tucker said that he accepted that in the restraint there must have been a struggle and that Mr Biko by some means could have injured his lip.

By what means? — I don't know what means were used.

Why didn't you ask? — Because this was an assumption I thought I was entitled to make.

What right have you got to make any assumption? Why didn't you ask him? —Reply inaudible.

Mr Kentridge drew Dr Tucker's attention to a statement in his affidavit that there were abrasions around both wrists and asked why there was no explanation for the abrasions.

The affidavit was a copy of a medical report and Mr Kentridge said he would have thought Dr Tucker had a duty in the medical report to note any possible reason for the abrasions he noticed. Dr Tucker said he did not think it was necessary.

Mr Kentridge: Why didn't you say he was handcuffed and his leg shackled to a grille?

Dr Tucker said he had done this in his second affidavit. Dr Tucker said Mr Biko's hands were free and he was only shackled around his right ankle. He accepted that the abrasions on the wrists were due to previous handcuffs.

I must put it to you that you didn't mention it in your medical report for fear of embarrassing the Security Branch. — This is an assumption I cannot accept.

Dr Tucker admitted that he had not made mention in the medical report of abrasions on Mr Biko's feet and ankle.

Mr Kentridge asked whether Dr Tucker had left them out because any mention of these abrasions would have pointed to the fact that Mr Biko had been manacled.

Dr Tucker: It was an error.

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 it would have been put to him that he could not have been because otherwise you (Dr Tucker) would have noticed it.

Dr Tucker: If the question had been asked . . .

Mr Kentridge 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 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 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 showed similar signs — during a previous period in detention — that he had been withdrawn and uncommunicative.

Dr Tucker 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.

You asked him one question and you got one answer. Was that the sum total of the question? — Yes.

Dr Tucker said he could not recall Dr Lang asking any more questions. 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 worship.

Mr Kentridge: 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 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 agreed that the upgoing big toe on the right side was not clear but may have indicated a neurological problem.

Mr Kentridge: You cannot write him off as a malingerer once he has this sign? — 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 Goosen that he thought Mr Biko was shamming because he had a doubt. "I told him (Col Goosen) I was unable to come to any conclusion and that I considered it advisable to consult a physician.

And nothing you said to Col Goosen could have led him to the conclusion that Mr Biko was shamming? — I don't think I gave him that impression . . . we wanted to make sure that this was not a case of shamming.

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 Goosen any questions about it?—No.

Why didn't you? — Because may have caused a brain injury.

Dr Tucker, if you thought the lip injury was evidence of a head injury, oughtn't you to have gone into it further? — From whom?

Mr Kentridge: From Col Goosen.

But you did not ask Biko about it? — No.

And you did not ask Goosen about it? — No.

Why not? — There was no evidence . . . (inaudible) . . . which might have caused brain injury.

Was that not more reason to investigate it? If there was a lip injury might not there have been a head injury? — From whom?

From Col Goosen? — I don't think I can reply, there was this history of restraint and the injury could have come from that period.

Why did you not ask, as the obvious question, whether the man received a bump on the head? — I did not ask it and that is all I can say.

Mr Prins: Did you ask Biko? — No.

Mr Kentridge: Was it not because you were reluctant to embarrass Goosen? — No.

Either from reading about it or from your own experience have you not knowledge that the police assault people in custody? — I have. (Answer inaudible).

But on that occasion you did not ask? — No, I did not. Where persons are brought to me for examination my report is completed on a special form. This is all I am required to do.

Mr Prins: Here we have a man with a swollen lip. Mention is made that he was involved in trouble and they had to restrain him. You were doing your tests, what were those tests? — There was the history which I had to examine. The story was given to Dr Lang (inaudible).

Mr Prins: Were you only concerned with the manifestation of possible neurological signs . . . (inaudible) . . . Why were you not interested in what caused them? — The history was given to Dr Lang . . . the restraint could have resulted in the damage.

You accept it as a fact what Goosen told you? — May I put it this way, if I am called to see a patient and he has a cut on his head, then I am interested in treating him and not in how he got the cut.

In your interest in treating the patient, is it not also essential and wise to know what caused it? — There was the history that Biko had become hysterical and that he had to be restrained . . .

Why should it not have been caused by the brain injury? — Dr Lang said there were no signs of bruises around the head.

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.

• TO PAGE 8

23/11/77

(325-Detention) CAPE TIM

'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 was 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 up figure 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

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through Unisa. He was quite rational.

Dr Lang said that as far as Colonel 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. Mr Biko's speech had been thick. That he ascribed that to his superficial laceration on his lip. He could find no fault whatsoever in Mr Biko's ability to communicate, he said.



Asked if he suffered pain or had had any previous illness, Mr Biko had answered "No, sir," Dr Lang said. He had examined Mr Biko carefully had had a careful look at his head. There had been no sign of injury. 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 Colonel Goosen's questioning he was putting it on? – Correct.

One conviction

Mr Van Rooyen: Colonel 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.

Mr Van Rooyen: You had nothing to treat of any real substance. If Colonel 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.

In this regard you had nothing to report to Colonel Goosen which could raise his fears regarding Mr Biko's future health? – Correct.

The real reason why Colonel Goosen had called you in was because Mr Biko did not speak. He mentioned that he was afraid that Mr Biko might have had a stroke. The real basis on which Colonel Goosen had formed this fear was that there was no communication. Was that the reason why in your certificate you had picked up this as the most important aspect?

Dr Lang: The only reason. I had no reason to hide any injuries. Colonel Goosen's purpose in calling me was not the swelling on the lip. Colonel Goosen only wanted to put the record straight that Mr Biko's refusal to speak was not because of an organic reason. For me that was the crux of his complaint.

Mr Van Rooyen: On hindsight, if you are now asked if your report was full and correct you have to say no? – Correct.

Mr Van Rooyen: But on the day in question that was the correct report? Correct.

Mr Van Rooyen then went on to the next examination. Colonel Goosen was again seeking assistance and had told Dr Lang that this fellow was still not communicating, eating or drinking water and was not urinating, he said.

He knew that it was very difficult to remember what was said on one particular day if one was only asked about it later, he said. Dr Tucker said, however, that Colonel Goosen had reported that Mr Biko was not urinating.

Mr Van Rooyen: Colonel Goosen called you in again in spite of your previous day's report that there was nothing wrong.

You took the senior district surgeon with you and you explained what your examination of the previous day had entailed and what you had found. Colonel Goosen explained when you arrived that he was still worried about this man. Once again it was quite apparent that what he wanted was a medical examination? – Correct.

He was not calling you in to satisfy him that the man was malingering. He was calling you in to look at the man's health. So Dr Tucker examined Mr Biko in your presence? – Correct.

Rational

Mr Van Rooyen: You noted no material change in his physical condition. He was still quite rational. He was speaking with the same sort of thick voice but was quite orientated and quite understandable. When he was asked if there was anything wrong with him he complained of vague pains in his head and back, nothing serious? – Correct.

Mr Van Rooyen: Mr Biko had had no problems in walking on the previous day? – Correct.

Mr Van Rooyen quoted from Dr Lang's affidavit as saying that Dr Lang had asked Mr Biko to stand up and that Mr Biko had been unwilling to walk.

Dr Lang: There was a difference from the day before. It struck me as odd.

Mr Prins: Did this fortify your suspicions that this man was putting it on?

Dr Lang: That as such, yes. But there were additional signs.

Mr Van Rooyen referred to Dr Tucker's report as stating that Mr Biko complained that he could not move his left limbs properly.

Mr Van Rooyen quoted from the report, saying that Mr Biko had moved his upper arm with difficulty but when changing his position had moved his lower limb normally. He asked if this would have made Mr Biko's complaints seem unfounded.

Dr Lang: Correct.

Mr Van Rooyen: Also, there had been a sudden inability to walk which did not satisfy you? Correct.

Dr Lang said he had thought there was something odd about the whole thing.

In order

Mr Van Rooyen then referred to the extensor plantar reflex. The previous day everything had been in order, he said. On the 8th, however, the position did not make Dr Lang and his colleagues happy at all.

Dr Lang: I could not tie it up.

Professor Gordon intervened: You can't sham a plantar reflex, he said.

Dr Lang: We were not sure about on on the 8th. We were not sure if the toe went up or remained horizontal.

Professor Gordon: This was a critical question.

Dr Lang: We were worried about it. I think it was recorded as doubtful.

Mr Van Rooyen: On the Wednesday everything was okay, except that his left side was weak. On the Thursday this position was reversed. The reflex on the left was stronger than on the right. Would Mr Biko's medical knowledge have played a role in your thinking?

Dr Lang: I think it had some influence upon me.

Mr Van Rooyen: You had found additional grounds for strengthening your opinion of the previous day that Mr Biko was putting something on?

Dr Lang: I would not say additional confirmation. We had a developing pattern of something either organic or inorganic. We weren't sure of the plantar reflex.

Professor Gordon: You said you had reached the position with this man where you thought he needed more observation. Now you say your view of the shamming had been strengthened.

Dr Lang: I am saying that there was a developing pattern.

possible doubtful test according to which there might have been something wrong and you thought you should have the specialist in. But you couldn't find anything wrong. You had found additional ground that the man was shamming. I am saying that your suspicions that he had been shamming were strengthened.

Dr Lang: There was evidence against it but also for it.

Mr Van Rooyen: It was quite apparent to you that Mr Biko was quite rational and capable of communicating intelligently. You could once again on the 8th allay Colonel Goosen's worry? – Correct.

Colonel Goosen was worried because Mr Biko had not urinated but to you it was quite apparent that he had urinated, because his blankets were wet. On this ground there was no need to follow up complaint of an inability to urinate. On this you could allay Colonel Goosen's worry as well? – Correct.

Inquiries were made from Mr Biko as to whether he had urinated in the bed and he couldn't give you a satisfactory answer? – Correct.

Dr Lang said that at this examination he just took the blood pressure. Dr Tucker took the pulse. Both were found to be quite normal.

Mr Van Rooyen: You didn't find any sign of organic disease on midday the 8th.

Same position

Dr Lang: There was one query.

Mr Van Rooyen: You obviously did not report that to Colonel Goosen? – Correct.

The other signs were in accord with his having put it on? Basically Colonel Goosen would have been in very much the same position after you discussed this examination with him as he would have been in on the previous day? – Correct.

Mr Van Rooyen: There was one doubtful sign on which you could call for further investigation. Therefore what was said to Colonel Goosen was "we would like to have this fellow in a place where we can make really sure?" – Correct.

And Colonel Goosen was willing to go along with the suggestion that Mr Biko should be kept for further observation?

Dr Lang: We asked for a hospital.

Mr Van Rooyen: Colonel Goosen said that for security reasons that was out. He had no objections against any outside specialist being called?

Dr Lang: I was aware of the facilities available at the prison. They were very limited facilities.

Mr Van Rooyen: You didn't want Mr Biko lying indefinitely on the floor in the Sanlam building?

Not excluded

Dr Lang: We wanted him in hospital for investigation. We wanted him examined by a specialist. The facilities needed would have depended on what the specialist had in mind. A functional disorder was not excluded.

Dr Lang said that he had it in mind that Mr Biko could still have been putting it on.

Mr Van Rooyen: You thought he was putting it on, but just possibly he was not and you wanted to exclude it. – Correct.

Mr Van Rooyen: Here was Colonel Goosen worrying about the man's health, so you wanted to be dead sure. You thought it was better to have a specialist look at him and see if he could find something which you had missed? – Correct.

Until midday of the 8th you were not prepared to make a diagnosis of any organic trouble? – Correct.

You had in mind bringing in another physician who could do any tests he wanted to.

Dr Lang: Correct. I have no doubt that Colonel Goosen would have agreed to X-ray and other facilities.

Mr Van Rooyen: Colonel Goosen wanted the best facilities to preserve the man's health but was dead set against any hospitalization. If you had said to Colonel Goosen: "I think we have a very sick man here. My diagnosis is organic trouble. I think he should go to a proper hospital," surely you do not say he would have refused?

Dr Lang: It was made quite clear to us that the man was a security risk and was not to go to an ordinary hospital. We did not know then if he needed treatment.

Quite plain

Mr Prins: Had you suggested to Colonel Goosen that this man needed hospital treatment, would he have refused?

Dr Lang: I can't remember what Colonel Goosen was told but it was made quite plain that he should not go to a hospital.

Mr Van Rooyen: At no stage did you even remotely suggest to Colonel Goosen that Mr Biko needed treatment. On the contrary, you made it quite clear to Colonel Goosen that you could not find anything organically wrong? – Correct.

Professor Gordon: Where does diagnosis or treatment begin or end? – Reply inaudible.

Mr Prins: We are trying to find out what you have said to Colonel Goosen and what he has understood.

Dr Lang: I cannot read Colonel Goosen's mind.

Mr Prins: Didn't you say that you could not find anything organically wrong but that there might be an organic shortcoming but that Mr Biko needed to be sent to a hospital?

Dr Lang: It was said that we needed to investigate further. I did not suggest that he was a sick man who needed treatment.

Mr Van Rooyen: Colonel Goosen was quite happy to have an examination by any physician? – Correct.

Mr Van Rooyen said that the suggestion had been made that Mr Biko was transferred to the Sydenham prison after dark to hide something.

Dr Lang: It would have been quite easy to hide his appearance by conveying him in an ambulance on a stretcher but there were no injuries on his face to hide. Also, he was speaking quite rationally and there was nothing there to hide.

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'Indications of shamming'

Continued from page 3

On the morning of the 7th he was alone for quite some time with Mr Biko, Dr Lang said. Later he was again alone with Mr Biko. Mr Biko had had ample opportunity to complain to him about any assault but no such complaint was even hinted at.

If at this stage Colonel Goosen had firmly believed that Mr Biko was putting it on he would have found this confirmed in what you and Dr Tucker had told him.

There had been no vestige of a suggestion that Colonel Goosen had told Dr Hersch that all the symptoms, like the thick speech, had also been present in East London?

Similar

Dr Lang: Colonel Goosen had used words to the effect that Mr Biko's behaviour in previous detention had been similar. Colonel Goosen had not been trying to explain all the symptoms and had not tried to connect them up with what happened in East London.

Mr Van Rooyen: Would it not have been normal of Colonel Goosen to expect you to tell Colonel Goosen what he had found? — I did.

Mr Van Rooyen said that on this particular occasion, on Thursday evening at 9.45pm with Dr Hersch, it was clearly quite a different picture from the Wednesday morning or the Thursday afternoon — Correct.

What was found now was that such things as the blood pressure and the pulse rate were normal, but if one looked at Dr Hersch's report it was found that as far as Mr Biko's movements were concerned, he had difficulty in turning over on the bed. But on the other hand, Mr Biko walked well with a left side limp. And at midday the impression was that he could not walk — Yes.

Mr Van Rooyen: Either it was due to an inability or his uncooperativeness — yes.

Mr Van Rooyen: Did you think that it could have had a psychological origin because on the Wednesday night he was walking reasonably well — Correct.

Mr Van Rooyen: When we come to the sensory tests everything was okay on Wednesday morning. On Thursday midday we had the bizarre picture of the anestheasia of the legs. That indicates something on the functional side — Yes.

Dr Hersch then indicated that he could not make head or tail of it all — Yes.

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 asked with regards to the reflexes whether they were okay on the Wednesday, although the right arm was weaker than the left — Yes.

On Thursday night the left arm was not useable at all — Yes.

As far as rationality was concerned on Thursday, he was totally rational — Correct.

But on Thursday night Dr Hersch says there is a possibility of echolalia — Correct.

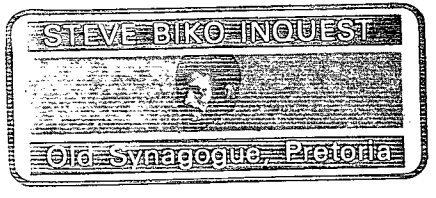
In other words he repeated phrases, he repeated part of Dr Hersch's sentences. In other words if Dr Hersch said "alright, alright," he would say the same — Yes.

It was not a definite but a possible echolalia — Correct.

Dr Hersch says on the rationality issue that one could not get any reliable history on the Thursday night — Yes.

That is in marked contrast to Wednesday morning and Thursday midday — Correct.

Would it be fair to say that in regard to the possible plantar on the right toe and now the plantar on the left, would you have said that the picture is a bizarre one — Correct.



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 Prins: 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 is 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 plantar — (answer inaudible).

At this stage Mr Van Rooyen proclaimed that his questions were running at cross purposes with those of the assessor and said that he would face some difficulties unless he could develop some of his arguments.

The magistrate said that Dr Gordon was a medical man and Mr Van Rooyen would probably be worse off if he continued with his questions and there was no appreciation of his cross-examination.

Tackling his questions from another point, Mr Van Rooyen said to Dr Lang: When the examination with Dr Hersch was concluded, I assume there was quite a bit of talk — Yes.

And in that talk the real possibility of shamming was discussed — It was mentioned. Dr Hersch came out and discussed it.

This whole question of shamming was now part and parcel of the discussions — Yes.

The rapid change of the picture was also discussed — Yes, it was discussed.

The question of the pinpricks, on the bed, and the anestheasia — It was all discussed.

Different arms

Colonel Goosen remembers there was the question of the different arms — Yes.

That would indicate to a layman and yourself that there was shamming — Yes.

That was, in fact, the situation that night — With the exception of the extensor plantar on the left.

You thought he was shamming — Yes.

Hyperventilating was also . . . (inaudible) . . . in association with hysteria — Yes.

Dr Hersch associated himself with that line of thinking on the shamming — Yes.

That is why we find that Dr Hersch says that there were indications of shamming 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 centred around the issue that there was quite a lot of shamming, 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 shamming?

Mr Prins: Before you reply to that question, did you have the discussions in Colonel Goosen's presence — (answer inaudible).

Mr Van Rooyen: Therefore if Colonel Goosen says that he left with the impression that this man was shamming 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

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Statement was 'false'

headache, no pain and he is comfortable — Correct.

And between 9.30 and 10am you discussed it with him, there is quite a change and there is no echolalia — The conversation I had with him was not very extensive. He gave 'yes' answers to my questions on whether he had breakfast and whether he was comfortable.

He answered intelligently to your questions — Correct.

Did you examine him — I examined his pupils and his reflexes. Yes his reflexes were the same as the night before, the left arm was a little weak.

Dr Gordon: Did you do an extensor test after the lumbar puncture — No I did not. I did not want to disturb him too much.

Mr Van Rooyen: Did you then receive the warder's information that he thought that it was a suicide attempt at that time — Yes.

Mr Van Rooyen: Which warder was this — Warder Sharp. They had found him in a bath and they thought it was a suicide attempt. It was a verbal report and I made a note of it subsequently.

No pressure

Mr Van Rooyen: We are now on the day of the 9th, did you also discuss him with Dr Hersch on the telephone — I merely discussed with him the lumbar puncture and that it was clear that the cerebro-spinal fluid was clear and that there was no pressure.

That would prima facia be negative — Yes.

I put it to you that with the knowledge available at that time the result would be considered negative — Yes.

If we look at the report from the medical research which became available after your discussions with Dr Hersch — Yes.

It said exactly what Dr Hersch had said — Yes.

which is why a lumbar puncture was recommended.

The results of the lumbar puncture were negative with the exception of the red cells, which looked as though they might be due to a "bloody tap". This meant the red cells might have been drawn from a blood vessel and not from the spinal fluid.

Neuro-surgeon

Because the doctors were still uncertain of Mr Biko's condition after the lumbar puncture, they referred the case to a neuro-surgeon, Dr R J Keely. Dr Keely gave the impression that the findings of the lumbar puncture required observation in order to make sure that nothing serious developed.

"I was not worried about Mr Biko's condition, nor did I think he might be dying," Dr Lang said.

He said he had never come across a situation similar to Mr Biko's case.

Mr K von Lieres, leading evidence in the case, asked Dr Lang when he heard that Mr Biko manifested similar signs in previous detention.

Dr Lang said he had learned on September 7.

Mr Von Lieres: Did you find anything to suggest that he had been smashed up by the police?

Vicious assault

Dr Lang: What is your definition of smashed up?

Mr Von Lieres: ... A vicious assault.

Dr Lang said there was no evidence of a vicious assault. On September 8 at a second examination there was nothing indicative of an assault by the

Dr Tucker: Yes.

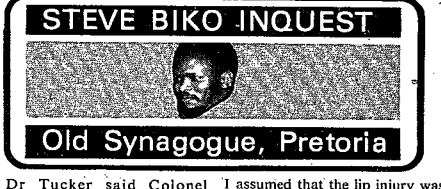
Mr Kentridge: Doesn't that suggest that he had some cause for worry that he didn't pass on to you?

Dr Tucker: That could be so.

Dr Tucker said he did not find out from Mr Biko or anyone else why Mr Biko had wet his bed. He did not think Mr Biko was incontinent but that because of his position he had been unable to move.

Mr Kentridge: Because he was chained up? Did you call Colonel Goosen's attention to this?

Dr Tucker: No.



Dr Tucker said Colonel Goosen said Biko hadn't asked to go to the toilet.

Mr Kentridge: Were you not interested why your patient, a grown man, should have wet his bed?

Dr Tucker: I was.

Mr Kentridge: But you didn't ask him because it was clear that he could not have given a coherent answer.

Dr Tucker said it was his impression that Mr Biko was unwilling to inform anyone that he wished to pass urine.

Mr Kentridge: Why didn't you ask him why he passed urine in his bed?

Dr Tucker: I cannot answer.

Mr Kentridge: There is only one answer. You knew he couldn't answer you.

Dr Tucker: I'm afraid that is incorrect.

Mr Kentridge asked Dr Tucker if he had asked Mr Biko how he cut his lip. Dr Tucker replied he had not.

Mr Kentridge: What sort of doctor is it who doesn't ask a patient how he got his injury?

Dr Tucker: Colonel Goosen told me that Biko became aggressive and had to be restrained, and I assumed that the lip injury was the result of this restraint.

Mr Kentridge: You assumed it?

Dr Tucker said he accepted that there must have been a struggle and that Mr Biko could have injured his lip.

Mr Kentridge: By what means?

Dr Tucker: I don't know what means were used.

Mr Kentridge: Why didn't you ask?

Dr Tucker: Because this was an assumption I thought I was entitled to make.

Mr Kentridge: What right have you got to make any assumption? Why didn't you ask him?

Reply inaudible.

Mr Kentridge drew Dr Tucker's attention to a statement in his affidavit that there were abrasions around both wrists, and asked why there was no explanation for the reason for the abrasions.

The affidavit was a copy of a medical report, and Mr Kentridge said he would have thought Dr Tucker had a duty in the medical report to note any possible reason for the abrasions.

Dr Tucker said he did not think it necessary.

Mr Kentridge: Why didn't you say he was handcuffed and his leg shackled to a grille?

Dr Tucker said he had done this in his second affidavit.

Mr Kentridge: I must put it to you, Dr Tucker, that you didn't mention it in your medical report for fear of embarrassing the security branch.

Dr Tucker: This is an assumption I cannot accept.

Mr Kentridge: Can you tell us how a doctor can make a medical report in which he states how he found his patient without saying that his ankle was shackled to a grille?

An error

Dr Tucker: It was an error.

Dr Tucker admitted he did not mention the abrasions on Mr Biko's feet and ankle in his medical report.

Mr Kentridge asked whether Dr Tucker had left them out because any mention of these abrasions would have pointed to the fact that Mr Biko had been manacled.

Dr Tucker: It was an error.

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 it would have been put to him that he could not have been because otherwise you, Dr Tucker, would have noticed it.

Dr Tucker: If the question had been asked.

Mr Kentridge 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

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This report in your opinion meant that it could be a bloody tap – It could be a bloody tap.

The ninth went by with no further developments – Yes.

Biko was alive and well after the lumbar puncture. He walked to his bath, climbed into his bath and then out – This is what was reported to me.

Mr Kentridge took up the questioning.

Mr Kentridge: But you did not ask Biko about it. – No.

And you did not ask Goosen about it. – No.

Why not. – There was no evidence (inaudible) which might have caused brain injury.

Was that not more reason to investigate it? If there was a lip injury might not there have been a head injury. – I don't think I can reply. There was this history of restraint and the injury could have come from that period.

Why did you ask Goosen whether he got a blow on the head. – I did not.

Why not. – (answer inaudible).

Was it not the obvious question. – There was no obvious injury.

Why did you not ask the obvious question whether the man received a bump on the head. – I did not ask it and that is all I can say.

Mr Prins: Did you ask Biko. – No.

Mr Kentridge: Was it not because you were reluctant to embarrass Goosen. – No.

Either from reading about it or from your own experience, have you not knowledge that the police assault people in custody. – I have. (answer inaudible).

But on that occasion you did not ask. – No, I did not. Where persons are brought to me for examination my report is completed on a special form. This is all I am required to do.

Mr Prins: Here we have a man with a swollen lip. Mention is made that he was involved in trouble and they had to restrain him. You were doing your tests, what were those tests. – There was the history which I had to examine. The story was given to Dr Lang. (inaudible).

The whole idea

Mr Prins: Were you only concerned with the manifestation of possible neurological signs or were you also concerned with what could have caused the neurological (problems). – That is the whole idea of the examination, to exclude the neurological symptions.

Why were you not interested in what caused it. – The history was given to Dr Lang. The restraint could have resulted in the damage.

You accept it as a fact what Goosen told you. – May I put it this way, if I am called to see a patient and he has a cut on his head, then I am interested in treating him and not in how he got the cut.

In your interest in treating the patient, is it not also essential and wise to know what caused it. – There was the history that Biko had become hysterical and that he had to be restrained.

Dr Lang told the court that after Colonel Goosen made it clear he would not allow Biko to go to hospital he (Dr Lang) didn't press the issue again.

Mr B Pickard, counsel for the doctors, questioned Dr Lang.

Dr Lang told him he could not remember having examined a detainee held under Section Six of the Terrorism Act before the Biko case. At the end of the first examination on September 7 Dr Lang said he had no certainty about Biko's condition. There was very little wrong and a day later he was summoned again. He allowed Dr Tucker to do the examination because he wanted an unbiased examination.

Because of their uncertainty they decided to call in a specialist physician, Dr Lang said.

After the examination by Dr Hersch, the specialist physician, there was a probability of an organic lesion, Dr Lang said.

police, he said.

Mr Von Lieres: As a result of the bizarre symptoms you were unable to make a diagnosis and therefore you couldn't have told Colonel Goosen that he (Biko) was a sick man?

Dr Lang: No, I didn't.

Mr Von Lieres: You couldn't, obviously.

Mr Von Lieres said Dr Lang's evidence suggested that he wished to send Mr Biko 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 he believed that if he had told Colonel Goosen there was positive information that Mr Biko was definitely ill, he would have been sent to hospital.

Asked whether he had been influenced by Colonel Goosen, Dr Lang said he had to take Colonel Goosen's report on Biko into consideration. In the absence of any positive diagnosis, Colonel Goosen's report on Biko had led Dr Lang to believe he was shamming.

The next witness was the chief district surgeon in Port Elizabeth, Dr Benjamin Tucker. Mr Kentridge, counsel for the Biko family, asked why Dr Tucker had made his affidavit only on October 19.

Dr Tucker said he was on leave and when he returned to Port Elizabeth he was told by Colonel Goosen an affidavit was required. His second affidavit was made at the request of General Kleinhaus, the investigating officer.

Abrasions

Mr Kentridge questioned Dr Tucker on the interview with General Kleinhaus.

Mr Kentridge: Did he ask you any questions?

Dr Tucker said General Kleinhaus asked whether he, Dr Tucker, had seen any abrasions and whether Mr Biko had mentioned an assault.

Dr Tucker said General Kleinhaus also asked whether he was informed by Colonel Goosen of what had occurred in room 619 before the first medical examination.

Mr Kentridge: He (General Kleinhaus) simply asked you whether Colonel Goosen had told you Biko had been aggressive and attacked a member of his staff? Dr Tucker confirmed this.

Mr Kentridge: So General Kleinhaus put words in your mouth?

Dr Tucker: He asked questions and I answered them.

Mr Kentridge: It seems a very strange sort of investigation by an investigating officer to do it this way.

Mr Kentridge: Were you in Port Elizabeth on September 13 – the day after Mr Biko died?

Dr Tucker replied that he was.

Clinical findings

Mr Kentridge: Did no police officer come down at that stage and ask you about the case while the trail was still hot?

Dr Tucker: No.

Dr Tucker said he had been asked by Colonel Goosen to telephone Professor Loubser who was conducting the post-mortem in Pretoria because Dr Tucker was required to send a report of the clinical findings of Mr Biko.

Last week Mr B Pickard was called in to act as counsel for the doctors, the court heard.

Dr Tucker said he had contact with members of the security staff because it was his duty as a district surgeon to examine detainees who complained they were not feeling well.

In spite of Dr Lang's findings that there was nothing much wrong with Mr Biko, Colonel Goosen called the doctor again the following day, saying he was worried because Mr Biko had not passed urine.

Mr Kentridge: Surely Colonel Goosen must have had some worries that he had not passed on to you? Surely on what you saw it was difficult to explain why Colonel Goosen was so worried?

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worship.

Mr Kentridge: It is not merely misleading. It is a plainly false statement.

Dr Tucker: I cannot say that.

