

TOTALITARIANISM

DETENTIONS

1977

~~NOVEMBER~~ — DECEMBER

Kruger: DD 11/12/77

I can't 325 detentions

comment says Goosen

From ROGER OMOND in Pretoria

PRETORIA — The head of the Special Branch in the Eastern Cape, Col P. J. Goosen, declined yesterday to say how the Minister of Police, Mr Kruger, had come to make incorrect statements on the death of Mr Biko.

For the first time a telex message between Port Elizabeth and Pretoria — the subject of bitter dispute earlier in the inquest — was read to the court.

Col Goosen had said in earlier evidence that no telex messages had been sent. Yesterday he said he thought he had denied sending any message on Mr Biko's injuries.

But Mr S. Kentridge, SC, for the Biko family, said during tense cross-examination yesterday that the telex he quoted did refer to injuries inflicted on Mr Biko.

Col Goosen made an unexpectedly early reappearance in the witness box shortly after the 13th day of the inquest began. More expert medical evidence had been expected.

Col Goosen and two other Special Branch officers were the only witnesses yesterday and concluded the evidence in the inquiry.

Argument by counsel starts this morning and is expected to last until tomorrow afternoon.

The magistrate, Mr M. J. Prins, is expected to deliver his findings at a later date.

A buzz of excitement went through the court, three-quarters empty for the first time since the inquest started on November 14, when Col Goosen entered the witness box shortly after 9 am.

Mr Kentridge asked Col Goosen why he had said in previous testimony that he had not sent any telex messages to the Pretoria headquarters of the Special Branch.

Col Goosen replied that he had telexed transport

arrangements to get Mr Biko to Pretoria, but thought that he had been asked about a telex on Mr Biko's injuries.

Mr Kentridge: This telex also deals with injuries. — I want to see the telex.

Mr Kentridge said the telex mentioned that on September 7 at 7 am Mr Biko had sustained injuries and that after this Mr Biko had refused to speak. Col Goosen had said that injuries had been inflicted on a detainee, Mr Kentridge said.

"You mention injuries inflicted on Mr Biko during a scuffle in your offices... who inflicted it?" Mr Kentridge asked.

Col Goosen: That is an inference. It was inflicted during the struggle. You are playing with words.

Mr Kentridge went on to ask why the telex, also sent to the East London Special Branch, had said it was believed Mr Biko had assaulted a Special Branch officer during a previous detention and requested that this be urgently confirmed to Port Elizabeth and Pretoria.

Col Goosen replied that they wanted to build up a full picture.

Mr Kentridge questioned Col Goosen closely on discrepancies between his reports, by phone and telex, to Pretoria and statements made by the Minister of Police, Mr Kruger, that Mr Biko had threatened to go on a hunger strike.

Brig C. F. Zietsman, head of the Special Branch, had told Mr Kentridge that at no stage did Col Goosen say Mr Biko threatened a hunger strike. Col Goosen replied that Mr Biko had never said so.

Mr Kentridge continued that from the record of the telex and the phone call to Brig Zietsman it appeared as if Col Goosen

had not said that Mr Biko had verbally threatened a hunger strike. Brig Zietsman had also said so in a sworn statement. Could Col Goosen tell the court how Mr Kruger had come to make the statement about the hunger strike threat?

Col Goosen: I can't and can't comment on press statements.

Mr Kentridge said Mr Kruger's statement also gave the impression that the investigation into Mr Biko had got nowhere.

Col Goosen: I can't comment.



COL P. J. GOOSEN

Who could? — I reported to Brig Zietsman in the normal manner and can't comment.

All reports to headquarters would be under his supervision, Col Goosen added.

Mr Kentridge: We are left with the situation that the Minister of Police made more than one statement in public about Mr Biko's detention which we in court have shown to be incorrect and misleading on the evidence and the matter is then left in the Minister's lap as far as you are concerned? — I have no information, only my own opinion.

We can all form our own opinions, but we can't express them in court. — I reported and can't comment.

The Biko inquest

THIRTEENTH DAY



Earlier, Col Goosen underwent close cross-examination on why he had sent Mr Biko to Pretoria when the impression given in evidence, Mr Kentridge said, was that the police thought Mr Biko was shamming and there was no urgency.

The telex said Mr Biko was sent to Pretoria because the case had become urgent as Mr Biko's condition had deteriorated since he was admitted to the Walmer police cells when, at 9.30 am on Sunday, September 11, he could still walk. Later, the telex said, Mr Biko was in a semi-coma.

Mr Kentridge said Col Goosen had never conceded this in his evidence to the court. Col Goosen replied that he had said Mr Biko should be moved where there were better facilities, as soon as possible.

Mr Kentridge also asked whether Col Goosen had phoned Brig Zietsman and discussed where Mr Biko should be sent. Col Goosen said they had.

Mr Kentridge: You were worried about Mr Biko, but thought he might be shamming? — That is correct.

Although he was in a semi-coma? — I still thought there might be some shamming.

Mr Kentridge said Col Goosen had made a negative reply when Brig Zietsman had asked how the investigation was progressing.

Evidence to the court that Mr Biko had promised to make a full statement but had withdrawn the offer was "a complete fabrication," Mr Kentridge said.

If Mr Biko had admitted anything about the distribution of inflammatory pamphlets, Col Goosen would have told Brig Zietsman, Mr Kentridge added.

Col Goosen replied that the phone conversation had been brief.

Guard. Biko's special

11/2/77

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W/O Henry of the Special Branch squad that allegedly guarded Mr Biko on September 6 and September 7, yesterday gave evidence.

He read out an affidavit and a statement he made to the investigating officer after Mr Biko's death.

W/O Fouché said he was on guard duty at the Special Branch building in Port Elizabeth on the night of September 6 and on September 7. Mr Biko was handcuffed and chained to a grille in the interrogation room. He had looked into the interrogation room a couple of times, but did not speak to Mr Biko.

Asked by Mr Kentridge, for the Biko family, whether Lt W. Wilken, commander of the night squad, had spent any length of time with Mr Biko in the interrogation room, W/O Fouché said he could not remember. It was possible that Lt Wilken could have sat on a chair and looked at Mr Biko for quite a while.

Mr Kentridge: Why would he do such a thing? — I cannot say.

Are you an interrogator? — No, I'm a guard.

And Lt Wilken? — It might be that he interrogated from time to time.

W/O Fouché said he had spent most of the time that night in the general office next to the interrogation room. At one stage he had heard Lt Wilken talking to Mr Biko.

Mr Kentridge: Did Lt Wilken look pleased when he came out of the room? — He looked the same as usual.

Did he tell you that Mr Biko had agreed to make a statement? — No.

Later that night he had again heard voices from the interrogation room. Mr Biko was talking, but they could not make out what he was saying. His speech was slurred.

In reply to further questions by Mr Kentridge, W/O Fouché said he thought Mr Biko was shamming.

Mr Kentridge said he would submit to the court that Mr Biko sustained his head injury between the evening of September 6 and the morning of

September 7 and asked W/O Fouché whether he could explain how the injury was sustained. W/O Fouché said he had no idea.

W/O Fouché said he had helped to undress Mr Biko and carry him to the Landrover in which he was transferred from Port Elizabeth to the Pretoria prison.

Mr Kentridge: Wasn't it obvious to you that the man was in a state of collapse? — I am not a doctor.

Did he give you the impression of being in a semi-coma? — No.

Asked by one of the assessors, Prof L. Gordon, why a man who was allegedly feigning illness should be transported to Pretoria so urgently at night, W/O Fouché said he had been informed that they were taking him to Pretoria for observation and not for specific medical treatment.

Mr Kentridge: Did you not have the natural curiosity to ask why it was so urgent that you had to drive through the night? — No.

In reply to further questions W/O Fouché said he had seen no injuries on Mr Biko apart from his bruised upper lip. Neither had he seen or heard any violence in the interrogation room on the night of September 6.

The final witness was W/O Jacobus Beneke, a member of the Special Branch team who in-

terrogated.

W/O Beneke, who is alleged to have been attacked by Mr Biko during questioning on September 7, told the court Mr Biko had made a confession concerning the distribution of pamphlets under interrogation on September 6.

Mr Kentridge asked him why he had not made mention of this in his affidavit handed in yesterday. He replied he did not consider it important and did not think he was allowed to mention such matters.

Asked by Prof Gordon if he had noticed whether Mr Biko lost consciousness at any time during or after the alleged scuffle on September 7, W/O Beneke replied that he had not been unconscious. — SAPA.

Application withdrawn

PRETORIA — Counsel for the family of Mr Biko yesterday withdrew his application for affidavits by Dr Reuben Plotkin, a specialist neuro-surgeon, and Dr Ronald Tucker, his medical adviser, to be introduced as evidence at the inquest.

When he made the application on Tuesday, Mr S. Kentridge said he believed the material in the affidavits would be of 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, Mr Kentridge said.

The application was opposed by counsel for the police, Mr P. R. van Rooyen, counsel for the prisons department, Mr W. H. Heath, counsel for the three Port Elizabeth doctors who examined Mr Biko before his death, Mr B. de V. Pickard, and the Deputy Attorney General, Mr K. von Lieres, who is leading the evidence.

The magistrate, Mr M. J. Prins, said in view of the withdrawal, the objections fell away. — SAPA.

Biko confession fabrication?

Own Correspondent

PRETORIA. — The leading of the evidence in the Biko inquest came to an end yesterday morning. Argument by counsel will commence this morning.

At the start of yesterday morning's proceedings, Mr S Kentridge, SC, appearing for the Biko family, told the court that he was withdrawing his application to put the affidavits of two more doctors before the court.

Colonel P Goosen of the Port Elizabeth 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 Colonel Goosen last gave evidence.

Mr Kentridge — You told us that no telex had been sent from your office? — No telex message directly concerning Biko's injury. My question has been if you had not made any telexed report and you said no, regarding Biko's injury no telex was sent.

We have been given a telex message by courtesy of Brigadier Zietsman 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 General Kleinhaus came to investigate didn't he ask for documents? — No.

Search offices

Didn't he search your offices? — No.

The telex message addressed by you to security headquarters, Pretoria refers to a telephonic conversation between you and Colonel 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 Landrover, 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 ¾ inch 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 9th. 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 the 11th. You said that at the time concede that Biko had been in a semi-coma? — It was never clear-

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 co-operate? — Correct. Lieutenant Wilken had

Mr Kentridge then sat down.

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

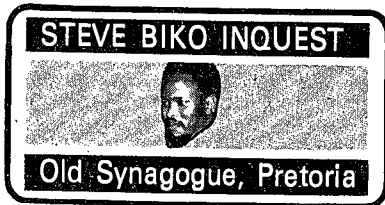
You were saying to Brigadier Zietsman, "we were on the point of getting a written confession? — Yes.

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.

Mr Von Lieres then said that Mr Kentridge had indicated that he wanted General Kleinhaus called as a witness.

Mr Kentridge said that he thought it might be desirable to have General Kleinhaus explain the nature of his investigation. Mr M J Prins, the presiding

Continued on page 5



told me that Biko had asked for the 15 minutes.

Brigadier 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 Major Snyman had told you what he had told the court that Biko had made a confession you would have told Brigadier Zietsman that Biko had confessed to sending out pamphlets? — I did not discuss the matter in detail with Brigadier Zietsman.

I will submit to the court that you knew about the confession you would have told Brigadier Zietsman. Brigadier Zietsman 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

statement would have been of great importance. There is a big difference between a verbal confession and a confession in writing.

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magistrate: How will that help me to come to a finding in this inquest?

Mr Kentridge: It is open to you as presiding magistrate to order further investigation.

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?

Mr Prins: At this stage I really cannot see what purpose would be served by calling General 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.

Warrant officer 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.

He read to the court the first affidavit in which he said that he had been on duty on September 6 and had been ordered to guard Biko in an office in the Sanlam building.

Lieutenant Wilkin was in charge.

At 7.30pm Biko woke up and was offered food which he refused. At 9pm he woke up again and spoke to them, Warrant Officer Beneke said.

Mr Biko spoke thickly and he could not make out what he said. Lieutenant Wilkin phoned Major

Mr Prins: And if he comes here and says I made the investigations as diligently as I thought, a human being could do it?

Mr Kentridge: He may say that but I might ask him why he didn't do certain things. I really

Fischer and half an hour later Colonel Goosen arrived.

Warrant Officer Beneke said in his statement that on September 11 he was called by Captain Siebert and told that he should accompany Mr Biko to Pretoria.

They left in a Landrover and at 9am on the 12th they arrived in Pretoria, the statement read.

In the second statement Warrant Officer Beneke said that he saw Mr Biko for the first time at 6pm on the 6th. He at no stage saw a mark above his left eye. He was not aware of any assault on Mr Biko.

On the 7th he saw a swelling on Biko's lip and was told by Lieutenant Wilkin that this had been incurred when Biko had to be restrained after a scuffle.

Questioned by Mr Kentridge, Warrant Officer Beneke said that his instructions had been to guard Biko who was handcuffed and chained to an iron grille with a leg iron.

Mr Kentridge: He was lying on a mat? — Yes. He had blankets over him.

In what way did you have to watch him? — We had to guard him. Did you stay in the room with him? — We were in the general office most of the time.

...the impression that I 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.

In the telex message you also said 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.

We were worried

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 the time your general impression was that there was nothing seriously wrong? — 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 7am 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 the previous day? — Correct.

But in your evidence you said that the entry in the occurrence book was late because Warrant Officer 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 Fischer. I just signed it.

We also have another piece of information from Brigadier Zietsman. Before Steve Biko was sent to Pretoria you telephoned Brigadier 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 Brigadier 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.

Brigadier Zietsman said that he

not comment further.

Does anybody else from your office make reports? — I am the commanding officer.

Mr Kentridge 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 matters left in the Minister's lap as far as you are concerned. I want to know if you have information to help us? — I have no information. I have an opinion.

Mr Kentridge We can all form our own opinions but we cannot express them in court.

When you were, not there where were you? — On occasion I went to room 619 where Biko was kept.

What did you do there? — When I came on duty I went into the room. I saw the deceased and left. I saw him again during the night.

Why? — I got up to stretch my legs, looked into room 619 and went back to the general office. I did not sit and look at him.

Is this also true of Lieutenant Wilken? — I don't know.

Did Lieutenant 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.

Are you an interrogator? — No.

Are you just a guard? — Correct.

Don't you ever take part in interrogations? — No.

Mr Biko was never interrogated in his presence, he said. The next morning Major Snyman's team took over and that night he was again detailed to guard Biko. When he arrived Biko was asleep. His lip was swollen.

len and Warrant Officer Fouche was told that Biko had had to be restrained after he had attacked his interrogator.

Have you never interrogated a detainee? — I am exclusively concerned with white detainees and I cannot remember that I have ever interrogated a white one, much less a black detainee.

Is Lieutenant Wilkins an interrogator? — I don't know. He might interrogate detainees from time to time.

Brain injury

Can you throw any light on how he sustained the brain injury which caused his death? — No.

Didn't you think this inability to communicate a clear indication that there was something wrong with him? — No.

Questioned about the trip to Pretoria, he said that he had travelled in the back of the Landrover. Before the trip commenced he and Detective-Sergeant Nieuwoudt 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 Landrover. He had had no

reason to think that Mr Biko was sick.

Mr Kentridge: Did you notice that the man was in a state of semi-coma? — He did not give me that impression.

Professor Gordon: — Why did you think a man was being taken seven hundred and forty 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.

Did you think it would be necessary to take a man who was shamming to Pretoria? — I had no indication that he was ill.

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.

But the telex stated that he took water on two occasions.

I can remember that Detective-Sergeant Nieuwoudt offered him water on two occasions. If it was a fiddle was he. He was alright.

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.

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Did you see any other injuries on Biko at any time? — No.

Mr Prins then called Warrant Officer J Benke of the Port Elizabeth security police to the witness box.

He told the court that he had made two affidavits, one on September 17 and the other on October 20.

Shouted

Questioned by Mr Kentridge, Warrant Officer Benke said that from the start of the interrogation Biko had been aggressive, that he had answered with contempt and had screamed at times.

When you arrived on the morning of the 7th was Biko still on his mat covered with blankets? — Yes.

Was he asleep? — No. He was staring at the ceiling. He was still shackled and I removed the shackles. He got up by himself after I had asked him to sit back on the chair.

On that morning he was still aggressive and answered questions in an evasive manner? — Yes.

Questions were put to Biko by Major Snyman? — Yes. We asked him about the distribution of pamphlets. He had made an admission the previous time.