Mr Kentridge: Well, I can. I will tell you why he didn't 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 upgoing big toe on the right foot gave cause for worry, but could have indicated a neurological problem.

Mr Kentridge: You cannot write him off as a malingerer once he has this 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.

Mr Kentridge: Why didn't you?

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 duty 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 or 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 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. If it was not going to stop, 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 district surgeon 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 asking them 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 Attorney-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 that 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 in the question could be if 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 irrelevant 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 on to another incident.

Mr Kentridge: What was Mr Biko's condition when you left the office after your examination? When you last saw him was he still on the same mat under a wet blanket with the same wet trousers on?

Dr Tucker: Yes. He had given no orders in that regard, he said.

Mr Kentridge: You have said in your affidavit that Dr Lang informed you that Dr Hersch had examined Mr Biko and could find nothing wrong, except a possible plantar reflex. That was a very serious finding, was it not?

Dr Tucker: It would have indicated a possible neurological defect. I cannot express expert knowledge but it is a very serious sign of brain damage.

Mr Kentridge: Does that not suggest a deterioration in Mr Biko's condition since you had seen him?

Dr Tucker: Yes.

At this stage it started raining heavily in Pretoria and it became impossible to hear what was being said.

The hearing continues today.

STEVE BIKO INQUEST
Old Synagogue Pretoria

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SWA detainees kept in irons, court told

(325) Detentions RDM 23/11/77.

WINDHOEK. — A security police chief yesterday denied that the man accused of murdering the Chief Minister of Owambo had been prevented from sleeping for four consecutive days and nights.

Colonel Willem Schoon, head of the Security Police at Oshakati in Owambo, was giving evidence at the trial of Mr Victor Nkandi who has pleaded not guilty in the Windhoek Supreme Court to murdering Chief Filemon Elifas and to terrorism.

Under cross-examination Col Schoon said that some detainees who were kept at the Ogongo 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," Col 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, Col 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, Col 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," Col Schoon said.

Mr Soggot said Mr Nkandi would tell the court he had not answered Col 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.

CAPE TIMES THURSDAY, NOVEMBER 24, 1977 325 - Bekeman

Specialist physician testifies

Evidence
pages 5, 6, 7

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 one 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 Dr 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 any 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 a neurosurgeon, Mr R. J. Keeley, who recommended that Mr Biko be observed.

"I thought it would have been folly to disregard the

RDM 24/11/77. (325-det.)

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 Goosen, 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 Hersch, the specialist physician who performed a lumbar puncture on Mr Steve Biko on September 9, appeared yesterday for the first time at the hearing.

Dr Hersch told the court that he had been given a history of Mr Biko by both Dr Lang, the district surgeon, and Col Goosen, which 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.

The hearing continues today.

Full Report, Pages 6, 7

24/11/77

Biko lawyer

asks about

Security came first — Tucker

By CAROL STEYN and BERNARDI WESSELS

NO honest doctor could have advised that Mr Steve Biko's condition was satisfactory on Sunday, 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.

Mr Sydney Kentridge, SC, for the Biko family, accused Dr Benjamin Tucker, chief district surgeon of Port Elizabeth, of failing to do his duty honestly when 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 Tucker said Col Goosen had called him in on the Sunday afternoon because he had been on duty and Col Goosen had said that he was unable to contact Dr Lang.

(Col Pieter Goosen is head of the Security Police in the Eastern Cape).

Dr Tucker took the responsibility for medical decisions on that occasion, he said. He was called in because "evidently something had happened to Biko".

Col Goosen told him Mr Biko had collapsed and been found 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 them but you found nothing wrong? — I wouldn't say that.

You found froth at the mouth and found that he was hyperventilating. What are the possible causes?

Dr Tucker said hysteria, renal failure, bleeding of the brain, epileptic seizures, 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.

Did you do the plantar reflex test (this means that when the sole of the foot is scratched, the toe turns upwards instead of down)? — No.

At the previous examination you found a query. How can you say that the nervous system showed no change? — There was essentially no change.

Mr Biko did not stand up during the examination. He tested his legs for spasticity, but not for strength or ataxia.

Prof Simon Gordon, of Natal University Medical School, one of the assessors: Surely of all the signs you go for the plantar reflex was the most important? The only positive thing up to that stage was the upgoing toe. Why did you not test that? — I was going for signs of intracranial pressure. There was no paresis, no spasticity on either side.

Did you not consider the plantar reflex of great significance even in the absence of cerebral paresis? — Yes.

Mr Tucker said Mr Biko had been apathetic.

Mr Kentridge: Wasn't it important to establish his level of consciousness? — There was a definite admixture.

Why did you do such a cursory examination? — I thought I could exclude serious cerebral disease by such an examination.

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 and that this is a sign of organic disease? — There were no other signs.

In answer to a question by Mr Marthinus Prins, the presiding magistrate, Dr Tucker said he would now like to qualify his original statement: Shall I say there was no localised sign to indicate to me 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 put it to you that that was a false statement. — An incorrect 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.

You say you recommended that he should go to a hospital with trained staff and you say Col Goosen said it was preferable that he should go to a prison hospital. There was no trained staff at the Sydenham Prison hospital because the only male nurse was on a course 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 Col Goosen? — I did not consider Mr Biko's condition to be so serious at that time. I did not insist that he should go into another hospital.

Dr 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. He had not known that Mr Biko was going in a Land-Rover but had been told that he was going in a Kombi. He knew that Mr Biko was travelling without any medical attention because there was no male nurse available.

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 froth at 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 found him apathetic? — 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 shamming apart from the upgoing toe.

There were no other localised features to indicate organic disease, Dr Tucker said.

Mr Prins: Was this question of shamming still in your mind overriding the other factors? — 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 Col Goosen 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 more than one explanation? — Yes.

But it is at the least worrying? — Yes.

Did it not worry you? — Not in he light of what Dr Lang told me. He told me that Mr Biko had been eating and drinking and walking about.

Prof Gordon: When you heard that Mr Biko was walking about was it conveyed to you that Dr Lang himself had seen this? — No, I'm afraid I can't say . . . honestly.

Mr Kentridge: Let us assume a holidaymaker 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

24/11/77

doctors'

its spinal fluid, froth at the mouth, was hyperventilating and was weak in the left limbs. Would you have permitted his parents to drive 700 miles to Pretoria? — The circumstances were different. I would have insisted that the child should go into 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 Col Goosen 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.

Prof Gordon: Why didn't 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 plantar reflex could be feigned? — No.

Did you think a man could feign red blood cells in his cerebral spinal fluid? — No.

[redacted]

In terms of the Hippocratic Oath are not the interests of your patients paramount? — Yes.

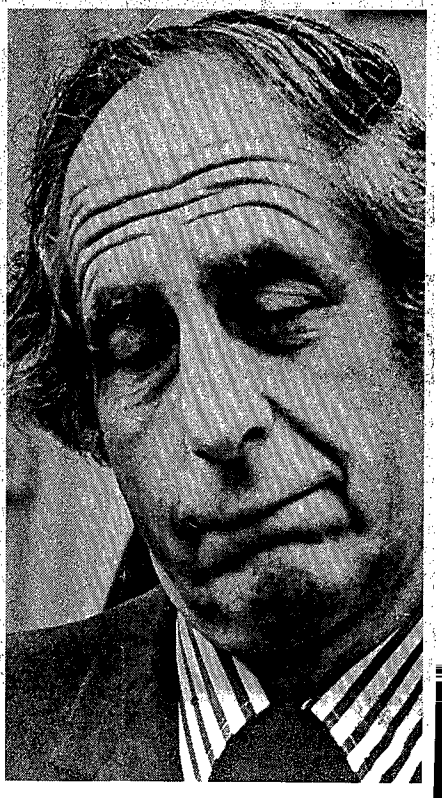
But in this instance they were subordinated to the interests of security? — Yes.

Did Col Goosen 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 upgoing toe and blood in the cerebral spinal fluids.

Mr Prins: In fairness I have understood Dr 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 but,



Mr Sydney Kentridge, SC, counsel for the Biko family, pictured outside Pretoria's Old Synagogue

Oath

he was told before Mr Biko left for Pretoria.

Prof Gordon: Dr Tucker when you were informed of the red cells for all you knew the man might have been on his way and you made no attempt to stop him? — Yes.

Dr Tucker said there was the consideration that during a lumbar puncture there could be a bloody tap. 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, he said.

Mr Kentridge then referred to the photograph taken after Mr Biko's death showing a scab on his forehead.

I don't know if you are aware but according to the pathologists the injuries must have been between four and eight days old. It must have been obvious to you as a doctor on Sunday the 11th? — It must have been there but it was not visible.

He had examined both Mr Biko's pupils, Dr Tucker said. Mr Kentridge: If you examined his left eye with your torch how could you possibly have missed it? — The only reason I can give is that it was so insignificant and coloured in the same way as the skin so that I could not distinguish it.

Does it not call into question the thoroughness of your examination? — No.

[redacted]

Mr Retief van Rooyen, SC, for the police, then started his examination.

Mr Van Rooyen: It was clear to you on Dr Lang's report that you were dealing with an uncooperative malingerer who showed nothing wrong when examined? Dr Lang wasn't impressed by Mr Biko as a sick man but wanted you along? — Yes.

Mr Prins: Did you then in your own mind decide that you were going to see an uncooperative person who was putting it on? — No.

I thought you said Dr Lang told you what type of person he had seen the previous day? — No. Dr Lang asked me to come and see the person and we agreed on a mutual time. Col Goosen told me what type of person we were dealing with. He did mention malingering. I made a mistake when I said Dr Lang told me of possible malingering.

Dr Tucker then said he could not remember if Dr Lang had said that Mr Biko was possibly putting it on.

Mr Van Rooyen: Col Goosen told you what had happened the previous day. He said he was still worried about a stroke or possible dehydration. It was clear that he was very much concerned about Mr Biko's good health? — Yes.

When you went into Mr Biko you found that Col Goosen's difficulty about Mr Biko's not urinating had resolved itself. The blankets were wet. On questioning, Mr Biko had no satisfactory reply? — Yes.

[redacted]

Dr Tucker said Mr Biko told him he could not move his left arm and left leg. He answered rationally and at the end he asked for a glass of water. "As far as mental alertness was concerned I had no problems."

Mr Van Rooyen: If yesterday it was put to you Mr Biko had only complained about a headache and back pains, that these were his only answers, and you said yes, that would have been wrong. It now appears also that he complained about his limbs and asked for a glass of water? — Yes.

Mr Kentridge: This witness said with the utmost clarity that Mr Biko was asked and answered only one question.

Mr Prins: He now admits that he was wrong.

Dr Tucker: I now want to say that when Mr Biko was asked to move his limbs, he spoke.

Mr Van Rooyen: You recollect that when asked if he had pain he gave a rational answer. When asked to move his limbs he complained in English that he could not move his limbs properly. You also remember that he asked for water to drink and said he was thirsty. You also say he understood your questions and attempted to do what he was asked to do. As far as you are concerned he was mentally alert, could answer questions and answer intelligibly? — Yes.

At no stage did he complain of any assault or injury? — Yes.

If allegations were to be made that Mr Biko had been smashed up by the police his appearance was not in accordance with such a description? — Yes.

Dr Tucker said he could not pull Mr Biko up by himself. Mr Biko assisted by using his left arm. That proved to him that his left arm was not completely weak, Dr Tucker said.

Questioned by Prof Gordon, Dr Tucker said that Mr Biko had not been a sick man in the sense of having something which needed treatment. He was a person who showed certain doubtful signs seeming to need a more thorough examination.

Prof Gordon: Was your answer that you did not have a sick man on your hands correct? — Yes.

Yet none the less you wanted to consult a specialist? — Yes, the word "sick" was rather difficult to explain.

[redacted]

Mr Prins: You were convinced that he was not a sick man, that he did not need the treatment at all? — He presented certain signs about which we were not happy.

Mr Van Rooyen: You see a patient with signs of organic disease and send him to hospital . . . that is a sick man. Another patient has a complaint which you cannot pinpoint but which may develop into something. His is not a hospital case, he is not that ill. In which category did Mr Biko fall? Was he in the last category? — Well, yes.

Dr Tucker said that if a patient like Mr Biko had come to him normally he would have referred him to Dr Hersch, "to go to his rooms".

Mr Van Rooyen: Biko could have gone to the consulting rooms. So on medical grounds you were not going to quarrel with Col Goosen's decision on the provincial hospital? — Yes.

But, Dr Tucker, you are not going to take a chance and the least the man should go to is a specialist? — Yes.

Questioned by Mr Van Rooyen Dr Tucker admitted there had been a discussion about a possible weakness of the limbs and the apparent contradiction that the plantar reflex had first been found on the right and then on the left.

On the 8th, it was found to be on the left, Dr Tucker said.

[redacted]

Asked whether it was possible for a person with medical knowledge to simulate in a plantar test a movement curve of the toes upwards instead of inwards, Dr Lang said he would say it was possible but he did not know of anybody who had done it.

He admitted that it was not a particularly easy reflex to read and that it sometimes had to be repeated.

Mr Van Rooyen asked if it were possible for a person with medical knowledge to simulate such a curve. — I would not like to express an opinion.

Prof Gordon: Have you ever read about it? — No, but I have heard of a case.

Can you tell us about it? — It involves another witness.

It will be rather unique if a person can give you a positive extensor reflex. Did you make notes? — No, I did not make notes. I would rather like to change my answer to that I have no knowledge about it.

Mr Van Rooyen: What do you remember of what Dr Lang told you? — He told me about Dr Hersch's examination, that there was an extensor plantar reflex and about the echolalia and he also mentioned that Biko was walking around.

Dr Tucker admitted that when on Sunday afternoon the 11th, he had been called to examine Mr Biko he had not discussed the matter with Dr Hersch. He had not even known that Mr Biko was out of prison.

Mr Van Rooyen: As far as you know he may have been discharged, needing no further diagnosis? — As far as I knew, he was discharged because his condition was such that he could be put up at the Walmer police station.

But in your view the man should have been in an institution where a proper diagnosis could be carried out? — Yes.

Mr Prins: Why should he be in an institution? — We found nothing further, but he was now hyperventilating.

Did you think that rather than let him lie here, let them do all the necessary tests in Pretoria? — That is quite right.

You say at 4.30 to 4.45 pm you contacted Dr Lang? — Yes.

[redacted]

Did Dr Lang then tell you that Biko had eaten and walked around, that he had phoned the neurosurgeon, Mr R Keely and that there was no evidence of intracranial bleeding and that the lumbar puncture had been negative, except for the possibility of a bloody tap and that he had been transferred to the Walmer police cells? — Yes.

Mr Van Rooyen: As far as Col Goosen was concerned, even at a later stage on Sunday afternoon, his main interest was for the health of Mr Biko and his preservation? — He said he would rather lose his right arm. I thought this showed the concern he had.

At the start of his examination, Mr B De V Pickard, for the doctors, referred to Dr Tucker's affidavit which noted that Mr Biko's condition was satisfactory and that he would have no objection to his transfer to Pretoria.

Mr Pickard: Does the word satisfied mean that his condition is satisfactory or is it for the purpose of being conveyed? — For the purpose of being conveyed.

You are a district surgeon of some years and in your experience as a practising doctor, have you ever associated head injuries with euremia and kidney diseases? — No.

With hyperventilation? — To a certain extent, yes. My practice in this type of medicine, in head injuries, is limited.

Then you associate hyperventilation with head injuries, you said yes? — I would say no.

Mr Pickard: Have you done many post-mortems? — I have.

Have you done any where you found cerebral or head injuries? — Many.

Have you found any samples that pointed to euremia? — No.

Dr Gordon: Are you really in a position to answer that question? — No, I am really saying that I have no experience.

[redacted]

After lunch the magistrate, Mr Prins, announced that he had decided to call the Chief of the Security Police, Brigadier C. Zietsman and Brigadier Johan Coetzee to give evidence at the inquest later.

Two policemen who made up the night team guarding Mr Biko in Room 619 of the Security Police offices would also be called.

In cross-examination by Mr K von Lieres, Dr Tucker agreed that he had breathed a "sigh of relief" when he had heard that Mr Biko was being taken to Pretoria where he would be under the observation of professional people.

Asked whether Mr Biko had been given all the care he needed, Dr Tucker replied: I would say the care he received was adequate.

When prisoners required special attention most were taken to a hospital. Only rarely was a prisoner taken to a specialist consultant, Dr Tucker said.

Prof Gordon then questioned Dr Tucker on the method of transferring Mr Biko to Pretoria.

Why didn't you bring your influence to bear upon the authorities to ensure that he was transported by an ambulance, not a Land-Rover? — Col Goosen assured me that he would be transported in as comfortable a manner as possible. Dr Tucker said Col Goosen had told him Mr Biko would be transported in a Kombi on mattresses.

[redacted]

Didn't it occur to you there might well have been an ethical responsibility to argue that if he could not go by air he should have gone by ambulance? — That is correct.

Dr Tucker said he thought that the mode of transport would amount to that of a quasi-ambulance.

Mr Prins then pointed out that Mr Biko had been transported with four cell mats and a number of blankets.

Do you think it would be a shock absorbing bed? — To a certain extent. A Kombi is far more comfortable to sit and lie in than a Land-Rover.



Dr Colin Hersch, right, a Port Elizabeth physician, and Dr Benjamin Tucker, the chief district surgeon for Port Elizabeth, outside the Old Synagogue in Pretoria yesterday.

Biko Inquest 24/11/77

I was worried by his death, says specialist

By HELEN ZILLE and BERNARDI WESSELS

DR COLIN HERSCH, the specialist physician who examined Mr Biko after Dr Lang and Dr Tucker were puzzled by his symptoms, was then called to give evidence.

An affidavit by Dr Hersch was handed to the court. It contained a medical report written by Dr Hersch to Dr Lang after Dr Hersch's examination of Mr Biko. The medical report was dated September 16 — four days after Mr Biko's death.

Mr Von Lieres, leading evidence, began questioning Dr Hersch on the lumbar puncture he performed on Mr Biko on September 9.

Dr Hersch said the result of the lumbar puncture left any conclusion on Mr Biko's condition "wide open". The blood cells could have been due to a brain injury or a bloody tap — blood drawn from blood vessels, not the spinal fluid. The ease with which a lumbar puncture was performed was a point against the possibility of a bloody tap.

Notwithstanding the fact that he suspected damage to the brain, he did not mention this specifically in his medical report.

Mr Kentridge then questioned Dr Hersch. Dr Hersch said he had been phoned on September 8 by Dr Lang and given the history of Mr Biko. While in detention previously Mr Biko had shown difficulty in talking and had dragged his left leg.

Dr Lang also mentioned the possibility of an upgoing toe on the right foot.

Dr Hersch said he suspected Mr Biko was shamming.

Dr Hersch later also gained the impression from Col Goosen that Mr Biko might be shamming, although Col Goosen was keen for Dr Hersch to rule out the possibility of a stroke. At no stage did Col Goosen mention the possibility Mr Biko might have had a bump on his head, although he did mention the episode where Mr Biko allegedly threw a chair at an officer and had to be restrained.

Dr Hersch also knew that Mr Biko had been a medical student for four years.

Dr Hersch said he got the message that he was dealing with a man who might be feigning and that he was a dangerous man.

four years' psychiatric

Mr Kentridge: They didn't leave it to your skill and judgment to report?—I got that history quite clear.

Dr Hersch said that particularly in neurological cases a wrong history could prejudice the examination.

He never noticed the bruise on Mr Biko's head or the scab that was apparent in the post-mortem photograph.

"But in retrospect I have quite a clear picture of him standing with a whitish area over his left eye that I thought was dry saliva or sputum."

Dr Hersch said he did not think he would have missed an abrasion had there been one.

Mr Kentridge: How do you account for the fact that it wasn't seen? — I really don't know. By the rest of the examination one could almost have expected it to be there. It fitted in with indications of brain injury that there should have been a lesion there.

Dr Hersch said the upgoing toe on the left side was a significant sign . . . it showed a great likelihood of organic brain damage.

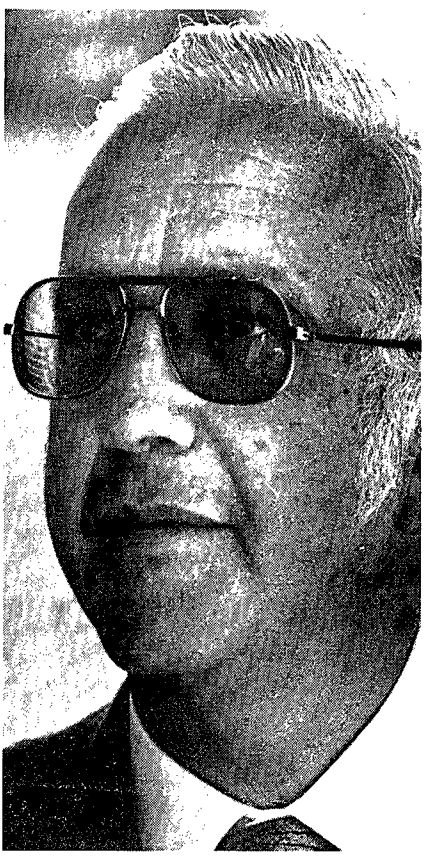
Dr Lang had observed the upgoing toe as well. The upgoing toe changed the whole picture of Mr Biko's condition.

Afterwards Dr Hersch explained to Col Goosen that there were positive findings of something wrong with the nervous system. "I don't remember the actual words. I made it clear there were positive findings."

Mr Biko's poor cooperation could have been due to brain damage.

Dr Hersch said he never expressed the opinion to Col Goosen that Mr Biko might be shamming.

Asked whether it was possible to sham an up-



Dr Colin Hersch . . . the Port Elizabeth specialist

going toe, Dr Hersch said he had never seen it in his professional career but that Dr Marquard de Villiers, assisting the doctors' counsel, had managed to sham this reaction.

Dr Hersch said he had not given Dr Lang the all clear after the investigation.

Asked why Mr Biko was not taken to a proper hospital Dr Hersch said: "This was not in our hands." There was no doubt that had he been a private patient he would have been in hospital.

Asked whether he would

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have allowed Mr Biko to go to Pretoria in a Land-Rover on four cell mats, Dr Hersch said he would not have been unhappy if Mr Biko's condition was the same as on examination.

Mr Kentridge: If he had collapsed and was in a semi-coma? I would never have allowed a patient to go 700 miles by road in this condition.

Mr Kentridge then drew the attention of the court to a form sent with Mr Biko's spinal fluid to the Institute for Medical Research for testing. The name of the patient was made out as Stephen Njelo.

Mr Kentridge asked whether the false name had been filled in so the staff at the institute would not know the patient's real name. Dr Hersch said he did not know who filled in the name on the form. It may have been an orderly at the Sydenham Prison hospital. — "I don't know who it was."

Mr Kentridge: Isn't it the doctor's responsibility to label the specimen bottle?

Dr Hersch said he did not know who had done it. A male nurse had helped with the lumbar puncture.

Mr Kentridge said he tried to find out from the institute whether they had done tests on Mr Biko's spinal fluid and at first got a negative reply.

Mr Kentridge also drew the attention of the court to a bed 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 Kentridge: This is absolutely wrong on both counts.

Dr Hersch admitted they had found signs of pathology in the upgoing toe and that there had been blood cells in the spinal fluid which could have pointed to brain injury. "It was compatible with brain damage as well as compatible with a normal lumbar puncture."

Mr Kentridge suggested no doctor could say it was normal because of the presence of the red blood cells in the lumbar puncture fluid. — The number of cells can reflect a bloody tap.

You are not sure. No doctor has the right to describe it 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 with an object or a pin? — I did not notice it although I have seen the photograph.

Referring to the wound on the forehead above the left eye, Mr Kentridge asked: Could it have been a substance such as an ointment? — I don't think so. I would have seen the mark. I was quite surprised to see the picture.

Dr Hersch said to Mr Van Rooyen that he had been worried by the fact that Mr Biko had died a few days after he had seen him and that he had given it much thought.

Dr Hersch said he had a conversation with Mr Keely before he was in contact with Dr Lang and he had no further knowledge of the developments until he heard Mr Biko had died.

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 and there was no xanthochromia and this would let you know that there was no intra-cranial bleeding?—Yes.

Mr Van Rooyen: In your conversation with Mr Keely did you suggest brain damage and did Mr Keely accept it? — Yes, he accepted the findings. He agreed there was brain damage.

Prof Gordon: What he meant was there was no extra-dural or sub-dural damage? — Nothing that required surgery.

After reading from Mr Keely's affidavit, Mr Van Rooyen said it meant Dr Hersch was not very concerned? — Yes.

Mr Van Rooyen asked would he have conveyed that impression to Col Goosen? — We did say another test was to follow. "We were not perturbed by the emergency of the situation," but he was worried.

Dr Hersch said that he was worried over an illness of the central nervous system but not worried that the man was about to die.

Mr Van Rooyen suggested to Dr Hersch he would not have written his comment if he had known that the man was dead. Dr Hersch asked him to repeat the question.

You know Biko has died when you write this comment. The whole world is buzzing around your ears. The Press are harassing you. The cause of death is mentioned with allegations of assault and brain damage. Now you sit down and write your afterknowledge comment knowing the man is dead? — Yes.

There is quite a strong attempt to play the wise guy? (inaudible). There is a temptation to say one found it at the time? — Yes.

If you were really worried you would have said so? — It really hangs on the word "worried." I am not worried by the organic lesion in the sense that it is now immediately urgent.

Mr Prins: The point is: that you were not much worried? — I was worried insofar as he was my client. A person who has positive neurological signs and a person who has abnormal cerebro - 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.

Mr Van Rooyen: I want to say to you that nowhere in your report after you knew he had died did you say that you came to a definite conclusion that there was an organic condition? — No, I did not, but one should have said it.

You did not refer it to Mr Keely but asked him whether further tests should be done?—That is the same as referring it to him.

I am afraid that I am mystified, you said in your opinion there were signs of organic disease connected to the function of the brain?—Yes.

You did not say so in your report?—Because I thought it was self-explanatory. It was not a good report.

I submit your evidence is not good . . . that you were much less certain at the time of the examination. — Reply inaudible.

Mr Prins asked what he had told Dr Lang verbally. Was it the same he had written in his report? — I mentioned to him the four points on which I based the diagnosis to take him to a neurosurgeon. If one accepts that blood is in the cerebro spinal fluid one must accept the possibility of brain damage. I can't remember the details other than that I mentioned the four points, echolalia, left-side weakness, extensor plantar and the possibility of blood in the cerebro spinal fluid. I think it would be folly to disregard these four signs. As far as I am concerned they are self explanatory. I asked him whether I should phone a neurosurgeon.

Mr Van Rooyen: I want to put it to you that on the 8th Dr Lang phoned you to say that they found bizarre signs pointing to a functional condition? — He did not use the word bizarre but gave me a very short summary. He painted a static picture that was of the dragging of the leg due to the manacle and the slur due to the lip.

Did he indicate anything about shamming? — No, he may have had some information but this was not conveyed. All he wanted to make was an appointment.

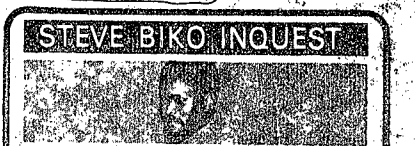
He did not say Mr Biko was shamming? — No, not when he telephoned me. The reason why it was short is because I was in the middle of a lecture.

Questioned further Dr Hersch insisted that Dr Lang had not mentioned the shamming but only the facts.

The hearing continues today.

Cape Times 24/11/77 (325 Defence)

STEVE BIKO INQUEST



Old Synagogue, Pretoria

Own Correspondent

PRETORIA. — No honest doctor could have advised that Mr Steve Biko's condition was satisfactory on Sunday, September 11, the day he was moved from Port Elizabeth to Pretoria in the back of a Landrover, it was submitted at the inquest in Pretoria yesterday.

Mr S Kentridge SC, for the Biko family, accused Dr Benjamin Tucker, chief district surgeon of Port Elizabeth, of failing to do his duty honestly when he examined Mr Biko on that Sunday afternoon. Mr Biko died the following day.

Under examination by Mr Kentridge on the eighth day of the inquest, Dr Tucker said Colonel Goosen had called him in on the afternoon of September 11 because he had been on duty and Colonel Goosen had said that he was unable to contact Dr Lang. Dr Tucker took the responsibility for medical decision on that occasion, he said. He was called in because "evidently something had happened to Biko".

Colonel Goosen told him that Mr Biko had collapsed and that he had been found lying on the floor by Sergeant 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 them but you found nothing wrong? — I wouldn't say that.

You found froth at the mouth and found that he was hyperventilating. What are the possible causes?

Dr Tucker said that renal failure, bleeding of the brain, epileptic seizures, drowning or lung complaints could cause this.

Mr Kentridge: 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.

Did you do the plantar reflex test? — No

At the previous examination you found a query, how can you say that the nervous system showed no change? — There was essentially no change.

Mr Biko did not stand up during the examination. He tested his legs for spasticity but not for strength or ataxia.

Professor J Gordon, one of the assessors: Surely of all the signs you go for the plantar reflex was the most important. The only positive thing up to that stage was the upgoing toe. Why did you not test that?: I was going to signs of intragranial pressure. There was no paresis, no spasticity on either side.