You had not mentioned this in your affidavit? — No, I had no permission to give information about this.

Didn't Colonel Goosen ask you to put down everything you knew? — He did.

Did Major Snyman put documents to Biko? — Not that morning. He put documents to him the previous afternoon.

A description

You gave a description on how you helped to overpower Biko? — Yes.

You say that during the struggle he collided with the furniture and at a later stage you were on the ground. How did you get there? — Biko and I fell against the table which slid away and we landed on the floor.

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.

When General Kleinhaus questioned you he told you it seemed that Biko had died as a result of a brain injury. — Yes.

He was really asking you if you could throw any light on how Biko came to have brain injury? — Correct.

You could give an explanation? — No.

You didn't say that during the scuffle Biko bumped his head? — No.

On the morning of the eighth 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 from him.

Warrant Officer Benke said Biko was dressed when they took him to hospital. He was wearing the trousers he had been wearing all the time while in custody.

The state

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 the bed. — Every time I went in he was under the blankets.

His trousers, mat and blankets were never changed? — No.

Did any members of your interrogation team have knowledge of an African language? — Not as far as I know.

Why were there five members in the interrogation team? — That is normal procedure.

So that some of you can take a break while the other continue? — Yes. Warrant Officer Benke said that Mr Biko was not interrogated during the night. He had never been at a night interrogation.

Mr Van Rooyen: The scuffle on the 7th was such a wild scuffle that you didn't even notice Warrant Officer Marx and Detective-Sergeant Nieuwoudt 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.

Same suit

Mr Von Lieres: What did you wear during the interrogation? — The same suit I am wearing now. What was its condition? — It was dusty.

Did anybody wear a safari suit? — I think Warrant Officer Marx was wearing a safari suit.

Questioned by Professor Gordon, Warrant Officer Benke said that after Mr Biko was shackled he kept pulling at the chains.

Mr Von Lieres then handed in 30 affidavits from warders at the Pretoria and Port Elizabeth prisons. That concluded the evidence.

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 till this morning.

'No bla

Black power demo after finding

(325-Defence)

Pretoria Bureau STAR 2/12/77

No one could be found criminally responsible for the death of black consciousness leader, Mr Steve Biko, the presiding magistrate at the Biko inquest, Mr M J Prins found today.

Mr Prins said Mr Biko's death could not on the evidence be attributed to an act or omission amounting to a criminal offence on the part of any person.

The announcement of Mr Prins's finding was followed by a black power demonstration in the front courtyard of the Old Synagogue where the inquest was held.

He said the main injury which caused Mr Biko's death was apparently sustained on the morning of September 7, in an alleged scuffle with the police.

Mr Prins then adjourned the court for a short while. It was understood that he would hear arguments from counsel present on certain related aspects.

Commenting on the finding, Mr Shun Chetty of the firm instructing the Biko family's attorney, Mr Sydney Kentridge, SC, said he was not certain whether an appeal would be made for a review. "Technically there is a review proceeding available, but I am not certain if we'll use this possibility. At this stage, we are not thinking on this line," he said.

and economy

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Under the Medical, Dental and Pharmacy Act, it is obligatory for a doctor to



Biko



Mr. Steve Biko's widow, Ntsikie, is interviewed by overseas jo

officer in a case involving the conduct of practitioners to consider whether or not to forward the papers to the Medical and Dental Council.

It is this aspect which will be the subject of discussion between the magistrate and counsel in the case, when the court resumes.

Routine

But a spokesman for the Department of Justice said the record of the Biko inquest would now go to the Attorney-General of the Transvaal as a matter of routine.

It was up to the Attorney-General to decide whether there should be any further investigation or whether any other action should be taken.

Asked about the possibility of an appeal, he said the Inquest Act made no provision for appeal against a finding. The only possibility was that the matter could be reviewed, but that could only happen if there was any irregularity. This had seldom, if ever, happened in South Africa's legal history.

The packed public gallery surged out into the

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2/12/77

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No one to blame, Biko bench rules

2/12/77

(325)

►► From page 1

front courtyard of the Old Synagogue building where the inquest was held, to stage a black power demonstration after the finding.

The magistrate, Mr Prins, gave judgment at 11 am but crowds began gathering from about 8.30 intent upon securing a seat in the courtroom.

SEARCH

Tension began mounting at the hearing yesterday when a mass exodus of black members of the public took place as soon as counsel for the police, Mr J R van Rooyen, SC, rose to commence his address.

He was forced to delay his address in the initial scuffle and once again as a singing crowd gathered outside.

"They have killed Steven Biko," the crowd sang,

"What have we done, our

sin is that we are black."

All who wished to take bags into the court today were stopped to allow police at the entrances to search them. The public was being allowed into upstairs galleries but policemen were on duty in those areas.

The court was thoroughly searched this morning as part of routine security, and police Land-Rovers containing squads of men in camouflage uniform passed the court from time to time.

At least six TV crews, most of them foreign, filmed the singing outside Pretoria's Old Synagogue after Mr Prins's brief judgment.

SIX DETAINED

At least six people, including Kaya Biko, a brother of Steve Biko, and Solomon Biko, a cousin of Mr Biko, were detained by Security Police at about 3 am in Soweto.

This was disclosed after the inquest finding by Mr Shun Chetty, the Biko family's attorney. According to him, the other people detained are Michael Jordaan, a friend of the Biko family; Rev Julian Ntshengeni, the Reverend Jeff Maseloane and Mr Mandla Kopo.

Mr Chetty told The Star he was not sure whether

the detentions were connected in any way with the inquest.

The brother and cousin as well as Mr Jordaan regularly attended the hearing during the past three weeks.

Mr Chetty said he had heard the detention had something to do with pamphlets. He so far has not been instructed to look into their situation.

WIDOW DISTRESSED

The widow of the black consciousness leader, Mrs Nontsikelelo Biko, said she was too depressed to comment in any way on the inquest.

Her immediate plans for the future were unclear, having resigned her job as a nurse in the Transkei.

Her first port of call would be Soweto.

Mrs Alice Biko, mother of Mr Biko, was not present in court today because of a "slight accident," according to the family's attorney.

Mr Biko's widow said her mother-in-law was too tired to attend today's hearing.

● The chief of the Security Police, Brigadier C F Zietsman, told reporters that he knew nothing about the arrest of certain members and friends of the Biko family in Soweto.

RDM 2/12/77 (325)
By HELEN ZILLE *Defentor*

MR MARTHINUS PRINS, presiding magistrate at the inquest into the death of Mr Steve Biko, will record his finding at 11 am today.

The announcement came at the end of an extended sitting of the inquest yesterday during which the legal representatives of the Biko family, the police and the doctors made their final submissions.

Mr Sydney Kentridge, SC, for the family, asked the magistrate for a "firm and clear verdict" that the death of Mr Biko was due to a criminal assault upon him by one or more of the eight members of the Security Police in whose custody he was at Sanlam building on September 6 or 7.

Mr Retief van Rooyen, SC, for the police, asked the magistrate to record a finding that no security policeman was responsible for Mr Biko's death by any act or omission that constituted an offence.

The magistrate, Mr Prins will record his finding at 11 am today.

During a four-hour address to the court yesterday, Mr Kentridge said the inquest had exposed grave irregularity and misconduct in the treatment of Mr Biko.

"It has incidentally revealed the dangers to life and liberty involved in the system of holding detainees incommunicado.

"A firm and clear verdict may help to prevent further abuse of the system. In the light of further disquieting evidence before this court, any verdict which can be seen as an exoneration of the Port Elizabeth Security Police will unfortunately be interpreted as a licence to abuse helpless people with impunity.

"We are confident this court will not allow that to happen," Mr Kentridge said.

In his address Mr Kentridge summarised the evidence submitted during the 13 days of the hearing.

He outlined what he described as "a totally implausible account" of Mr Biko's death, starting with a fanciful description of a struggle, violent in the extreme in which no blow was struck, a bizarre account of an alleged shamming when to any candid observer a man's progress to his death was being seen — and all the while the refusal to acknowledge the head injury."

Mr Kentridge said he did not claim Mr Biko was wilfully killed but that he was beaten by one or more persons who at the time did not care whether he was seriously injured or not.

Mr Retief van Rooyen, for the police, dismissed Mr Kentridge's claims.

He said it was highly probable

forehead which resulted in his brain injury during the fracas in room 619 on the morning of September 7.

He dismissed the suggestion that the story has been invented by the police to cover up an assault on Mr Biko. If this had been the case the Security Police could have worked out evidence about a fight which coincided in all aspects and made Mr Biko out to be the aggressor.

If Colonel Pieter Goosen, head of the Eastern Cape Security Police, had known that Mr Biko was suffering from a brain injury he would have had no objection to sending him to a hospital nor would Mr Biko have been kept shackled. The findings of the doctor had confirmed Col Goosen's suspicion that he might be shamming but Col Goosen remained at all times concerned about Mr Biko's state of health.

Mr Van Rooyen also dismissed the allegation that the doctors had entered a conspiracy of silence with Security Police.

"Only if you want to clothe it with the dark garments of suspicion do you make this allegation," he said.

• Full report —
Pages 6, 7, 8

Magistrate to give Biko finding today

ARGUS 2/12/77 325-Delehan

The Argus Correspondent

PRETORIA. — The Chief Magistrate of Pretoria, Mr M J Prins, makes known today his findings in the inquest into the death of the black consciousness leader, Mr Steve Biko.

Mr Biko died in detention in Pretoria on September 12 after being transferred from Port Elizabeth in a police vehicle.

Verdict

PRETORIA. — Available evidence does not prove that death of Mr Steve Biko was brought about by an omission involving any person. This was finding by Chief Magistrate of Pretoria, Mr Marthinus Prins, at inquest on black consciousness leader.



THE Chief Magistrate of Pretoria, Mr M J Prins, outside the Old Synagogue. Mr Prins is presiding at the Biko inquest.

The post-mortem report by the Chief State Pathologist, Professor Johann Louber, said the cause of death was 'head injury'.

The inquest, in its 15th session in Pretoria's Old Synagogue today, has commanded international attention with Press representatives from foreign countries attending.

Since the inquest began on November 14 evidence has been heard from the Security Branch policemen who interrogated Mr Biko in Port Elizabeth, the doctors who examined him there, and four pathologists.

Security police

Also giving evidence were the Chief of the Security Police in the Eastern Province, Colonel

(b) What is the significance of the discrepancy between the values of the taxation and expenditure multipliers in respect of balanced budgets of different sizes (assuming, of course, a depressed and deflationary situation in the economy).

(5)

2/12/77

325

Tighter security at Old Synagogue

The Argus Correspondent

PRETORIA. — Markedly tighter security measures were in force at the Old Synagogue in Pretoria today as the Biko inquest hearing entered its last day.

Uniformed police reinforcements were brought in and for the first time during the hearing they

were carrying rubber truncheons.

The magistrate, Mr M J Prins, was due to give judgment at 11 am but

crowds began to gather from about 8.30, intent on securing a seat in the courtroom.

or the police and Prisons Department who guarded Mr Biko through the nights he was in detention.

The four pathologists were: Professor Loubser, Professor N S F Proctor of the University of the Witwatersrand, Professor I W Simpson of the University of Pretoria, and Dr Jonathan Gluckman, representing the Biko family.

In a 3½-hour address to the court yesterday Mr Sydney Kentridge, SC, the advocate appearing for the Biko family, called for a 'firm and clear verdict' to help prevent 'further abuse' of the security system in this country.

Assault

He submitted that the only reasonable verdict of court was to death.

Police seize Biko 2/12/77

T-shirt device

(e) Compan

(f) Person

(g) Problem

(h) Recent

Own Correspondent

MARTITZBURG. — A device used to print T-shirts with the name of the late black consciousness leader, Mr Steve Biko, has been seized by the police.

They are now checking whether an article declared undesirable has been distributed in Natal.

Lieutenant Eugene Smit, the Mountain Rise police station commander, said statements were being taken from people involved.

Details would be sent to the public prosecutor, he added.

The shirts are said to have been printed by Mr Robin Holmes.

Two were sent to the family of banned editor, Mr Donald Woods, in East London.

When they arrived they had been impregnated with a skin irritant.

Mr Woods' daughter, Mary, tried on one of the shirts and had to have medical treatment.

III. FINANCING THE DEFICIT

A. Various sources of loan finance

- 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 - "captive market".
 - other private financial institutions (non-banking)
- (3) The Banking Sector:
 - (a) Commercial banks - short - term government stock and Treasury bills
 - legal minimum reserve requirement.
 - (b) Reserve Bank - hold approx. 2% government stock
 - keep deposits of government/stabilization account.
- (4) Loan levies - the tax paying public.

Foreign (5) Overseas capital markets.

(Addendum: Some description of the workings of the captive market and methods of obtaining loan finance by certain public organisations.)

B. Major types of government accounts

- (1) Revenue
- (2) Loan
- (3) Exchequer (= Revenue plus Loan plus SWA plus Bantu Education)

3 detained in Swaziland for 600 days

JOHANNESBURG — Three prominent Swazi citizens — one a widowed mother of three — and a member of the Swazi Royal family have been held without trial under Swaziland's 60-day detention law for a total of more than 600 days.

Official secrecy surrounds the detentions.

Mrs Beryl Ras, 44, the executive housekeeper at the Royal Swazi Spa Hotel, was detained on August 6 after claims by some of her staff that she had said members of King Sobhuza's family smelled.

Mr Peter Forbes, 46, a third generation Swazi and leading farmer and businessman, was jailed on July 6 after he had taken legal action to have Prince Makhungu evicted from a farm he had bought in the Manzini district.

Mr John Walker, 58, manager of Mlaula Estates was detained on May 11 as a result of remarks he made in a private tape recording in 1972. The tape is the only evidence against him and has apparently since been lost by the Swazi authorities.

Prince Dumisa Dhlamini, the first member of the Royal family to be detained under the King's Proclamation of 1973, was arrested in July after unsuccessful attempts to evict him from a Government leased flat in Mbabane.

The detention of the three is seen by many observers as a wave of anti-white persecution that is causing growing disquiet among Swaziland's expatriate community.

All the detainees are held under the King's proclamation of 1973 which was introduced when the Westminster constitution bequeathed by the British at in-

dependence in 1968, was scrapped and absolute power vested in King Sobhuza.

The allegations against Mrs Ras, Mr Forbes and Mr Walker — all of whom are citizens by registration — have been withheld from the press and public and investigated only by a Government commission in camera.

The acting Prime Minister, Dr Zonke Khumalo can release information about the detentions, but when I in-



MRS RAS

terviewed him recently, he said: "I have no comment. The matter is sub judice."

At the office of the Commissioner of Police, an unidentified officer said: "As a matter of security we don't comment on anything."

Mrs Ras had a nervous breakdown when her detention order was renewed in October and had to be taken to hospital.

Mr Forbes, who was arrested at his offices at Siteki, also had to have hospital treatment after he went on a hunger strike to get a commission of inquiry into his case.

All detainees are reported to be well treated in jail. — DDC.

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RJM 21/2/77

325- detention

Inside Mail



MR PETER FORBES
... detained.



PRINCE DUMISA
... detained.



MRS BERYL RAS...
detained.

Detained for 600 days

The Swaziland Government is maintaining a strict silence about four people detained without trial in Swazi jails. GEOFF DALGLISH of the "Mail" Africa



learn today whether her 60-day detention order will be renewed for the third time.

I learnt from friends that she suffered a nervous breakdown when the order was renewed in October and had to be transferred to the Raleigh Fitkin Memorial Hospital in Manzini. This week she was reported to be back at Matsapa women's prison and "feeling fine".

The allegations against her arise out of a visit by some of King Sobhuza's wives to the Royal Swazi Spa Hotel on March 21 when she acted as one of the hosts of the tour.

According to claims by some of her black subordinates, she said

tigates.

FOUR Swazi citizens — a member of the Royal family and three prominent whites — have been held without trial under Swaziland's 60-day detention law for a total of more than 600 days.

Official secrecy surrounds the detentions and a government commission of enquiry into reasons why the whites should not be deprived of their citizenship, but a "Mail" Africa Bureau investigation has revealed that:

- Mrs Beryl Ras, 44, the executive housekeeper at the Royal Swazi Spa Hotel, was detained on August 6 after claims by some of her staff that she had said members of King Sobhuza's family smelled.

- Mr Peter Forbes, 46, a third generation Swazi and leading farmer and businessman, was jailed on July 6 after he had taken legal action to have Prince Makhungu evicted from a farm he had bought in the Manzini district.