Professor Gordon: Did you not consider the plantar reflex of great significance even in the absence of cerebal paresis? — Yes.

Dr Tucker said Mr Biko had been apathetic.

Mr Kentridge: Wasn't it important to establish his level of consciousness? — There was a definite uninterestedness.

How can you possible say in the light of this that the central nervous system showed no change from what you had previously found? — I am talking of neurological finds.

Cursory examination

Why did you do such a cursory examination? — I thought I could exclude serious cerebal disease by such an examination.

Dr Tucker agreed that he had not excluded it. Mr Biko's lungs were clear. He had listened by stethoscope while Mr Biko was on the floor for a minute at the most. The froth could have come from sputum in Mr Biko's mouth, he said.

He did not do a urine test because he had no catheter. He assumed that Mr Biko would not have responded to pass urine. He did not do any blood tests because he did not consider them necessary. Mr Biko was almost operative and apathetic when he tried to find the extent of spasticity. This was not indicative of a desperately ill man, Dr Tucker said.

Mr Kentridge: This is not a question of hindsight. It must have been clear to you? He had presented an unusual picture. I thought this was another disease of that.

Mr Kentridge: How could you say that there were no signs to indicate organic disease? You knew that definite, plantar reflex signs had been found and that this is a sign of organic disease? — There were no other signs.

Mr. M.J. Prins, the presiding magistrate, intervened. Was it correct that Dr Tucker had said that he found no signs of organic disease, he asked.

Dr Tucker: I would now like to qualify this . . . shall I say there was no localized sign to indicate to me that any further organic disease was present at the time.

Mr Prins: If you ignore the level of consciousness and plantar reflex there were no localizing signs to indicate organic disease? — yes.

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?

False statement

How can you say that there was no sign to indicate organic disease? I put it to you that that was a false statement.

Dr Tucker: An incorrect statement.

Mr Kentridge: Deliberately incorrect? — It may have been badly worded.

I say this was a false statement. Won't you concede that? — No, I won't.

You say you recommended that he should go to a hospital

Continued on page 6

Biko: Specialist g

Continued from page 5

with trained staff and you say Colonel Goosen said it was preferable that he should go to a prison hospital. There was no trained staff at the Sydenham prison hospital because the only male nurse was on a course 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 Goosen? – 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 affect. 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 froth at 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 shamming apart from the upgoing toe. There were no other localized features to indicate organic disease, Dr Tucker said.

Mr Prins: Was this question of shamming 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 Goosen 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 conditions 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 put a finger on anything to say that this was what was wrong.

Dr Tucker said that he had known that a lumbar puncture was done but had had no knowledge of what has 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'm afraid I can't say . . . honestly.

Mr Kentridge: Let us assume that 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, froth 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 go into 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 Goosen 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 Goosen about it. Why didn't 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.

Did you think thje plantar reflex could be feigned? – No.

Did you think a man could feign red blood cells in his cerebral spinal fluid? – No.

In terms of a hippocratic oath are not the interests of your patients paramount? – Yes.

But in this instance they were subordinated to the interests of the security police? – Yes.

Did Colonel Goosen indicate to you that Mr Biko was shamming? – he said he might be shamming.

Dr Tucker: There is the consideration that during a lumbar puncture there can be a blood tap.

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, he said.

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 Fischer to ask the Pretoria district surgeon to telephone me.

On Monday morning he received a message that he would

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ives evidence

be phoned by the district surgeon of Pretoria. He was not phoned, however, and phoned Major Fischer to find out what had happened to the call, Dr Tucker said.

Mr Van Rooyen then started his examinations.

He put it to Dr Tucker that he had been requested by Dr Lang to accompany him to examine Mr Biko and that Dr Lang had reported to him that he had been called out the previous day and that Colonel Goosen was worried about the detainee.

Dr Lang also told Dr Tucker of the incident during which Mr Biko had become violent and had had to be restrained, Mr Van Rooyen said.

Later you were told by Colonel Goosen that the veil had dropped? – Yes.

Dr Lang also told you that on the previous day he had found nothing wrong with Mr Biko and that he had come to the conclusion that there was an element of malingering? – Yes.

In fact, Dr Lang had now asked you to see if you agreed with his findings of the previous day or whether you could find something organic? – Yes.

Was it also explained that as far as Colonel Goosen's complaints were concerned no organic reasons for Mr Biko's actions could be found? – Yes.

It was clear to you on Dr Lang's report that you were dealing with an unco-operative malingerer who showed nothing wrong when examined?

Dr Lang wasn't impressed by Mr Biko as a sick man but wanted you along? – Yes.

Mr Prins: Did you then in your own mind decide that you were going to see an unco-operative person who was putting it on? – No.

Mr Prins: I thought you said Dr Lang told you what type of person he had seen the previous day? – No.

Dr Lang asked me to come and see the person and we agreed on a mutual time. Colonel Goosen told me what type of person we were dealing with. He did mention malingering. I made a mistake when I said Dr Lang told me of possible malingering.

Then Dr Tucker said he could not remember if Dr Lang had said that Mr Biko was possibly putting it on.

Mr Van Rooyen: Colonel Goosen told you what had happened the previous day. He said he was still worried about a stroke or possible dehydration. It was clear that he was very much concerned about Mr Biko's good health? – Yes.

When you went into Mr Biko you found that Colonel Goosen's difficulty about Mr Biko's not urinating had resolved itself. The blankets were wet. On questioning Mr Biko you had no satisfactory reply? – Yes.

Dr Tucker said that he had talked with Mr Biko during the examination. Mr Biko had said that he had a headache and pains in the back. When he asked Mr Biko to move his limbs he said he could not move his left arm and left leg.

Mr Van Rooyen: During the course of the examination you required rational answers? – Yes. He answered rationally and at the end he asked for a glass of water. As far as mental alertness was concerned, I had no problems.

He had been alone with Mr Biko and Dr Lang throughout the examination. As far as manacle marks were concerned, he could discern no injuries and Mr Biko did not complain of any injuries or any assault, Dr Tucker said.

At no stage did he complain of any assault or injuries? – Yes.

If allegations were to be made that Mr Biko had been smashed up by police, his appearance was not in accordance with such a description? – Yes.

I assume that you compared notes with Dr Lang? – It's a long time ago. I can't remember the procedure.

He moved his upper limb with difficulty on request but the lower limb normally when he changed his position? – When he turned on his right side, he swung his left leg over as one normally does.

You then thought this complaint about the leg very doubtful. In fact he was using it in a normal manner? – Yes.

This indicated to you that he had complained about something which was not originally so? – Dr Tucker said that Mr Biko had been a heavy man and that he had given him his left arm to help him up. Dr Tucker could not pull Mr Biko up by himself and Mr Biko assisted by using his left arm. That proved to him that his left arm was not completely weak, Dr Tucker said.

Dr Tucker said that on discussion with Dr Lang he came to the conclusion that there were many bizarre elements which fitted no pattern of any disease he knew.

He also got the impression that the position was changing.

On the previous day Mr Biko had complained of a weakness of all four limbs but at the next examination he was complaining of weakness only of the left limbs. At the previous examination he had reacted normally to the pinprick test but at this examination he showed anaesthesia of both upper legs. He had previously walked, but was later unwilling. On the previous day the reflexes of the right arm were weaker but now the left was weaker, Dr Tucker said.

He thought that he would not have found this variability if there had been any organic disease. He discussed his findings with Dr Lang and Colonel Goosen and they thought it possible that Mr Biko was shamming, Dr Tucker said.

Mr Van Rooyen: On the other hand you thought it better to have Mr Biko examined by a physician and you thought it advisable to have him taken to a place where he could be observed? – I told Colonel Goosen that he should go to a provincial hospital or a place with more facilities.

Questioned by Professor Gordon, Dr Tucker said that Mr Biko had not been a sick man in the sense of having something which needed treatment. He was a person who showed certain doubtful signs seeming to need a more thorough examination.

Professor Gordon: Was your answer that you did not have a sick man on your hands correct? – Yes.

Yet nonetheless you wanted to consult a specialist? – Yes . . . the word "sick" was rather difficult to explain.

Mr Prins: You were convinced that he was not a sick man, that he did not need the treatment at all? – He presented certain signs about which we were not happy.

Mr Van Rooyen: You see a patient with signs of organic disease and send him to hospital – that is a sick man. Another patient has a complaint which you cannot pinpoint but which may develop into something. He is not a hospital case, he is not that ill.

In which category did Mr Biko fall? Was he in the last category? – Well, yes.

Mr Van Rooyen said that on the other hand Dr Tucker found certain things that were bizarre and which were tied up with the psychology of a detainee. Dr Tucker agreed.

Mr Van Rooyen: But, Dr Tucker, you are not going to take a chance and the least the man should go to is a specialist. – Yes.

Dr Tucker said that he now dropped out of the picture because Mr Biko was Dr Lang's patient. Although the next day he had discussed the matter with Dr Lang in his office, it was just as a matter of interest that the discussion took place.

Questioned later by both Mr Van Rooyen and Mr Prins, Dr Tucker said there was no clear and definite sign of an organic disease but there was something abnormal organically.

Dr Gordon then questioned Dr Tucker but the evidence was mostly inaudible.

Dr Tucker said he could not remember whether Dr Lang also reported to him that there were certain indications during the examination by Dr Hersch that there was something on the functional side.

Was there any report by Dr Lang on the pinpricks and on the sensation? – I can't remember.

Mr Van Rooyen: What do you remember of what Dr Lang told you? – He told me about Dr Hersch's examination, that there was an extensor plantar reflex and about the echolalia and he also mentioned that Biko was walking around.

Dr Gordon: You told me that Dr Lang told you that Dr Hersch had said he had a left side weakness. – No. – Reply inaudible.

Mr Van Rooyen: You have heard a number of things and read reports, just try and remember what Dr Lang reported to you on the Friday afternoon. – He mentioned the plantar reflex and the echolalia and then he said after the lumbar puncture that Biko had walked around.

Dr Tucker said that on Sunday afternoon the 11th, he had been called to examine Mr Biko and had not discussed the matter with Dr Hersch.

Asked whether he was basically looking for something intercranial, Dr Tucker said he was looking for some organic pathology and that, on closer examination, he found it.

He then went to Dr Lang but before that he had not even known that Mr Biko was out of prison. He had been called because Dr Lang was not available.

As far as you know he may have been discharged? – Needing no further diagnosis. As far as I knew, he was discharged because his condition was such that he could be put up at the Walmer police station.

Diagnosis

But in your view the man should have been in an institution where a proper diagnosis could be carried out? – Yes.

Mr Prins: You don't know why they released him, why he should be in an institution? – We found nothing further, but he was now hyperventilating. I did not know the reason and I thought this is not the place where he should be.

Mr Van Rooyen: When arrangements are made in which you have no part, he would be sent to a prison hospital? – Yes.

Now Colonel Goosen is trying to arrange for an airlift but only a kombi is available? – Yes.

Did you think that rather than let him lie here, let them do all the necessary tests in Pretoria? – That is quite right.

You say at 4.30 to 4.45pm you contacted Dr Lang? – Yes.

Did Dr Lang then tell you that Biko had eaten and walked around, that he had phoned Dr Keely and that there was no evidence of intracranial bleeding and that the lumbar puncture had been negative, except for the possibility of a bloody tap and that he had been transferred to the Walmer police cells? – Yes, that is correct.

Was there anything on your mind, that they must not travel with this fellow by car? – No, nothing.

Mr Prins: Then you agree with Dr Lang that he had to be examined by a physician? – Yes.

Arrangements were made to take him to the prison where Dr Hersch saw him and you assumed that his condition had so changed that he could go back to Walmer? – Yes.

Puzzle

When you started your examination, you had no information with regard to the lumbar puncture. All you had was what Dr Lang told you? – Yes, and the fact that he was walking around.

Why not send him to another hospital for examination? – Because he could not be observed properly at the time.

Were there no facilities? – No, there were no nursing staff.

It was a matter of observation by nursing staff? – And also medical staff.

That was your main concern, the observation? – Yes.

Mr Van Rooyen: Nobody could make up their mind whether he was putting on or not? – It was the one big puzzle.

As far as Colonel Goosen was concerned, even at a later stage of Sunday afternoon, his main interest was for the health of Mr Biko and his preservation? – He said he would rather loose his right arm. I thought this showed the concern he had.

At the start of his cross-examination, Mr Pickard asked Dr Tucker to listen very carefully to his questions and to confine himself to answering the questions as best he could.

Mr Pickard then referred to a section in Dr Tucker's affidavit which noted that Mr Biko's condition was satisfactory and that he would have no objection to his being moved (to Pretoria).

Mr Pickard: Does the word "satisfied" mean that his conditio pose of being conveyed? – For the purpose of being conveyed.

You are a district surgeon of some years and in your experience as a practising doctor, have you ever associated head injuries with uremia and kidney diseases? – No.

With hyperventilation? – To a certain extent, yes. My practice in this type of medicine, in head injuries, is limited.

Then you associate hyperventilation with head injuries. You said yes? – I would say no.

Mr Prins: Don't you often get head injuries? – No. Not often.

Dr Lang told me that in injuries involving one prisoner to another, a head injury was almost always in the mind of a district surgeon? – Answer inaudible.

Mr Pickard: Have you ever associated hyperventilation with head injury? – No.

Samples

Mr Pickard: Have you done many post mortems? – I have.

Have you done any where you found cerebral or head injuries? – Many.

Have you found any samples that pointed to uremia as well? – No.

Dr Gordon: Are you really in a position to answer that question? – No. I am really saying that I have no experience.

After lunch the magistrate, Mr J Prins, announced that he had decided to call the Chief of the Security Police, Brigadier C Zietsman and Brigadier Coetzee to give evidence at the inquest later.

Two policemen who made up the night team guarding Mr Biko in detention in room 619 of the security police offices would also be called.

In cross-examination by Mr K von Lieres, Dr Tucker agreed that he had breathed a "sigh of relief"



when he had heard that Mr Biko was being taken to Pretoria where he would be under observation of professional people.

Asked whether Mr Biko had been given all the care he needed, Dr Tucker replied: "I would say the care he received was adequate."

In reply to a question as to whether his code of conduct was governed by his ethical oath or by the rules of the South African Medical and Dental Council, Dr Tucker said there was ethical value attached to the code but his professional conduct was ruled by the council.

Dr Tucker said he had not argued for the use of an ambulance in view of the assurance he had been given by Colonel Goosen.

He thought that the mode of transport would amount to that of a quasi-ambulance, Dr Tucker said.

Professor Gordon: Didn't it occur to you that you should satisfy yourself whether the vehicle was suitable for transporting the patient over 700 miles in view of the possibility of brain pathology?

Dr Tucker said he did not make representations to the authorities to try to get an ambulance.

The magistrate then pointed out that Mr Biko had been transported with four cell mats and a number of blankets.

"Do you think it would be a shock-absorbing bed?" he asked.

Dr Tucker: To a certain extent. A Kombi is far more comfortable to sit and lie in than a Landrover.

When prisoners require special detention, Dr Tucker said that most of them were taken to a hospital. Only rarely was a prisoner taken to a specialist consultant.

Professor I Gordon, one of the assessors, then questioned Dr Tucker on the method of transferring Mr Biko to Pretoria.

Professor Gordon: Why didn't you bring your influence to bear upon the authorities to ensure that he was transported by ambulance, not a Landrover?

Dr Tucker: Colonel Goosen assured me that he would be transferred in as comfortable manner as possible. Dr Tucker said Colonel Goosen had told that Mr Biko will be transported in Kombi on mattresses.

Professor Gordon: Didn't it oc

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been an ethical responsibility to argue that if he could not go by air he should have gone by ambulance?

Dr Tucker: That's correct.

Specialist

I am putting it to you that if at that time this information had been given to you by the security police, would you still have allowed him to be conveyed? — I would have agreed under these circumstances as a doctor.

Dr Rolin Hersch, the specialist physician who examined Mr Biko after Dr Lang and Dr Tucker were puzzled by his symptoms, was then called to give evidence.

An affidavit by Dr Hersch was handed to the court. It contained a medical report written by Dr Hersch to Dr Lang, after Dr Hersch's examination of Mr Biko. The medical report was dated September 16 — four days after Mr Biko's death.

The report, dated September 16, read:

"Dear Tyor: Re detainee Stephen Beko. Thank you very much for referring Stephen Beko on 8-9-77.

"The history is well known to you and will not be repeated but in essence he was mentally and physically normal when brought into jail apparently, and later his speech became slurred and he was talking incoherently and dragging his left leg. I understand that he did four years of training in medicine, as well as two years in law. When questioning him, there was an element of echolalia and one could not get any reliable history.

"On examination: There was difficulty in turning himself on the couch. But was able to walk reasonably well with a left-sided limp. There was no evidence of recent trauma, apart from some abrasions over the wrists where

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he had apparently been handcuffed recently, and a small bruise on his upper lip.

"The examination of the cranial nerves: Pupils were equal and reacted to light. Fundi were normal. The rest of the cranial nerves were intact. The left arm was slightly weak and the reflexes were equal and present. There appeared to be a weakness of the left leg. This left knee reflex was not obtainable and there was an extensor plantar reflex on the left.

"The sensory side could not be examined because of poor co-operation and the rest of the examination was essentially negative. The following day a lumbar puncture was performed. Pressure was not recorded.

Cells: Nil.

Erythrocytes: 1 655.

Protein: 29,4.

Chloride: 127.

Sugar: 54.

Clobulin: No apparent excess.

"Comment: The circumstances of the onset of his slurred speech and paralysis seemed to point to a functional condition and I believe that when he was last detained he evidenced similar physical signs. One would not have expected him to have had such difficulty in turning himself on the couch, seeing as he walked about reasonably well without aid.

"However, one was somewhat worried about the echolalia, left-sided weakness, extensor plantar reflex on the left and numerous prythrocytes on the lumbar puncture, and it was felt that a neuro-surgical opinion was indicated.

"The red cell excess could have been due to a bloody tap although no difficulty was experienced with the lumbar puncture. Suggest an X-ray skull."

Dr Hersch said he did not notice the lesion mark on Mr Biko's forehead. He was satisfied the light was sufficient for the examination.

After death

Mr Kentridge: Dr Hersch, your report is dated September 16, a few days after Biko had died. You knew he had died? — Yes.

Mr Kentridge asked Dr Hersch if he had taken notes on September 8 and 9 in connection with the examination. He replied that he had not. He put his findings on tape at home and had them transcribed.

Mr Von Lieres, leading evidence, began questioning Dr Hersch on the lumbar puncture he performed on Mr Biko on September 9.

Dr Hersch said the result of the lumbar puncture left any conclusion on Mr Biko's condition "wide open". The blood cells could have been due to a brain injury or a bloody tap — blood drawn from blood vessels, not the spinal fluid.

The ease with which a lumbar puncture was performed was a nt against the possibility of a od tap. Notwithstanding the that he suspected damage to rain, he did not mention this fically in his medical report.

versation that Mr Biko was shamming.

Dr Hersch later also gained the impression from Colonel Goosen that Mr Biko might be shamming, although Colonel Goosen was keen for Dr Hersch to rule out the possibility of a stroke.

At no stage did Colonel Goosen mention the possibility that Mr Biko might have had a bump on his head, although he did mention the episode where Mr Biko allegedly threw a chair at an officer and had to be restrained.

Dr Hersch also knew that Mr Biko had been a medical student for four years.

Dangerous

Dr Hersch said he got the message that he was dealing with a man who might be feigning and that he was a dangerous man.

Mr Kentridge: They didn't leave it to your skill and judgment to report? — I got that history quite clear.

Dr Hersch said that particularly in neurological cases a wrong history could prejudice the examination.

Dr Hersch said he never noticed the bruise on Mr Biko's head or the scab that was apparent in the post-mortem photograph.

"But in retrospect I have quite a clear picture of him standing with a whitish area over his left eye that I thought was dry saliva or sputum."

Dr Hersch said he did not think he would have missed an abrasion had there been one.

Wasn't seen

Mr Kentridge: How do you account for the fact that it wasn't seen? — I really don't know. By the rest of the examination one could almost have expected it to be there. It fitted in with indications of brain injury that there should have been a lesion there.

Dr Hersch said the upgoing toe on the left side was a significant sign.

It showed a great likelihood of organic brain damage.

Dr Lang had observed the upgoing toe as well. It changed the whole picture of Mr Biko's condition.

Afterwards Dr Hersch explained to Colonel Goosen that there were positive findings of something wrong with the nervous system.

"I don't remember the actual words. I made it clear there were positive findings."

Damage

Mr Biko's poor co-operation could have been due to brain damage.

Dr Hersch said he never expressed the opinion to Colonel Goosen that Mr Biko might be shamming. He said he was worried there might be something organic because there were positive signs.

Asked whether it was possible to sham an upgoing toe, Dr Hersch said he had never seen it in his professional career but that Dr Marquard de Villiers, assisting his advocates, had managed to sham this reaction.

The red cells in the lumbar puncture might have been due to a bloody tap but he preferred to view it as diagnostic, he said.

Dr Hersch said he had not given Dr Lang the all-clear after the investigation.

In answer to a question on why Mr Biko was not taken to a proper hospital, Dr Hersch said this was not in the doctors' hands. There was no doubt that had he been a private patient he would have been in hospital. He had been told they could not take Mr Biko to hospital.

Cell mats

Asked whether he would have allowed Mr Biko to go to Pretoria in a Landrover on four cell mats, Dr Hersch said he would not have been unhappy if Mr Biko's condition was the same as on examination.

Mr Kentridge: If he had collapsed and was in a semi-coma? — I would never have allowed a patient to go 700 miles by road in this condition.

Mr Kentridge then drew the attention of the court to a form sent with Mr Biko's spinal fluid to the Institute for Medical Research for testing.

The name of the patient was made out as Stephen Njelo.

Mr Kentridge asked whether the false name had been filled in so that the staff at the Medical Research would not know the patient's real name.

Dr Hersch said he did not know who filled in the name on the form.

"It may have been an orderly at the Sydenham Prison Hospital. I don't know who it was," he said.

Mr Kentridge: Isn't it the doctor's responsibility to lable the specimen bottle?

Dr Hersch said he did not know who had done it. A male nurse had helped with the lumbar puncture.

Wrong

Mr Kentridge said he tried to find out from the Institute for Medical Research whether they had done tests on Mr Biko's spinal fluid and at first got a negative reply.

Mr Kentridge also drew the at-

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tention of the court to a bed 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 Kentridge: This is absolutely wrong on both counts.

Dr Hersch admitted they had found signs of pathology in the upgoing toe and there had been blood cells in the spinal fluid which could have pointed to brain injury. It was compatible with brain damage as well as compatible with a normal lumbar puncture.

Tap

Mr Kentridge 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 lumbar puncture 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 vasicular wound 3 mm in diameter, as though it had been pricked with an object or a pin? – I did not notice it although I have seen the photograph.

Referring to the wound on the forehead above the left eye, Mr Kentridge asked Dr Hersch to describe it.

Dr Hersch said it looked like dry saliva and indicated to the court what it looked like.

Mr Kentridge: You have drawn a strip three to four cm wide and four to five cm long? – Yes.

Could it have been a substance such as an ointment? – I don't think so. I would have seen the mark. I was quite surprised to see the picture.

You don't think it was some cosmetics? – No, it looked like saliva . . . (inaudible) . . . from the corner of his mouth.

Did you feel his head? – Yes.

You have seen the haemorrhages under the skin? – Yes.

And you can tell us nothing more about it? – No, I was just surprised at the picture.

Mr Kentridge 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.

. . . Be what it may, a man in such a condition should be observed.

What does "be what it may" mean?

– What I am getting at is that Dr Keeley accepted the finding that there was brain damage but felt there was no emergency.

In your conversation with Dr Keeley did you suggest brain damage and did Dr Keeley accept it? – Yes, he accepted the findings. He agreed there was brain damage.

Dr Gordon: What he meant was there was no extra-dural or sub-dural damage? – Nothing that required surgery.

Mr Van Rooyen: Any discussion on the pressure? – No discussion on the pressure or of congestion. That is all we said.

After reading more from Dr Keeley's affidavit, Mr Van Rooyen said that it meant that Dr Hersch was not very concerned. – Yes, that is right.

Mr Van Rooyen asked that in view of his little concern, would he have conveyed that impression to Colonel Goosen? – We did say that another test was to follow.

Even after knowing about the red blood cells in his cerebro spinal fluid, you were not perturbed? – We were not perturbed by the emergency of the situation. Neurosurgeons would put people to bed every day and not be very perturbed.

From your point of view of the patient's condition there was no emergency? – Yes.

But you said however, that you were "somewhat" worried? – I was worried.

Dr Hersch said that he was worried over an illness of the central nervous system but not worried that the man was about to die.

Dr Van Rooyen suggested to Dr Hersch that he would not have written this comment if he had not known that the man was dead. Dr Hersch asked him to repeat the question.

You know Biko has died when you write this comment. The whole world is buzzing around your ears. The press are harassing you. The cause of death is mentioned with allegations of assault and brain damage. Now you sit down and write your ex post facte comment knowing the man is dead. – Yes.

There is quite a strong attempt to play the wise guy if you have signs of brain damage . . . (inaudible) . . . it is brain damage.

There is a temptation to say one found it at the time? – Yes.

If you were really worried you would have said so. – It really hangs on the word "worried". I am not worried by the organic lesion in the sense that it is now immediately urgent.

Function

Why did you say, "One is somewhat worried"? – My worry was slight. The same remark applies whether it is somewhat or slight. 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 worried insofar as he was my client. A person who has positive neurological signs and a person who has abnormal cerebro 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 with special reference to 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 be indicated by anybody, even an untrained person.

Dr Hersch said that neurological patients were usually looked after by specially trained sisters. It was difficult for Dr Lang to get into prison compared with getting into the Walmer police station.

Mr Prins: In other words, you had no fears? – No, I had no fears.

Mr Van Rooyen: At the end of your examination of the 8th were you not uncertain as to whether it was functional or organic? – I will say that in view of the extensor plantar reflex this was categorical . . .

Mr Van Rooyen said that he should have reported that he had no doubts that Mr Biko was suffering from an organic lesion due to the plantar. Instead, Dr Hersch devoted quite a bit of comment on the function commission. – It is only fair to discuss the full clinical position. I did mention the functional side, there was some point in favour of the functional side.

Mr Van Rooyen: I want to say to you that nowhere in your report after you knew he had died did you say that you came to a definite conclusion that there was an organic condition. – No, I did not but one should have said it.

Mr Van Rooyen: You did not refer it to Mr Keely but asked him whether further tests should be done? – That is the same as referring it to him.

I am afraid that I am mystified. You said in your opinion there were signs of organic disease connected to the function of the brain . . . You did not say so in your report. – Because I thought it was self-explanatory. It was not a good report.

I submit your evidence is not good . . . That you were much less certain at the time of the examination . . . (inaudible) . . .

Mr Prins asked what he had told Dr Lang verbally. Was it the same that he had written in his report? – I mentioned to him the four points on which I based the diagnosis to take him to a neurosurgeon. If one accepts that blood is in the cerebro spinal fluid, one must accept the possibility of brain damage. I can't remember the details other than that I mentioned the four points, echolalia, left side weakness, extensor plantar and the possibility of blood in the cerebro-spinal fluid. I think that it would be folly to disregard these four signs. As far as I am concerned, they are self-explanatory. I asked him whether I should phone a neurosurgeon.

Dr Hersch said that he was in fact saying that on the balance of probabilities the original evidence seemed to point to a functional condition, not that he was worried about the physical side.

Mr Van Rooyen: I want to put it to you that on the 8th Dr Lang phoned you to say that they found bizarre signs pointing to a functional condition. – He did not use the word bizarre but gave me a very short summary. He painted a static picture that was of the dragging of the leg due to the manacle and the slur due to the lip.

Did he indicate anything about shamming? – No, he may have had some information but this was not conveyed. All he wanted to make was an appointment.

He did not say Biko was shamming? – No, not when he telephoned me. The reason why it was short is because I was in the middle of a lecture.

Questioned further, Dr Hersch insisted that Dr Lang had not mentioned the shamming but only the facts.

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Worried

Dr Hersch told Mr Van Rooyen that he had been worried by the fact that Mr Biko had died a few days after he had seen him and that he had given it much thought.

He also gave an affirmative answer when asked whether he had applied post facto knowledge and that his memory may have become contaminated by it.

Mr Van Rooyen urged Dr Hersch to divest himself of that because after the post-mortem it was quite obvious that there was an organic process involved.

He was interested, Mr Van Rooyen said, in determining the moving film of the scene without after knowledge.

Dr Hersch said that he had been in telephone conversation with Dr Keeley 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 Keeley says you were not particularly perturbed about the patient's condition. — In fact . . . (inaudible).

Mr Van Rooyen said that as far as Dr Hersch 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 xanthocromia and this would let you know that there was no intracranial bleeding? — Yes.

Mr Van Rooyen then read an extract from Dr Keeley's affidavit.

Dr Hersch 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 haemorrhage? — Yes.

What else? — . . . (inaudible)

Unseen Biko injury 'amazing'

STAR 25/11/77

325 details

Pretoria Bureau

It was "amazing" that so many witnesses had missed the forehead injury on black consciousness leader Steven Biko, before he died, the Chief State Pathologist, Professor J D Loubser, said today.