- Mr John Walker, 58, manager of Maulla Estates near the Mozambique border, was detained on May 11 as a result of remarks he made in a private tape recording in 1972. The tape is the only evidence against him and has apparently since been lost by the Swazi authorities.

- Prince Dumisa Dhlamini, the first member of the Royal family to be detained under the King's Proclamation of 1973, was arrested between July 9 and 11 after unsuccessful attempts to evict him from a government-leased flat in Mbabane.

Although no reasons have been given for Prince Dumisa's detention, he is known to have been unpopular with the government because he assumed the role of a spokesman for workers in labour disputes.

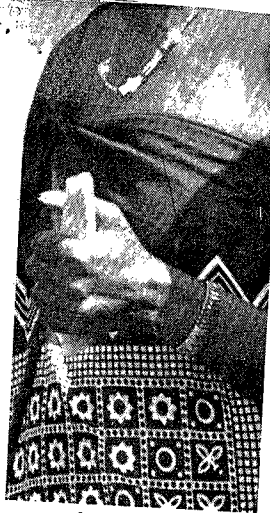
The Prince, who served a number of prison terms for political offences in pre-independence days, has also repeatedly called for the resignation of the Labour Commissioner, Mr M A Khumalo, who he claimed had sided with employers during labour conflicts.

But the detention of the three whites is seen by many observers as a wave of anti-white persecution that is causing growing disquiet among Swaziland's expatriate community.

All the detainees are held under the King's Proclamation of 1973, which was introduced when the Westminster constitution bequeathed by the British at Independence in 1968 was scrapped and absolute power vested in King Sobhuza.

The proclamation reads: "The King-in-Council may, whenever they deem it necessary in the public interest, order the detention of any person subject to any conditions they may impose for any period of time not exceeding 60 days in respect of any order."

"Any person released after such detention may again be detained as often as it may be deemed necessary in the public interest. No court shall have the power to enquire into or make any order in connection with any such detention."



KING SOBHUZA II ... an alleged remark about his wives led to detention of Mrs Beryl Ras, the executive housekeeper at the Royal Swazi Spa Hotel.

The allegations against Mrs Ras, Mr Forbes and Mr Walker — all of whom are citizens by registration rather than birth — have been withheld from the Press and public and investigated only by a Government commission in camera.

Only the Acting Prime Minister, Dr Zonke Khumalo, is in a position to release information about the detentions but when I interviewed him recently he said: "I have no comment. The matter is sub judice."

When I enquired at the office of the Commissioner of Police an unidentified officer told me: "As a matter of security we don't comment on anything."

All the "charges" relate to the Citizenship Order which enables Dr Khumalo, in his capacity as Deputy Prime Minister, to deprive a person of citizenship if he is satisfied that, but for his or her citizenship of Swaziland, the person could be deemed a Prohibited Immigrant.

I was told that the far-reaching implications of the citizenship legislation were a cause of major concern, with the local law association having made representations to the Attorney General.

In each case the findings of the commission, which may still be kept secret, will be forwarded to the Prime Minister, Colonel Maphevu Dhlamini, for a final decision. But it is feared that further delay could be brought about by his long absence from the public spotlight following a serious car crash in Switzerland six months ago. During the past fortnight he has been undergoing treatment overseas, but is expected to resume office shortly.

Mrs Ras, who has lived in Swaziland for 23 years, is expected to

vehemently denied.

Mr Forbes, who was arrested at his offices at Siteki on July 6, also had to be hospitalised after he went on a hunger strike to get a commission of enquiry into his case.

He was later returned to Matsapa Central Prison, where he is being held along with Mr Walker and Prince Dumisa. All the detainees are reported to be well treated in jail.

Mr Forbes, a descendant of one of Swaziland's pioneer families, faces three allegations arising out of his attempts to evict Prince Makhungu from his farm and a letter he wrote to the Prime Minister in August last year, urging him to stamp out high-level corruption and abuse of public funds.

The allegations are that:

- He carried arms or an "arm of war" against Prince Makhungu rendering him in danger of losing his life as well as putting the safety and security of the public in jeopardy.

- He attempted to embarrass the Head of State by buying a farm belonging to a South African, Mrs Rautenbach, which Prince Makhungu had allegedly been negotiating for on behalf of the Swazi nation.

- He engaged in activities that were calculated to "promote disaffection and hostility" against the King and his Government and would encourage the importation of undesirable political practices to Swaziland.

The third allegation is based entirely on the letter he wrote to the Prime Minister urging him to take steps against irregularities, thefts and abuse of funds by high-ranking civil servants.

No specific names were mentioned in the letter, although he referred to the "Swaziland Mafia". Later it is understood that he provided the Swazi police with some names.

The case against Mr Walker, a former schoolteacher who has put a number of handicapped and needy Swazi children through school at his own expense, is based entirely on a tape recording he made in 1972.

In it he is alleged to have made some disparaging remarks about Government officials, although I was told that the tape was a "lighthearted and harmless amusement" made after a few beers.

Possibly connected with his detention — the longest of any of the detainees — is an attempt to evict two Swazis from business premises on the Maulla Estates because they refused to pay rent.

Mr Walker has managed the estates for the past seven years.

Causing concern in Swaziland is a statute of the Immigration Act which states that a person can be declared a Prohibited Immigrant if: "A person who, in consequence of information received from a source considered by the Minister to be reliable, is deemed by the Minister to be an undesirable habitant or visitor to Swaziland."

The section also specifies that any such person has no right to demand any information about the grounds for the decision, and the reasons cannot be disclosed in a court of law either.

This legislation — which observers believe is wide open to abuse — applies only to non-Swazi citizens.

Tories want SA

STAR 2/12/77

probe into

325 detention

prison deaths

The Star Bureau

LONDON — A motion calling on the South African Government to initiate an open inquiry into deaths in prison has now been signed by 41 members of the House of Commons.

Its six sponsors were all Conservatives.

The motion, "mindful of the West's interest in human rights and the peaceful evolution of race relations in South Africa," calls on the Commons to "express deep concern at the reported deaths in

prison of a number of Africans, including that of Mr Biko."

A rival motion, sponsored by three Labour members, two Liberal members and one Ulster Unionist and so far attracting 19 signatures, is blunter.

It reads in full, "This House condemns the murder of Steve Biko."

Early day motions like these are never debated. They provide a vehicle for the expression of views and a demonstration of how widely they are held.

Class Test 15/9/76

2MR 2/12/77

325-Detention

(b) What is the values of respect of of course, economy).

Teacher, priest detained

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(5)

An Anglican priest and a Soweto teacher were detained early today by the Security Police.

The vice-chairman of the Soweto Teachers' Action Committee, Mr N K Molope, was taken into custody at 3 am at his Mofolo South home in Soweto.

A family friend said a number of Security Police members arrived at Mr Molope's home and were reported to have said they were taking him for questioning at the Pretoria police headquarters.

She said the family has not heard any reports about what has happened to Mr Molope.

The Rev Stephen Mashikane Montjane (43) was detained at his home in Moleletsane, Soweto, a spokesman for the Dean's office at St Mary's Cathedral said today. Police have declined to comment about the detentions.

Police deny detention death claim

STAR 2/12/77

325 A. F. H. A.

(b) What is the values of the respect of b of course, a economy).

Police today denied an allegation made at the United Nations that Mr Samuel Britz, a PAC branch chairman in Krugersdorp, had died in police custody two weeks ago.

The PAC alleged that Mr Britz died after being tortured.

A police spokesman said today that the police had no knowledge of — or have ever detained — anyone by that name.

It was possible, the spokesman said, that the PAC may have confused this name with that of a Mr Samuel Breedt, who died of natural causes in Krugersdorp in October.

The spokesman said Mr Breedt, who was known to have been once connected with the PAC, had not been in detention when he died and police had not had anything to do with him for more than 10 years.

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[illegible]

MR SYDNEY Kentridge, SC, for the Biko family, submitted yesterday that one, or more members of the Security Police were responsible for the death of Steve Biko.

He was not saying that MF Biko had been murdered, Mr Kentridge said, but that Mr Biko had been beaten by a person or persons who did not at the time care whether serious injuries resulted or not.

At the start of his argument yesterday morning, Mr Kentridge pointed out that the court had heard evidence over 13 long days.

The duty of an inquest court was to establish the identity of the deceased and the date of his death, both of which had been clearly established.

The court also had to establish the cause of death. There could be no doubt that it had been established that Mr Biko had died of at least five brain lesions caused by the application of external force to his head, Mr Kentridge said.

The suggestion that he had been on a hunger strike and had suffered dehydration needed no serious consideration. He was submitting that the court should find that brain injuries were sustained and that the other symptoms were conse-

quences of the injuries but that he had not wanted him dead but why there was this tremendous concern, he asked.

The concern had to be seen together with Col Goosen's refusal to let Mr Biko go to the hospital and his insistence on sending Mr Biko on a 14-hour journey to Pretoria.

His submission was that Col Goosen's main concern was to lead the doctors to believe that Mr Biko was shamming.

The inquest was not a criminal trial nor a private prosecution. The court had to attempt to ascertain if there were a prima facie case that some person known or unknown was responsible for the death of Mr Biko.

It did not have to come to a conclusion beyond reasonable doubt. The finding was, however, an important one in which Mr Biko's family and other people had a substantial interest.

The representatives of the Biko family had availed themselves of the opportunity to cross-examine witnesses but although they had been permitted full scope in this examination, they had been subjected to a number of limitations in that they had no right to subpoena witnesses and that they would have

surgeons denied that he showed any signs of this but the point of the evidence was that Mr Biko went into the interrogation room alive and well but that at 7 am on the 7th he was a physical and mental wreck.

What arose from this was that one had a man who suffered injury when in the custody of eight men, three during the night and five during the day.

Apart from the eight men nobody else had direct knowledge of how Mr Biko sustained the injury and it was for these eight men to explain acceptably how he came to sustain the injury. In the absence of such explanation the court had to accept that one or more of the eight men were responsible for his incurring the injuries.

Mr Kentridge quoted legal authority stating that where only an accused could explain a matter and didn't an adverse inference could be drawn from such a failure.

with his body but gave a vivid demonstration of a man's head being forced back against the wall.

Maj Snyman had given a remarkably muddled account of the scuffle. On his evidence, even if there had been this bump on the back of the head, this could not account for the injuries sustained.

Mr Kentridge asked the court to compare Maj Snyman's description with the statement in the occurrence book and said they were quite at odds.

Capt Siebert's evidence had been equally vague and unconvincing. He told the court "we fell against tables, chairs and on the ground," but not say that Mr Biko's head injury had been sustained on the 7th when Mr Biko had to be restrained.

Capt Siebert did not describe him as falling so as to bump his head against the wall. This made it all the more difficult to accept Mr Biko had bumped his head against the wall, Mr Kentridge said.

According to Capt Siebert he had been half behind Mr Biko and Detective-Sergeant Nieuwoudt had charged into them. According to Capt Siebert, after this wall incident, Mr Biko fell on his elbows, hands and knees and immediately jumped up.

W O Beneke contributed nothing to the explanation, Mr Kentridge said. W O Marx attempted to give a more comprehensive account but he did not say that Mr Biko bumped his head against the wall. He finally conceded that he could not say that Mr Biko had sustained any head injury in his presence.

It must be argued that notwithstanding the evidence that nobody saw Mr Biko sustain an injury to his head, that in a confused struggle he might have sustained a bump without anybody seeing it.

This was, however, entirely eliminated by the medical evidence on unconsciousness following an injury of this type. On the medical evidence, it was virtually certain that Mr Biko's brain injury must have resulted in a subsequent period of unconsciousness.

Prof Proctor had told the court as far as one could be medically certain Mr Biko must have been unconscious for about 10 to 20 minutes, but if all the lesions had been caused by one blow the period

of unconsciousness of this country, and the leading neurophysician, said that in their opinion there must have been a period of unconsciousness they had to submit that the court had to accept this as being so, Mr Kentridge said.

The police account of the struggle completely excluded a period of unconsciousness and it followed that in that case the injuries could not have been sustained during the struggle.

Mr Kentridge said that he submitted that there was good reason to accept Prof Proctor's view that there had been more than one primary lesion to the brain, but he did not think it possible to ask the court to find as a fact that there must have been more than one application of force to the head apart from the injury to the lip.

Therefore, notwithstanding Prof Proctor's view he could not ask the court to make such a finding.

He was, however, submitting that the fact that there was only one site of application of force did not assist the police in their explanation.

Witnesses had accepted the very strong possibility that the contracoup injuries in the right parietal and the right occipital areas might have resulted from a multiple application of force — for instance more than one blow to the same site or the banging of a man's head against the wall or the floor.

Mr Kentridge said he was referring to the possibility of self-inflicted injuries, not so much because of what had been said in court, but because of what had been said elsewhere — "I don't know if as joke or what".

None of the doctors seemed to have come across such a case of self-inflicted injuries elsewhere, also none of the police members suggested that they ever heard a banging. Mr Biko was never found off his mat and had been chained all the time.

The suggestion that Mr Biko must have banged his head against a wall repeatedly, indicated such extraordinary behaviour that one could leave the suggestion there, Mr Kentridge said.

It was clear from the nature of the cross-examination that all his colleagues had the assistance of eminent medical men yet it had been noteworthy that no evidence had been tendered to contradict the

quences of the brain injury.

The most important question which the court had to answer, however, was whether the death of Mr Biko had been brought about by an act or omission amounting to an offence on the part of any person.

The fact that the identity of a wrongdoer had not been disclosed did not mean that the court had to find that nobody was to blame.

His submission was that a conclusion which could have the effect of exonerating everyone concerned was one which could not be considered on the evidence of this inquest.

Mr Kentridge said that his submission was that one or more members of the Security Police had been responsible for Mr Biko's death and that the injury had been inflicted deliberately or negligently and without good cause.

He was not submitting that Mr Biko had been murdered. His submission was that Mr Biko had been beaten and the person or persons who did this had not at the time cared whether serious injury had resulted or not.

Mr Kentridge pointed out that the police had told the court how concerned they had been about Mr Biko's condition and that Col Pieter Goosen, chief of the Eastern Cape Security Police, had said that he would have given his right arm for Mr Biko's life.

It was certain that they

liked to cross-examine more witnesses who had not been called.

They also could not produce an eye-witness to the treatment which Mr Biko received.

Mr Kentridge said they had submitted police officers to extensive cross-examination in which they did not feel that they had been in any way hampered.

There were not many countries in the world, even in the Western world

but it had appeared that they, including the Deputy Attorney-General, had asked no questions other than repairing the cross-examination. The task of testing the evidence had fallen solely on the shoulders of counsel for the family.

Mr Kentridge said that the investigations undertaken by the police had peculiar and unfortunate aspects. Mr Biko's injuries could have been ascertain-

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 Martinus 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.

where officers of the Security Police would be permitted to appear in open court and to be subjected to what amounted to a hostile cross-examination.

"I think we have every right to be proud of that," Mr Kentridge said.

Counsel for the family had had the assistance of the court but not of any of the other counsel in the court, Mr Kentridge said.

Of course these gentlemen had had to protect interests of their clients

ed from Prof Loubser on September 13 and affidavits could have been obtained immediately after.

The investigating officer took many affidavits but many of them were in duplicate form and they were all self-serving. Also it appeared that the investigating officer had failed to search for documents and had confiscated neither the bed letter nor the telex message.

He had made no search of the Security Branch of-

fices for a possible blunt instrument or anything else.

He had not apparently attempted to find if Mr Biko had exhibited similar symptoms in previous detentions and had not subjected Col Goosen and others to any real examination.

"We do say that a police investigation in a matter like this should show far more spirit and initiative. I do not say Gen Kleinhaus should have kept the interrogation team and Col Goosen in a room and interrogated them for seven or eight hours, but there is a difference between questioning in such a case and an SABC-TV interview with the interviewer questioning a Cabinet Minister," Mr Kentridge said.

He was submitting that on the probabilities Mr Biko had been assaulted and that that was how the brain lesion had been caused. The Security Police had denied the assault and had suggested that Mr Biko's injury could have been caused in the incident on September 7 in which Mr Biko was said to have been the aggressor.

They did not persist in their suggestion of suicide.

The main issue was, therefore, if one or other of the Security Police had assaulted Mr Biko while he was in their custody. Counsel for the family had no direct evidence of this, but was submitting that the Security Police had closed their ranks and entered

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he was submitting that the undisputed assault on Mr Biko's dignity and the callous disregard of his human rights were highly relevant in assessing the evidence.