The injury should have been visible within 12 hours, the State pathologist said at the Biko inquest in Pretoria's Old Synagogue.

He agreed with police counsel, Mr P R van Rooyen SC, however, that drying out of the injury and increased contrast could 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 Rooyan SC soon after Mr Van Rooyen started questioning Prof Loubser.

Before putting a question, Mr Van Rooyen said he had detected a "spook" in Mr Kentridge's questioning 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

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of inquiry and not those of an inquest.

"Today is his third attempt to get in at the back door because he was not permitted to get in at the front door."

He would challenge counsel for the family to pick out Colonel Goosen's inconsistent statements from the affidavit, he said.

Mr Kentridge was blatantly saying that hearsay evidence was admissible.

Mr Von Lieres had quite correctly said that certain alleged inconsistent statements had been put to Colonel Goosen which he had denied, Mr Van Rooyen said. Only one type of competent witness could be called to contradict this, however — a witness who could say that Colonel Goosen had made a prior inconsistent statement to him.

If such a witness is available I will sit down.

Mr Van Rooyen said: Evidence by the brigadiers will lead us into chaos within the next 20 minutes. Mr Kentridge will ask questions. I will object and we will have all the speeches over again.

Damages action

He said that the cross-examiner only had a qualified privilege and if he asked wild questions without any evidence in his possession, the cross-examination might be liable for an action of damages.

The witness's answer was final. If he was attacked, he had no protection. The cross-examiner could not go further and the witness could not repair any imputation but could sue counsel for defamation if counsel did not have proper evidence to support his questions.

This is a fishing expedition and it may well be the basis for an action by Colonel Goosen, Mr Van Rooyen said.

Mr Prins said the whole matter should stand over till today, when he would give his decision.

Damage to Biko's brain described

Two possibilities could explain the cause of such a contracoup or opposite pole lesion — that it was caused by a blow on the left hand side of the forehead or that the blow which caused the main contracoup lesion could be represented by the small lesion, number 5, Mr Kentridge suggested.

Different

Professor Loubser said it was his considered opinion that the main lesion was caused by a blow on the left hand side of the forehead and added that he would not give much weight to the second possibility.

Mr Kentridge said that if the main lesion was attributed to a blow coming from the lefthand side, then the fifth lesion would have to come from a separate blow.

Professor Loubser said that it was his considered opinion that the fifth lesion could be different from the other four and could be of a secondary nature. He agreed that it was a superficial lesion when examined microscopically.

Professor Loubser disagreed with Mr Kentridge's suggestion that lesion No. 2 — at the occipital pole of the brain on the right — would have required a blow on the back of the head.

Professor I Gordon, one of the medical assessors sitting with Pretoria's Chief Magistrate, Mr M Prins, said when lesions were explained in terms of a rotational basis it was necessary to explain them in terms of contracoup.

Mr Kentridge asked whether there was any reason why lesion No. 2 should not be a direct or true injury.

Professor Loubser said he considered it important for a true lesion to have evidence of force applied on the skull.

Mr Kentridge said there were brain lesions in which there were no external signs.

Professor Loubser said he did not feel himself in a position to say how many blows caused lesions No. 1 and 2, adding there was a distinct possibility that the two were continuous.

Mr Kentridge said lesion No. 3 could in a sense be called a contracoup since the blow which caused it did not come from beneath the lesion.

Professor Loubser said he could not reason in the abstract on this. Although microscopic lesions were present when this section of the brain was dissected, he wanted to stress the absence of any magnified observations.

Mr Kentridge said lesions No. 3 was caused by a vertical impact and Professor Loubser said he could not substantiate this.

Mr Kentridge said lesion No. 4 might also be the result of a vertical impact or a contracoup to lesion No. 2 — if this were not a contracoup itself.

He said Professor Proctor had advised him that the lesions described were likely to have been caused by three blows to the head and possibly four, and asked whether Professor Loubser had formed any views as to the probable number of blows.

Professor Loubser: I have considered it, and I am of the opinion that the lesions found which attributed to the trauma suffered by this brain, to my way of thinking, can be explained by a single force applied which hit the left frontal region on such a broad base that the direction of the impulse fanned out.

Mr Kentridge: That would be a very powerful application of force.

Professor Loubser said the actual situation of the skull and brain in relation to each other at the moment of impact was of the greatest importance. He said the force with which a person fell, for example, was not the prime determining factor in the extent of brain injury. He said a person ducking his head, then hitting it against an object could sustain greater injuries to his brain than a person falling from the tenth 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 forward the contents of the brain were "slightly left behind".

Professor Loubser agreed that experience showed a single application of force brought about one peripheral contracoup injury. He, however, disagreed that the brain injuries suffered by Mr Biko could not be classified as very severe.

Mr Kentridge summed up the picture given in court of Mr Biko's behaviour from the morning of September 7.

Gait

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.

From a lumbar puncture the following morning, red cells were found in his spinal fluid.

Mr Kentridge said, taking this picture into account, did this not sound as though he was suffering from a relatively serious brain injury?

Professor Loubser: The picture does not sound like a very grave injury. I find it perfectly agreeable with the pathological findings.

Mr Kentridge read a description of typical symptoms of a moderate degree of brain injury as listed by Sir Charles Simons in a reference work. This included the patient's state of mute 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 Professor Loubser agreed that in general terms this was a striking picture of Mr Biko's behaviour from September 7 to 10.

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Mr Kentridge told the court that he rejected the threat of a libel action with some contempt.

Professor Johann Loubser Pretoria's Chief Pathologist, then gave evidence on his post mortem examination of Mr Biko's body on September 13.

Mr Sydney Kentridge SC, appearing for the Biko family, said he wanted to place on record that the family had complete confidence in the thoroughness and integrity of Professor Loubser's examination.

Before questioning Professor Loubser on medical details of his examination, Mr Kentridge asked whether he had found any sign of dehydration in Mr Biko's body. Professor Loubser 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 Professor Proctor had an international reputation as a neuropathologist, specializing in the pathology of the brain.

In his report, Professor Proctor concluded that Mr Biko's brain showed several areas of damage, mainly features of haemorrhage and necrosis, and that the lesions were clearly indicative of severe traumatic brain contusions and contusional necrosis.

Professor Loubser agreed, saying the contusions came from a mechanical origin.

Time lapse

Mr Kentridge asked whether Professor Loubser agreed that the contusions were between three and fifteen days old at the outset. Professor Loubser said he and Professor I Simpson had judged their age to be near three to five days old.

If one were to apply to the date of his death, which was September 12, and taking five days back, it would be September 7th and six days back would take us to September 6th. — Such a period of time lapse could be applicable.

Summing up Professor Proctor's conclusions in less technical language, Mr Kentridge said that, leaving aside secondary haemorrhages, there were five distinct lesions in Mr Biko's brain.

These were: The most important was the right parietal lesion in the right parieto-fronto-temporal lobe which was about eight by 4 x 4 centimetres.

"A second lesion situated at the occipital pole of the brain on the right and hindmost point of the cerebellum, or lower brain on the right hand side, adjacent to the burn 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 regin of the cerebral cortex on the left."

Force

Professor Loubser was asked to examine a plastic model of the brain on which these lesions were outlined and numbered. Professor Loubser agreed that two of these lesions might have been noticed macroscopically but not microscopically.

Mr Kentridge suggested that the infliction 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 fist.

Referring to the first lesion, he said this was what had been called a contracoup, meaning an injury on one side of the brain, caused by a blow on the other side of the head. The blow causing the injury is not inflicted on a place above the injury, but at

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The Steve Biko I remember



DR TRUDY THOMAS met Steve Biko when her work at St Matthew's Mission and her interest in home industries, malnutrition and community programmes coincided with his as a field worker for the now banned Black Community Programmes. Here is her tribute to the man she came to know and respect.

Steve was special. Being with him made a special occasion. Knowing him was an enriching experience.

He was delightful company, full of charm, large and easy and gentle and courteous and humorous. He was always completely in command, completely self-possessed — and completely unassuming. There was, of course, no need for statement or pretence, he was so obviously the real thing. He seemed always to be in buoyant spirits and lifted yours with his.

He was no ascetic — he loved life and its good things and imparted this relish but thought, of course, that everyone should have a fair share.

I can see him now, resplendent in a new checked winter shirt; looking good; basking in the compliments; a little concerned that it might be a trifle loud. I can see him quaffing a beer provided by a student — one of the endless stream of visitors who beat a path to unlikely King William's Town to talk and listen to this remarkable man — and patting a paunch that was just beginning.

He enjoyed appearances although he registered impressions rather than details and was often in trouble with his wife when she tested him about what she had been wearing the previous day.

People were important (after all that was his central philosophy) and that included you. When you were with him you had a sense of your own worth — and your responsibilities. He hobnobbed with the great and the influential who sought him out in his banishment which rather neatly turned his intended Siberia into a Mecca. But he was always equally available and concerned about the very least.

Just released from 101 days in detention (no charge) he helped to organise the annual Christmas party of a creche run by the Black Community Programme. I could not attend as I had hoped and he later gently reproached me for not being at what he regarded as a very important event. While the Programme's clinic doctor was in detention he rushed around arranging locums for weekly out-station work, concerned that sick people would turn up and find nobody to treat them. It is impossible to reconcile this man with the image of a rabid revolutionary. His preferred path was always peaceable and constructive and creative.

I first met him when he was in charge of the Black Community Programmes as we shared an interest in cottage industries and comprehensive medicine and child welfare. He was a most active and effective worker.

He, with Dr Mamphilo Rhampele, established a community health centre, realising a dream they had had as medical students. I remember his unconcealed pride as he showed us around the beautifully conceived project, typically modest but uncomprimisingly adequate. That was just three years ago.

Those were the flag-flying days, full of hope and promise. Now Mamphilo is banned and Steve is dead. Is this what we do to black visionaries? Is this the price of black dreams and competence and effectiveness?

Steve was brilliant. With him you had a remarkable sense of being in the presence of a great mind.

Strangely, the word "clever" did not suit him. He never indulged in intellectual gymnastics for show. His mind was simply a tool to chisel out sense and truth and order.

With Steve around ideas flowed and each was scrupulously examined in the light of objectivity. He could not be seduced by popular sentiment or emotionalism or gratuitous association. He remained maddeningly fair-minded even about his greatest opponents or under the most relentless harassment.

He was invaluable in committee. If issues became obscured or irrelevancies began to creep in he could provide an instant and masterful analysis and lucidly reveal the essential substance and set the proceedings on the right track towards progress again.

All this adds up to a brilliant, concerned, efficient human and attractive person. But, there is still more. Much more. His greatness lay in the quality of his spirit, unstintingly and unswervingly served by his personality and his mind.

Despite his towering stature, despite constant harassment and frustration, he remained the most modest and most moderate and tolerant of men. After every meeting with Steve you wanted to go out and say to people: "Come and meet this man. Come and talk to him, you will find the right balance again, you will get the true perspective."

Steve was motivated purely by the search for good and truth. There is plenty of scope for this in our South African society grown dark and murky with hatred and greed and prejudice and overindulged insensitivity.

He searched steadfastly and single-mindedly.

His special inspiration was Black Consciousness, the passionate conviction that a black man is as worthy as any other.

This insight, however, was not for him merely grounds for recriminations. Certainly it meant that black men should have exactly the same rights as any other but also that he must fearlessly claim them. Full personhood means full personality responsibility which it was imperative to shoulder (even unto death) or compromise human status.

Steve had perspective — direction — equilibrium, Steve had a sure centre.

In a mad, confused world, he remained normal and sane and good. These were his reference points, his beacons and signposts.

These, and not any imported or ready-made ideology, were his policy makers.

Everyone who met Steve in goodwill experienced a sort of magnetism. I attribute it to his triumphant, unassailable normality, a touchstone you were welcome to share.

There are those who suggest that he is being artificially lionised and that his death is being exploited for political gain. They are wrong. The great multitudinous road of protest springs entirely from the deepest grief and anger and despair. Surely it is obvious that there is no need at all for external prodding. And after the noise has died down there will remain in our hearts an implacable dissent.

It has been said that if Steve had lived he would probably have been charged with preparing inflammatory pamphlets. It is dishonourable to accuse a man who cannot answer for himself. It also does not justify death nor detention without trial. We have excellent courts and a special qualified judiciary which can handle these problems competently.

It has been suggested that only one in 100 black people had ever heard about Steve Biko before he died. That makes about 160 000 people — not a bad tribute to a man who was prevented from meeting and speaking to the people at 26 and died at 30.

However, even if the percentage of people who knew him was small, there are few who are unfamiliar with his ideas which are now significantly and increasingly shaping a nation.

I did think of him as indestructible. As it happens I was wrong about his body. I had obviously attributed to it the same qualities as his transcendant spirit. It lives on setting alight a thousand hearts and minds. May it purify them and strengthen them and light up the right path and lead them to the just and peaceful land he wanted with a fair share for every citizen.

Reprinted from Sash, the Black Sash magazine.

25/11/77

325 detentions

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. Johann 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. Simson, 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. Simson 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 port-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 "in the region of 12 [illegible]

separate lesions microscopically and macroscopically identified in the brain.

Prof. Loubser replied that he had no doubts about the first four but 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 contra-coup injury was an injury on one side of the brain caused by a blow on the other side of the head.

He told Prof. Loubser 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 [illegible]

25/11/77

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. Loubser: That is correct.

Mr. Kentridge then referred Prof. Loubser 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. Loubser 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. Loubser: 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 morely 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. Loubser concurred. But he had not discussed Prof. Proctor's method of dating with him, he told the Court.

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. Loubser 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. Loubser if he agreed.

Prof. Loubser said he did not. Death had been caused by the brain injury.

Prof. Loubser 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. Loubser said he could have fallen forward with his head turned sideways.

Mr. Kentridge: Could it have been caused by someone banging his head against the wall or the floor? — It's conceivable.

Prof. Loubser 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. Loubser 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. — (Sapa.)

• See also Page 8

SCHOOL OF ECONOMICS

ECONOMICS II

1976

LABOUR ECONOMICS ESSAY

"In May 1975, the average mo
was 4,8 times higher for Whi
South Africa, 1975, p.176).
Africans do not have the same

Evaluate this statement caref
with it. Also give your own
industry. (1200 words).

References :

* D. Hobart Houghton : The South
* Institute for Industrial Educa
* F. Wilson : "Unresolved Issues
Journal of Economics, December

325- detentions

The Biko inquest

Statement false says Kentridge

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 that 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 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 reason to do so?

Dr. Lang replied that it was not false. He said it was incorrect insofar as he had omitted to insert 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 miscroscopic evidence of blood cells in the spinal fluid.

After discussing it with a neurosurgeon, Dr. R. J. Keely, 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 wouldn't do a lumbar puncture if I didn't find something . . . there were some positive 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. Bothma, and district surgeon Dr. Lang, who had referred Mr. Biko to him, "were under the impression that you couldn't find much wron[illegible]"

ceal 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 Security Police detainee, Dr. Hersch said he did not know as neither name — Biko nor Njelo — meant anything to him at the time.

When he was interviewed 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 this examination because they simply 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.

[illegible] expected to read every reference except for those marked with an asterisk (*) which are compulsory. The reading list is so long for two reasons : (1) to ensure availability of books, and (2) to provide alternative points of view.

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 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 con-

Force applied

He also agreed with Professor Gordon that force applied to the head could include the lower jaw or the lip, and need not only refer to the cranium.

Dr. Lang was also questioned by Professor Gordon and asked what he understood by the neurosurgeon's instructions that Mr. Biko should be kept under observation.

The witness said the neurosurgeon, Dr. Keeley, had said that Mr. Biko should be visited regularly to determine any possible change in his condition.

By this Dr. Lang understood that two visits each day would suffice.

Professor Gordon said that Dr. Lang had been off duty on Sunday, September 11. Mr. Biko was to be discharged from the prison hospital that day and taken to Walmer Police Station.

Visited detainee

Dr. Lang said he was on his way to see Mr. Biko on Sunday afternoon when he had received a message from Dr. Tucker who had already visited the detainee.

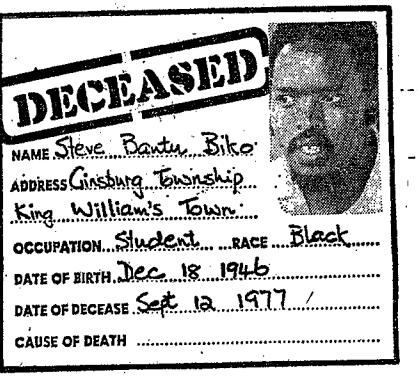
Professor Gordon said it seemed Dr. Lang's undertaking to the neurosurgeon had not been kept. On the first day Mr. Biko was to be observed he would not have been visited twice.

Not being a neurosurgeon, the witness said, he did not know whether more frequent visits to the detainee would have been more in accordance with what Dr. Keeley might have expected.

He agreed that Mr. Biko had been deprived of the type of observation described by the assessor. — (Sapa.)

'Amazement' that Biko injury unseen

STAR 25/11/77
325 - detention



▶▶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 relevent 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 policeman might have charged him with his shoulder, Morne du Plessis 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 in so doing his head connected the floor.

Professor Loubser said that if this evidence was correct, he had to accept as 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 Loubser 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 Loubser 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 birth mark.

Not one of the witnesses nor any of those whose affidavits were before the inquest court, had seen such a wound.

Prof Loubser admitted to having missed the lesions while conducting post mortems.

He could only say however 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-questioning by Mr Kentridge, Prof Loubsser said it was his personal view that after so serious a series of injuries fered all at once, it was very probable that unconsciousness would result, even if temporarily.

(Proceeding)

The hearing is before Mr M J Prins, Pretoria's Chief Magistrate, who is assisted by two medical assessors, Professor I Gordon of the University of Natal Medical School and Professor J Olivier, of the University of the OFS Medical School.

Leading the evidence is Mr K von Lieres, the Deputy Attorney of the Transvaal.

Appearing for the Biko family are Mr Sydney Kentridge SC, with him Mr George Bizos and Mr Ernest Wentzel, instructed by S Chetty and Co.

Appearing for the police involved is Mr P R van Rooyen, SC, with him Mr J M C Smit, instructed by the State Attorney.

Appearing for the doctors involved is Mr B de V Pickard, instructed by the State Attorney.

Appearing for the Prisons Department is Mr W H Heath, instructed by the State Attorney.

THE SOUTH AFRICAN BALANCE OF PAYMENTS

Sources: H. Houghton "The S.A. Economy" (and other sources).

6 & 7: EVOLUTION OF THE WORLD MONETARY AND TRADING SYSTEM

Sources: Samuelson, Ch. 36
Lipsey & Steiner, Ch. 42

Jekwa escapes

(325 det) INDABA 25/11/77

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 —



Mr Jekwa

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 Jongilanga), he hoped to be released because the Special Branch said they had arrested him on instructions from the Ciskei Government.



Mr Sotyelelwa ... to Zwelitsha.

"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 Jongilanga 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 Tshatshu, near Zwelitsha and put the matter to him.

"He told a 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 yet 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.

DD 25/11/77 (325 detentions)

Jekwa detained again

EAST LONDON — The Mdantsane garage owner who escaped from the Security Police at Frere Hospital has been re-detained 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 re-detained. 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.

odel (see Bilas). Monopoly - technical
ce discrimination. See Joan Robinson,
Chs 15 &16, A&A Ch 8, Hunter (in
onopoly
to the problem. Kinked demand curve,
eg ,rice leadership
&
d(in Hunter, ed.) Price theory and
oligopoly
costs and externalities. See A&A Ch 9
nomic examination of traffic
congestion in towns (In Wagner & Baltazzis, Readings in Applied Micro-economics)

Consider: What is the difference between externalities and diseconomies of scale?

Cape Times 25/11/77 (325 - Defendant)

State Pathologist's evidence

Own Correspondent

JOHANNESBURG. — Mr Steve Biko's brain showed five distinct areas of injury, the inquest court in Pretoria was told yesterday.

Mr Sydney Kentridge, SC, for the Biko family, said this was the finding of Professor Neville Proctor, an internationally recognised neuropathologist who had examined Mr Biko's brain.

Mr Kentridge told the court that Professor Proctor believed the injuries were caused by three or four blows to the head.

Professor J Loubser, the Chief State Pathologist, who led the medical team conducting the post mortem on Mr Biko, said his examination of Mr Biko's brain produced somewhat different findings. He believed that two of the injuries were continuous and that the fifth was not as extensive as the other four.

He told the court he believed that the fanning effect of a single blow might have caused all the injuries.

The court also heard yesterday that a false name — Stephen Njelo — was filled in on the lumbar puncture form sent in for testing with Mr Biko's spinal fluid specimen.

Mr Kentridge said he believed this was a deliberate attempt to keep the patient's identity hidden.

District Surgeon's letter recalled

Own Correspondent

PRETORIA. — Mr S Kentridge, SC, for the Biko family, yesterday submitted to the court at the inquest into Mr Steve Biko, that Dr Ivor Lang, the district surgeon attending Mr Biko, had made a false statement to Mr Biko and in a bed letter regarding the absence of pathology "to get him back into the hands of the police as soon as possible".

Dr Lang was recalled to the witness box after the completion of the examination of Dr C Hersch.

Earlier, during Dr Hersch's examination, Mr L de V Pickard, for the doctors, referred to a medical article on rena tubular necrosis following lesions of the brain. According to this article of five cases of this sort three had died. He referred to another article, stating that the mortaility rate in these cases was about 70 percent. All the cases had received proper medical treatment.

Mr M J Prins, the presiding magistrate, interjected. These were cases where as a result of head injury other complications had set in. Was it correct to say that in these cases the head injury was not as serious as the kidney failure?

Mr Pickard said that this was so.

Professor Gordon interjected: You can get tubular necrosis without muscular damage?

Dr Hersch: I don't know.

Mr K von Lieres, leading the evidence, then referred to the article. Only one of the five cases referred to in the first article had a smashed skull, he said.

Dr Hersch: The smashed skull is not so important. The question is what the brain damage was.

Mr Von Lieres: I think the important factor is that the renal failure was caused by shock? — A drop in blood pressure as result of shock is very common but I didn't find any symptoms of shock in Mr Biko.

is not a name which would have stuck in my mind. I would not necessarily have asked his name.

Dr Lang was then called to the witness box and Mr Von Lieres said that he wanted to show him a foolscap page.

Dr Lang admitted that that was a page from a bed letter in his handwriting which was signed in the prison hospital.

Mr Von Lieres quoted from this page: "Examined by Dr Hersch last night. Conscious. Possession of faculties. No pathology except with regard to reflex and apparent loss of sensa-

continued on page 5



Brigadier I J Coetzee, left, of the security police, with Brigadier C F Zietsman. The magistrate will decide today whether Brigadier Coetzee will give evidence.



Mr Steve Biko

Other signs

Mr Von Lieres: I am advised that taking 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 comatosed.

In your conversations with Colonel Goosen and Bothma and Drs Lang and Tucker they might have been of the impression that it was still uncertain whether Mr Biko was shamming? — 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.

Dr Hersch added that one could have interpreted the finding on the spinal fluid as normal.

Mr Von Lieres: If Dr Lang had been under the impression that it was more likely that Mr Biko was suffering from a functional disorder this would have strengthened his view? — Yes.

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 court another medical article after which Professor Gordon asked questions.

The application of force to the head includes the whole head and can relate to the skull and the contents of the skull. One can have injury to the skull with no intra cranial damage and intra cranial damage with no damage to the skull. The skull can be intact and yet a person can die of any of many intra cranial causes? — Yes.

It was put to you that you suggested an X-ray of the skull. Would you agree that the whole point of this was to provide evidence of the application of force to the head? — Yes.

So your suggestion is absolutely acceptable medically? — Yes. In your teaching you were advised for medico-legal purposes to do an X-ray of the skull as a matter of course? — Yes.

Professor Gordon: 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 scratched out the name of Njelo and had inserted the name Biko on the copy, he said.

Mr Von Lieres rose and said that when he had received the report from Dr Hersch the name had been scratched out.

Mr Kentridge rose: That means that somebody must have given the name Njelo to you? — They may have given me the name.

I have observed that Mr Keely said that you spoke to him about a patient whom he only later learnt was Mr Biko? — He possibly learnt that from the publicity.

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

'This non-perturbing picture'

continued from page 4

tion on lower limbs. No change in condition."

The letter was handed in. Mr Kentridge rose: May I remind you of your affidavit in which you said: "Shortly after this I phoned Dr Hersch 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 Hersch 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 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 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 bed letter. There was an omission of one word. 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 bed letter to get Mr Biko back to the hands of the police as soon as possible – I deny that. It was an error on my part.

Mr Kentridge: Why was the specimen sent under the name of Njelo? – I don't know.

Conversation

Mr Van Rooyen rose: You had two conversations with Dr Hersch concerning the lumbar puncture, the latter leading to your conversation with Mr Keely. Dr Hersch 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 before the report from the institute had become available? – This is correct. On the Friday morning Dr Hersch had told me that the spinal fluid was clear, and only the next morning was it indicated to me that there were blood stains present. Where I said that Dr Hersch had told me 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 Lang agreed that he had advised Colonel Goosen of "this non-perturbing picture", and that he had told him that Mr Biko could be moved if there was no change in his condition.

Professor Gordon: What did you understand by Mr Keely's view that Mr Biko should be under observation? – It was agreed that it would be sufficient if I saw him regularly.

Off duty

You were off duty on the Sunday. You knew that he had been removed from the Synderham prison hospital to the Walmer police cells. Am I right that on that day you would have been unable to carry out Mr Keely's wish? – I knew that he would be removed sometime during the morning. I intended seeing him on the afternoon but I got a telephonic message from Tucker who said he had seen Mr Biko.

It seems that your undertaking to keep Mr Biko under observation was not carried out on this day. It was part of your undertaking that you would see him twice a day? – This was my own decision. I gave no undertaking to Mr Keely.

Carrying out your programme of supervision you should have seen him on the Sunday. Why didn't you see him? – I was sure when he was being transferred.

Dr Lang agreed that he could have telephoned and found out.

Professor 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, at least hourly? – That is correct when a patient is in a hospital. As a doctor I could not do this. I could not rely on a medical orderly.

Professor Gordon: Could he have taken a pulse? – Yes. Could this not possibly have been helpful? Would that not have been more in accord with Mr Keely's wishes? – I considered it necessary that things like reflexes should be tested.

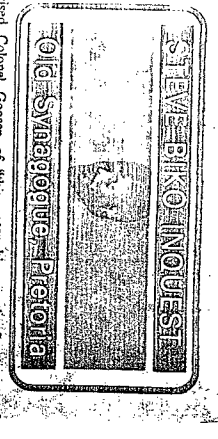
In your training as a doctor were you not told that when head injury cases are kept under observation the pulse should be taken at least hourly? On the Sunday Mr Biko was deprived of observation in all respects?

There was no answer.

Questioned by Mr. Pitout, Dr Lang said that he had told Mr Keely that Mr Biko would be removed to the Walmer police cells and that Mr Keely had then advised that Mr Biko should be observed regularly. He might have been moved to Mr Keely that there was no transcendental span available, he said.

Dr Lang left the witness box and Brigadier Coetzee entered but before he was asked any question Mr Van Rooyen rose.

He had a legal problem concerning dismissibility. Last night the newspaper statements with the intention of contacting Colonel Goosen with regard to this matter. Colonel Goosen with regard to this matter. He could not be contacted because there was no telephone in the house. He had also gone to the Colonel's office but he was not there. He had also gone to the Colonel's office but he was not there. He had also gone to the Colonel's office but he was not there.



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Mr Van Rooyen said his problem once more was one of relevancy and admissibility. If there had been no indication of prior inconsistent statements by Colonel Goosen the evidence of the brigadiers was irrelevant and inadmissible.

The method by which a witness's credibility could be attacked was prescribed by the law of evidence. A witness had to be confronted with the occasion and circumstances of such a prior statement and its contents should be put to him. Only then could evidence be led on it.

While Colonel Goosen gave evidence the council who wished to impugn him should have put it to him that he had made a statement on a certain day and disclosed its contents. If Colonel Goosen had admitted this the matter would have ended there. If he had denied it the witness to whom he made the prize statement could have been called.

What had happened here was quite different. Council wishing to impugn Colonel Goosen could not put a prize statement to him because they did not have one.

Evidence of prior inconsistent statements could only be admitted in very exceptional cases. Unless council who wished to impugn Colonel Goosen's credibility could put to him an alleged inconsistent statement, the brigadier's evidence could not be led.

To the heart

Mr Kentridge said it was absolutely correct for Mr Prins to call for the brigadier's evidence. The evidence concerned not only prior inconsistent statements, but went to the heart of what had happened in Port Elizabeth.

Brigadier Zietsman had very properly disclosed a telex message he had received and his affidavit disclosed many things contrary to what Colonel Goosen had said.

Their evidence was essential and, once led, would be put to Colonel Goosen.

He could understand that Mr Van Rooyen had to protect the interests of Colonel Goosen and Major Snyman because this evidence would destroy them to a large extent.

The court was investigating what had happened in Colonel Goosen's office.

Mr Von Lieres said that the matter of what Colonel 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 Colonel Goosen that he had made inconsistent statements.