He was kept in solitary confinement in the Walmer police cells and deprived even of the negligible rights he had as a Section 6 detainee.

Mr Kentridge referred to the warrant under which Mr Biko was held and said the limited rights given to a detainee indicated that he could at least have a reasonable quantity of private clothes.

Nobody other than a State official could have access to him and he could not receive newspapers nor food from outside but otherwise privileges like exercise should have been allowed to him.

Instead Mr Biko had been left naked and had had no proper washing facilities and had no exercise. Mr Biko had complained to a magistrate but that was a dead letter.

Mr Biko was then brought to the interrogation room and was put into handcuffs and leg irons. He remained shackled even after Col Goosen had suspected that he had had a stroke and remained shackled even after he was seen by Dr Lang.

He was shackled the whole day of the 7th, the whole night of the 7th and on the 8th. The Security Police had said that Mr Biko had not made use of toilet facilities which were offered but Mr Biko was found in urine-wet trousers and on a wet mat.

The doctor thought that Mr Biko should be seen by a specialist physician but even this did not help Mr Biko much. He was simply left there. Mr Kentridge said.

In the Port Elizabeth prison Mr Biko was shown some kindness by the warders but no channels of communication were open to report on his condition.

On the morning of the 11th he was moved from hospital and placed in a cell. In fact this meant he was removed from the bed to a mat and again left naked. After a few hours he was found in a

state of collapse on the floor.

Doctors were called in and Mr Biko had to go to a prison hospital 1200 km away. He was transported in a Land-Rover lying naked on the back with nothing more than a bottle of water.

In Pretoria, although Mr Biko had to be carried into prison, even there the Port Elizabeth Security Police tried to persuade officials that he could be shamming and could be on a hunger strike.

According to Col Goosen there were outstanding medical facilities at the Pretoria prison. But for Mr Biko these were a mat in a corner of a cell and the attendance of a newly-qualified medical practitioner whose diagnosis was based on false information and whose treatment consisted of a drip and a vitamin injection.

At no time was the family notified, Mr Kentridge said.

"We end with Biko dying a miserable and lonely death on a mat on a stone floor," he said.

Mr Kentridge referred to Col Goosen's statement in the affidavit he made after Mr Biko's death that everything had been done for the comfort of Biko. That was as cynical a statement he had ever heard in a court of law, he said.

Mr Kentridge said that the concern of the doctors had to be judged in terms of their conduct rather than their profession.

The importance of the doctors' evidence was that when the court had to consider the evidence of the Security Police it might find that that evidence was not acceptable in the light of evidence of Mr Biko's treatment.

Mr Kentridge then sketched the circumstantial picture of the reasons for Mr Biko's death.

Referring to the dating of the brain injury he said that it had been dated by Drs Loubser, Gluckman and Simson as four to eight days old but

probably five to six days old. Prof Proctor dated the injury at five to eight days before death.

This evidence meant that the injury was suffered before the night of the 8th but not earlier than the 4th or the 5th.

The police evidence enabled the court to fix the time before which the injury could not have been suffered.

When Mr Biko left Walmer he was fit and well and he was interrogated for seven or more hours and in full command of himself. The court was told that he gave answers in an aggressive manner and that the questioning ended at 6 pm.

There had been no suggestion Mr Biko had not been entirely well on the day of the 6th. At 7.30 am on the 7th he was found by Col Goosen to be incoherent and Col Goosen was then speaking in terms of a suspected stroke.

When one refers to the clinical evidence the picture becomes even clearer, Mr Kentridge said.

On the evening of the 8th Dr Hersch had found evidence of brain injury. Earlier the same day Dr Tucker's examination revealed similar symptoms such as a weakness of the left limbs and a doubtful upgoing toe, all features indicating neurological disorder.

On the 7th Dr Lang had noted signs of neurological abnormality such as thick speech, a difference between reflexes, and ataxia (staggering gait). This evidence placed it beyond reasonable doubt that Mr Biko had suffered injuries not later than 7.30 am on the 7th and not earlier than on the night of the 6th.

Mr Kentridge said that he accepted police evidence that Mr Biko responded normally during interrogation on the 6th. If police evidence was not truthful the injury could have happened earlier.

Mr Kentridge said that he had put it to a witness that Mr Biko had been smashed up. Police witnesses and the district

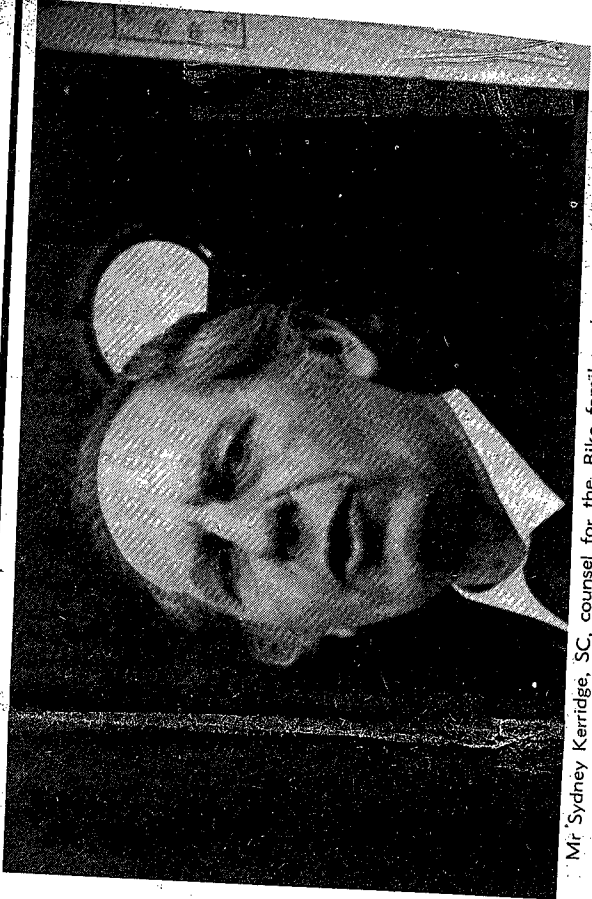
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Police caused Biko's death,

Kentridge claims



Mr Sydney Kerridge, SC, counsel for the Biko family, who concluded his argument yesterday.

Mr Kentridge said that he was submitting that not only was there insufficient information but false explanations were given by members of the Security Branch of events of the 6th and 7th.

The evidence of the night squad had been a bare denial that Mr Biko had been assaulted, Mr Kentridge said.

Mr Biko had been either within sight or within hearing of these people at all times. Lieutenant W E Wilken and W O H Fouche told the court that they looked in on him from time to time from a nearby office. No explanation whatsoever is to be found in their evidence.

In the case of the day squad, the court did not have mere denials. They gave accounts of events alleged to have taken place. They told the story of aggression by Mr Biko followed by a struggle after which Mr Biko was pinned to the ground and manacled.

According to them five strong men had been needed to overpower Mr Biko. They said that in the course of the struggle Mr Biko may have bumped his head against a wall but they could not explain Mr Biko's injury.

Not one of the members of the squad was prepared to say that they saw him striking his head against the wall. Not one of them was prepared to say that they saw the wound on Mr Biko's forehead and not one of them said in his original affidavit that Mr Biko might have bumped his head.

Mr Kentridge said that the whole object of the affidavit taken by Gen Kleinhaus had been to fix the attention of the members of the police force on the brain injuries. The failure to mention in the affidavit that he might have bumped his head during the scuffle leads irresistibly to the inference that this did not happen and could not have happened.

Referring to the entry in the occurrence book Mr Kentridge said that the value of the entry had to be measured in the context of the whole of Maj Snyman's (one of the interrogators) evidence.

Maj Snyman had stated as a fact in the occurrence book that Mr Biko had fallen with his head against a wall and his body on the ground. When asked in court which part of Mr Biko's head had hit the wall, Maj Snyman said he had hit the back of his head against the wall.

Maj Snyman had been quite unable to explain how Mr Biko could also have fallen on the ground.

of unconsciousness must have been even greater.

Prof. Simson fully agreed with this evidence that it was almost inconceivable that there would not have been unconsciousness.

He said this would not have been merely amnesia but Mr Biko would not have been able to use his limbs. He would not concede that the unconsciousness could not have been noticed.

Mr Kentridge said that this evidence was supported by much medical authority.

If they accepted that on the early morning of the 7th Mr Biko did have this outburst, that he went berserk, that it took five men to pin him down and that even then he went on struggling in an irrational manner it appears from the medical evidence that this violence could be symptomatic of a head injury which Mr Biko had already received.

Mr Biko had been a strong man but not a superman. On a previous occasion Maj Hansen alone had brought Mr Biko under control. One had heard about a man almost mad, Mr Kentridge said. One who had had a brain injury. Then he had a relapse into stupor and afterwards the curve of consciousness went up again until Mr Biko finally relapsed into coma.

When three of the lead-

evidence of Prof. Gousberg, Simson and Proctor on the question of unconsciousness, Mr Kentridge said.

He was submitting that not only had no proper explanation been given but false evidence had been given to the court. He was submitting that the police account of what had happened on the morning of the 7th had been untruthful.

At some time during the night or before 7 am on the 7th injuries were inflicted on Mr Biko, Mr Kentridge said. The seriousness had no doubt not been realised at the time but it had been thought necessary to call a doctor. It was then thought necessary to give an explanation which would make Mr Biko the aggressor.

Mr Kentridge said the telex which Col Goosen had tried to conceal referred to injuries inflicted on Biko at 7 am. In the witness box Col Goosen had said that this merely referred to the injury on Biko's lip.

This could not be true. The vital point was that Mr Biko's inability or refusal to speak had been directly related to the injury inflicted because this telex stated "after the injury he refused to speak". Nobody could believe that a mere injury to a lip could account for a fail-

● TO PAGE 7

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out that in some circumstances the circumstantial evidence could be far more cogent than direct evidence. He was suggesting that the circumstantial evidence which showed that one or more policemen assaulted Mr Biko fell into five categories:

- The time when the injuries were sustained. His submission would be that they were sustained between the evening of the 6th and 7.30 of the morning of the 7th.

- The failure of the police officers to give a truthful explanation of the circumstances in which Mr Biko received the injury. The fact that they concealed the truth and that some of them in court gave false evidence of what happened on the 7th.

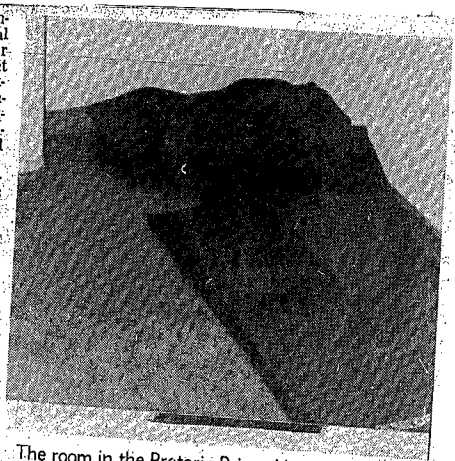
- The failure of the doctors to see what they should have noticed and the fact that they were drawn into the conspiracy of silence.

- The medical evidence which showed that the scuffle as described could not have caused the injury.

- With these factors should be considered the circumstantial evidence of how Mr Biko was treated while in detention, Mr Kentridge said.

The evidence about his treatment was undisputed. When he was detained on August 18 he was in good health but he died 26 days later. The Security Police themselves admitted the treatment to which they had submitted Biko.

Mr Kentridge said that



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The room in the Pretoria Prison Hospital in which Dr Andries van Zyl, a Pretoria District Surgeon, said in evidence this week he found Mr Biko lying on mats on the floor. Mr Biko died later that day.

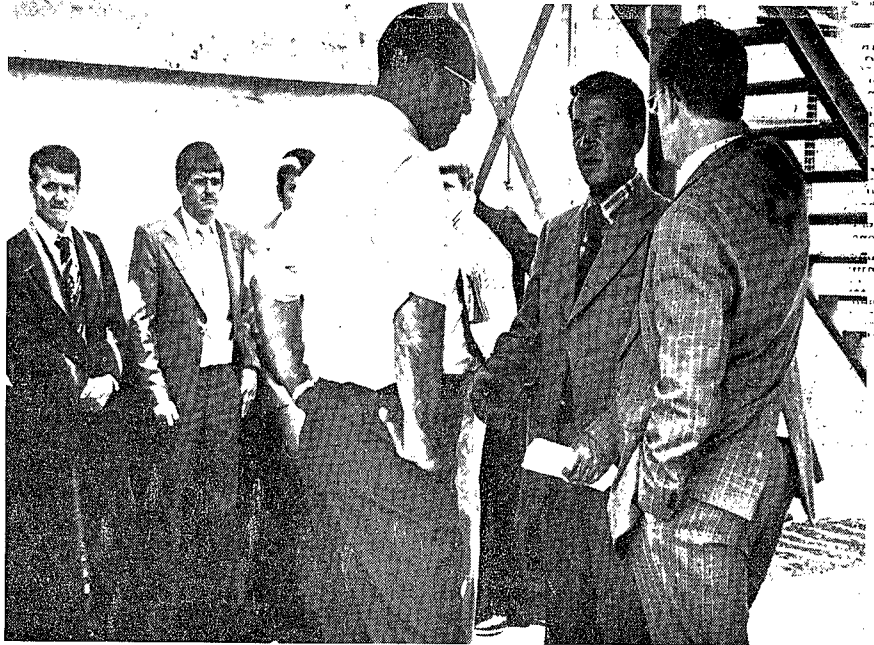
**'We end with him
dying a miserable
and lonely
death on a mat
on a stone floor'**

**By CAROL STEYN, MELANIE
YAP and HELEN ZILLE**

of

Dr Lang had clearly allowed himself to be influenced in his diagnosis by Col Goosen, Mr Kentridge said.

Dr Benjamin Tucker also made no searching inquiry into what had been wrong with Mr Biko although he found his clothes and bedding wet with urine. Mr Kentridge said. 'His conduct was not in accordance with what one can expect from a district surgeon, much less the Chief District Sur-



● TO PAGE 8

The head of the Security Police in the Eastern Cape, Colonel P Goosen, (second from right) talking to friends during an adjournment of the Biko inquest in Pretoria.

Picture: DAVE POGHE-PARRY

DION DECLARES

PRICE WAR

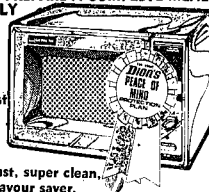
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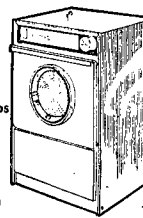
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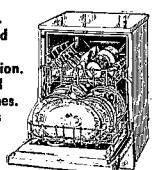
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PRICE WAR SPECIAL

Brig Zietsman enormous help

● FROM PAGE 6

ure to react, Mr Kentridge said.

Dr Lang had been induced to give a clean certificate which he had conceded had been incorrect. Mr Kentridge said that he would say that the certificate had been false.

On the night of the 7th further alarming symptoms made further action necessary and the entry in the occurrence book was then made. The entry was then significant because of the explanations given for it which were contradictory and unacceptable.

Mr Kentridge submitted that none of the explanations about the late entry in the occurrence book was satisfactory and that the reason for the entry had been to lay a foundation to make Mr Biko out as the aggressor.

The telex message connected Mr Biko's refusal to speak with his injuries but Col Goosen's affidavit did not. The telex had been intended only for the eyes of the Security Police. It said nothing of shamming but the affidavit made the next day devoted a page to the theory of shamming.

Mr Kentridge said that it was no wonder that Col Goosen denied the existence of any telex message. He read from the record Col Goosen's evidence denying that he had made any written report and in which the colonel said that he had dealt with the matter only telephonically.

There was nothing else in his generally unsatisfactory evidence which told against him so heavily, Mr Kentridge said. If Brig Zietsman had not very properly disclosed the telex Col Goosen might have got away with this.

He said that that part of the telex which dealt with the journey to Pretoria was as damaging to Col Goosen as the other part

been put to Biko on that day.

"We have a clear and plain case of perjury on the part of Maj Snyman. It would be interesting to see what action would be taken by the Attorney-General in this connection," Mr Kentridge said.

There could have been only one explanation for Maj Snyman's contradictions: that Biko had not been the aggressor.

Capt Siebert had said Mr Biko had gone "ashen grey" in the confrontation. "The idea of a man of Biko's complexion going ashen grey is rather difficult to visualise," Mr Kentridge said.

The story of Mr Biko's confession hardly read true, he said.