Mr Von Lieres 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 Kentridge said that he would ask the brigadiers a few questions and if anybody had any objections these could be raised.

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.

"He has made it clear on previous occasions that he wanted the court to carry on the activities of a general commissior

7. Industrial C ... es, causes and types of strikes
Hyman (1972) ... 1973); SA Labour Bulletin.

8. Industrial Legi ... age Determination in S.A.
Industrial Co ... e Board, works and
liaison comm ...
Thomas (1974 ... SAIRR Surveys; SALB.

9. Trade Unions ... ca. Registered and
unregistered ... cal survey.
SAIRR Surve ... Maree and Hubbard (eds).

10. The Industrial ... S.A. Occupation and
wage colour ba ... Industrial Councils and trade
unions; the c ...
Doxey (1961); ...).

11. Unemployment ... loyment in S.A.
Definitions o ... asurements, explanations.
Maree and ... impkins (1976),

12. Migrant Labo ... Africa.
F. Wilson (197 ... van Onselen (1976);
J. Nattrass (19 ...

13. Farm Labour ... a. History,
wages and ... competition with Industry.
F. Wilson (1972) ... n Labour Conference Papers.

Biko: 5 areas of brain injury found

(328) Detention
DM 25/11/77

By HELEN ZILLE

MR STEVE Biko's brain showed five distinct areas of injury, the inquest court in Pretoria was told yesterday.

Mr Sydney Kentridge, SC, for the Biko family, said this was the finding of Prof Neville Proctor, an international recognised neuro-pathologist who had examined Mr Biko's brain.

Mr Kentridge told the court that Prof Proctor believed the injuries were caused by three or four blows to the head.

Prof J Loubser, the chief State pathologist, who led the medical team conducting the post mortem on Mr Biko, said his examination of Mr Biko's brain produced somewhat different findings.

He believed that two of the injuries were continuous and that the fifth was not as extensive as the other four.

He told the court he believed that the fanning effect of a single blow might have caused all of them.

Other important points that emerged at the inquest yesterday were:

- The forehead wound was between four to eight days old at the time of his death.
- The brain injury was of such a nature that it must have been followed by a period during which Mr Biko was unconscious.

The court also heard yesterday that a false name — Stephen Njelo — was filled in on the lumbar puncture form sent in for testing with Mr Biko's spinal fluid specimen.

Mr Kentridge said he believed this was a deliberate attempt to keep the patient's identity hidden.

● Full report: Pages 6 and 7

Biko Inquest

By CAROL STEYN

DR LANG, the district surgeon attending Mr Biko, had made a false statement to Mr Biko and in a bed letter about the absence of pathology "to get him back into the hands of the police as soon as possible," Mr Kentridge 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 extensor 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 you stated quite clearly that in retrospect you thought the reaction could be attributed to disease? — Yes.

[redacted]

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 Col Goosen 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.

[redacted]

"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.

RAND DAILY MAIL 25/11/77

Bed letter w Biko doctor



Brigadier Johan Coetzee, left, and Brigadier C F Zietsman . . . the magistrate will rule today whether they will be allowed to give evidence.

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: Initial[illegible]

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 taking 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 comatosed.

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 shamming? — 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 Pickard handed to the icle after which Prof Gordon asked some questions.

The application of force to the head includes the whole head and can relate to the skull and the contents of his skull. The skull can be intact and yet a person can die of any of many intracranial causes? — Yes.

It was put to you that you suggested an X-Ray of the skull. Would you agree that the whole point of this was to provide evidence of the application of force to the head? — Yes.

Dr Lang was then recalled to the witness box by Mr Von Lieres. Dr Lang was shown a foolscap page and admitted it was from a bed letter in his handwriting which was signed in the prison hospital.

Mr Von Lieres quoted from this page: "Examined by Dr Hersch last night. Conscious. In possession of faculties. No pathology except with regard to reflex and apparent loss of sensation of lower limbs. No change in condition."

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

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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.

pathology. This was the essence of what I told Mr Biko. That there was no indication of gross pathology.

This was also false. A most significant sign of brain injury had been found.—To my mind the upgoing toe was only one of a few.

I am going to suggest that it is perfectly clear that you made a false statement to Mr Biko and in your bed letter to get Mr Biko back to the hands of the police as soon as possible. — I deny that. It was an error on my part.

Examined by Mr Van Rooyen Dr Lang said: "Where I said that Dr Hersch had told me 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 custody of the Security Police and all that was necessary was observation.

Dr Lang agreed that he had advised Col Goosen of "this non-perturbing picture," and that he had told him that Mr Biko could be moved provided that there was no change in his condition.

Prof Gordon: What did you understand by Mr Keely's view that Mr Biko should be under observation? —It was agreed that it would be sufficient if I saw him regularly. Twice daily was as much as I could see him.

You were off duty on the Sunday. You knew that he had been removed from the Sydenham Prison hospital to the Walmer police cells. Am I right that on that day you would have been unable to carry out Mr Keely's wish? — I knew that he would be removed sometime during the morning. I intended seeing him on the afternoon but I got a message from Dr Tucker who said he had seen Mr Biko.

It seems that your undertaking to keep Mr Biko under observation was not carried out on this day. It was part of your undertaking that you would see him twice a day? — This was my own decision. I gave no undertaking to Mr Keely.

Carrying out your programme of supervision you should have seen him on the Sunday. Why didn't you see him? — I wasn't sure when he was being transferred.

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 Coetzee, deputy head of the Security Police, entered.

Mr Prins said yesterday he had received affidavits from Brig Coetzee and his chief, Brigadier C F Zietsman and that he intended allowing them to give evidence.

But before Brig Coetzee 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 because 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 telex 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

RAND DAILY MAIL 25/11/77

Injury '4 to

Pathologist 'had no difficulty in seeing head wound'

By MELANIE YAP and HELEN ZILLE

PROFESSOR Johann Loubser, Chief State pathologist in Pretoria gave evidence on his post-mortem examination of Mr Steve Biko's body on September 13.

Mr Kentridge said he wanted to place on record that the Biko family had complete confidence in the thoroughness and integrity of Prof Loubser's examination.

Before questioning Prof Loubser on medical details, Mr Kentridge asked whether he had found any sign of dehydration in Mr Biko's body. Prof Loubser 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 neuro-pathologist, specialising 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 Loubser agreed saying the contusions (bruises) came from a "mechanical origin".

Mr Kentridge asked whether Prof Loubser agreed that the contusions were between three and 15 days old at the outside.

Prof Loubser 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 said summing up Prof Proctor's conclusions in less technical language, leaving aside secondary haemorrhage, there were five distinct lesions in Mr Biko's brain.

These were:

- The most important, the right parietal lesion in the right parieto-fronto-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. Both these lesions extended into the white matter.



Professor Johann Loubser, the Chief State Pathol-

Prof Loubser 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 suffered before the night of September 8? — If my maths serves me well, yes.

Prof Loubser 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 asked Prof Loubser if it could be due to a fall.

Prof Loubser: Yes.

Mr Kentridge: What about a blow from a blunt object such as a rubber truncheon?

Prof Loubser said he would have difficulty in explaining the size of the wound. The scab 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 Loubser 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 Loubser agreed.

Mr Kentridge then asked how someone could fall in this way and not involve the nose in the impact. Prof Loubser 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 a fall 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.

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● The third lesion was on the surface of the cerebellum, or lower brain, on the righthand side, adjacent to the burn at the base of the skull.

● The fourth lesion was deep in the substance of the cerebellum on the right.

● The fifth lesion was in the parietal region of the cerebral cortex on the left.

Prof Loubser was asked to examine a plastic model of the brain on which these lesions were outlined and numbered. He agreed that two of these lesions might have been noticed macroscopically (with the naked eye) but not microscopically.

Mr Kentridge suggested that the infliction of these lesions would have required at least three, but probably four, blows to the head. He emphasised that his usage of the word blow meant the application of force to the head and not necessarily with a fist.

Referring to the first lesion, he said this was what had been called a contracoup, meaning an injury on one side of the brain, caused by a blow on the other side of the head. The blow causing the injury is not inflicted on a place above the injury, but at another place distant from the injury.

[redacted]

Mr Kentridge: Two possibilities could explain the cause of such a contracoup—that it was caused by a blow on the left-hand side of the forehead or that the blow which caused the main contracoup lesion could be represented by the small fifth lesion.

Prof Loubser said it was his considered opinion that the main lesion was caused by a blow on the left-hand side of the forehead.

Mr Kentridge said Prof Proctor had advised him that the lesions described were likely to have been caused by three blows to the head and possibly four, and asked whether Prof Loubser had formed any views as to the probable number of blows.

Prof Loubser: I have considered it, and I am of the opinion that the lesions attributed to the trauma suffered by this brain, to my way of thinking, can be explained by a single force applied which hit the left frontal region on such a broad base that the direction of the impulse fanned out.

Mr Kentridge: That would be a very powerful application of force.

Prof Loubser said the actual situation of the skull and brain in relation to each other at the moment of impact was of the greatest importance. He said the force with which a person fell, for example, was not the prime determining factor in the extent of brain injury.

[redacted]

He said 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 Loubser agreed that experience showed a single application of force brought about 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.

[redacted]

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 taking this picture into account did this not sound as though Mr Biko was suffering from a relatively serious brain injury.

Prof Loubser: The picture does not sound like a very grave injury. I find it 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 mute 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 Loubser agreed that in general terms this was a striking picture of Mr Biko's behaviour from September 7 to 10.

Prof Loubser 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.

[redacted]

Drawing on the authority of Sir Charles Symons Mr Kentridge said that such a degree of brain injury must have been followed by a period of unconsciousness of not less than 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: 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 Loubser said this might be difficult.

Mr Kentridge: 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? — Yes.

This kind of injury could be caused by 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 Loubser replied.

Mr Kentridge then discussed the lip injury noticed on Mr Biko.

Prof Loubser 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 lip were more 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 probably caused by a jab with a sharp object for example a finger or a stick.

Prof Loubser 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 Loubser said he believed they were caused by handcuffs and manacles.

He said he had found a wound on Mr Biko's left big toe what appeared to have been a blister with a small hole in it caused by something like a "pin or needle."

Asked what could have caused it, Prof Loubser said he believed it was a mechanical cause . . . "a bump or pressure at that point."

[redacted]

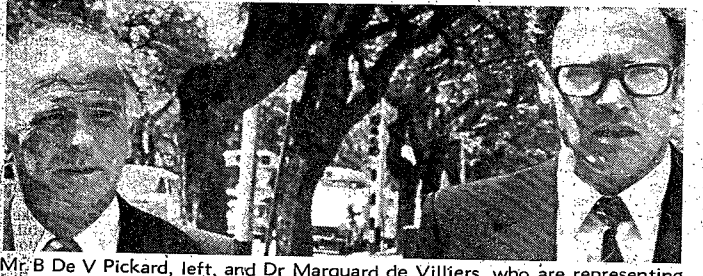
Mr Kentridge then turned to the causes of contracoup head injuries. It was common cause that this type of injury was caused by rapid deceleration of a moving head.

This kind of injury could not be caused if the head was static. The head had to be in motion, which was caused by certain factors to decelerate.

Mr Kentridge pointed out that many head injuries suffered by boxers were of the contracoup

8 days old'

Biko Inquest



Mr B De V Pickard, left, and Dr Marquard de Villiers, who are representing the doctors at the inquest.

type.

Prof Loubser agreed that this type of injury was statistically the most important injury suffered by anyone who received a blow to the head in the boxing situation.

It was agreed that the rate of motion of the head was not of vital significance. The important point was that the motion of the head was arrested suddenly. This could result in a contracoup brain injury without any visible external sign on the scalp.

Prof Loubser said this was possible in the abstract. "I have never experienced this in practice."

Mr Kentridge: With all respect, you may have in this case. — There is always a first time.

Discussing Mr Biko's head injury Prof Loubser said it was possible that if the head was in motion in a forward direction, and was arrested by a blow, the injury could have taken place.

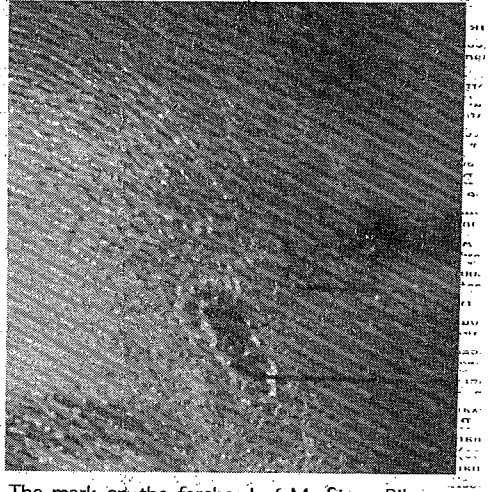
Mr Kentridge: If he was pushed against a wall by the scruff of his neck?— That is possible.

Prof Loubser then drew the attention of the court to a children's programme 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 very hard against the wall of a house . . . It could have been something like this," Prof Loubser said.

The hearing continues today.



The mark on the forehead of Mr Steve Biko, as shown in the post mortem photograph discussed by witnesses at the inquest.

Biko inquest told of death blows

DJ. 25/4/77 (32s) det.

PRETORIA — Three or four blows to the head probably caused the brain injuries which killed Steve Biko, the inquest into his death in detention was told yesterday.

The lesions (cuts) in the brain were likely to have been caused five or six days before his death. At this stage — September 6 and 7 — Mr Biko was being kept in the Port 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 Zietsman, could be called to give evidence. The magistrate will 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 classical symptoms of brain damage which he said matched Mr Biko's behaviour during his last few days alive.

The physician, Dr C. Hersch, and the chief State pathologist, Prof J. D. Loubser, were the only two witnesses yesterday. Cross - examination of Prof Loubser by Mr Kentridge, for the Biko family, continues this morning.

A model of the human brain with the areas the injuries had been suffered marked in pen was handed to Prof Loubser 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 completely satisfied with Prof Loubser's handling of the post - mortem, asked whether he agreed with another expert, Prof N. Proctor, that the lesions probably were nearer five than 12 days old. Prof Loubser 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 on 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 Loubser disagreed. The lesions could have been caused by a broad-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 Loubser said he differed from Prof Proctor who had said three or four blows inflicted the damage. A single application force which fanned out could have caused the separate lesions, he said.

Mr Kentridge: It would have to be a very powerful blow.

Prof Loubser said this was not the main determining factor.

After further technical medical discussion, Mr Kentridge questioned Prof Loubser 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 Loubser 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 Loubser: Yes.

It could also have been caused by a person banging his head violently on a wall or floor. — Yes.

Two injuries to the lip suggested more that there were two blows than there were two falls, Mr Kentridge said. Prof Loubser 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 Loubser agreed.

Abrasions on the left wrist, ankle and foot were caused by something like manacles, Prof Loubser 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 Loubser said.

In earlier evidence Prof Loubser 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 doctor advising 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's assurance that no reflection on Mr Biko had been intended. — DDR.

Yesterday's proceedings, page 21.

SCHOOL OF ECONOMICS
ECONOMICS II : MACRO ECONOMICS
B. KANTOR
H. KENNEY
D. REES
1976
COURSE SUMMARY
A. INTRODUCTION

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. Prins, 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 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 I. 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.

25/11/77

BD 25/11/77

Lang accused of false report

PRETORIA — Dr Ivor Lang, principal district surgeon of Port Elizabeth, was accused of making a false statement in a hospital bed letter when the inquest continued here yesterday.

The accusation was made by Mr S. Kentridge, 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 that you informed him (Mr Biko) that both Dr Hersch and yourself could find no pathology? — Yes.

To say that the lumbar puncture was normal was false? — No.

Mr Kentridge 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 reason to do so?

Dr Lang replied it was not false. He said it was incorrect insofar as he had omitted to insert 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 Mr Biko and wrote it in the bed letter as an excuse to get him back into the hands of the security police. — I deny it.

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 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 no great pathology present.

Asked by one of the assessors, Prof I. Gordon, why he had not seen Mr Biko on the morning of Sunday, September 11, Dr Lang said he had not been certain when Mr Biko was going to be transferred to Pretoria.

Prof Gordon said it seemed to him, as a doctor, unfortunate that Mr Biko had not been kept under regular observation on that Sunday. — SAPA.

Prins to give ruling today

PRETORIA — The Chief Magistrate of Pretoria, Mr M. J. Prins, will rule today on an objection to evidence being given by the chief of the Special Branch, Brig C. F. Zietsman, and his deputy, Brig B. J. Coetzee.

Mr Prins told the court on Wednesday he had received affidavits from the two brigadiers and that he intended allowing them to give evidence.

However, when Brig Coetzee was called to the witness box yesterday, Mr P. R. van Rooyen, counsel for the police, rose to object.

He said that this would be a back door method of achieving what counsel for the Biko family, Mr S. Kentridge, had hoped to achieve through the front door, by having public statements of the Minister of Police, Mr Kruger, accepted by the court as evidence.

Mr Van Rooyen said the court had rightly ruled that the Minister's statements were inadmissible to the inquest court as being hearsay, and this applied equally, he said, to statements made by security policemen in Pretoria to whom Col Goosen reported.

Mr Kentridge opposed the objection, saying that the statements made by the two senior Special Branch officers went to the heart of what had happened in Port Elizabeth. They dealt with contemporaneous evidence of what had happened there, he said.

The court was investigating what had happened in Col Goosen's office, Mr Kentridge said, and it was desirable to hear any statements made by anyone at any time on what had happened.

Mr Van Rooyen said in reply that he was under no illusion as to what Mr Kentridge hoped to introduce.

This was the third attempt, he said, to come in through the back door where the court's judgment had refused entry by the front door. He said Mr Kentridge was saying that hearsay evidence was admissible in spite of the court's judgment to the contrary.

It was an attempt to introduce hearsay and inadmissible evidence, which would be irrelevant, and Mr Van Rooyen said the court was entering a treacherous area.

Mr Van Rooyen said Mr Kentridge could find himself "at the other end of the stick" and face legal action for defamation.

He submitted Mr Kentridge was on "a fishing expedition" because he did not have the facts to back up his allegations of prior inconsistencies in Col Goosen's evidence.

Mr Kentridge said he would reject the threat of defamation "with some contempt."

After further lengthy legal argument, Mr Prins said he needed time to study the legal implications and would give his ruling today. — SAPA.



The chief of the Special Branch, Brig C. F. Zietsman, right, and his deputy, Brig B. J. Coetzee, leave the court yesterday.

Kentridge tells of typical symptoms

PRETORIA — Classical symptoms of brain injuries showed a striking resemblance to Steve 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 out the events between 6 pm of September 6 and 7.30 am on September 7.

In earlier evidence it was said that during this time Mr Biko had been watched by "the night interrogation squad." The Special Branch witnesses said no interrogation had taken place and the team of three was guarding Mr Biko.

Mr Kentridge said the court knew that from 7.30 am on September 7 Mr Biko had "drawn a veil" between him and his interrogators, his speech was incoherent, mumbling and slurred, there was intermittent weakness in the left limbs, that on the evening of September 8 there were elements of echolalia (repeating parts of sentences said to him), and the 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. Loubser.

Quoting from an eminent brain specialist, Sir Charley Symonds, Mr Kentridge listed these typical symptoms of moderate brain injury:

The patient was unaware of his environment and was 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 worried that Mr Biko had not passed water for some time, but when they arrived at Special Branch offices to examine him, Mr Biko's blankets and clothes were wet and smelled of urine.)

The patient would often be delirious at night and his behaviour unpredictable and violent. He would want to take his clothes and leave the room where he was being kept.

Mr Kentridge asked Prof Loubser if he had heard that Mr Biko had been found in a bath in his prison cell one night, fully clothed. Prof Loubser said he had.

The patient's confusion might last hours or days. This would be followed by a period when he could talk, 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 7 and on September 9 and 10?

Prof Loubser: I am not in a position to make any statement, but it is a striking resemblance to some aspects of evidence put to the court.

Mr Kentridge said the patient would be unconscious for between five minutes and two or three hours. His medical advisers would say Mr Biko must have been unconscious for 10 to 20 minutes and possibly up to an

D.D. 24/11/77 (SA - Conditions)

Affidavit not false says Biko doctor

The Biko inquest

EIGHTH DAY

PRETORIA — The chief district surgeon of Port Elizabeth, Dr Benjamin Tucker, was told that no honest doctor could have advised that Steve Biko's condition was satisfactory on the day before he died, when the inquest continued yesterday.

The accusation was made by Mr S. Kentridge, SC, counsel for the Biko family.

Cross-examining Dr Tucker, Mr Kentridge referred to an affidavit made by the doctor about his examination of Mr Biko on Sunday, September 11 — the day before his death.

In it Dr Tucker stated that at that stage Mr Biko's condition was "satisfactory" and he did not consider it would have any "adverse effect" on Mr Biko if he was transported by road from Port Elizabeth to the central prison in Pretoria.

Recapping Dr Tucker's findings at the examination in the Walmer police station cells on September 11, Mr Kentridge declared: "Let me put it to you, and it will be my submission, that in that situation no honest doctor could have advised that Mr Biko's condition was satisfactory."

Dr Tucker replied: "On general appearances it (his condition) was (satisfactory)."

You understand what I am saying? — Yes.

In his affidavit before the court Dr Tucker said he had been called in by Col P. J. Goosen, head of the Special Branch in the Eastern Cape, to see Mr Biko at Walmer police station at about 3.20 p.m. on September 11.

He found Mr Biko to be apathetic, unco-operative and hyperventilating. Fine froth was present about his lips and his tongue was furred and moist. The central nervous system showed no change to what Dr Tucker had found at his previous examination on September 8.

Dr Tucker further stated that because of Mr Biko's unco-operative attitude, the fact that he was hyperventilating and that there were no positive signs to indicate organic disease, he considered it in Mr Biko's best interests that he be admitted to a hospital where he could be observed by trained staff.

Mr Kentridge asked Dr Tucker why he had been called in by Col Goosen on the Sunday.

Dr Tucker: I was on duty on that particular day and he told me that he could not contact Dr Lang (the district surgeon who had examined Mr Biko on the previous days).

Mr Kentridge: From that stage on you took medical decisions on Mr Biko? — I did.

Why were you called in? — I was told something had happened to Mr Biko.

Did he (Col Goosen) tell you what he was worried about? — He told me that Mr Biko had collapsed.

Dr Tucker said he had found Mr Biko lying on the floor of his cell.

Mr Kentridge: And you say you didn't find anything wrong with him? — Oh, no. I wouldn't say I didn't find anything wrong with him.

Mr Kentridge asked Dr Tucker what could cause a man to froth at the mouth. He replied that epileptic seizures, drowning, or lung complaints could cause this.

He also put it to Dr Tucker that there could be a number of causes of hyperventilation. "There are a number of organic causes and a number of what you would call functional causes?"

Dr Tucker concurred

Asked by Mr Kentridge whether he had done a neurological examination on Mr Biko on the Sunday, Dr Tucker replied: "I did a rapid examination . . . I can't give an estimate how long it was . . . about five minutes."

Mr Kentridge: Did you do a plantar reflex test? — No.

How can you say there was no change in the nervous system then? — There was essentially no change.

One of the medical assessors, Prof I. Gordon of Durban University, asked why Dr Tucker had not carried out a plantar reflex test in view of the fact that a previous test of this kind had proved positive.

"Do you realise that a plantar reflex may be a manifestation of significance . . .?" Dr Gordon asked.

"Yes, I do," Dr Tucker replied.

Mr Kentridge: Why did you do such a cursory test? — I wouldn't agree it was cursory.

Mr Kentridge: I am instructed that a neurological examination done in five minutes is cursory.

Did you do a urine test? — No.

You assumed he couldn't respond to such a test? — Yes.

You realised that his level of consciousness was too low? — Yes.

Dr Tucker said he had found Mr Biko to be apathetic and unwilling to co-operate. He had been disinterested.

Mr Kentridge: You mean uninterested? — Yes.

How can you say he was unwilling? — Because when I tried to find out the extent of any spasticity there was unwillingness.

Wasn't it obvious that you were dealing with a desperately ill man? — No, it wasn't. At this particular stage he had presented an unusual picture until at least the Friday and I thought that this was another phase of this.

Referring to Dr Tucker's affidavit, Mr Kentridge went on: How could you say that there were no positive signs to indicate organic disease? I suggest that is a false statement. — No, it is not false.

But you knew then and it has been said again today, that an extensor plantar reflex was a very significant sign of organic disease? — There were no other signs.

Asked by the magistrate, Mr M. J. Prins, whether he wished now to amend his original statement or whether he would stand by it, Dr Tucker said he wished to qualify it.

Dr Tucker: One positive finding (that of the extensor plantar reflex) did not indicate, without any other signs there were no localising signs to indicate to me any further organic disease than was present at the time. That is from the neurological side or as far as his level of consciousness was concerned.

Mr Prins: What you are saying then is that if you ignore the level of consciousness and the extensor plantar reflex then there were no localising signs that there was organic disease? — Yes.

Mr kentridge again asked Dr Tucker whether an extensor plantar reflex indicated organic disease. Dr Tucker said it did.

Mr kentridge: Then your statement is false? — I won't say a false statement. I would say an incorrect statement.

Deliberately incorrect? — No.

Dr Tucker: In the light of my findings it (the statement) may be badly worded.

Mr Kentridge: Badly worded? I want to suggest it is a false statement. Won't you concede that? — I won't.

Mr Kentridge asked Dr Tucker whether he had argued with Col Goosen about the Colonel's decision to send Mr Biko to hospital in Pretoria.

Dr Tucker: I did not consider Mr Biko's condition to be so serious at that time. I discussed it with him (Col Goosen).

Mr Kentridge: Did you not insist that he (Mr Biko) go to a provincial hospital? — I did not.

Dr Tucker said he saw no reason at the time why it was ill-advisable to transport Mr Biko by motor vehicle to Pretoria.

Mr Kentridge: You knew that he would have no medical attention on the journey? — Yes.

Not even a semi-trained male nurse on the journey? — There was no one available.

Did you consider Mr Biko's condition on the 11th to be satisfactory? — I did.

Mr Kentridge put it to Dr Tucker that he had been called in on Sunday afternoon as a matter of urgency and had been told that a man had collapsed and was lying on the floor with froth at his mouth which was unexplained.

Dr Tucker: I would not say unexplained.

Mr Kentridge: But you didn't know the cause of it? —Yes.

Mr Kentridge: Dr Tucker, if a holidaymaker from Pretoria had come to see you in Port Elizabeth to explain that his child had been behaving in a bizarre way, perhaps it did not wish to go back to school, that it had a weak left arm, an extensor plantar reflex, that red blood cells had been shown up as a result of a lumbar puncture on the child, that it had been walking the previous day but that now it made no sense, was hyperventilating and had froth at its mouth.

Would you have permitted the parents to drive the child 700 miles — more than 1 000 km back to Pretoria?

I think there is a certain difference in the circumstances.

First tell me, would you let them drive the child back to Pretoria or would you insist that the child go into hospital immediately? — I would insist the child go into hospital immediately.

Now, what are the differences between the two cases? — Because of the information given to me by Dr Lang that up to Friday night this bizarre picture had emerged of which we had no certainty.

That should make you more careful rather than less careful. Did Col Goosen insist that the man not go into a provincial hospital. — I wouldn't say he insisted. He was averse.

Why didn't you stand up for your patient? — I'm not aware in this particular situation that one can override the decision made by a responsible police officer.

Prof Gordon put it to Dr Tucker that he should have argued the case with Col Goosen. "Why didn't you say, I'm a doctor and I wipe my hands of this whole case unless you can find some mechanism or means to get this man to hospital?"

Dr Tucker: I did not think that Mr Biko's condition at that stage would become so serious. There was still a question of a possible shamming.

Mr Kentridge: Did you think that an extensor plantar reflex could be feigned? — No.

Do you think a man can feign red cells in the cerebro-spinal fluid? — No.

In terms of the Hippocratic Oath to which I take it you subscribe, were not the interests of your patient paramount? — Yes.

But in this case they were subordinate to the interests of security? — Yes.

Do you agree that deterioration of consciousness and the presence of blood cells in the cerebral spinal fluid are classical signs of brain damage? — Yes.

Were you told of the blood cells in the spinal fluid before Mr Biko was taken to Pretoria? — When I was informed of this by Dr Lang Mr Biko might already have been on his way to Pretoria.

Mr Prins: You knew nothing about the result of the lumbar puncture when you agreed with Col Goosen that Mr Biko could be sent to Pretoria by Landrover? — That's right.

Look at the scab mark on the photograph. The pathologists are of the opinion that the scab was four to five days old. It must have been there on Sunday, September 11? — It must have been.

You examined Mr Biko's left eye with the aid of a torch. Can you explain how you could possibly have failed to see the injury on his forehead? — I did not see it.

Doesn't it call in question the thoroughness of your examination? — No. — SAPA.

Biko: no light on Kruger statement

RDM 1/12/77 325 Detention

By HELEN ZILLE

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 said.

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 Brig 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 . . . and 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.

Full Report, Pictures, Page 17

X Rand Daily Mail 1/12/77

325 - Detentions

Biko Inquest

Biko story

By CAROL STEYN

A TELEX message sent by Colonel Pieter Goosen, head of the Security Police in the Eastern Cape, to Security Police headquarters in Pretoria implied that Mr Biko appeared to be in a "semi-coma" on the day he left Port Elizabeth for the Pretoria Prison hospital, the inquest court heard yesterday.