A great deal of effort had been made by the Security Police to show Mr Biko had been a revolutionary and an urban terrorist and his image as a man of peace had not been deserved. "We refused to join issue on Biko's guilt or innocence. It is enough to say that even if this evidence had been correct, which we say is not, it does not for a moment justify the way in which he was treated," Mr Kentridge said.

"If Mr Biko had already told the truth why should he be told later by Lieut Wilken that he should stop wasting everybody's time," Mr Kentridge said.

What finally told against the story of the confession was the telephonic conver-

sation and had maintained even in court that this had been their general belief at all times. This was demonstratively untrue.

Col Goosen had said that he had had information that Mr Biko had in previous detentions shown similar symptoms but this had not been confirmed. "This story of Col Goosen bears all the hallmarks of invention," Mr Kentridge said.

The police officers denied that they ever used undue pressure to make detainees speak but when he asked why Mr Biko should sham to avoid answering questions the officers never answered, he said.

Col Goosen had told the court that he had been assured by three doctors that there was nothing physically wrong with Mr Biko but on the evidence it is perfectly clear that none of them had given that assurance.

After Col Goosen knew Mr Biko had died of a head injury he attempted to put up the theory this injury had been sustained on the morning of the 9th — after Mr Biko had been seen by Dr Hersch. He then put forward the view that Mr Biko had shammed the effect of a head injury which was only suffered on the 9th. "Even for Col Goosen that is really going some distance," Mr Kentridge said.

Mr Kentridge referred

saying that Biko had threatened a hunger strike. It is clear from the evidence that he had not threatened a hunger strike. The question remains how such statements could be made at the highest level which were false and misleading. Why was nothing said of the scuffle and why was it never corrected?

The Security Police had not attempted to clear this up and neither had the Minister of Police, Mr Kentridge said. Neither the Minister or any officer in Pretoria was likely to have invented this version, therefore it must have originated in Port Elizabeth, he said.

Dr Van Zyl, the last doctor to see Mr Biko, admitted his diagnosis had been based on information that Mr Biko's condition was the result of a hunger strike.

"I am not saying that anything could have been done at that stage to save Mr Biko's life but the irresponsibility and effrontery of police officers in conveying this sort of information to Pretoria is deserving of the strongest censure from the court," Mr Kentridge said.

He then dealt with the concerted denial of witnesses that they saw an injury on Mr Biko's forehead. Prof Loubser and Dr Gluckman had said that this was hardly credible. "There is none so blind as those who would not see," Mr Kentridge said.

There were further indications that the police had something to hide.

They gave instructions that no black persons should come into contact with Mr Biko, gave a false name when sending the spinal fluid to the institution and concealed Mr Biko's true name from Mr Keely (the neurosurgeon) and possibly Dr Hersch.

The only inference which could be drawn from the falsehoods was that of guilt, he said.

Mr Kentridge said that he regretted that it was ne-

Security Police", Mr Kentridge said.

Dr Lang relied on hearsay twice removed on Mr Biko's condition in the prison hospital and on that decided to move him back to the police cells. "That is such an extraordinary lack of responsibility towards a patient that one must draw the most adverse inference on Dr Lang's credibility" Mr Kentridge said.

Dr Lang told the court that he came to the conclusion on the 11th that Mr Biko's condition had improved when it had in fact deteriorated.

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YOU HAVE THE BEST
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REFRIGERATOR



'No evidence Biko was beaten up'
STAR 2/17/77 (325-etc-48-)

A host of witnesses had failed "en masse" to see any external injury — ...is included policemen,

Mr van Rooyen submitted the court could find no other finding except that Mr Biko had died of brain injury and that no living person, as

He submitted the inquiry had exposed "grave irregularity and misconduct" in the treatment of a detainee.

was due to criminal assault by one or more of the eight members of the Security Police, in whose custody he was at Security Police headquarters.

"It is with some sadness I must regret that in this case the proved facts show that not only can the court not rely on the evidence (of the pair) but that an analysis of the evidence shows that they are joined with the Security Police in this conspiracy of silence related to Mr. Biko's condition."

The advocate felt the doctors had turned a blind eye to Mr Biko's condition.

The district surgeon had also admitted the certificate was "highly inaccurate," Mr Kentridge added.

He, like Dr Lang, identified himself with the Security Police by attending a consultation held by Mr van Rooyen. He made no "searching

He did not wish to ask questions which could have embarrassed the Security Police.

[illegible]

2/12/77

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doctors and prison officials.

MILITATED

The only conclusion was that the mark was not readily visible, Mr van Rooyen said. The only person who saw a mark of sorts was a security policeman, Lieutenant Winston Wilken, a man who should have been at the heart of the cover-up alleged by counsel for the family.

This fact militated against the allegation of a cover-up, police counsel said.

If Mr Biko had been injured in the fracas, there would have been no reason to conceal the fact, he said, just as there had been no reason to cover up the injury on the man's lip. An attempted cover-up would have merely placed the police in jeopardy.

The mark supposedly seen by Lieutenant Winston Wilken on September 6 raised the possibility that the injury may have been self-inflicted, Mr van Rooyen said, especially if one considered what the psychological condition of Mr Biko must have been shortly after 6 pm on September 6.

Mr van Rooyen agreed with Mr Kentridge that the injury could have occurred on the morning of September 7.

Captain D P Siebert, one of the interrogation team, had been one of the best witnesses he had ever seen, the advocate said.

The witness had withstood Mr Kentridge's cross-examination with the greatest of ease, he had been "cool, calm, collected, logical and was not shaken in the least."

far as the police were concerned, was responsible for the death.

Counsel for the doctors, Mr B de V Pickard, said he was concerned about Mr Kentridge's submission that the doctors and police were colluding. He felt Mr Kentridge had not interpreted the evidence properly.

"Placed in the wrong context, all kinds of sinister conclusions can be reached," he said.

Mr Pickard also pointed out that Dr Lang and Colonel Goosen seldom worked together professionally.

Mr K von Lieres, Deputy Attorney-General, replied to earlier criticism from Mr Kentridge by saying it appeared his duty at the inquest had been misconstrued as the duty of a prosecutor.

Because there were so many legal representatives at the Biko inquest, the role of the prosecutor must be reduced, the State counsel said.

Mr Kentridge said during his address that the task of testing evidence had fallen on his shoulders.

On the subject of possible negligence, Mr von Lieres said if it could not be casually connected to the death it was irrelevant.

"CROSSED RUBICON"

If the evidence of Professor I W Simson, from the University of Pretoria was accepted — that Mr Biko had "crossed the Rubicon" six to eight hours after his injury — and one accepted that he received the injury about 7.30 am on September 7, then any action taken

Mr van Rooyen then turned to the fact none of the police witnesses had said Mr Biko may have been unconscious while he was in their care.

Pathologists had told court that in their opinion, it was possible Mr Biko may have been unconscious after an application of force to his head.

SCUFFLE

It would be a "grave miscarriage of justice" if the police witnesses were branded liars on the basis of medical opinion the advocate said. "One cannot be dogmatic about his talk about him being unconscious," he said.

Talking about the scuffle which occurred in the Security Police office on September 7, Mr van Rooyen said it could not be expected of the police to have seen exactly what happened.

Though no one saw Mr Biko actually bump his head during the scuffle there were at least two occasions when this could have happened.

He said Mr Kentridge was seeking a finding that Mr Biko had been assaulted — "at some stage unknown by someone unbeknown."

Mr Van Rooyen said Mr Kentridge's submissions were based on "the natural desire" on the part of the Biko family to get at the police and also to try and get security legislation changed.

Turning to the doctors' evidence, Mr Van Rooyen

after 3 pm on the same day could not be connected with the man's death. Mr von Lieres submitted.

Dr I R Lang had testified that when he examined Mr Biko on the morning of September 7, he found nothing dramatically wrong apart from the injured lip, which could have forewarned him.

If this was accepted, then the magistrate would not be entitled to make a finding against any of the doctors.

The same would apply to the police he said.

ACCESSORY

The mere fact that the police called in medical help at the very earliest opportunity after Colonel Goosen was informed of Mr Biko's injury was proof that he acted properly.

If Dr Lang had been aware that Mr Biko had been assaulted and the doctor issued a certificate to cover this up, then he would have been an accessory.

If he realised the assault would lead to the man's death he would also have been accessory to culpable homicide.

The wording of Mr Kentridge's address led to that conclusion, Mr von Lieres said, and if that was so, the advocate appearing for the Biko family was not entitled to say he did not ask for a finding against the doctors.

In a statement handed

Fifteen Peninsula detainees freed — maybe more

325 Detention
Cape Times 3/12/77

Staff Reporter

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AT LEAST 15 of the people from the Peninsula detained by security police under Section Six of the Terrorism Act this year have been released in the past few weeks, according to a list of detainees released yesterday by the Dependants Conference of Mowbray.

A spokesman of the Dependants Conference said the list was not conclusive because it was possible that more people had been released.

The list includes Mr A Q Sayed, a journalist at the Muslim News in Athlone.

The list of those released which includes their age, address, date and place of detention is as follows: Amos Mgese, 18, of Guguletu, detained since July this year at Caledon Square; Oupa K. Lehler, 16, of Guguletu, detained since July this year at Caledon Square, released on November 24; Sipho Langa, 21, of Guguletu, detained since April this year at Pollsmoor Prison, released on November 24; Raymond Dyasi, 17, of Guguletu, detained since April at Pollsmoor Prison, released on November 24; Samuel Fumi Gqiba, 27, of Guguletu, detained since August at Milnerton, released on November 24; Tatan Ntlebi, 14, of Guguletu, detained since November this year at Caledon Square, date of release unknown; Edward Madoda Kibi, 19, of Guguletu, detained since November this year, date of release unknown; Mhle Laurence Mayekiso, 12, of Guguletu, detained since November this year at Caledon Square, date of release unknown; Simon Thobile Kewana, 13, of Guguletu, detained since November this year at Caledon Square, date of release unknown.

George Wele Kewana, 15, of Guguletu, detained since November this year at Caledon Square, date of release unknown; Joel Sontyanyta, 13, of Guguletu, detained since October this year at Caledon Square, released on November 11; Leonard M Mdlankomo, 14, of Guguletu, detained since November this year at Caledon Square, date of release unknown; Andrew Matshabisa, 15, of Guguletu, detained since November at Caledon Square, date of release unknown; Daniel Vuyisile Mangaba, 19, of Guguletu, detained since September this year at Caledon Square, date of release unknown.

The security police were not available for comment yesterday.

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PART of the crowd which demonstrated outside the court yesterday after hearing the magistrate's finding at the Biko inquest.

NM 3/12/77 (325Def)
5-minute

Biko verdict

Biko

TELETYPE PAGE 1

the proceedings. When he had re-read them, he would make a decision in approximately two weeks.

The Minister of Justice, Mr. Jimmy Kruger, declined to comment on the findings of the inquest.

"There has been a finding by the Magistrate and I have no comment on that," Mr. Kruger said.

But Mr. Ray Swart, national chairman of the Progressive Federal Party, said the findings of the inquest Court could not be allowed to rest.

Mr. Swart said there was an urgent need for a full-scale judicial inquiry into the whole matter of deaths in detention.

British legal expert Sir David Napling, who attended the inquest as an independent observer, will submit a full report on his views of the proceedings early next week.

Sir David, a guest of the Association of Law Societies of South Africa, said yesterday he was "very greatly satisfied" that every facility had been given for the fullest inquiry to be made on existing evidence.

He added: "It was quite impossible on the evidence produced to identify any one or more persons who could be said to be blamed. This does not mean, however, that I think no one was to blame."

Sir David is the immediate past president of the Association of Law Societies of England and Wales.

Routine

African Medical and Dental Council.

In terms of the Inquest Act, Mr. Prins may forward the Court record to the council to enable it to decide whether or not any of the doctors who had examined Mr. Biko in Port Elizabeth had breached the council's rules.

Mr. Prins said he was still awaiting the full transcript of the proceedings to the South

Mr. Chetty, said later, however, that the possibilities of further action had not been entirely eliminated.

"We are considering the implications and will make a decision in due course," he said. "There is always the possibility of a civil action."

Mr. Prins said last night he had not yet decided whether to forward a transcript of the Court proceedings to the South

was: "Vorster will never go to heaven, he will go to hell." Earlier, before the Court proceedings started at 11 a.m., the hand baggage and parcels of all spectators were searched by uniformed police at the entrance to the Old Synagogue.

The Biko family lawyer, Mr. Shun Chetty, said later that it was unlikely that the family would ask that the findings be reviewed as provided for by law.

as scores of Blacks tumbled out of the packed Old Synagogue after the inquest finding had been announced. The crowd of nearly 200 Blacks almost immediately erupted into freedom songs and Black Power salutes before a battery of foreign TV cameramen and newspaper reporters and photographers.

One of the chants — a carefully videotaped by a plain-clothes policeman —

PRETORIA — The available evidence did not prove that the death of Mr. Steve Biko had been brought about by an act or omission involving an offence by any person.

This was the finding yesterday by the Chief Magistrate of Pretoria, Mr. Martinus Prins, at the inquest here into the death of the Black Consciousness leader.

His judgment came at the end of a three week inquest.

In his verdict, which lasted about five minutes, Mr. Prins said Mr. Biko's death could be attributed to head injury with extensive brain injuries followed by complications leading to renal failure.

— TURN TO PAGE 2

3/12/77

325

death, he said.

Mr. Prins said the head injury had probably been sustained on the morning of September 7 during a scuffle with Security Police in Port Elizabeth.

Riot Police armed with black rubber truncheons stood at the ready yesterday

The record of the inquest would now go to the Attorney-General of the Transvaal as a matter of routine, a spokesman for the Department of Justice said.

Sharp international reaction and concern for the future treatment of detainees has greeted the inquest findings.

There was anger from British Labour Party MPs that the Security Police had been cleared of blame.

In South Africa, the Dean of Law at the University of the Witwatersrand, Professor John Dugard, said the inquest had disclosed most disturbing information on the treatment of Section 6 detainees, and evidence had indicated that Mr. Biko was treated in "the most inhuman manner."

Mrs. Helen Suzman, Progressive Federal Party spokesman on justice, said she was "vastly surprised" at the findings and believed they would surprise most reasonable people.

Arrests

• At least 15 people, including members and friends of the Biko family, were detained during a Security Police swoop in Soweto early yesterday morning. Mr. Khaya Biko, brother of Mr. Steve Biko, and a cousin, Mr. Solomon Biko, were detained from the home of the Rev. Drake Tshenkeng in Orlando East. Mr. Tshenkeng was detained on October 19 under the Internal Security Act. Two friends of the Biko family, Mr. Mandla Kopo and Mr. Mike Jordaan, and the brother of Mr. Tshenkeng, Mr. Junior Tshenkeng, were also arrested at the house.

(Mercury Correspondents/
Mercury Reporter/Sapa.)

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(325 - Detention)

Three Swapo w/c ARGUS 3/12/77 leaders held

Argus Africa News Service

WINDHOEK. — Security Police are reported to be holding three leaders of the South West Africa 'People's Organisation' in the northern homeland of Ovamboland.

According to a report from a usually reliable source, which the security police would neither confirm nor deny, the leaders in custody are the vice-chairman, Mr. Daniel Tjongarero, the national treasurer, Mr. Taino Hatuikulipi, and a member of the executive, Miss Lucia Hamutenya.

The secretary of the Christian Centre, Mr. Justin Ellis, was also reportedly being held.

They had gone to Ovamboland from Windhoek to organise a conference under the auspices of the Christian Centre.

The chief of the security police in Ovamboland said information could only be released by police headquarters in Pretoria.

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- BIBLIOGRAPHY - Laissez-faire
- * (1) P. Samuelson, "Economics" (International Student Edition) (9th Ed.), Ch. 42: "Winds of Change: Evolution of Economic Doctrines".
 - * (2) Richard T. Gill: "Evolution of Modern Economics" (Foundation of Modern Economics Series). Ch. 2: "Classical Economics".
 - * (3) O. Eckstein: "Public Finance". Ch. 1: "Scope of Government Activity".
 - (4) Adam Smith: "Wealth of Nations", Book 4, Ch. 9: "The Invisible Hand" (also Book 2)
 - (5) J.M. Keynes: "The End of Laissez-Faire" (1926) (50 pages).
 - (6) Milton Friedman: "Capitalism & Freedom".