The message was read out in evidence when Col Goosen was recalled to the witness box for further cross-examination.

The message was telexed on September 16 — four days after the black consciousness leader's death in detention — and stated that Mr Biko's injury was "inflicted" at 7 am on September 7

At the start of yesterday's proceedings Mr Kentridge told the court he was withdrawing his application to put the affidavit of two more doctors before the court.

Col Pieter Goosen, chief of the Eastern Cape Security Police, was then recalled to the witness box. Mr Kentridge said that he wanted to ask him questions arising from new documents which had come into the possession of counsel for the family since Col Goosen gave evidence.

Mr Kentridge: — You told us that no telex had been sent from your office? — No telex message directly concerning Biko's injury.

We have been given a telex message by courtesy of Brig Zietsman (chief of the Security Police) signed by you and dated the 16th? — It concerns the transport arrangements.

It also deals with Biko's injury? — I'd like to see it.

Why didn't you tell us about it before? — It concerned transport arrangements.

When Major-General J F Kleinhaus came to investigate didn't he ask for documents? — No.

Didn't he search your offices? — No.

Mr Kentridge then said: "The telex message addressed by you to security headquarters Pretoria, refers to a telephonic conversation between you and Col Du Preez dealing with the circumstances and method of transporting Biko to Pretoria.

"Your evidence is on record and you tried to give us your impression of the situation then.

"But in your telex message you said that transport was in a station wagon type of Land-Rover, that four white members of the Security Branch were present to ensure the safety and comfort of the deceased, that he was laid on five cell mats, each 4 in thick and that he was covered with four blankets and that a fifth blanket was made into a pillow.

"You further said that the matter was urgent because Biko's condition had deteriorated since he was admitted to the cells on the 11th.

"You said that at the time of his admission he could still walk but later gave the impression that he was in a semi-coma.

"In your evidence you would never concede that Biko had been in a semi-coma?"

Col Goosen replied: "It was never clearly put to me in court."

Mr Kentridge: You gave the impression that you did not regard the matter as urgent? — I did regard it as urgent that he should get to an institution where he could be treated.

Mr Kentridge said: "In the telex message you also say that the district surgeon felt that Biko should be removed to a prison where facilities were available. You said the journey was undertaken at night so that it could be completed in the minimum time.

"You said he did not eat although food was available and that small quantities of water were given to him on two occasions. You said that at times he was asleep and at times he was awake.

"Is that in accordance with your evidence that at the time your general impression was that there was nothing seriously wrong?"

Col Goosen replied: "I did say that we were worried about his condition."

You said that the telex message had nothing to do with the injuries, yet in it you said that he had sustained injuries at 7 am on September 7? You also said that these were covered by an entry in the occurrence book and that after the injury he refused to speak. Were you tying up his refusal to speak with his injuries? — A telex is a very short summary.

You further dealt with a reason why the entry in the occurrence book was late. You gave as the reason the fact that the district surgeon gave a written report on the 7th and you quote Dr Lang's report. You state that the district surgeon had given a clean report. — Correct.

But in your evidence you said that the entry in the occurrence book was late because W/O Beneke had been injured? — I stated it very clearly that the entry would have been made late in any case.

In the telex message you refer to the injury "which was inflicted". By the 16th you were talking about an injury which had been inflicted on the detainee? — It was an inference.

An inference that who had inflicted the injury? — That it had been inflicted during the scuffle. My intention was to illustrate to headquarters that an injury could have been sustained. The message was drawn up by Major M J Fischer. I just signed it.

At the bottom of the message you said: "We believe that Steve Biko had previously during interrogation without any reason attacked his interrogator and had assaulted him. Can you urgently confirm that to this office". Why was it so urgent? — We wanted a clear picture for the court at an inquest.

You wanted to show a pattern? — There had been a previous occurrence and we wanted this confirmed.

We also have another piece of information from Brig Zietsman. Before Steve Biko was sent to Pretoria you telephoned Brig Zietsman? — Correct.

You then discussed where he should be sent? — Correct.

You expressed worry about Biko? — Yes.

Although you have said you still thought he was putting it on? — That was my conviction.

You gave Brig Zietsman in short the result of the doctors' examination? — Yes.

You told him that on Biko's return to the police cells he gave some indication of possible illness? — Yes. It had seemed like it.

Brig Zietsman said he had asked you how far the examination had progressed and you told him that Biko had indicated that he wanted 15 minutes to consider, but after 15 minutes indicated that he no longer wanted to cooperate? — Correct. Lieut Wilken (who headed the night duty team) had told me Biko had asked for the 15 minutes.

Brig Zietsman had asked how far the examination had progressed and that was your answer ? — Correct We discussed it only in broad outline.

On the basis of this I suggest that the whole story about Biko having made a confession must have been a fabrication? — No.

I want to suggest that if Maj Snyman had told you what he had told the court, that Biko had made a confession, you would have told Brig Zietsman that Biko had confessed to sending out pamphlets? — I did not discuss the matter in detail with Brig Zietsman.

I will submit to the court that if you knew about the confession you would have told Brig Zietsman. Brig Zietzman said that he later spoke to you again and asked you questions about the date of Biko's arrest, the time from which he would not eat and his removal to the prison hospital? — Correct.

He said that at no stage did you say that Biko had verbally threatened a hunger strike? — He had never said he would go on a hunger strike.

We have here a record of one phone conversation and one telex message. You were aware of a statement by the Minister of Police in which he indicated that Biko had verbally threatened a hunger strike. Can you give us any assistance in understanding how the Minister came to make such a statement? — I cannot comment at all on Press statements made by the Minister.

If one refers again to this statement by the Minister, the statement also gives the impression that the interrogation of Biko had got nowhere? — I cannot comment.

You cannot explain how these things got into the Minister's report? — I cannot.

Who can? — The normal channel to the Minister is through the Commissioner of Police. I cannot comment further.

Does anybody else from your office make reports? — I am the Commanding Officer.

Mr Kentridge then said: "In the light of what you have said 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 on the evidence and the matter is then left in the Minister's lap as far as you are concerned, I want to know if you have information to help us?"

Col Goosen replied: "I have no information, I have an opinion."

Mr Kentridge: We can all form our own opinions but we cannot express them in court.

Mr Van Rooyen started his examination.

You say you told the brigadier in short that Biko had offered to make a statement? — This was to me the most important fact and I lifted that out. Such a voluntary statement would have been of great importance. There is a big difference between a verbal confession and a confession in writing.

You were saying to Brig Zietsman: "We were on the point of getting a written confession"? — Yes.

So the suggestion that, because you didn't mention to him the verbal confession, it did not happen, is incorrect? — I had to convey a great deal of information to the brigadier in a short time. I could not tell him everything that had happened.

You were referred to the passage in the telex where you said an injury had been inflicted but not to the relevant passage in the occurrence book. In the occurrence book it was written: "In the process he incurred an injury to his lip". Could the reference in the telex have referred to any other injury? — It referred only to injuries possibly incurred during the scuffle on the 7th.

Regarding the safeguarding of Biko you were the only one who would report to headquarters? — Yes. There is only one exception: regarding anything emerging from a magistrate's visit or report. Also the Department of Prisons does not resort under me at all. I know nothing of their arrangements.

In the bed letter there is an entry seeming to indicate that Biko was on a hunger strike? — I think it had been intended to indicate that Biko would not take food or liquid. As soon as Biko went to a prison I lost all control over him.

Mr Von Lieres rose. On the 11th were you aware of everything that had happened at Sydenham Pri



COL GOOSEN
. . . security chief



W/O BENEKE
. . . "in scuffle"

RAND DAILY MAIL 1/12/77

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But PE Security Police chief denies family counsel's claims



W/O FOUCHE
. . . guarded Biko

son? — I did not know at all.

Mr Von Lieres then said that Mr Kentridge had indicated that he wanted Gen Kleinhaus called as a witness.

Mr Kentridge said that he thought it might be desirable to have Gen Kleinhaus explain the nature of his investigations. "As far as we can see the police investigations were not very enthusiastic. I didn't want to make this submission without giving Gen Kleinhaus an opportunity to explain", he said.

Mr Prins: How will that help me to come to a finding in this inquest? — It is open to you as presiding magistrate to order further investigation.

And if he comes here and says I made the investigations as diligently as I thought a human being could do it? — He may say that but I might ask him why he didn't do certain things. I really do want to ask him what he did and why he didn't do certain things. We have heard that he didn't ask for the document. I want to ask him why.

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.

Mr Van Rooyen: The situation is that the investigating officer has made available stacks 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 are gaps he would very quickly say: "We have struck oil". But in the circumstances it does not appear as if it would be of any assistance at all to call Gen Kleinhaus.

Mr Prins: At this stage I really cannot see what purpose would be served by calling Gen Kleinhaus. 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.

WO Henry Fouche 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 20.

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 Sanlam building. Lieut Wilken was in charge.

Mr Biko was never interrogated in his presence, he said.

The next morning Maj Snyman's team took over and that night he was again detailed to guard Mr Biko. When he arrived Mr Biko was asleep. His lip was swollen and WO Fouche was told that Biko had had to be restrained after he had attacked his interrogator.

At 7.30 pm Mr Biko woke up and was offered food which he refused. At 9 pm he woke up again and spoke to them, WO Fouche said. Mr Biko spoke thickly and he could not make out what he said. Lieut Wilken phoned Maj Fischer (his superior) and half an hour later Col Goosen arrived.

WO Fouche said in his statement that on September 11 he was called by Capt David Sieberg, also of the Port Elizabeth Security Police, and told that he should accompany Mr Biko to Pretoria. They left in a Land-Rover and at 9 am on September 12 they arrived in Pretoria, the statement read.

In the second statement WO Fouche said he saw Mr Biko for the first time at 6 pm on September 6. At no stage did he see a mark above his left eye. He was not aware of any assault on Mr Biko.

Questioned by Mr Kentridge, WO Fouche said his instructions had been to guard Mr Biko who was handcuffed and chained to an iron grille with a leg iron.

Did you stay in the room with him? — We were in the general office most of the time.

Did Lieut Wilken stay in the room with Mr Biko for any length of time? — Not that I can remember.

What would you say if I suggested that he sat on a chair and spent several minutes looking at Mr Biko? — It is possible.

Why should he do such a thing? — To pass the time. I don't know if he did sit there but it is possible.

If you are in the general office can you hear talking from Room 619? — Yes, unless they whispered.

Are you an interrogator? — No.

During the night of the 7th do you remember that Lieut Wilken spoke to Biko? — Correct.

What did he speak to him about? — I heard voices coming from 619 and I went there and heard Lieut Wilken offering Biko food. Biko indicated that he didn't want it and he turned around.

Did you hear Lieut Wilken say anything else to Mr Biko? — No. Lieut Wilken stayed there and he talked to the detainee. I didn't hear what was being said. After a few minutes Lieut Wilken came out.

Did Lieut Wilken seem pleased with himself? — He is always good-humoured. He looked the same as usual. He told me nothing. He did not say if Biko had made a statement.

When next did one of you go into Biko's office? — Within half an hour Lieut Wilken again went to Room 619, and he stayed for perhaps a minute.

Did you hear at any time from Lieut Wilken that Mr Biko had agreed to make a statement? — No.

You said that at about 9 pm Biko woke up. How do you know that? — I heard voices. Lieut Wilken was there. I went there and saw that Lieut Wilken was speaking to Biko. It was clear Biko was trying to communicate with us but we couldn't understand what he was saying. Lieut Wilken decided to phone Maj Fischer.

Did Lieut Wilken seem worried? — I can't say that he was unduly worried.

Had anybody told you of the scuffle? — Yes, Lieut Wilken had told me that Biko had had to be restrained. I had noticed the swelling on his lip.

Did you notice two injuries on his lip? — No, just a swelling.

Did Col Goosen say anything about shamming? — Not that I can remember.

Did Col Goosen tell you of the alleged previous history of shamming by Biko? — No.

Can you throw any light on how he sustained the brain injury which caused his death? — No.

Didn't you think this in-

on 'ed'



W/O MARX
. . . "arrived after scuffle"

ability to communicate a clear indication that there was something wrong with him? — No.

WO Fouche then told the court that he had not known that the interrogation team had been unable to communicate with Mr Biko.

Questioned about the trip to Pretoria he said that he had travelled in the back of the Land-Rover. Before the trip commenced he and Detective-Sergeant Niewoudt had tried to put on Biko's clothes but he had resisted. They had put him on a mat and had carried him to the Land-Rover.

They had got no cooperation from him but he had had no reason to think that he was sick. He was not a doctor and could not say whether the man was in a state of collapse.

Mr Kentridge: Did you notice that the man was in a state of semi-coma? — He did not give me that impression.

Prof Gordon: Why did you think a man was being taken 740 miles to Pretoria if he was just shamming? — I was told he was going to Pretoria for observation. I knew he was not going for specific treatment.

Mr Kentridge: Why was this a night journey? — I didn't make the decision and I didn't ask anybody.

According to the telex this was because of the urgency of the matter? — I never questioned the decision. He might have had to be in Pretoria early in the morning.

Wasn't it very unusual to take a detainee to Pretoria in this manner? — No.

During the journey was Biko in any state to talk to you? — I can't remember that he talked to us except to refuse water and other facilities. He was offered water but I cannot remember that he took any.

But the telex stated that he took water on two occasions. I can remember that Sgt Niewoudt offered him water on two occasions.

Fit as a fiddle was he? — He was all right.

I am suggesting that this cannot be true. You must have seen that you had a very ill man on your hands? — He was awake.

Did you help to carry him into the Pretoria Prison? — I was present but did not carry him. I don't know why he didn't walk. He was offered a stretcher.

Do you remember he was put in the charge of Sgt Pretorius, the warder? — No. I didn't go in with Capt Siebert and Lieut Wilken.

Do you remember the warder saying that he was very worried and that he feared for his life? — No.

Did you hear anybody in Pretoria express the view that he could be shamming? — No.

Did you see any other injuries on Biko at any time? — No.

In the Land-Rover did you notice Biko's breathing? — When we arrived in towns and light shone into the Land-Rover he breathed deeply but afterwards he breathed normally.

Questioned by Mr Van Rooyen, WO Fouche said it would be easier to travel to Pretoria from Port Elizabeth during the night than during the day.

Mr Van Rooyen. On the nights of 6th and 7th September were you told of the nature and the extent of Biko's examination? — No.

While you were in the general office did the three of you talk to each other? We continued our ordinary administrative duties.

Mr Van Rooyen: Would you have heard any application of force in Room 619 at any time during the two nights?—Definitely. I heard nothing.

Would it have been possible for Mr Biko to be assaulted in any way during those nights without you being aware of it? — It would not have been possible.

Prof Gordon: Did you ever see Biko moving around in his chains during the time from midnight to the morning of the 7th? — No.

Could he have pulled himself around even though he was in chains? — I would have heard the chains if he was moving around a lot.

Mr Prins: Did you ever find that Biko had moved away from his mat? — No.

Mr Prins then said he would have one further witness called, and W/O Jacobus Beneke of the Port Elizabeth Security Police, 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 as stating that during the morning of September 6 he had been instructed to form part of a team which interrogated Mr Biko. He went to Room 619 and the interrogations started at 10.30 am. Mr Biko's handcuffs were removed and he was given a chair but he was aggressive from the start.

The next morning he, Maj Snyman, and Capt Siebert interrogated Mr Biko again. Mr Biko was again aggressive and WO Beneke was told to remove his handcuffs.

He said that Maj Snyman asked Mr Biko about the distribution of pamphlets. Mr Biko jumped up and threw the chair at Maj Snyman.

Mr Biko rushed at WO Beneke, pinned him against a steel cabinet and a wild scuffle followed. He grabbed Mr Biko's arm and they landed on the floor. He then saw that WO Ruben Marx and another man had arrived. They succeeded in restraining Mr Biko, handcuffed him and shackled him to a grille. Biko was still furious and beside himself.

WO Benecke said that his second statement that he had never seen any mark or wound on Mr Biko's forehead.

During the scuffle Mr Biko had hit at him but Mr Biko's arm was held by Capt Siebert. WO Beneke said that his elbow was hurt during the scuffle but not seriously.

He was not aware of any assault on Mr Biko while in the custody of the police or at any other time.

Questioned by Mr Kentridge WO Beneke said that from the start of the interrogation Mr Biko had been aggressive, he had answered with contempt and he 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.

Questions were put to Biko by Maj Snyman? — Yes. We asked him about the distribution of pamphlets. He had made an admission on the previous time.

You had not mentioned this in your affidavit? — No. I had no permission to give information about this.

Did you notice the wound on Biko's lip? — Yes. I saw it was slightly swollen after the scuffle. I didn't see it bleeding but I saw blood on his lip.

On the morning of the 8th you say you came back and that Biko was awake but did not react to questioning. Why was it clear to you that you couldn't continue your interrogation? — He had not reacted on the previous day as well.

That evening you helped to take him to the prison hospital? — Correct.

How did you help to put him to bed? — I just stood by and drew the blankets away for him.

WO Beneke said that Biko was dressed when they took him to hospital. He was wearing the trousers he had been wearing all the time while in custody.

What was the state of these trousers? — There was nothing wrong.

What was the state of his mat and blankets? — The mats were just as they had been. The blankets were a bit disarranged.

The doctors found that he had urinated while in that bed? — Everytime I went in he was under the blankets.

His trousers, mat and blankets were never changed? — No.

WO Beneke said that Mr Biko was not interrogated during the night. He had never been at a night interrogation, he said.

Mr Van Rooyen: The scuffle on the 7th was such a wild scuffle that you didn't even notice WO Marx and Sgt Niewoudt coming in? — 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 is small. We got into each other's way. Biko could have got a bump against his forehead during the scuffle but I did not see this and I cannot assist in this regard.

Mr Von Lieres then handed in 30 remaining affidavits from warders at the Pretoria and Port Elizabeth prisons, from Sergeant S P Coetzee of the Port Elizabeth Security Police and from people who had identified Mr Biko's body.

Mr Kentridge said that the magistrate had indicated that he would like counsel to start their arguments as soon as the evidence ended.

It had, however, ended sooner than was expected and in view of the medical evidence his address would be more concise if he had an opportunity to consider it, he said.

The other counsel concurred and the hearing was postponed until this morning.

RDM 30/11/77

Biko Inquest

Point of Biko 'so

Security chiefs' evidence irrelevant, says magistrate

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 Ian W Simson, head of pathological anatomy at the University of Pretoria, was answering a question by 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 Njelo.

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.

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.

[redacted]

Do I understand that after the signature of the unanimous autopsy report you had second thoughts? — I had many second, third and fourth thoughts.

At the time you signed the report you knew what 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 connection 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 Plotkin and R Tucker, were they conveyed to Prof Proctor? — Yes.

Prof Gordon: Do you now believe that there had been a single or more applications of force? — I believe that there had been one or more applications of force to the frontal temporal region because of the rather complex nature of the subcutaneous bruising.

Mr Van Rooyen then questioned Dr Gluckman about the lumbar puncture performed on Mr Biko before his death.

Dr Colin Hersch, a Port Elizabeth specialist, has told the court that macroscopically (to the naked eye) the fluid had appeared clear. — 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 1 655 red blood cells, was correct? — Yes.

Prof Gordon: The point is that the fluid went to the institute under the name of Njelo. I don't even know if the fluid was the correct fluid. For me that wipes out the whole thing.

Dr Gluckman: As far as I'm concerned the report from the institute is only fit for the wastepaper basket. It contradicts itself. If it is not faulty in one respect it is faulty in another respect. We pathologists are critical of laboratory tests because such a lot depends on observation. At a glance I would say the report is nonsense.

Mr Van Rooyen: Let us put ourselves in the Port Elizabeth context. The doctor who made the lumbar puncture said the fluid came to court with the object of assisting it in that respect. Was the suggestion about the signature raised merely to build a case against Dr Hersch? — I must protest in the strongest terms. I cannot blame Dr Hersch for not being hypercritical of reports issued by the medical institute. I merely say that I am very critical.

Are you criticising the South African Institute for Medical Research? — The high sounding name means nothing. A report is only as good as the man who signs it.

[redacted]

Mr Pickard: Surely it is as good as the technician who did it? — The pathologist has to supervise his staff closely. I would not be prepared to have my head opened on a technologist's report in the absence of a pathologist's confirmation.

What is your opinion of the South African Institute for Medical Research? — I am of the opinion that the institute employs some very competent individuals, some of medium competence and some who are not so competent.

Mr Von Lieres showed Dr Gluckman photographs of the lesions in Mr Biko's brain.

Mr Von Lieres: Apart from the left frontal area Lang's evidence was that Dr Hersch had informed him that the spinal fluid had been bloodstained. Do you think that is more correct taking into account the blood count? — Yes. If obviously bloodstained it could not be clear.

Mr Van Rooyen pointed out that Dr Lang had later changed this evidence.

In reply to a question by Mr Prins, Dr Gluckman said the lip injury had "worried me constantly" but he could not give an explanation why it had not been discussed by the pathologists at the post-mortem examination.

Prof Ian Simson, head of the department of pathological anatomy at the University of Pretoria, then gave evidence.

Pathological evidence indicated only one application of force, to Mr Biko's left forehead, caused the five lesions in his brain, Prof Simson said.

He believed the five lesions were of the contracoup type.

Prof Simson, who was present at Mr Biko's postmortem at the invitation of Prof Loubser, said since he had submitted the post-mortem report he had modified his opinions slightly on some of the lesions found in Mr Biko's brain.

Summing up Prof Si

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DR PLOTKIN
. . . specialist neurosurgeon.



BRIG COETZEE
. . . affidavit inadmissible.

Mr Kentridge said one of the aspects of Prof Simson'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 Simson 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 contracoup to two frontal blows.

Prof Simson agreed with Mr Kentridge that basically his evidence was that lesions 1, 2 and 4 were probably all contracoup 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 Simson said when the post-mortem report was signed saying that death have been a significant change in the level of consciousness.

The magistrate then asked Mr Van Rooyen, to argue further on whether the chief of the Security Police and his deputy, Brigadiers C Zietsman and Johan Coetzee of Security Police headquarters should be called to give evidence.

Mr Van Rooyen said that in wishing to call the brigadiers, Mr Kentridge wanted to iron out discrepancies between statements before the court by Colonel Pieter Goosen, head of the Eastern Cape Security Police, and subsequent alleged statements by Mr J T Kruger, the Minister of Police.

There was no evidence of fabrication or contradiction between Col Goosen's affidavits and his evidence before the court. The discrepancy had arisen from hearsay statements allegedly made by the Minister. This was inadmissible.

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 Simson on his views about different types of brain injuries resulting in unconsciousness or concussion.

Prof Simson 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 strong 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 Simson 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 Simson 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 Simson on Mr Biko's renal lesion, which was caused by disseminated intravascular coagulation (DIC), and said coagulation in the kidneys had occurred three to five days before death.

Prof Simson said he believed if 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 have drunk six beakers of fluid on September 9, at a time when 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 Prins on the stage at which Mr Biko must have passed the point of no return, Prof Simson 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 Simson said he thought it would have needed a fair amount of localised force.

Prof Simson said he believed that after a head injury of the type sustained by Mr Biko there would

By CAROL STEYN, MELANIE YAP and HELEN ZILLE 30/4/77

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 advantatge of a discussion with Prof Proctor? — Yes.

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 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 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? — It 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 there had been no firm 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 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 1 655 red blood cells in it.

Questioned by Mr Pickard, Dr Gluckman said that if the report had stated that the fluid was turbid he would have accepted it.

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 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 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. 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? — That is a very difficult question but a general practitioner must be in a position to phone the pathologists to discuss the tests. Even an indecipherable squiggle is often recognisable.

Mr Pickard: 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 dissection 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 accepted 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: Dr Simson's evidence, Mr Von Lieres said that lesions No 1, 2 and 4 were seen as contracoup 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's post-mortem 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 over 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 was suggesting 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 this was dealing in probabilities. In relation to lesion No 2, he said it was rare to find occipital contracoup lesions in the brain.

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er 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 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.

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 it 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 affida-

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 objection. 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

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 regarded the evidence of the pathologists sufficient to enable it to come to its conclusion in terms of the Inquest Act, or whether the expert opinion 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 always 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 without calling 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.

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I had second thoughts post-mortem says doct

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. Loubser.

"I had many second, third and fourth thoughts," Dr Gluckman said under cross - examination by Mr P. R. van Rooyen, appearing for the police.

Mr Van Rooyen referred Dr Gluckman to the finding of the report that Mr Biko had suffered brain injury of the contre-coup 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 one main lesion, agreed by all to have been a contre coup 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 contre coup nature.

The group of doctors at the autopsy, he added, did not specifically discuss coup and contre coup 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?"

Dr Gluckman said "in the context of the matter," he was certain about the report. But he was uncertain whether there were coup injuries or not.

The existence of coup injuries to Mr Biko's brain was postulated earlier by Prof N. S. Proctor of Witwatersrand University, as part of his theory that Mr Biko had received several impacts to his head.

Prof Loubser argued the injuries were of a contre coup nature and resulted from one application of force to the head.

Yesterday Dr Gluckman agreed with Mr Van Rooyen that at the time of the autopsy, the only possible site of a coup lesion seemed to be the left frontal area (behind Mr Biko's forehead injury).

At the autopsy it did not enter Dr Gluckman's mind that a second injury at the back of the brain could have been a coup injury.

He agreed with Prof I. Gordon, one of two medical assessors assisting the magistrate, that when he signed the autopsy report at a conference of all the experts involved in the case, he did not consider there was evidence of coup injuries.

The idea that there had been several applications of force had come during a discussion with his neuro - surgeon colleague, Dr Gluckman said. At the time the theory appeared reasonable.

Dr Gluckman said when he began to speculate there might have been coup injuries he passed on his impressions to Prof N. Proctor, a neuro-pathologist.

Other than being a signatory to the medical report, based on autopsy findings, Mr Van Rooyen said Dr Gluckman had not made an affidavit.

Dr Gluckman agreed that had he made an affidavit he would have said there were no coup injuries. However, in another affidavit, after October 20, he would probably have aired his speculation.

Mr Van Rooyen put it to Dr Gluckman that he could not take issue with the findings of a specialist physician, Dr C. Hersch, who performed a lumbar puncture on Mr Biko a few days before he died.

Dr Gluckman told the court on Monday the spinal fluid could not have been clear — as indicated on a report from the South African Institute of Medical Research, with a blood cell count of more than 1 600. The institute analysed the sample.

Mr Van Rooyen said Dr Gluckman was not on the spot when the fluid was analysed and could therefore not vouch for the finding and take issue with the report.

Dr Gluckman pointed out to Mr Van Rooyen he was not sure the sample came from Mr Biko as it was sent to the institute under the name Njelo.

"I understand that for security reasons, the Security Police may have sent it under a different name, but as a doctor I'm not sure it came from Mr Biko," he said.

Mr B. de V. Pickard, counsel for the doctors, submitted that the person responsible for labelling Mr Biko's fluid sample would not have been the doctor as suggested by Dr Gluckman.

Mr Pickard had been instructed that the practice in hospitals was that this was the function of the nurse.

Dr Gluckman said he was shocked at this suggestion and if this was so an inquiry by the authorities was warranted.

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 he found it strange the medical report was not subjected to the scrutiny of a pathologist or doctor.

He told the court Dr Hersch had not been "hypercritical" when he received the report, but this had no bearing on Dr Hersch's abilities.

Dr Gluckman added it was "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 ...or

attacking the institute, although it employed some "less competent" personnel.

But this criticism was not relevant to the hearing, he said. What was relevant was the fact the report had not been signed by a doctor or a pathologist.

Questioned by Mr K. von Lieres, for the State, Dr Gluckman said he had not found any bruise apart from that in the forehead area.

Asked for documentation to support the theory that a coup injury could be inflicted without bruising under the skin, Dr Gluckman referred to the same authority as that referred to by a colleague, Prof Proctor: an authoritative work by Prof Gordon, one of the assessors assisting the magistrate.

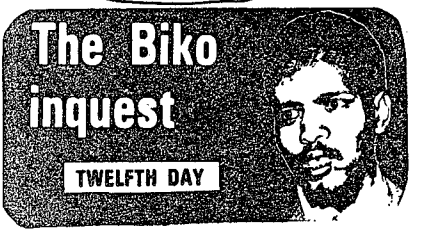
Asked who had raised the possibility of more than one blow to Mr Biko's head, Dr Gluckman said it was probably Dr R. Plotkin, a neuro-surgeon.

The witness said Prof Proctor certainly agreed that this theory was compatible with his findings.

Mr Von Lieres asked Dr Gluckman if he recalled Prof Proctor having mentioned the subject before it was raised by the neuro surgeon. Dr Gluckman said he had no such recollection.

Mr Van Rooyen submitted that Prof Proctor had said in evidence that the whole medical team was called together to consider the possibility of more than one application of force. Dr Gluckman said this was not the specific purpose of the meeting.

Dr Gluckman said the theory of more than one blow arose from this



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 contra coup injury.

Prof Simson's statement agreed with that of the chief State pathologist who led the post-mortem examination, Prof J. Loubser, 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 neuro-pathologist, 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.

Prof queries lip injury

PRETORIA — A medical assessor at the inquest yesterday questioned why a lip injury sustained by Mr Biko had been dismissed by doctors as "trivial and unimportant."

Prof I. Gordon of the Natal University Medical School said he was surprised at the "readiness with which the lip injury was dismissed as trivial and unimportant" at the inquest so far.

He made his statement at the end of the cross-examination of Dr J. Gluckman, one of three pathologists who had conducted an autopsy on Mr Biko.

Prof Gordon: Would you agree with me that it (the lip injury) is an external representation of a point of a possible application of force (to Mr Biko's head)?

Dr Gluckman: Certainly.

In reply to a further question by the magistrate, Mr M. J. Prins, Dr Gluckman said the lip injury had "worried me constantly," but he could not give an explanation why it had not been discussed by the pathologists at the post-mortem examination. — 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.

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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 B. 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 unanimous view of pathologists who conducted the post - mortem examinations.

He described the contents 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 inquest 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

Own Correspondent

PRETORIA. – Dr Jonathan Gluckman, a consultant pathologist, said yesterday that in his opinion, the findings by the South African Institute for Medical Research on Mr Biko's spinal fluid were worthless. Dr Gluckman was extensively examined yesterday on this test on spinal fluid. The fluid specimen was accompanied by a form filled in with a false name – Stephen Njelo.

Dr Gluckman attended the autopsy on Mr Biko for the Biko family.

At the start of yesterday's proceedings, Mr R van Rooyen, SC, for the police, 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: But in furnishing the certificate your words were chosen with great care? – Yes.

You were quite happy to sign a certificate saying that the autopsy report contained the sole factual findings of the pathologists? – Yes.

Extensive injury

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 unanymous autopsy report you had second thoughts? – I Had many second, third and fourth thoughts.

At the time you signed the report you knew what 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 connection with the other lesions.

You at no stage suggested any coup injuries? – No.

Nobody else at the autopsy suggested such injuries? – No, but we discussed coup and contracoup only with reference to the one lesion.

Questioned by Mr M J Prins, the presiding magistrate, Dr Gluckman said that he had agreed with Professor Loubser. Subsequently, however, his attention was focused on the observation of Professor Proctor and he felt that he could not comment specifically on the other injuries, because his experience of brain injuries compared to that of other experts was not very great.

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 singed 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 and 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 Rooyen: It was your specific responsibility, having been called in on behalf of the

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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 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? — It never entered my mind. I thought it was probably contracoup because of the application of force to the fontal 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 that which they had found was of a contracoup type? — I can only speak for myself.

Mr Van Rooyen: A considerable period of time went by. Professor Proctor was approached and he examined the fixed brain in minute detail? — Correct.

Questioned by Mr Prins, Dr Gluckman said that at the time of the autopsy there had been no firm 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 Plotkin and Ronald Tucker, were they conveyed to Professor Proctor? — 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 subcutaneous bruising. I am aware that the application of force may have been difficult to observe and was receptive to the suggestion that more than one lesion could have been of a coup type.

Mr Van Rooyen: The situation today 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 Plotkin and Dr Tucker.

Lumbar puncture

Mr Van Rooyen then questioned Dr Gluckman about the lumbar puncture performed on Mr Biko before his death.

Dr Colin Hersch has told the court that macroscopically the fluid had appeared clear. You cannot join issue with that. You were not there? — I do 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 [illegible] correct? — Yes.

Professor Gordon: The point is that the fluid went to the institute under the name of Njelo. I don't even know if the fluid was the correct fluid. For me that wipes out the whole thing.

Dr Gluckman: I, too, reject the report but for totally different reasons.

Mr Van Rooyen: The presence or absence of anthochromia has nothing to do with the blood count? — It might have something to do with it. It depends on the breakdown of the red cells but anthochromia is also possible in the absence of red cells.

As far as I'm concerned the report from the institute is only fit for the wastepaper basket. It contradicts itself. If it is not faulty in one respect it is faulty in another respect. We pathologists are critical of laboratory tests because such a lot depends on observation. At a glance I would say the report is nonsense.

To accept

Mr Van Rooyen: Let us put ourselves in the Port Elizabeth context. The doctor who made the lumbar puncture said that the fluid 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 1 655 red blood cells in it.

Questioned by Mr B De V Pickard, for the doctors, Dr Gluckman said that if the report had stated that the fluid was turbid he would have accepted it. Anthochromia indicated haemorrhage prior to a lumbar puncture. It could also indicate a bloody tap.

Mr Prins: "I get up at 4 o'clock every morning to read transcripts of a previous day's evidence. I noticed this morning that we had at least 10 pages of evidence yesterday which to me was not worth the paper it was written on. We are going round and round in circles.

Mr Pickard said that he had been informed that in many cases blood was drawn from a patient by a nurse.

Dr Gluckman: I am shocked. A sister does this only when permitted by a special ruling of the Medical Council, and the doctor permitting her to do this has to take the full responsibility.

Full responsibility

Mr Prins: Are you still emphatic that the doctor has to fill in the name on the form? — He has to accept full responsibility.

Mr Pickard: Do I understand you now to say that a nurse can do it but the doctor assumes the responsibility? — If the doctor has drawn the blood himself he should write in the name himself. If the nurse does it she should write in the name but the doctor has to acccept responsibility. This is, however, not what happened in the best medical circles.

Dont you regard our hospitals as the best medical circles? — We don't differ from other sections of the community. We have excellent doctors and very poor ones.

Doctor Gluckman said that he did not draw blood from patients in hospital, but till 10 years ago he did. At that time the doctor who drew blood labelled it unless he was too lazy to do it and then he was in the wrong.

If this is no longer the case there has been a marked [illegible]

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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 technologist but even so, such tests were 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 Prins: Where would Dr Hersch have sinned if he accepted the report without it being signed by a doctor? – I am not saying he sinned. My point is that the report has not been subjected to the scrutiny of a pathologist. I am not criticizing Dr Hersch. I am only criticizing the report.

Mr Pickard: You have made the statement that you presumed that Dr Hersch was accustomed to receiving 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 Prins, Dr Gluckman said 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 unusual for anyone other than a pathologist to sign the report.

Your point

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? – That is a very difficult question, but a general practitioner must be in a position to phone the pathologists 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 times of emergency. A doctor can act on such a telephonic report but one is aware of disasters happening. I would be distressed to think that in an emergency a doctor would not be available to convey the information to the practitioner.

Mr Pickard stated that there was a note at the bottom of the report stating that Dr Hersch had been telephoned at 3pm.

Mr Pickard: We are now trying to determine if anybody was responsible for the death of Steve Biko. I assume that you came to court with the object of assisting it in that respect. Was the suggestion about the signature raised merely to build a case against Dr Hersch? – I must protest in the strongest terms. I cannot blame Dr Hersch for not being hypercritical 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 experience may lead me into making a somewhat embarrassing answer.

Mr Prins: We are not going into a research of the conduct of the Medical Institute.

Dr Gluckman: I am saying that a report is only as good as the man 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 head opened on a technologist's report in the absence of a pathologist's confirmation.

Are you of the opinion that the South African Institute for Medical Research has shortcomings in the work it does? – I repeat that the fact that the report is headed by the words South African Institute for Medical Research, is irrelevant. The only important fact is who did the test and signed the report. I would never have permitted a report to go 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 institute employes some very competent individuals, some of medium competence and some who are not so competent.

Why was that so embarrassing to say? – I would prefer not to cast slurs.

Photographs

Mr Von Lieres: Apart from the left frontal area 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.

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 autopsy report you were quite satisfied? – Yes.

You have explained that in a subsequent discussion the possibilities of coup lesions were raised? – Yes.

Who was present at that discussion? – I, Mr Lorentz, Dr Plotkin and Dr Ronald Tucker.

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 dissection with Professor Proctor? – We sat at a discussion microscope.

And yet, not up to the suggestion by the neuro-surgeon was the suggestion of the two blows mentioned? – Professor Proctor pointed out the features and then we moved on to something else. I do not recall the matter being discussed before the discussion with the neuro-surgeon.

So Proctor did not mention the possibility of two blows until the suggestion of a neuro-surgeon was conveyed to him? – I have no specific recollection.

You do not remember Professor Proctor ever mentioning such a possibility until it was mentioned by the neuro-surgeon? – No.

Yet Professor Proctor told us yesterday that at the time of the discussion he was satisfied that there must have been at least three blows?

Mr Kentridge: 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 accept the opinion of my betters.

Professor Proctor said that 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.

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 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: Dr Lang's evidence had been that Dr Hersch had informed him that the spinal fluid had been blood-stained. Do you think that is more correct taking into account the blood count? – Yes. If obviously blood-stained it could not be clear.

Evidence changed

Mr Van Rooyen stated that Dr Lang had later changed this evidence.

Dr Gluckman was then questioned by Professor Gordon about the disseminated intravascular coagulation phenomenon.

Professor Gordon: There has been a tendency to disregard the lip 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 chimpanzee which had its head fixed rigidly.

Unless the head is absolutely rigid you can get contusion? – Yes.

Only one

The next witness, Professor Ian Simson, head of the department of pathological anatomy at the University of Pretoria, said that pathological evidence indicated only one application of force to Mr Biko's left forehead caused the five lesions in his brain.

He told the inquest court he believed the five lesions were of the contracoup type.

Professor Simson, who was present at Mr Biko's post-mortem at the invitation of the chief state pathologist, Professor Loubser, said since he had submitted the post-mortem report he had modified his opinions slightly on two lesions found in Mr Biko's brain.

He said he had believed lesions number three and five were contusional. He was now of the opinion that they were secondary injuries. He said he believed lesions one and two were both contracoup 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 9

Counsel's bugging claim

DD. 29/11/77

325 - Detentions

From ROGER OMOND
Daily Dispatch man in Pretoria

PRETORIA — Counsel for the Biko family charged yesterday that private conversations and phone calls in connection with the inquest had been monitored.

The accusation was made as counsel for the police was cross - examining one of the doctors advising Mr S. Kentridge, who is leading the legal team appearing for the Biko family.

Yesterday the inquest also heard that:

The Institute for Medical Research had produced an "inexplicable and paradoxical" report on a sample of Mr Biko's spinal fluid;

That Mr Biko was lying on prison mats in the Pretoria Prison hospital block when he was examined shortly before his death by a Pretoria district surgeon;

There was no evidence Mr Biko had any kidney or lung ailment which could have contributed to his death;

The interests of a patient were paramount and no doctor could let any other considerations enter his mind;

It would have taken "catastrophic" force for a blow to inflict the brain damage suffered by Mr Biko; and

Counsel for the doctors said no ordinary general practitioner could have been expected to recognise Mr Biko's symptoms as dangerous.

Prof N. Proctor, a world renowned pathologist, spent nearly six hours in the witness box under cross - examination by counsel yesterday. There were only two other witnesses: the Pretoria district surgeon, Dr A. van Zyl, and Dr J. Gluckman, a pathologist advising the Biko family.

Prof Proctor was being cross-examined by Mr P. R. van Rooyen, for the police, when Mr Kentridge charged that private conversations had been monitored.

Mr Van Rooyen asked Prof Proctor about private consultations he had had with other doctors and legal men. Wasn't the team trying to build up a theory? he asked.

Prof Proctor: We were trying to help solve a problem.

Mr Van Rooyen asked whether one member of the team had gone overseas to glean information on the mechanisms of contra-coup brain injuries — the type said to have been suffered by Mr Biko.

Prof Proctor said he knew one member of the team had gone overseas, but he did not know why. In the course of the visit he had tried to get information on contra-coup injuries from people far more experienced than any in South Africa.

Mr Kentridge rose to object. What Mr Van Rooyen had said was true, but it had only been said in confidential conversations and private phone calls, Mr Kentridge said.

"No doubt Mr Van Rooyen has an extensive network to get his information from, and I would be very interested to know his source."

The magistrate, Mr M. J. Prins, interjected to ask Mr Van Rooyen whether he was suggesting that there was "something sinister" and that Prof Proctor was not objective.

Mr Van Rooyen replied been influences brought to bear on "the defence team." He was trying to find out what had happened in between the post - mortem, which had delivered a unanimous finding and the inquest when it had been suggested by doctors advising Mr Kentridge that three or more blows could have been struck on Mr Biko.

There was lengthy legal argument before Dr J. Gluckman, who attended the post - mortem, was allowed to give evidence after counsel for police and doctors objected.

The magistrate allowed Dr Gluckman to testify.

Dr Gluckman said it was beyond his comprehension why marks on Mr Biko's face, which he had seen at the post - mortem, had not been seen by doctors who had examined Mr Biko before.

The mark was probably inflicted five or six days before the post - mortem, he said.

Dr Gluckman was questioned closely on the sample of spinal fluid taken by lumbar puncture a few days before Mr Biko's death.

Mr Kentridge said that Dr C. Hersch, a Port Elizabeth specialist, had done the lumbar puncture. The spinal fluid sample had been sent to the Institute for Medical Research, but a wrong name had apparently been used.

Whose responsibility was it to put the name on the report accompanying the sample? Mr Kentridge asked.

Dr Gluckman, a past president of the South African Medical Council, said there was no equivocation: "It is absolutely in the hands of the doctor in charge of the case and he cannot divest himself of that responsibility."

Earlier, Dr Gluckman was asked about evidence which had said the spinal fluid showed no signs of blood to the naked eye and it was only after the sample had been sent to the Institute for Medical Research that it became known, after microscopic examination, that there were red blood cells in the fluid.

Dr Gluckman said it was not possible that the fluid would have been clear and colourless to the naked eye. If there were more than 400 red blood cells in the sample it would have been visible to the eye. Mr Biko's sample had contained 1 655 red blood cells.

"I must reject the statement that it was clear," Dr Gluckman said.

Mr Kentridge: What would be your reaction as a physician to a report like that? — I would not accept it. It is paradoxical and inconsistent.

As Mr Kentridge finished his cross - examination, Mr Von Lieres, for the State, said it was surprising questions on the lumbar puncture and report had not been put to Dr Hersch when he was in the witness box.

Mr Kentridge referred to the typed record and quoted exchanges between him and Dr Hersch on the subject.

Much of yesterday was taken up with intricate medical cross - examination.

Dr Gluckman was still in the witness box when the hearing adjourned until

The Biko inquest

ELEVENTH DAY



Doctor: I was not told of brain injury

PRETORIA — A Pretoria district surgeon who examined Mr Biko the day he died did not know he had shown signs of brain damage when examined earlier in Port Elizabeth, the inquest heard yesterday.

Dr Andries van Zyl said under cross - examination that Mr Biko was in a "bad condition" when he saw him in the Pretoria Prison hospital at about 3 pm on September 12.

Asked by Mr S. Kentridge, counsel for the Biko family, whether he had been told the man was in need of urgent care, Dr Van Zyl said he could not recall anyone telling him that.

Mr Kentridge: They didn't even tell you that the doctors in Port Elizabeth had found signs of neurological damage?

Dr Van Zyl: No.

Asked by Mr Kentridge whether he could talk to Mr Biko, Dr Van Zyl said he tried, but got very little response.

Mr Kentridge: You then ordered a drip and gave him a vitamin injection? — Correct.

Was that all the treatment you gave him? — Yes.

Asked how long he had spent with Mr Biko, Dr Van Zyl said he did not know exactly. He estimated between 30 and 45 minutes, or possibly longer.

Asked by Mr Kentridge why Mr Biko was not in a "proper provincial hospital," Dr Van Zyl said he was in prison hospital.

He had been told Mr Biko had received proper attention.

Dr Van Zyl told Mr B. de V. Pickard, who is appearing for various doctors in the case, he had never before treated anyone in "that section" of the prison hospital.

He told the court he had been a qualified doctor for two years.

Earlier, Dr Van Zyl said in a statement to the court he had made his diagnosis on the grounds of the patient's "history and clinical image." He found a general physical weakness and dehydration "as a result of the fact that he had taken in no food or liquid for a week."

Dr Van Zyl said he had been called to the prison hospital to see a prisoner whose name was given as Stephen Biko. "I was informed he was in a bad condition because he had not eaten or drank for the past seven days.

"I was also told he had been admitted to the prison hospital three hours previously after arriving from Port Elizabeth."

Dr Van Zyl continued: "I was also informed that his condition was the same as in Port Elizabeth and that he had been examined by various doctors as well as a specialist, but that nothing could be found to be wrong with him.

"There were no medical reports from which I could establish his condition," Dr Van Zyl said.

He then carried out a general examination of the black consciousness leader, the court was told.

Generally, he had f..... no anaemia, no jaundice, symptoms or oedema, bu there had been a measur of dehydration. His heart beat was normal.

His sensory syste showed little reaction to pin pricks. His breathing was quickened and he breathed through the mouth. His colour was normal and his mouth was very dry.

On the strength of his diagnosis, Dr Van Zyl said he ordered an internal drip feed and administered a Vitamin B complex injection.

He also ordered that Mr Biko be kept under observation and that a doctor be called immediately if his condition deteriorated. — SAPA.

DD 29/11/77

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. Loubser, with Dr J. Gluckman and Prof I. W. Simson. All three signed the report.

Prof Proctor, who was asked by Prof Loubser 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 signatories had not presumed to say that there was one or more head injury. They simply stated that the cause of death was "head injury," he told the court.

"In this respect I deduced from the wording of the report . . . that the three 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 "in actual fact" applications of force to the vertex of the head, to 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, impossibilities or even improbabilities, I'm interested in positive fact . . . 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 had been an 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 so. — That is correct.

Mr Van Rooyen said Prof Proctor was "strictly on neutral middle ground."

You say: "I'm not prepared to take issue with them (the three autopsy pathologists), neither will I associate with them?" — That is correct.

Asked by Mr K. von 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 Von Lieres: On the day you wrote your report you had 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 Loubser and other doctors? — I had it in mind. I regarded it as a probability.

Why did you not advise Prof Loubser 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 are 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.

Replying 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 had come 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 contra-coup injury to the brain as well as other lesions."

Mr Von 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 detected 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 intra-vascular 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 showing that something had happened in the brain.

He gave the example of the extensor plantar reflex (upgoing toe) which was detected on Mr Biko. — SAPA.

DD 29/11/77 Detentions
325

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. — DDC

(e) Company t allowances.

(f) Personal

(g) Problem (y approval.
indirect taxes.

(h) Recent de

III. FINANCIN

A. Various sc

Domestic hers
ntermediary
g-term government stock

g-term government stock
s - "capitve market".
ncial institutions

.s - 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 capitve 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)

Cape Times 29/11/77

325 - detention

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.

"The minister was not prepared to appoint a judicial commission of inquiry, but he did indicate that he would consider making amendments to the detention laws, which would go some way towards improving the present situation," the circular stated.

Mr Doull said news of the discussions with Mr Kruger had been released to Sapa on October 24, the day of the meeting.

Cape Times 29/4/77

Comatose Biko lay on mats in hospital, court told

(325 - Detention)

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 warder that doctors in Port Elizabeth could find nothing wrong with him.

See pages 5 and 6

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 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.

Cape Times 29/11/77

325-Detention

Kentridge queries police sources

Own Correspondent

MR S KENTRIDGE, SC, counsel for the Biko family, yesterday told the inquest court that certain information put to Professor N Proctor, by Mr R van Rooyen, SC, counsel for the police, had only been discussed by his (Mr Kentridge's) team in confidential conversation and private 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 Kentridge said.

The information related to an overseas trip by a member of the legal team appearing for the Biko family.

Mr Van Rooyen's examination of Professor Proctor concerning Mr Biko's brain injuries took up most of yesterday morning.

Mr Van 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? – I cannot be positive.

Was the force to the left parietal region? – I cannot say with 100 percent certainty that that is so.

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 scab together with the bleeding underneath.

Bruising

Although you cannot be absolutely dogmatic you are relatively sure? – Yes.

In making that inference you at least have corroboration from the diffusion of subcutaneous bruising underneath the left frontal region? – Yes.

What about the right occipital region? – I cannot be 100 percent certain.

Just to clarify these words, you are not testifying 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 is not so? – Correct.

Are you testifying that in fact lesions in the kidneys as well as in fact there were also in the lungs? – We find a pathology leading to the kidneys, but not regarding the lungs.

We have severe complications affecting the kidneys about three days before the death? – Yes.

And as far as the lungs are concerned we have congestion. The whole picture is one of a euremic lung? – Yes.

Obviously these were secondary changes? – Yes.

If the retrogression in Biko's condition was such one would logically also expect severe secondary complications in the brain? – I agree that the kidney and the brain are part of the same circulatory system.

Referring to the lesion in the left parietal region, Professor Proctor said he thought it fell within the same category as the other lesions and was older than three days.

Mr Van Rooyen: It would have been only logical to accept degenerating signs in the brain similar to those in the other organs? – That is correct.

Original parts

It would have been extremely difficult if not totally impossible to separate the original parts from those in which degeneration occurred and where the lesions had been due to secondary causes? – It is impossible for us to say if the whole of a lesion was traumatic. It is also impossible to say with absolute certainty that any lesion was entirely contusional.

One can say that at the time it was sustained none of the lesions was as severe as shown in the post mortem. This is the nature of a contusion. The accompanying development of swelling of the brain is important? – Certainly. At the time of the injury the lesions were not as extensive as they appeared at the post mortem.

We have a combined effect. Post mortem we see considerable

Last week

It must have been obvious that the course of the pathology over the last week of Biko's life was not straightforward and uncomplicated? – I agree.

There were numerous complications. You name it, he had it? – Almost.

If you already had a lesion that would be a weak point and one would expect that to be attacked? – Correct.

Mr Van Rooyen: We have the clinical picture that two hours after an alleged incident when force could have been applied to the head we have a normal examination of a rational patient in which the only negative factors were thick speech, attributable to a swelling to the lip and a left-sided limp attributable to having been manacled. The next day we find a slight weakness of the left leg. A total examination brings very few positive findings except for a possible doubtful right planter reflex.

Downhill course

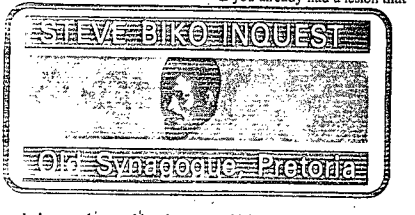
That night we have a left-side weakness and a left planter reflex. The next morning a lumbar puncture was done which showed anthocromia, no microscopical blood, but only microscopical blood which could have been due to a blood tap.

On the 11th we find collapse with death on the 12th. At the post mortem we see considerable cause even greater damage than originally appeared? – Correct.

That means that in the final analysis the pathologists cannot work back and separate each stage of each lesion? – One cannot do that in totality, but there are statements which can be construed as calculated speculation.

Account

It is possible to give a reasoned account of the sequence of events. I agree that euremia would aggravate the swelling of the brain. I think the microscopic haemorrhages were due to euremia but the traumatic haemorrhages were not necessarily due to euremia or swelling.



Not fatal

Questioned by Mr M Prins, the presiding magistrate, Professor Proctor said he agreed that the brain lesion in itself had not been fatal.

Mr Prins: Why then say the brain injury was the cause of death? – Because the brain injury led to the complication.

Mr Prins: If I bumped my toe and gangrene sets in, do you suggest that the cause of death was the bump on the toe? – Yes.

If you had not bumped your toe you would not have had gangrene. If this patient had not had contusion he would not have had the complications.

Mr Van Rooyen: There has been evidence that from 10 in the morning on the 6th up to midday on the 8th Biko had not had food or water. I am suggesting that at that stage there would have been dehydration? – I don't agree with that. He might have had a dry tongue but would not have developed renal failure.

If there had been no application of force to the head there would have been no series of complications leading ultimately to death? – Correct.

Mr Prins: Can we not then say that if a man was not born he would not have died?

Mr Van Rooyen: The com-

Middle road

You are taking a middle road. You say you cannot take issue with them or associate yourself with them? – Correct.

They may be right or they may be wrong? – I was not present at the post mortem. I can take the matter no further. At the final conference we discussed the wording of the final autopsy report. It was worded very carefully because it was not decided if there had been one or more head injuries. I agree to the wording but the conclusion reached was that the cause of death was head injury. I deduced from the wording that the three pathologists were not committing themselves on whether there was one or more applications of force.

Questioned by Professor I Gordon, Professor Proctor said that he agreed with the pathologists that the lesion in the right parietal region was of a contracoup nature.

Mr Van Rooyen: There are many things about medicine that are not sure. Especially for a pathologist who did not follow a clinical picture in life, it would be impossible to decide what the position would have been days prior to the death? – I agree, but I was not totally ignorant of the clinical picture. I agree, however, that it is impossible to be dogmatic.

Would you dispute the unanimous finding of three pathologists that there was an absence of coup injuries? – I cannot say as an absolute fact that there were no coup injuries, but I cannot dispute this.

Continued from page 5

Professor nev

plications were not inevitable?

Professor Proctor: I agree.

Mr Van Rooyen: For 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 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 plantar reflex but that this occurred only 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 lesions increased in size from the moment they were incurred until the patient's death.

But we know now 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. This does 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 contracoup 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 be visible.

Mr Van Rooyen: With force applied occipitally contracoup regions 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 impossible.

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 these people who say there had been a scuffle and that Biko may have bumped his head, were telling the truth? – Certainly the information regarding the scuffle was discussed. This lesion was extensive and it is agreed 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 region 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 a problem to maintain the ethics of medical conduct.

During these consultations, counsel for the family were also present. One of them had gone overseas to glean information about the mechanism of contracoup 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 said in confidential conversation and during private telephone calls. No doubt my learned friend has an extensive network supplying him with information and I 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 the lesions marked in the correct size and position?

Professor Proctor: I was only trying to depict the extent and position roughly, but they are not so 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 could have 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 sheer speculation when you mentioned that Biko should have been unconscious for up to fifteen minutes? – I have come to appreciate 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 mumbling incoherently, then not reacting at all. You would agree that that is a degree of unconsciousness? – Yes, I would accept that and would agree that that was a very interesting case. It would surprise me to hear that he later reacted normally but that might occur.

Sat down

Mr Van Rooyen sat down. Mr B de 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 contusion was followed by leuremia 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 renal failure? – Not that I can recall.

Are you really in a position to relate your post mortem findings with the original clinical picture? – 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 also 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 plantar 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 au fait with the situation?

Professor Proctor: I agree with you. I feel it would be extremely difficult for a general practitioner

er 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 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 Simson and Dr Gluckman.

Mr Von Lieres asked why he had not advised the doctors of his conclusions since he was aware 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 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 rephrased 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 that there was a large opening in this 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 subtentorial.

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 contracoup 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 Proctor had said that there was no evidence of 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 Jonathan 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 Rooyen, 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.

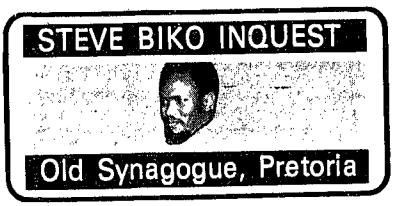
The magistrate ruled that as Dr Gluckman had been co-signatory to the post-mortem report which had been submitted as an affidavit he had made an affidavit.

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 tis-



this increase in the degree of his certainty was arrived at after consultation and research.

Professor Proctor said in such matters one did not make decisions one way or another in a moment. He could not say how long it took him to reach what he considered the appropriate conclusion but added he had not said that this was the only possible conclusion.

When Mr Von Lieres repeated the question, he said he did not do any research and reached this conclusion on his own as his opinion to account for the distribution, number and character of the lesions in this case.

Mr Von Lieres then examined him on his use of the description "no significant pathological abnormality" in his report.

Mr Von Lieres asked why he wrote this if a condition was normal. Professor Proctor said it was used by pathologists throughout the world to show that they had found some form of change, but that it was not significant.

Library

Mr Von Lieres asked Professor Proctor to produce the documentation he had referred to in earlier evidence to substantiate a claim that lesions might occur without a corresponding cutaneous or subcutaneous bruising accompanying them.

Professor Proctor said he did not have the documentation on him and after being asked whether he could produce it today, he said he did not believe he could since libraries would be closed overnight.

Mr Von Lieres asked why he had made such a statement if he did not have the documentation and asked when he could produce them. Professor Proctor said he could not say when they could be produced.

Mr Von Lieres said that his advisers were not aware of any such document and that was why he wanted them.

Mr Prins interjected saying that such a statement had been made in a book by one of the medical assessors sitting at the inquest, Professor Gordon.

Mr Von Lieres then turned to the lesions mentioned in Professor Proctor's evidence and questioned him on his contention that lesion No. 3 might be a contracoup to lesion No. 5.

Mr Von Lieres said between these two lesions was a rigid, fibrous membrane called the tentorium and asked how a transmission of force could possibly have occurred via this membrane to cause the contracoup injury.

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 [illegible] that doctors had found

Dr Gluckman 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 these agreed with the findings of the other pathologists conducting post-mortem examinations.

Dr Gluckman 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 Gluckman 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 Gluckman 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 Gluckman 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 Gluckman 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 Gluckman on the injuries on Mr Biko's forehead.

When Dr Gluckman arrived at the post-mortem Mr Biko's scalp had been opened up. Dr Gluckman observed the bruising within the scalp. It was very striking indeed, Dr Gluckman 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 Gluckman 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.

head injuries Dr Gluckman said he agreed with Professor Loubser 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 Loubser and Professor Proctor were adequate.