Note: The first two sources may serve as texts in that they cover relevant bits in the chapters concerned. Friedman should be looked at, if possible, in that it provides the clearest exposition of the free-market case. Keynes' little book is a superficial, witty, entertaining account of the evolution of the Laissez-faire philosophy, which is vigorously attacked.

- * It is essential for students to read at least one of the references marked *.

BIBLIOGRAPHY - The centrally-planned economy

- * (1) Samuelson: "Economics" (9th ed.). Ch. 43: "Alternative Economic Systems". See, in particular, the section on "The Soviet Economy".
- * (2) G. Grossman: "Economic Systems" (Foundation of Mod. Econ. Series). Ch. 2: "Some Institutions and Problems". See, in particular, section on "Centralization-Decentralization".

Biko's

brother

held in

police

woop

Staff Reporter

Steve Biko's brother, Nkomo Biko, were detained with at least 11 others during an early morning Security Police sweep in Soweto yesterday.

The two Biko cousins were detained at the home of the Rev Drake Tsheneng in Orlando East, where they were staying when they were swept into Biko's death.

Mr Tsheneng was detained on October 19 under Internal Security Act. Two friends of the Biko family, Mr Mandla Kopa and Mr Mike Jordaan, and a brother of Mr Tsheneng, Mr Junior Tsheneng, were also arrested at the house.

According to friends, security police arrived at about 2 am and the house was raided.

RUM 3/12/77

325-Deletions

Surprise, concern over Biko result

STAFF REPORTERS

SHARP international reaction as well as local surprise — and concern for the future treatment of detainees — yesterday greeted the inequest findings on the death of black consciousness leader Mr Steve Biko.

In a three-minute sitting in Pretoria's Old Synagogue yesterday, the presiding magistrate, Mr Marthinus Prins, found no evidence that anyone was criminally responsible for Mr Biko's death in detention on September 12.

A packed courtroom listened attentively as he delivered his verdict after a 15-day hearing.

Mr Prins found: "The cause or likely cause of Mr Biko's death was a head injury, followed by extensive brain injury and other complications including renal failure. The head injury was probably sustained on the morning of September 7, during a scuffle with Security Police in Port Elizabeth, and the cause of death does not prove that death was brought about by an act or omission involving an offence by any person," Mr Prins said.

After the hearing, policemen stood by as crowds of black people gathered in front of the court.



Other people detained were the acting chairman of the Soweto Teachers Action Committee, Mr N Molope, the committee's secretary, Mr Isaac Nkomo, Mr Ismael Nkomo, a member of the Soweto Action Committee, and two priests, the Rev Jeffrey Moselane and the Rev Stephen Mashikane Montjane, and Mr Letsatsi Mosoa.

QUESTIONING

A member of the Molope family said two white security policemen arrived at 3 am and said they were taking Mr Molope for questioning. But last night Mr Molope was still in detention.

The two priests, Mr Moselane and Mr Montjane, were among a group of priests who appeared at the Johannesburg Magistrate's Court on Thursday under the Riotous Assemblies Act.

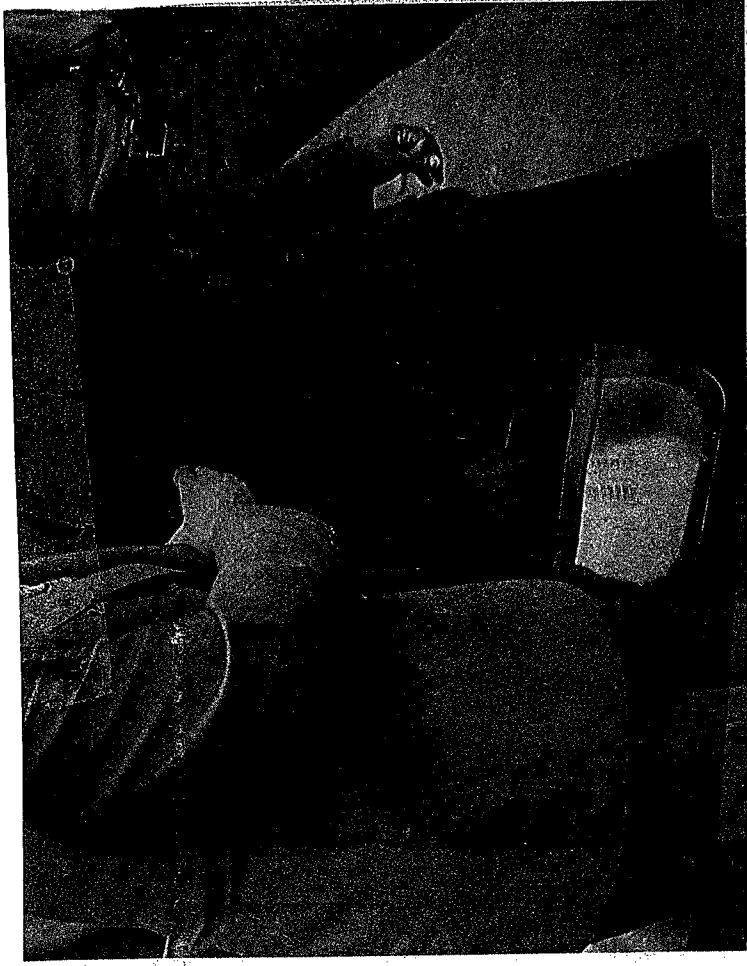
The wife of Mr Moselane, Mrs Nomhle Moselane, said she was not at home when her husband was detained. Police at John Vorster Square would not confirm her husband's detention, she said.

Two other people, Mr L Mokgale and Mrs Thembi Ramokgopa were also reported to have been detained.

Mrs Ramokgopa is the wife of Mr Ramsey Ramokgopa who is being held under the Internal Security Act. Police would not comment last night.

In South Africa, the Dean of Law at the University of the Witwatersrand, Professor John Dugard, said the magistrate's findings were "astonishing". The inquest had disclosed most disturbing information of Section Six detainees and evidence indicated Mr Biko was treated in "an almost inhuman manner", he said. "While it is impossible

• TO PAGE TWO



The widow of Mr Steve Biko, Mrs Nisiki Biko, pictured outside Pretoria's Old Synagogue yesterday, with her lawyer Mr Shun Chetty at the end of the three-day inquest. Pictures: DAVE PUGHE-PARRY.

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Power salutes

More than a dozen riot squad policemen kept watch from a distance but no incidents occurred.

Earlier in Soweto, Security Police detained Mr Biko's brother, Mr Khaya Biko, and his cousin, Mr Solomon Biko.

Reaction to the outcome of the inquest yesterday included renewed calls for a full-scale inquiry into the methods of interrogation under the Terrorism Act as well as a Medical and Dental Council investigation into the relationship between district surgeons and the Security Police.

Mr Prins said last night he had not yet decided whether to forward a transcript of the court proceedings to the South African Medical and Dental Council.

In terms of the Inquest Act, Mr Prins may forward the court record to the council to enable it to decide whether any of the doctors who examined Mr Biko in Port Elizabeth had breached any of the council's rules.

Mr Prins said he was still waiting for the full transcript of the proceedings. When he had re-read it he would make a decision, he said. This could be in about two weeks, he added.

The Biko family lawyer, Mr Shun Chetty, said last night possibilities of further action had not been eliminated.

"We are considering the implications of the decision and will make a decision in due course. There is always the possibility of a civil action," Mr Chetty said.

An angry outcry from British Labour Party MPs greeted the news that the Security Police had been cleared of blame for the death of Mr Biko.

Party chairman, Miss Joan Lester, said:

"I hope that some of the defenders of South Africa will have had their eyes opened," she said.

The inquest findings were the major news bulletin on all television and radio broadcasts in Britain yesterday and a joint Labour Party-Anti-apartheid Movement conference at the weekend plans to stress the need for a freeze on investment in South Africa.

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Surprise, concern at findings

• FROM PAGE ONE

from the evidence to identify the circumstances which gave rise to Mr Biko's death, the South African concerned about justice must have very serious misgivings about what happened to Mr Biko in detention — both in respect of the method of his interrogation and his medical treatment."

Although every opportunity had been given to the Biko family lawyers to examine witnesses called, the court's refusal to allow certain witnesses to testify "will cast doubts on the validity of the proceedings," Prof Dugard added.

"Unfortunately, the Biko inquest did not examine the manner in which the Minister of Justice obtained the information which gave rise to his own contradictory statements," he said.

Mrs Helen Suzman, Progressive Federal Party spokesman on justice, said she was "vastly surprised" at the findings and believed they would surprise most reasonable people.

She supported calls for a judicial inquiry into the safety of Terrorism Act detainees.

"An inquest is insufficient," Mrs Suzman said.

Other reaction to the inquest findings included:

● Dominee Sam Buti, president of the South African Council of Churches, said it was a serious mark on justice in this country.

● Dr Farouk Meer, vice-president of the Natal Indian Congress, said that there appeared to be a contradiction in the court's findings. "It was admitted that Biko had suffered head injuries yet the court failed to find anyone responsible for these injuries," he said.

Biko's wife denies allegations

DAIKY JASAT

6/12/77

325 - Detention

EAST LONDON — The wife of dead black consciousness leader, Mr Steve Biko, has slammed reports that she was being used by left wingers to embarrass South Africa through the planned civil action "against those responsible for his death in detention."

Mrs Ntsiki Biko was reacting to a front-page report in yesterday's *Vaderland*, the Johannesburg Afrikaans afternoon paper, which said the civil suit was designed to let the "Biko story" re-emerge to embarrass South Africa.

The story, under the headline "Biko se vrou so misbruik", said *Die Vaderland* had "proof that there was nothing between Mrs Biko and her husband before he died."

Speaking from her home in Ginsberg after returning from the inquest with her mother-in-law, Mrs Alice Biko, and her sister-in-law, Mrs Nobandile Mvovo, Mrs Ntsiki Biko said *Die Vaderland* was expected to come up with such slanderous statements.

"We always expected them to come up with this type of comment but what I would like to know is where they come up with such pathetic remarks."

"Afrikaans newspapers that print this type of thing must be crazy. I was Steve's wife, not his keeper."

"I deny categorically that I am in any way instrumental in providing left wingers with the opportunity for embarrassing South Africa. All I am concerned with is moving for justice and following the advice of my attorneys."

"As far as I am concerned the whole reason for taking the matter further was simply that it had to be taken further. I don't know why they should

level such ridiculous accusations about so-called left wingers."

She refused to comment on the finding of the inquest.

Meanwhile, the finding of the inquest continues to draw comment — from as far afield as Buenos Aires.

The Buenos Aires *Herald* carried a front-page lead story on the findings under the heading "Police off hook in Biko case."

The story said the findings amount to "one of the more damaging pieces of evidence of brutality to emerge in our times — extreme cruelty even when measured against the horrors of the Second World War and this age of terrorism: It will never be forgotten."

"The verdict has shown the world apartheid's ugliest face, reminding us all that as long as this inhuman, anti-Christian and hateful creed guides Pretoria, South Africa is heading for a race war."

"The unrealistic legalism on which the verdict is based recalls the show trials of Eastern Europe and the purges in Russia." — DDR-DDC.

Delay in Biko case?

Pretoria Bureau

The family of black consciousness leader Mr Steven Biko will be lucky if the envisaged suit against those alleged to be responsible for his death is heard during 1978.

This is the view of the family lawyer, Mr Shun Chetty, who said the first step would be to send a letter of demand to the Minister of Police, Mr Kruger, and in all likelihood the Minister of Health, Dr S.W. van der Merwe.

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STAR 5/12/77

Steve Biko family to sue Kruger

The family of Mr Steve Biko, who died in detention, is to sue the Minister of Justice, Mr Kruger, for "a substantial amount" of damages.

This was disclosed in Johannesburg today by a spokesman who is close to the Biko family. It was also possible the Minister of Health, Dr van der Merwe, would be sued jointly and severally.

News of the civil action to be brought follows a three-minute verdict in Pretoria on Friday in which Mr M Prins, Pretoria's chief magistrate, found that evidence at the inquest did not prove that anybody was criminally responsible for Mr Biko's death.

Mr Prins is reported as saying he made a finding in terms of the Inquest Act and that concluded his duty.

NEXT FEW WEEKS

A spokesman close to the Biko family said the "persons responsible" for Mr Biko's death would be sued within the next few weeks.

He said the inquest magistrate could decide whether the inquest record should be forwarded to the Medical and Dental Council.

The council could not take action against doctors unless it received a complaint.

"There are at least seven or eight leading doctors who are prepared to make such a complaint," said the spokesman.

● "Terrible message" in Biko finding - Page 23.

- Population growth

greater employment by manufacturing (and services, though)

- Major ~~obstacle~~ Possibly more scope for domestic

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- Population growth + declining primary sectors =>

greater employment by manufacturing (and services, though)

- Major ~~obstacle~~ Possibly more scope for domestic

manufacturing to replace some more ~~expensive~~ imports?

Terrible message

in Biko finding

The Star Bureau

NEW YORK — For South Africa's friends in the world, the terrible message of the Biko inquest is that "we have placed too much hope in reason," says a leading columnist who has in the past shown almost sympathetic reasoning for Afrikaner psychology.

Anthony Lewis, writing in the New York Times, says that by dimming the hope of reason, the Biko case will have profound effects on Western relations with South Africa.

"Not just governments alone, but banks and foundations and individuals will want to re-examine their associations with a society that has decided to sow the wind."

The inquest showed that police sadism was officially condoned in South Africa, that it was the inevitable result of the country's racial policies.

"The politician responsible for police conduct also remains untouched by the lies and cruelties exposed at the inquest," Lewis says in reference to Mr. Jimmy Kruger.

WHITE RELIEF

The Washington Post says the Biko finding is an indictment of South Africa, and South Africans who are pushing the country towards a Soviet-style police state bear a heavy responsibility.

New York Times correspondent John Burns writes from Johannesburg that "a great many of the whites in South Africa—fresh from the Nationalist-dominated election—seem disposed to accepting the official result of the inquest."

Among whites, he says, the verdict seemed to have been accepted more with relief than with chagrin.

The Star's London Correspondent reports that shock, anger and dismay were reflected in editorials and comment in British newspapers on the findings.

In the House of Commons, 23 MPs were reported to have signed a motion declaring: "That this House condemns the..."

4. The problem of separation when products are joint

Need for the production problem. What is $Q = F(L, K)$. Connect the marginal productivities in the productivity theory

contributions of each factor to the total product.

to help solve the imputation problem? A technical relationship between production function and distribution theory. Difficulty of knowing marginal Long-run nature of marginal returns implicit in this process.

5. Wage differential: If all men and jobs are identical

Wages would be determined by the value of the marginal product of labour. If different, wage differential between jobs.

substitution would be non-existent, i.e.

perfect demand. Wage rate will equal the marginal product of labour. If people were alike but jobs different, wages would compensate for non-money differences.

1. A union can act as a monopsony

supply of labour.

2. Indirect restraint to raise the standard of living

of labour, by persuading employers to raise wages

3. Unions can create derived demand

for labour by shifting the demand curve

4. Unions can create monopsony power.

Biko family plan to sue 'persons responsible'

Cape Times 4/12/77
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(ii) JOHANNESBURG. — The Biko family plans to sue the "persons responsible" for Mr Steve Biko's death in detention.

(iv) Mr Biko's widow, Ntsiki, may also lodge a complaint

(v) against the doctors who treated her husband with the Medical and Dental Council. These plans were confirmed yesterday by the family's lawyer, Mr Shun Chetty.

(i) Inoc "In terms of the

(1) Prescription Act, civil actions have to be brought within six months of the event — in this case the occurrence which gave rise to Mr Biko's death. This means we will have to estimate it from August 18, the date on which Mr Biko was detained."

(ii) Mr Chetty declined to say who would be facing the litigation as a result of Mr Biko's death. He said names mentioned in Sunday newspaper reports at the weekend were speculation on the part of reporters concerned.

✕ (1) Samu Chap Both the Sunday Times and the Sunday Express reported that the Biko family was likely to sue the Minister of Police, Mr J. T. Kruger, and the Minister of Health, Dr Schalk van der Merwe, in their respective capacities as heads of the departments employing the security police and district surgeons.

✕✕ (2) Otto Chap "We will be able to name the persons responsible once

Own Correspondent

the action has been filed," Mr Chetty said yesterday.

He said the amount the Biko family would claim in damages had not been decided.

Yesterday Mr Marthinus Prins, the Chief Magistrate of Pretoria, who presided over the 15-day Biko inquest, said he had no intention of furnishing full reasons for his finding last week.

In a three-minute verdict on Friday, Mr Prins found that evidence did not prove anyone criminally responsible for Mr Biko's death.

"I made a finding in terms of the act and that concluded my duty. As far as I am concerned, that is the end of it."

Mr Prins does, however, plan to reread the record of the inquest proceedings to decide whether the court record should be forwarded to the Medical and Dental Council.

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Fairness "

ARGUS

5/12/77

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Biko verdict a 'whitewash' —US Press

The Argus Bureau

NEW YORK.—The general mood of outrage and anger which characterised major media coverage here of Mr Steve Biko's death has turned even harsher in reports and commentaries on the inquest result.

The New York Times has classed the magistrate's ruling as a 'whitewash' and the Washington Post says the finding is an indictment of South Africa.

In addition, a New York Times dispatch from Johannesburg tells its readers that most South African whites seem ready to accept the inquest result.

Little of any news of consequence in South Africa in recent years has matched the media coverage here of the Biko case, from the shock of his death to the outrage of the inquest ruling.

In a weekend editorial, the New York Times says the only mystery remain-

ing after the long inquest is which of the interrogating officers administered the fatal blow.

The magistrate's conclusion 'shakes any remaining hope that blacks can receive justice from white South African courts.

'The lesson South Africa's police must draw is that where blacks are involved and where officers are prepared to tough it out and protect one another, they can operate with minimal judicial hindrance.'

CONSULT

The Washington Post says in its main Sunday editorial that Mr Biko was the kind of black leader

sensible whites would have wanted to consult.

But instead he was murdered and his murder now has been covered up.

Because the inquest was held in 'the other part of the South African legal system,' the outside world was able to gain some glimpse of 'the atrocities that whites in power commit against those they choose to see as "cheeky" blacks like Mr Biko.

'One must be thankful that such glimpses are still permitted. There is a real possibility that such inquests will be shut off in order to shield from public view a repressive policy that many South Africans believe will probably be intensified.'

JOHANNESBURG — Mr Khaya Biko, the brother of Mr Steve Biko, was released late on Friday afternoon and warned to leave Johannesburg.

Mr Biko was among the 13 people detained during an early morning Security Police swoop in Soweto on Friday. At least seven are known to have been released.

He said he was not told why he was detained and was not interrogated.

Mr Biko was detained with four other people from the home of the Rev Drake Tshenkeng and taken to the Protea police station. Three of the others, Mr Mandia Kopo, Mr Solomon Biko and Mr Junior Tshenkeng, were also released. The fourth, Mr Mike Jordaan, is still in custody.

"Shortly before we were released we were taken to a major who warned us that we should go back to King William's Town," Mr Biko said. Two other people in Mr Biko's group were also from King William's Town.

The major warned the group that if he heard anything about them they

would be redetained.

Mr Biko heard of the inquest court finding while in detention.

"A policeman came up to me and said 'I have just listened to the radio, nobody is to blame.' The policeman seemed jubilant," he said.

His cousin was accused of being "one of those who made black power salutes during the inquest."

Mr Biko said they were detained at about 2 am on Friday. Police had asked for Mr Jordaan but when they discovered that some members of the Biko family were staying at the house they were all detained. A security policeman had remarked that the house was "full of terrorists."

Referring to the inquest finding he said: "It came as one of the greatest shocks in my life, after what had been revealed in court."

Also released on Friday were Mr L. Mokgale, Mrs Thembi Ramokgopa and Mr Nathaniel Molope, vice-chairman of the Teachers' Action Committee. — DDC.

DD 5/12/77

Biko's

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told to

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Rand

Biko family may sue for damages

JOHANNESBURG — The Biko family plans to sue the "persons responsible" for Mr Steve Biko's death in detention.

Mr Biko's widow, Ntsiki, may also lodge a complaint against the doctors who treated her husband, with the Medical and Dental Council.

These plans were confirmed yesterday by the family's lawyer, Mr Shun Chetty.

"A claim for damages will have to be brought quite soon," he said. "In terms of the Prescription Act, civil actions have to be brought within six months of the event — in this case the occurrence which gave rise to Mr Biko's death.

"This means we will

reported that the Biko family was likely to sue the Minister of Police, Mr Kruger, and the Minister of Health, Dr Van der Merwe, in their capacities as heads of the departments employing the Security Police and district surgeons.

"We will be able to name the persons responsible once the action has been filed," Mr Chetty said. The amount the Biko family would claim in damages had not been decided.

The Chief Magistrate of Pretoria, Mr M. Prins, who presided over the 15-day

Mr Prins does, however, plan to reread the record of the inquest proceedings to decide whether the court record should be forwarded to the Medical and Dental Council.

A senior Johannesburg medical practitioner said yesterday the council could not take action against doctors unless it received a complaint.

"It can't take notice of newspaper reports or initiate action itself," he said. "But any person can lodge a complaint against any registered person."

Commenting yesterday

to the United Nations, Mr Andrew Young, said: "It is going to take a little time for South Africa to come to its senses.

"But after all it took 14 years to find and convict the bomber of a church in Birmingham . . . and we have had our own Atticas."

He was referring to the recent conviction of an aging white Klansman in Alabama for bombing a church and killing black children at the height of America's civil rights troubles in the 60s and to the prison riots at Attica, New York, in the early 70s. — DDC.

5/12/77

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August 10, the day on which Mr. Biko was detained."

Mr. Chetty declined to say who would be facing litigation as a result of Mr. Biko's death. He said names mentioned in Sunday newspaper reports at the weekend were speculation on the part of the reporters concerned.

Both the Sunday Times and the Sunday Express

furnishing full details of his finding last week.

In a three-minute verdict on Friday, Mr. Prins found that evidence did not prove anyone criminally responsible for Mr. Biko's death.

"I made a finding in terms of the Act and that concluded my duty," Mr. Prins said yesterday. "As far as I am concerned, that is the end of it."

Biko—Nat papers'

The Argus Correspondent
PRETORIA.—Nationalist newspapers have reacted to the findings and evidence in the Biko inquest with strong expressions of concern and calls for changes in the handling of detainees.

The Johannesburg Nationalist newspaper, Beeld, said in an editorial today that attention should be given in Parliament to the question of access to detainees being given to responsible, interested parties.

Amendments to the existing practice, it said, should include allowing detainees to be visited by unimpeachable professional people so that there were fresh

reports at all times concerning the health of the detainees.

TOO HEAVILY

"To detain a man without trial is a weighty step. To leave him entirely in the hands of the inquisitor is weighing the balance too heavily against the interests of the democratic community," it said.

The Pretoria Nationalist newspaper, Oggendblad, asked today: 'Do we simply accept the way in which the late Steve Biko was acted against or are we going to urge that strong steps are taken to normalise the handling of prisoners?'

The Minister of Justice and Police, Mr J J Kruger, should issue a statement concerning instructions to the police. The good name of the police demanded it,

The newspaper suggested that portfolios of Justice, Police and should be separated.

This was not a reflection on the ter, Mr Kruger, it said, but suggested departments had different functions.

UNFORTUNATE

The Biko case had been unfrom the beginning.

'Steps must be taken to prevent litigation,' Oggendblad said.

The Sunday nationalist Rapport, said yesterday the circumstances in which Mr Biko had been detained 'with the best will in the world described as humane'.

It was long overdue that the question of detention and if should be thoroughly re-ex-

Biko's family to sue Minister

The Argus Correspondent

JOHANNESBURG.—The family of Mr Steve Biko, who died in detention, is to sue the Minister of Justice, Mr J T Kruger, for a 'substantial amount' of damages.

The civil action would relate from August 18, the day on which Mr Biko was detained.

NO COMMENT

A spokesman for the Transvaal Attorney-General's office could not comment on whether the action would be defended. 'This is a decision for the Government to take,' he said.

The Biko family's lawyer, Mr Shun Chetty, said the quantum of damages to be claimed by the family had not yet been fixed but it would be several thousand rands.

An amount would be fixed in about two weeks. Mr Chetty expected the action to be brought either in the Rand Supreme Court or the Supreme Court, Pretoria.

● Sapa reports that Mr Khaya Biko, the brother of Mr Steve Biko, and one of 13 people detained during an early morning security police swoop in Soweto on Friday was released late on Friday afternoon and was warned that he should leave Johannesburg.

Alles was so gou oor,
hofgangers het met 'n ge-

tridge se hoofargument nog
oor die ondersoek bly hang.
'Met name oor die „fracas“

Biko se bekentenis ,versinsel'

ONGETOETSTE getuienis van die Veiligheidspolisie dat Steve Biko op die middag van 6 September beken dat hy die opsteller is van die opruiende Port Elizabethse pamflet, is onaanvaarbaar in die lig van wat die polisie later getuig het.

Só het adv. Sidney Kentridge SC (vir Biko se familie) in sy slotbetoog voor landdros Martinus Prins aangevoer. Hy het die verhaal van die beweerde bekendenis as „n versinsel“ (fabrication) bestempel, en gesê die hele boom van die polisie se saak val daarmee uit.

Maj. Harold Snyman het vroeg al getuig dat Biko die Woensdagmiddag, ná ses, sewe uur ondervraging, eendelik erken het: „OK, man, I formulated the pamphlet.“ Daarin is swartmense opgevorder om met brandstigting en doodslag diegene te intimideer wat nie aan die herdenking van die vorige jaar se onluste wou deelneem nie.

Met hierdie en ander getuienis — nie in die hof getoets nie, omdat dit nie betrekking gehad het op die nadoode ondersoek nie — sou die Veiligheidspolisie Biko aan die kaak kon gestel het. Daarmee, het kol. Pieter Goosen getuig, sou daar by 'n openbare verhoor aan die wêreld getoon kon word dat Biko nie die „man van vrede“ was waarvoor hy uitgemaak is nie.

Lede van die Veiligheidspolisie het getuig hierdie eindlike bekendenis van Biko was vir hulle 'n belangrike deurbraak. Hy het nog nie tevore „saamge-
werk“ nie.

Daarom, het adv. Kentridge gesê, is dit so wonderlik dat kol. Goosen volgens 'n beëdigde verklaring van brig. F. C. Zietsman, niks van dié deurbraak geryp het toe Pretoria hom ythoe ver daar met die onder-

soek gevorder is nie.

Die kolonel het toe net vertel van 'n keer toe Biko „amper gepraat“ het — die aand toe hy aan luit. Winston Wilken van die nagspan sou gesê het: „Gee my vyftien minute...“ maar op die ou end nooit tot praat gekom het nie.

Hoekom het hy nie sy hoofkantoor van die belangrike deurbraak vertel nie? Adv. Retief van Rooyen, vir die polisie, het die kolonel dit in kruisverhoor gevra.

Kol. Goosen het gesê Woensdagmiddag se mondelinge erkenning van Biko was baie minder belangrik as die skriftelike verklaring wat luit. Wilken die aand uit hom sou gekry het: daarom het hy net dáarna verwys.

Dié uitleg oortuig nie, het adv. Kentridge aangevoer. Want luit. Wilken het self getuig oor die Veiligheidspolisie se roetine-prosedure met ondervraging. Daarvolgens was daar daardie-aand nog g'n sprake van 'n skriftelike verklaring nie. Papier en potlood het hy nie gaan haal nie. Die man moes eers net praat, die skriftelike verklaring sou eers in 'n baie later stadium ageneem ge-wees het.

Kol. Goosen se vreemde stillswye teenoor sy hoofde oor Biko se beweerde bekendenis laat die sterk vermoede dat daar nooit so 'n bekendenis was nie. Hierdie klaarblyklike swakplek in die polisie se saak vernietig sy hele grondslag, het adv. Kentridge betoog:

Polisiegetuienis was dat Biko besef het hy is „ontmasker“ as alles behalwe 'n man van vrede, en dat dit gelei het tot die woede uitbarsting wat die noodlottige „hewige worsteling“ van vroeg Donderdagoggend, 7 September, vooraf sou gegaan het.

die voorval ondersoek het, nóg teenoor genl. Kleinhans, wat 'n maand later spesifiek kom probeer vaststel het hoe 'n breinbese-
ring van dié aard kon plaasgevind het, is dit genoem dat Biko sy kop gestamp of vooroor op sy gesig geval het; of ooit gedurende die worsteling bewusteloos was — soos 'n breinbese-
ring vansulke erns 'n mens volgens mediese getuienis „in die hoogste waarskynlikheid“ sal maak.

Lastige vrae bly hang veral rondom 'n vertroulike teleksboodskap wat kol. Goosen op 16 September aan Kompol in Pretoria gestuur het, maar volgehoe ontken het tot dit deur bemiddeling van brig. Zietsman bekom en in die laaste week in die getuiebank aan hom getoon is.

Sertifikaat

Daarin staan Biko het die beserings op 7.9.77 om 7h00 opgedoen en daarna geweier om te praat. En „rede dat inskrywing hieroor eers op 8.9.77 in die Baakensstraatse voorvalleboek opgeteken is terwyl besering aan aangehouedene op 7.9.77 toegedien is“, was dat dr. Lang, wat deur kol. Goosen ontbied is omdat die oorledene nie wou praat nie, 'n sertifikaat uitgereik het dat hy niks met hom verkeerd gevind het nie. (Met die woord „toegedien“ het hy hom nie heeltemal presies uitgedruk nie, het kol. Goosen getuig.)

Ondanks hierdie teleksboodskap van die sestende in het hy op 17 September in 'n beëdigde verklaring gesê hy het die oggend van die sewende gedink Biko kon miskien nie reg praat nie vanweë 'n „beroerte-aanval“, en dat hy daarom die dokter ontbied het; en op 21 Oktober, in 'n verdere beëdigde verklaring, opper hy die teorie dat Biko hom self, en wel op 9 September, so 'n ernstige kopbesering kon aangedoen het.

Volgens adv. Kentridge het die Port Elizabethse Veiligheidshoof met sulke teorieë die aand probeer wegtrek van die feit dat die noodlottige besering nie later as die vroeë oggend van 7 September opgedoen is nie „en in omstandighede waarop die kolonel nie met eerlikheid die aandag durt vestig het nie.“

Adv. Van Rooyen: As dit die kwaliteit van die afleidings is waarop adv. Kentridge moet staatmaak om die getuies te diskrediteer, dan gryp hy na 'n strooi in die wind!

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Rapport 4/12/77



LANDDROS M. J. PRINS



STEVE BIKO



KOL. PIETER GOOSEN

Vrae wat bly oor 'fracas'

NIEMAND is aanspreeklik nie!: die breinbesering (nie hongerstaking) wat gelei het tot Steve Biko se dood, is waarskynlik opgedoen in die hewige gestoei tussen vyf Veiligheidspolisie-manne en die aangehoudene, voor halfagt die oggend van 7 September.

Tot so 'n slotsom het hooflanddros M. J. Prins gekom ná vyftien dae van getuienis en betoog wat uit Pretoria se Ou Sinagoge om die wêreld getrek het. Dit was 'n hofsitting waarop selfs adv. Sidney Kentridge, namens die Biko-familie, kon sê dat hy trots is: in 'n ander lande, selfs in die Weste, sou dit moontlik gewees het om die polisie in die openbaar aan sulke skerp onder-vraging te onderwerp. En Veiligheid se brig. F. C. Zietsman is deur hom uitgesonder as „besonder hulpvaardig“.

Landdros Prins, wat volgens eie getuienis soggens vieruur opgestaan het om vorige dae se hofverslae na te gaan, het die laaste betoë Donderdagnmiddag tot lank ná ses aangehoor, en Vrydagoggend elfuur in minder as vyf minute uitspraak gelewer: daar is g'n getuienis dat enigeen vir mnr.

voel van anti-klimaks rond-gestaan. Swartmense op die sypaadjie het vir oulaas voor die horde TV-kameras en bandopnemers hul nou bekende protesliedjies gesing — Vorster won't ever go to heaven, Snyman won't ever go to heaven (maar 'n mens het niks verneem van Prins nie). Busse-busse manne in kamoeffleer-uniforms het in opvallende gereedheid in die omtrek gehurk en geluier. Maar daar was genadiglik geen insident nie. Dis nie gebruiklik, maar ook nie heeltemal uitgeslot nie dat daar by ondersoek van dié aard 'n volledige beredenering van die uitspraak gegee word. Vrydag was baie wat die saak stip gevolg het, spyt dat landdros Prins nie

adv. Klaus von Lieres se woord wat oor die afgelope drie weke so dikwels op Frans in die ou Sinagoge gehoor is.