Questioned on previous debate on the number of head injuries sustained by Mr Biko and the de ion of the pathologist to d be the cause of death as

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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 as a pathologist comment on it? — This report has contradictions. It is not possible to have fluid containing over 1 600 cells and for that fluid to be clear. One or the other is incorrect.

Dr Gluckman drew the attention of the court to an indication on the report showing the spinal fluid to be colourless and at the same time containing 1 655 red cells. Spinal fluid containing this 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.

Incorrect

Dr Gluckman described contradictory findings in the report as an incorrect observation.

Mr Kentridge then questioned Dr Gluckman on the observation that tests for anthochromia 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 anthochromia."

The observation was faulty.

Asked by Mr Kentridge who had signed the report Dr Gluckman said the signature had been illegible but a rubber stamp bore the name of Nelis.

Mr Kentridge: What should be the reaction of a physician receiving such a report? I 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 Stephen Njelo that appeared on Mr Biko's lumbar puncture analysis form.

Conduct

Mr Kentridge: According to accepted medical practice where does the responsibility lie for putting the name of the patient on the sample that is sent? — There can 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 Van Lieres then rose and told the court it would probably be necessary to recall Dr Colin Hersch, a specialist physician 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.

FM 18/11/77 (216)

OCTOBER COAL SALES

	Oct 1977	Progressive total to Oct 1977	Oct 1976
	'000 metric tons		
AAC			
Cornelia (10)	249	2 143	2 621
Anglo Power Colf			
Arnot Div (10)	471	4 793	5 350
Kriel Div (10)	238	2 227	1 017
Balgray (4)	18	70	88
Blesbok (10)	34	341	359
Coronation (10)	167	1 494	1 605
Morupule (10)	24	240	151
Natal Anth (4)	66	227	255
New Largo (10)	93	1 129	1 011
SA Coal (10)	339	3 356	2 113
Springbok (10)	193	2 152	1 725
Springfield (10)	308	3 168	2 524
Swaziland (7)	22	80	60
Vierfontein (4)	101	490	426
Vryheid			
Coal (10)	18	163	181
Coke (10)	43	429	451
Wankie			
Coal (2)	184	365	458
Coke (2)	13	20	28
Zuinguin (4)	33	133	124
GENERAL MINING			
Afrikander Props			
Delmas (4)	173	673	754
Clydesdale			
Coalbrook (4)	313	821	1 109
New Clydes (4)	107	410	381
Trans-Natal			
Blinkpan (4)	173	780	882
Haasfontein (4)	64	279	278
Hlobane (4)	85	341	326
Kilbarchan (4)	192	751	731
Northfield (4)	26	107	112
TNC Opencast (4)	76	359	323
Tvl Navigation (4)	140	527	471
Usutu (4)	409	1 714	1 677
Optimum (4)	546	2 072	1 903
GFSA			
Apex (10)	139	1 241	1 061
JCI			
Natal Cam (4)	47	197	148
KANHYM			
Eikeboom (4)	32	131	116
LONRHO			
Duiker (1)	198	198	202
RAND MINES			
Umgala (1)	99	99	72
Welgedacht			
Open Pit (1)	67	67	60
Utrecht (1)	2	2	2
Zimbutu (1)	23	23	22
Witbank Coll			
Albion (1)	49	49	72
Douglas (1)	113	113	135
Union (1)	26	26	17
Van Dyks Drift (1)	245	245	204
Wolvekrans (1)	164	164	126
TAVISTOCK			
Phoenix (4)	74	298	274
S Witbank (4)	155	566	584
Tavistock (4)	105	403	305

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

(326) Detention
RDM 29/11/77.

By HELEN ZILLE

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 warder 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

Biko Inquest

Police lawyer 'knows of private talk'

Report by
CAROL STEYN,
MELANIE YAP
and
HELEN ZILLE

Doctor found Biko lying on mats in prison hospital

MR KENTRIDGE, for the Biko family, yesterday told the court that certain information put to Prof N Proctor, the internationally recognised neuropathologist, by Mr Van Rooyen, for the police, had had been discussed by his team with the professor only in confidential conversations and private telephone calls.

Though he realised Mr Van Rooyen probably had an extensive network supplying him with information, Mr Kentridge said he would be interested to know the source. The information related to an overseas trip by a member of the legal team appearing for the Biko family.

Mr Van Rooyen's examination of Prof Proctor on Mr Biko's brain injuries took up most of yesterday morning. Prof Proctor is professor of anatomical pathology at the University of the Witwatersrand, and head of the school of pathology at the SA Institute of Medical Research.

Mr Van 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? — I cannot be positive.

Was there force to the left parietal region? — I cannot say with 100% certainty that that is so.

Was there an application of force to the left frontal area?—The evidence here is very much stronger. I am almost 100% sure. I base my opinion on the scab, with bleeding underneath.

What about the right occipital region? — I cannot be 100% certain.

Are you testifying that in actual fact there were any coup lesions? — I doubt if one can say anything in actual fact, but that there was an injury to this brain somewhere. I cannot say as an absolute fact that there was a coup injury or a contracoup injury.

Would you dispute the unanimous finding of three pathologists that there was an absence of kidney and the brain are part of the same circulatory system.

If you already had a lesion, that would be a weak point, and one would expect that to be attacked? — Correct.

Mr Van Rooyen: We have the clinical picture that, two hours after an alleged incident when force could have been applied to the head, we have a normal examination of a rational patient in which the only negative factors were thick speech, attributable to a swelling of the lip, and a left-sided limp, attributable to having been manacled.

The next day we find a slight weakness of the left leg. A total examination brings very few positive findings except for a possible doubtful right plantar reflex. That night we have a left-side weakness and a left plantar reflex.

The next morning a lumbar puncture was done, which showed only microscopical blood which could have been due to a bloody tap.

On the 11th we find collapse, with death on the 12th. At the post-mortem we see considerable lesions. To us that indicates a downhill course which started mildly, but gathered momentum as it went along.

Prof Proctor: I agree with that in practically all respects, but I am not so sure that the condition started as a mild one. I would certainly have expected the patient to have been unconscious as a result of an application of force resulting in contusion.

I would agree that there might have been an improvement to an awareness of his surroundings, and from then on there would have been a downpathologists to come along and say 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 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 read from a book on the neuropathology of head injury by Prof J Adams, of Glasgow, as 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? — Correct.

Replying to questions by Mr Van Rooyen, Prof Proctor said he had been asked by counsel for the Biko family to join in discussions to try to unravel the mystery of the injury. During the discussions it had been considered that there was a probability of more than one blow.

It was discussed with the pathologists who conducted the post-mortem whether or not they should state specifically that there had been one or more head injuries.

Mr Van Rooyen: Was not the purpose of the discussion to determine if these people who say there had been a scuffle, and that Biko may have bumped his head, were telling the truth? — Certainly the information regarding the scuffle was discussed, but nobody said he must

tively short period he was found mumbling incoherently, then not reacting at all, you would agree that that is a degree of unconsciousness? — Yes, I would accept that, and would agree that that was a very interesting case. It would surprise me to hear that he later reacted normally, but that might occur.

Mr Pickard then questioned Prof Proctor.

Have you ever had another case with all the pathologies (which are) exhibited in Mr Biko's case? — No.

Have you ever had a case where cerebral contusion was followed by uremia and tubular necrosis, as in this instance? — No.

Mr Pickard discussed at length the symptoms of disseminated intravascular coagulation (DIC).

Have you ever dealt with a case in which DIC was coupled with renal failure? — Not that I can recall.

Prof Proctor said he was sure it would have presented a considerable problem for a general practitioner to make a diagnosis from symptoms of this complexity, but he also felt that laboratory tests would have been available.

Prof Procter: 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 plantar reflex. Some symptoms would probably have been difficult to detect on clinical grounds, but could have been detected on laboratory tests.

Prof Gordon interjected: It surely is not reasonable to expect an ordinary general practitioner to carry out a laboratory test because he

what the circumstances were which gave rise to Prof Proctor's certainty of this on October 20.

Prof Proctor said he had not, at any time, claimed he was certain. It was impossible in medicine to be certain in 99% of cases.

When Mr Von Lieres repeated the question in a different form, Prof Proctor said he remembered that at some stage he became more convinced of this. Asked what circumstances were, he replied "I suppose by a process of sudden conscious integration."

When Mr Prins rephrased the qustion concerning at what stage Prof Proctor reached his considered opinion on the number of blows, he said his memory was not that precise and he could not specify when the thought came to him.

Mr Von Lieres asked if this increase in the degree of his certainty was arrived at after consultation and research.

Prof Proctor said he did not do any research. He reached the conclusion on his own. It was his opinion to account for the distribution, number, and character of the lesions exhibited.

Mr Von Lieres asked Prof Proctor to produce

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.

Prof Proctor said Dr Gluckman had first approached him to do an examination on Mr Biko's brain. Only after this had Prof Loubser approached him.

Mr Kentridge, in re-examination, asked what the likelihood was of unconsciousness in Mr Biko's case.

Prof Proctor said that after considering the number, extent, and nature of the lesions in the brain, and the physical history, he believed Mr Biko was unconscious.

Mr Kentridge said that several days ago Dr Marquard De Villiers asked Prof Proctor for a consultation. The professor had never refused a

conversation with a Sgt Pretorius at the central prison hospital. As far as he could remember no one told him 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 comatose."

Asked if Mr Biko 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 a medical orderly at the prison would keep him under proper observation.

Mr Kentridge 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," he replied.

Dr Van Zyl said he did

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

argument before we call any witnesses, we may as well pack up for the Christmas holidays."

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, and said Mr Kentridge had the right to question him, subject to objections by other counsel. No new affidavit was required from Dr Gluckman, so long as the questions related to the affidavit he had signed.

Dr Gluckman told the court he had been in private consulting practice as a pathologist for almost 30 years, and had attended the post-mortem of Mr Biko with the concurrence of the Chief State Pathologist, Prof Loubser.

Dr Gluckman said: "I was given every possible cooperation at the examination, which was carried out with the utmost scientific objectivity on the part of all concerned."

He said he had taken segments of tissue for independent examination. 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 on that these agreed with those of the other pathologists conducting post-mortem examinations.

The diagram of the various external injuries, with the estimated dates on which they were sustained, was handed in to the court.

Mr Kentridge said he would not go into the diagram in detail, only one or two aspects.

Dr Gluckman said he did



Prof Neville Proctor, neuropathologist. . . . "brain injury led to complications".

sible to estimate 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 Gluckman 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.

On the question of dating the head injuries, Dr Gluckman said he agreed with Prof Loubser that it fell between four and eight days before Mr Biko's death.

Dr Gluckman said he believed it was nearer five or six days than four or eight days.

Questioned on previous debate on the number of head injuries sustained by Mr Biko, and the pathologists' decision to describe the cause of death as head injury (hoofbesering), Dr Gluckman said the report had specifically not come to any conclusion whether Mr Biko sustained one or many injuries, as they did not want to include speculation in a factual report. The matter had been left open.

Dr Gluckman said he had not felt able to exage, had proved negative.

"As I reject absolutely the statement that the fluid was clear, so must I reject that there was no xanthochromia. Clearly the observation was faulty."

Asked who signed the report, Dr Gluckman said the signature had been illegible, but a rubber stamp bore the name "Nelis".

Mr Kentridge: What should be the reaction of a physician receiving such a report? — I wouldn't accept it. Alternatively, the lumbar puncture should be repeated because of the paradoxical result.

Dr Gluckman said he war far more inclined to accept the red blood cell count, because this was done very carefully on the counting chamber of a microscope.

"The fluid cannot possibly have been clear," Dr Gluckman repeated.

Mr Kentridge questioned Dr Gluckman on the false name, Stephen Njelo, which appeared on Mr Biko's lumbar puncture analysis form.

Mr Kentridge: According to accepted medical practice, where does the responsibility lie for putting the name of the patient on the sample that is sent? — There can be no equivocation. It lies solely in the hands of the doctor in charge of the case. It cannot be dele-

say as an absolute fact that there were no coup injuries, but I cannot dispute this.

You are taking a middle road. You say you cannot take issue with them or associate yourself with them? — Correct.

They may be right or they may be wrong? — I was not present at the post-mortem. At the final conference we discussed the wording of the final autopsy report. It was worded very carefully because it was not decided if there had been one or more head injuries.

Questioned by Prof I Gordon, Proctor said he agreed with the pathologists that the lesion in the right parietal region was of a contracoup nature.

Mr Van Rooyen: It must have been obvious that the course of the pathology over the last week of Biko's life was not straightforward and uncomplicated? — I agree.

We have severe complications affecting the kidneys about three days before the death? — Yes.

And as far as the lungs are concerned, we have congestion. The whole picture is one of an euremic lung? — Yes.

Obviously these were secondary changes? — Yes.

If the retrogression in Biko's condition was such, one would logically also expect severe secondary complications in the brain? — I agree that the

Mr Van Rooyen: The basic point is that, after all these complications, the investigator is in the position that he can only speculate about which part of the lesions had been originally present, and which occurred later? — Correct.

Questioned by Mr Prins, Prof Proctor said he agreed that the brain lesion in itself had not been fatal.

Mr Prins: Why then say the brain injury was the cause of death? — Because the brain injury led to the complication.

If I bumped my toe and gangrene set in, do you suggest that the cause of death was the bump on the toe? — Yes. If you had not bumped your toe, you would not have had gangrene. If this patient had not had contusion, he would not have had the complications.

Mr Van Rooyen: There has been evidence that from 10 am on September 6 to midday on the 8th, Biko had not had food or water. I am suggesting that at that stage there would have been dehydration? — I don't agree with that. He might have had a dry tongue, but would not have developed renal failure.

If there had been no application of force to the head, there would have been no series of complications leading ultimately to death? — Correct.

Mr Van Rooyen: For

We did, however, come to the conclusion that with this degree of head injury there must have been unconsciousness.

We also came to the conclusion that, without doubt, the lesion on the left forehead was the most significant.

This lesion was extensive, and it is agreed 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 Prof Loubser or Prof Simpson. It was the family team building up a theory? — I thought I was trying to solve a problem to maintain the ethics of medical conduct.

During these consultations counsel for the family were also present. One of them had gone overseas to glean information about the mechanism of contracoup injuries? — I don't know why he went overseas. But he did get information from people probably more experienced than us.

Mr Kentridge intervened at this point to say that part of this evidence was true, but it had been said only in confidential conversation and during private telephone calls.

"No doubt my learned friend has an extensive network supplying him with information, and I would be very interested to know the source of his information."

Mr Van Rooyen asked Prof Proctor: Would you agree that all the lesions could have 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.

Unconsciousness can happen in a wide variety of degrees? — Yes.

Prof Proctor agreed that even with severe brain damage, the degree of unconsciousness could be slight.

You were in the field of sheer speculation when you mentioned that Mr Biko should have been unconscious for up to 15 minutes? — I have come to appreciate 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 from a head injury? How can you expect such a man to be so au fait with the situation?

Prof Proctor: I agree with you. I feel it would be extremely difficult for a general practitioner to be conservant 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 even to suspect it.

Mr Von Lieres examined Prof Proctor closely on the report he submitted to the court of his examination of Mr Biko's brain.

Prof Proctor said he received certain specimens of the brain from Prof Loubser on September 27, and submitted his report on October 14.

Mr Von Lieres asked at which stage he had come to the conclusion that more than one blow was involved in damaging Mr Biko's brain.

Prof Proctor said it was several days after his examination and the report on his findings.

He had not formed any conclusions on the number of blows involved when he handed in his report. He thought it was probable the idea was in his mind when he went to a conference on October 20 with Prof Loubser, Professor Simson and Dr Gluckman.

Mr Von Lieres asked why he had not advised the doctors of his conclusions, since he was aware that his findings would form part of a post-mortem report.

Prof Proctor said that at the time of the conference with the other doctors it was stated clearly that, to leave the matter open, he wording of he final report, agreed upon by all, would be that death was due to head injury. In this way they avoided a commitment on whether they felt one or more blows were involved.

Mr Von Lieres said Prof Proctor's estimate of the number of blows could have been an important lead for the police investigating Mr Biko's death.

Prof Proctor said this was not necessarily so. He had not been certain he was right; 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.

Prof Proctor emphasised that it was his opinion only that more than one impact was involved.

referred to in earlier evidence to substantiate a claim that lesions may occur without corresponding cutaneous or subcutaneous bruising accompanying them.

Prof Proctor said he did not have the documentation on him. Asked if he could produce it today or tomorrow, he said he did not believe he could, since libraries would be closed overnight. He could not say when it could be produced.

Mr Von Lieres said his advisers were not aware of any such documentation; that was why he wanted it produced.

Mr Prins interjected that such a statement had been made in a book by one of the medical assessors sitting at the inquest, Prof Gordon.

Mr Von Lieres referred them to the lesions mentioned in Prof Proctor's evidence, and questioned him on his contention that lesion No 3 might be a contracoup to lesion No 5.

Mr Von Lieres said that between these two lesions there was a rigid, fibrous membrane called the tentorium; and asked how a transmission of force could possibly have occurred via this membrane to cause the contracoup injury.

Prof Proctor explained that there was a large opening in this membrane, through which the transmission of force could have occurred.

Prof Proctor said he had

assisted by Dr Marquard de Villiers, for the Prisons Department, Mr W H Heath.

sultation to any members participating at the inquest.

Yesterday afternoon Dr Andries van Zyl, a Pretoria district surgeon who examined Mr Biko on the day he died, gave evidence.

He read an affidavit that he had examined Mr Biko at the Pretoria Prison hospital at 3 pm on September 12.

He had been told Mr Biko had refused to "partake of anything" for a week. Also 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 Mr Biko he diagnosed general weakness and dehydration as a result of his having had "no food or liquid" for seven days.

Dr Van Zyl prescribed a drip, and gave Mr Biko a vitamin injection.

Mr Kentridge asked Dr Van Zyl who had given him the history of Mr Biko's alleged refusal to eat or drink for seven days.

Dr Van Zyl said he learnt this in a telephone

not know who the warder was, and he was not introduced to him. He had not been told at any stage that doctors had found signs of neurological damage on Mr Biko.

Dr Van Zyl said he tried unsuccessfully to talk to Mr Biko, but could get no reaction. He was with Mr Biko 30 to 45 minutes, possibly longer.

Questioned by Mr Pickard, Dr Van Zyl said that, before September 12, he had never been in the section where Mr Biko was kept.

He had been practising medicine for two years, he told the court.

Mr Von Lieres asked Dr Van Zyl whether the room in which Mr Biko was kept was equipped satisfactorily.

Dr Van Zyl said he had been taken to different wards, which looked like those in a hospital. Mr Biko was in a private room.

Mr Kentridge told the court he had available photographs of the room. "It looks as though the patient was lying on a mat on the floor, and not on the bed."

Studying the photographs, 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.

After Dr Van Zyl left the witness box, the magistrate called for further argument on the admissibility of evidence by two brigadiers from Security Police headquarters. He agreed to the matter standing over till today for argument to be prepared.

Mr Kentridge told the court that Dr Gluckman, the pathologist for the Biko family who was present at the autopsy, had been listed as a prospective witness, and asked that he be called to clarify certain points in the pathologists' report.

Mr Van Rooyen objected, saying Dr Gluckman had not handed in a separate affidavit which would enable lawyers to judge the relevance of his evidence or prepare for cross-examination.

Mr Kentridge said that as a signatory of the pathologists' report, Dr Gluckman could be asked to

special st neuropathologist. He had studied the conclusions reached by Prof Proctor, and was completely satisfied with them.

Dr Gluckman 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.

Mr Kentridge asked about Mr Biko's heart, veins, and arteries.

Dr Gluckman said they gave an impression consistent with that of a healthy young man aged about 30. There was no sign of hypertension.

Mr Kentridge referred to injuries found on Mr Biko's left big toe which had the appearance of a blister which had been pierced, and asked Dr Gluckman if he could throw light on them.

"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."

Questioned about injuries on Mr Biko's forehead, Dr Gluckman said that when he arrived at the post-mortem, Mr Biko's scalp had been opened up.

He observed the bruising within the scalp.

"It was very striking indeed."

Mr Kentridge: Is it pos-

o... Dr Dos Santos himself, and had recommended to the attorney for Mr Biko's family that other specialists be called in for a satisfactory interpretation and reconstruction of the last few days of Mr Biko's life.

A physician and a neurologist were called.

Mr Kentridge questioned Dr Gluckman on the report containing an analysis of the spinal fluid taken from Mr Biko during the lumbar puncture.

Mr Kentridge: Will you, as a pathologist, comment on it? — This report has contradictions. It is not possible to have fluid containing over 1 600 red cells, and for that fluid to be clear. One or the other is incorrect.

Dr Gluckman drew the attention of the court to an indication on the analysis report showing the spinal fluid to be colourless, and at the same time containing 1 655 red cells. "Spinal fluid containing this count could not possibly 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 questioned Dr Gluckman on the observation that tests for xanthochromia, which would indicate brain dam-

Mr Kentridge questioned Dr Gluckman on the evidence regarding the Hippocratic Oath made by Dr Benjamin Tucker, Chief District Surgeon of Port Elizabeth.

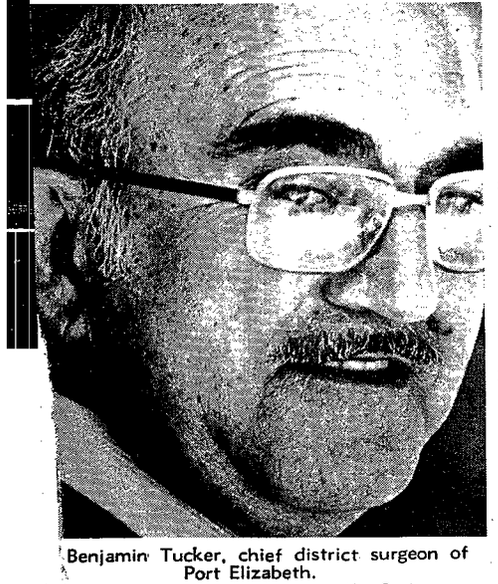
Dr Tucker had told the court previously that the Hippocratic Oath had a bearing on his ethical conduct, but his conduct was actually governed by the rules of the SA Medical and Dental Council.

Commenting on this, 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. The ethical component of the rule is a legal codification of the principles fundamental to the Hippocratic Oath.

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 told the court it would probably be necessary to recall Dr Colin Hersch, a specialist physician who supervised the lumbar puncture on Mr Biko, to explain contradictions in the analysis of Mr Biko's spinal fluid.

Quoting from the court record, Mr Kentridge said the question had already been asked of Dr Hersch, and he had replied: "I don't know."



Benjamin Tucker, chief district surgeon of Port Elizabeth.



Dr J Gluckman, pathologist for the Biko family . . . he attended the post-mortem and examin



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III. FIN

A. Vario

Domes

Natal man sent Biko T-shirts

325 - Det. DD 25/11/77

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 conciousness 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, C/O the Daily Dispatch.

The parcel was duly delivered to the Woods home and Mary Woods, 5, 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 now 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. — DDR.

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(4) Loan levies - the tax paying public.

Foreign (5) Overseas capital markets.

(Addendum: Some description of the workings of the capitve 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)

BIKO: THE FI

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.

27/11/77



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. F. 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. Loubser and Professor N. S. F. Proctor, Professor of Neuropathology at Wits-

VE QUESTIONS

How many impacts caused the fatal brain injuries?

21/11/77

QUOTE

By Chief State Pathologist Professor J. D. Lobse:

I believe the injuries resulted from a single application of force . . . on such a broad base that the directions of impulse fanned out causing all five injuries.

QUOTE

By Professor N. S. F. Proctor of Wits University:

I believe the five injuries were caused by at least three, and possibly four impacts . . . probably between five and 12 days before Mr Biko died.

the Biko family's legal team.

Professor Loubser, 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 Biko he saw a mark 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 "sputum" on the left side of the detainee's forehead.

Professor Loubser 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 Loubser 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 no 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 Biko died.

Professor Loubser'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 Sanlam 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. Hersch.

this aspect of the evidence as a mystery and in the absence of any information likely to solve it, he passed on to another topic.

A ruling by the magistrate whether the Chief of the Security Police Brigadier C. F. Zietsman and his deputy Brigadier Johan Coetzee, will be allowed to give evidence will probably be made tomorrow.

The Commissioner of Police, General Gert Prinsloo, during the first week of the hearings, agreed to make the officers available 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 Coetzee took the witness stand, Mr van Rooyen objected.

The magistrate said he would make a ruling on the matter at a convenient time — probably

Detention 825 DD. 26/11/77.

Signs of brain injury could have disappeared inquest told

PRETORIA — The chief State pathologist, Prof J. D. Loubser, told the inquest yesterday that if the brain injury received by Mr Biko was four to five days old at the time of his death, the external signs of the injury could possibly have disappeared by then.

He was being cross-examined by Mr P. R. van Rooyen, counsel for the police.

Mr Van Rooyen: There were numerous secondary changes in the brain from the time the injury was sustained until you saw the brain about eight days later? — Correct.

Mr Van Rooyen then said that according to Mr Kentridge's argument Mr Biko had had to be unconscious after he had sustained the injury and that witnesses who testified that he had not lost consciousness were therefore lying.

Mr Kentridge rose and said he objected to Mr Van Rooyen's method of cross-examination.

The magistrate, Mr M. J. Prins, asked Mr Van Rooyen to put his questions more concisely and to the point.

Mr Van Rooyen said that according to his medical advisers the brain injury would not have caused unconsciousness. Prof Loubser said he agreed.

Mr Van Rooyen referred to the incident on the morning of September 7 when Mr Biko allegedly went berserk, assaulted some Special Branch men and had to be subdued by force. In the process, he said, one of the policemen charged Mr Biko with his shoulder and knocked him against the wall. Mr Biko hit the wall with his left side, but nobody actually saw his head hit the wall.

Prof Loubser said it was possible that the head injury could have been sustained in that manner.

Mr Van Rooyen: There has also been evidence that Mr Biko fell forward on to the floor. Isn't there a reasonable possibility that he could have knocked his forehead against the floor? — I won't say it's probable, but it's possible.

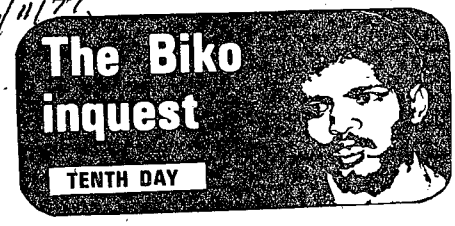
If the injury was sustained during the incident would it be in accordance with your pathological finding? — It's conceivable.

After the incident Mr Biko did not react to questions by the police, but when he was examined by the doctor two hours later he was orientated and rational although his speech was thick which the doctor attributes to his lip injury. Does that agree with your findings? — Yes.

Does that not indicate that there was no total loss of consciousness? — I cannot make a deduction as to whether he lost consciousness or not.

Could it be that the wound on the forehead would have been more visible after death? That is so, for instance as a result of the draining of blood from the head and the face.

Mr Biko died early on the night of September 12. Can one exclude the possibility that the injury was sustained during the early morning hours of September 9? — I am convinced that it was earlier than that. — SAPA.



Prof amazed no one saw head injury

PRETORIA — It was "amazing" that so many witnesses had missed the forehead injury suffered by Mr Biko before his death, the chief State pathologist, Prof J. D. Loubser, told the inquest yesterday.

The injury should have been visible within 12 hours, he said.

He agreed with police counsel, Mr P. R. van Rooyen, that drying out the injury and increase contrast could have mac it more visible after deat

Those who have said sworn statements th they did not see the i jury, include three d tors who examined M Biko before his death a at least 16 policemen, cluding five men who terrogated Mr Biko. SAPA.

(e) Company tax:

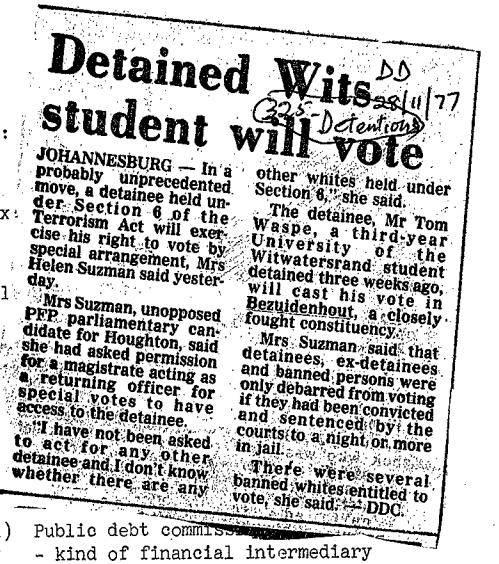
(f) Personal tax:

(g) Problem of l

(h) Recent deve

III. FINANCIN

A. Various sc



Detained Wits student will vote

DD 28/11/77 325 Detentions

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, unopposed PFP parliamentary candidate for Houghton, said she had asked permission for a magistrate acting as a 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 other whites 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 night or more in jail.

There were several banned whites entitled to vote, she said. — DDC.

Domestic (1) Public debt commissioners
- kind of financial intermediary
- main holders of long-term government stock
- function

(2) Other holders of long-term government stock
- insurance companies - "capitve 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 capitve 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)