Nie verklaar

Met verwysing na omstandighedsgetuienis wat vir adv. Van Rooyen heeltemal onaanvaarbaar was, het adv. Kentridge geredeneer dat polisiegetuienis se beskrywing van die „fracas“ nie bevredigend kon verklaar hoe Biko dié besondere soort teenpool-besering kon opgedoen het nie; en, meer dat onware getuienis wat bv. maj. Harold Snyman en kol. Pieter Goosen hier rondom gelewer het, daarop dui dat hulle „iets gehad het om weg te steek“ (Hy kyk terloops met be-

Deur RYKIE VAN REENEN

tog in die openbaar sy bevinding gemotiveer het nie.

Selfs nadat adv. Retief van Rooyen, vir die polisie,

langstelling of die prokureur-generaal die gevalle van meened by die polisie gaan vervolg, het hy gesê).

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1. Tribune 4/12/77
**COLD RELATIONS
WITH AMERICA**
(325) detention
**GROW ICIER
OVER INQUEST**

Tribune Bureau — Sapa-Reuter

WASHINGTON: South Africa's shaky relations with Washington have been strained even further by reaction to the Biko verdict clearing the security police.

A State Department spokesman, Mr. Hodding Carter, said: "Even if individual responsibility was not established, Mr. Biko's death resulted from a system which permits gross mistreatment in violation of the most basic human rights."

The presiding magistrate, Mr. Martinus Prins, ruled that while Mr. Biko's injuries had probably been sustained in an interrogation room scuffle, the evidence did not point to any one person being responsible.

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Policy
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"We were shocked by the verdict in the face of compelling evidence at the least that Steven Biko was the victim of flagrant neglect and official irresponsibility," Mr. Carter said.

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He added that the detention of other members of the Biko family on the same day was "particularly insensitive."

In New York, the United Nations Secretary-General, Dr. Kurt Waldheim, expressed shock and dismay at the verdict.

Through a spokesman, Mr. Waldheim said there was strong evidence to show that Mr. Biko suffered violent and inhuman treatment.

In Britain, BBC Radio listeners were told by Mr. Allister Sparks, editor of the Rand Daily Mail, that there was a danger that the Biko inquest verdict would be seen by South Africa's security police as a vindication of their actions.

While some liberal-thinking South Africans were undoubtedly shocked by the inquest evidence, the results of this week's general election showed that a great body of white South Africans are not shocked by the evidence of what has happened. Mr. Sparks said in a radio interview.

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Policemen accused of homicide by counsel

From ROGER OMOND in Pretoria.

STORIA — One or two Special Branch men were guilty of at least a probable homicide, the inquest was told yesterday.

In a four-hour argument, counsel for the Biko family, Mr S. Kentridge, SC, said the inquest had exposed grave irregularity and misconduct and revealed dangers to life and liberty involved in the system of holding detainees incommunicado.

He added: "A firm and an verdict may help to prevent further abuse of system."

He warned that "any verdict which can be seen as an exoneration of the Port Elizabeth Security Branch will unfortunately be widely interpreted as a licence to abuse helpless people with impunity."

Mr Kentridge's address opened the 14th day of an inquest into Mr Biko's death in detention. The court was crowded throughout the morning and after the lunch adjournment as he delivered a marathon address.

Mr Kentridge said that he or more of the security policemen were responsible for the injury which caused Stephen Biko's death and that the probabilities are that the injuries were inflicted deliberately, unlawfully and without good cause. Those responsible are accordingly guilty of at least the crime of culpable homicide.

Mr Kentridge's argument was packed with incidents of the Special Branch, criticism of the doctors who examined Mr Biko, and argument that the police had lied and

made contradictory statements.

Although the inquest was not a trial, it had to decide whether there was a prime facie case against anybody responsible for Mr Biko's death and that a negative finding could not be reached by any reasonable man.

He accused the Special Branch of entering into "a conspiracy of silence" as to what really happened to Mr Biko and that the doctors who examined Mr Biko entered it as well. For this reason he could not say which Special Branch man assaulted Mr Biko.

The court has also been hampered by the half-hearted police investigation and the efforts of other counsel "to repair or extenuate the results of our cross-examination."

"To reach the conclusion that Mr Biko was assaulted it is not necessary to have direct evidence," he said. "Circumstantial evidence is sufficient."

He accused the head of the Special Branch in the Eastern Cape, Col P. J. Goosen, of "a callous disregard for Mr Biko's legal and human rights" despite the Colonel's protestations that everything possible had been done for Mr Biko.

Col Goosen had had him kept naked in a police cell for 18 days, deprived him of exercise, washing facilities and the right to buy food.

When Mr Biko had been brought to the Special Branch offices in the Sanlam Building, he had been handcuffed and

shackled by leg irons and was expected to sleep like that. Even after Col Goosen had thought Mr Biko had suffered a stroke he had remained shackled.

Mr Biko had remained shackled for several days, had been sent naked on a 1200 km journey in the back of a Landrover and had received little medical treatment in Pretoria while the Special Branch continued to insist he was shamming.

"Certainly Col Goosen's statement made after the death of Mr Biko that everything was done for the comfort and health of Steve Biko is as cynical a statement as any heard in a court of law," Mr Kentridge said.

Counsel for the police had disputed the claim that Mr Biko had been smashed up, but "on the morning of September 6 Mr Biko went into the interrogation room alive and well. At 7.30 am on September 7 he was a physical and mental wreck."

It was during this time that the fatal injuries which led to death had been inflicted, Mr Kentridge said, who went into lengthy detail on expert medical testimony to prove this point.

It was up to the police to explain how Mr Biko had been injured. "In the absence of an acceptable explanation the court is entitled to draw an inference that one or more of them was responsible for unlawfully assaulting him," Mr Kentridge said.

Those who had Mr Biko in their charge were Maj Snyman, Capt Siebert, W/O Marx, W/O Bencke and Sgt Nieuwoudt by day and Lt Wilken and W/O Coetzee by night.

Mr Kentridge detailed police evidence on the events of those two days and said the account of the struggle after Mr Biko "went berserk" was unsatisfactory. No policeman had said he saw Mr Biko hit his head against the wall or floor and there were a number of contradictions in their evidence.

Expert medical testimony had been that Mr Biko must have been unconscious for some time after suffering the head injury. But no witness had admitted Mr Biko had been unconscious at all.

Police evidence on why Mr Biko had "gone berserk" on September 7 was "demonstrably false".

Police witnesses had said they thought Mr Biko was feigning illness. Yet Col Goosen had arranged urgent transport to get Mr Biko to Pretoria for treatment. Col Goosen had also said in evidence that at that time he had no reason to believe Mr Biko was sick.

But in the telex to Brig Zietsman Mr Biko was described as being in a semi-coma. It was also patently false to claim, as Col Goosen had done, that the doctors had suggested Mr Biko was shamming.

Col Goosen was trying to draw attention away from the fact that Mr Biko had suffered the head injuries which led to his death not later than the early morning of September 7. Col Goosen's men had also tried to divert attention of the Pretoria prison hospital authorities away from the head injury.

Why had the Special Branch never corrected the statement by the Minister of Police, Mr Kruger, that Mr Biko had threatened a hunger strike when it had never happened? Mr Kentridge asked.

Who was responsible? Neither the Special Branch nor Mr Kruger had deemed it fit to clear up the mystery. Although Col Goosen had denied giving the information to Pretoria it must have originated in his office and "a question mark remains over the Port Elizabeth branch."

Col Goosen had also tried to claim Mr Biko's injuries could have been self-inflicted — "an absurd and flagrant example of Col Goosen's prevarication" as late as six weeks after the death.

Another "unexplained mystery which casts

doubts on the truthfulness of the police officers" was their "concerted denial" of having seen the obvious injury on Mr Biko's left forehead. The doctors had not seen it either, they had claimed.

Mr Kentridge examined the role of the doctors in detail and said in an analysis of their evidence showed Dr I. Lang and Dr B. Tucker, the two Port Elizabeth district surgeons, who examined Mr Biko, had "joined with the Security Police in this conspiracy of silence related to Mr Biko's condition."

Neither Dr Lang nor Dr Tucker could be believed on much of their evidence.

The Special Branch, Mr Kentridge said, had given false evidence because they had something to hide. "No other explanation can reasonably suggest itself."

The only inference which could be drawn from the false evidence and efforts of the Special Branch to keep Mr Biko out of hospital and in their offices as long as possible was an inference of guilt.

Mr Kentridge concluded: "The police obviously felt confident they could rely upon the doctors to support them. And their confidence was justified. Perhaps strengthened by this, they, with gross impertinence, presented to this court a totally implausible account of Mr Biko's death."

"A court — including an inquest court — is the brake upon the abuse of power. It must be made known by this court that the penalty for falsehood contemptuously fabricated is not merely a rebuke or a reprimand, but a firm finding adverse to the fabricators."

"Accordingly the verdict which we submit is the only one reasonably open to this court is one of finding that the death of Mr Biko was due to a criminal assault upon him by one or more of the eight members of the Security Police in whose custody he was at Sanlam Building on September 6 or 7."

Bar inquest told

tails and sign their names. They were simply advised by people exonerating themselves.

Ben Kleinhaus failed to take possession of any documents, not even the message from the Port Elizabeth Special Branch of Mr Biko's death. He made no search of Special Branch offices

for documents or blunt instruments.

Mr Kentridge also said it was apparent that further investigation should be conducted and it should be pointed out to the Attorney-General in the hope that the further investigation would take place. — SAPA.

PRETORIA — Counsel for the police, Mr R. van Rooyen, SC, denied yesterday that there had been a cover-up by the police of Mr Biko's death in detention.

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Delivering his argument, Mr Van Rooyen said Mr S. Kentridge, SC, counsel for the Biko family, had attempted to create a void by breaking down the positive evidence and then filling the void with allegations of assault.

"That means that without a pickle of evidence before your worship to show an unlawful assault, the way was clear to fill up the void with glorious imaginings, in which each man can fill in whatever fact he desires to fill in... can speculate to his heart's content about the true facts, because there are no positive facts.

"Ultimately the factual position held up at the end of his argument and the finding which is requested of this court is produced not be factual argument by counsel, but there is an element of fairytale here," he said.

He said Mr Kentridge's argument had been an attempt to clothe fiction under the guise of fact and that any factual reference to be drawn from an entire list of facts, had to be the only reasonable inference.

One had to argue on facts, not suspicions, and should not rely on circumstantial evidence.

The Biko inquest

FOURTEENTH DAY



Police cover-up denied

He said the abandonment of the attempts to prove that more than one blow was involved certainly reflected on the credibility of witnesses who testified about this.

If the theory had been propounded as pure speculation it would have been a different matter. In the opinion of his clients, Mr Van Rooyen said it was quite clear that the cause of death was immediate renal failure with a direct casual connection to the head injury and brain lesion.

Mr Prins interjected that the pathologists seemed to have agreed that the real cause of death was head injury.

Mr Van Rooyen asked what had caused the head injury and said one need go no further than to say that it was a contra coup injury.

"We found a veritable host of witnesses who saw him during the last eight days and they failed practically en masse to see this wound," he said.

The one conclusion to be drawn from all these people's constant failure to see the injury was that it was not readily visible to attract attention, Mr Van Rooyen said. He dis-

missed the suggestion that there had been any attempt to involve a cover-up.

Mr Van Rooyen said the Special Branch had no reason to cover up the existence of Mr Biko's head injury since they had not covered up the injury to his lip, and said it was an inexplicable mystery why such a story should be created at all.

Mr Van Rooyen said Mr Biko's head injury could have been self-inflicted and that this could not be entirely excluded in terms of possibilities.

He said if every police witness had "like parrots agreed on every little incident" involved in the fracas of September 7, he would have been worried about their evidence.

Mr Van Rooyen also dismissed the allegation that the doctors had entered a conspiracy of silence with the Special Branch.

"Only if you want to clothe it with the dark garments of suspicion do you make this allegation," he said.

Mr B. de V. Pickard, for the doctors, pointed out that Mr Kentridge had not sought to lay blame on the doctors. — SAPA.

Police probe peculiar

PRETORIA — The police investigation into Mr Biko's death had "peculiar and unfortunate limitations," Mr Sydney Kentridge, SC, counsel for the Biko family, told the inquest yesterday.

Delivering his argument, Mr Kentridge said the investigating of-

ficer, Maj-Gen J. F. Kleinhaus, made his appearance in Port Elizabeth a month or more after Mr Biko's death and that he was probably only appointed then.

Many of the affidavits taken by the investigating officer were in roneoed form where the deponents merely had to fill in

Sunday

EXPRESS

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detentions

BIKO: THE AIR IS STILL NOT CLEAR

AS is already apparent, the Biko inquest and its finding will do nothing to dispel international suspicion and hostility. In fact, signs are that both have been exacerbated.

We doubt that, on the home front, the inquest will allay local concern either, except in the most uncritical quarters.

Many will find it disturbing that so laconic a verdict should follow an inquiry that brought to light so many ugly facts. The finding may well satisfy the strict and minimum requirements of the Inquest Act; it cannot, by any stretch of the imagination, be said to satisfy public uneasiness.

The presiding magistrate found that the head injury which caused Mr Biko's death was probably sustained during a scuffle with Security Policemen, and that "the available evidence does not prove that death was brought about by an act or omission involving an offence by any person." Very well then.

But we would have thought that in circumstances like this, it would also have been desirable to make some public assessment of that "available evidence".

Not to put too fine a point on it, the inquest leaves one giant question unanswered: How, precisely, did Mr Biko come by his fatal brain injury? We have not got to the bottom of this.

Police statements on the events that took place out of public gaze after the detention of Mr Biko contained too many oddities and loose ends to encourage complete credibility.

And the magistrate did not deem it necessary to deal in his finding with some of the appalling and undisputed revelations that came out of the hearing on the way in which this political detainee was treated.

If the Minister of Justice imagines that this inquest will be widely regarded as an adequate substitute for a judicial inquiry into all aspects of security detentions, then he should think again.

If, on the other hand, he was merely looking for an exoneration of his Security Police, he will probably be well content.



Biko's family to sue Kruger and police



• Mrs Ntsiki Biko

CIVIL actions for damages will be brought by the family of Steve Biko against the Security Police absolved at the inquest of responsibility for his death and the doctors who treated him in detention.

BY JENNIFER HYMAN

The Minister of Health would be sued in his capacity as the Minister responsible for the department which employs the two district surgeons involved in the case, Dr Benjamin Tucker and Dr Ivor Lang.

The people they are likely to sue are the Minister of Police, Mr Kruger, and the Minister of Health, Dr Schaik van der Merwe.

They will claim that the Minister of Police is responsible for the actions of the Port Elizabeth Security Police, including Colonel Pieter Goosen, Major Harold Snyman and other members of the interrogation teams.

The family's attorney, Mr Shun Chetty, said the civil action would go ahead, in spite of the inquest findings that no person was to blame for Mr Biko's death.

The Sunday Express learned that the Biko family, and particularly Mr Steve Biko's widow, Mrs Ntsiki Biko, may lodge a complaint against the doctors with the

SA Medical and Dental Council.

However, it is believed they will wait to see whether the Chief Magistrate of Pretoria who presided over the inquest, Mr Marthinus Prins, decides to hand over the court record to the Medical Council.

Mr Prins said at the weekend that he would reread the record of proceedings before making his decision.

Meanwhile, Dr Ivor Lang, the district surgeon who had most to do with Mr Biko after he had been injured, said from Port Elizabeth yesterday he was "not expecting" a Medical Council investigation into his actions.

Professor John Dugard, dean of the University of the Witwatersrand's Faculty of Law, said it was hoped that a civil action would produce "a more satisfactory explanation" for the death of Steve Biko.

He said that although a civil court would not necessarily have to pronounce on the cause of death, "by considering whether damages should be paid to the family the question of blame will emerge by implication".

He said that one of the unfortunate aspects of the inquest was the refusal of the magistrate to allow witnesses "who appeared to be

highly relevant to the case" to testify.

Witnesses such as Chief of the Security Brigadier C F Zietsman, Brigadier Coetzee, and the magistrate who investigated the death of the police, Major-Ge F Kleinhaus, would testify if subpoenaed.

"This would enable the matter to be more fully investigated than at the inquest," Professor Dugard said. "Many observers extraordinary that the magistrate refused evidence to explain statements made by the Minister of Police Biko's death."

Sack Kruger call

SALISBURY — White-run mass circulation Rhodesia Herald has called for the resignation of the Minister of Justice, Mr Kruger, in the wake of what it called "the remarkable finding" in the Biko inquest.

"No satisfactory explanation has been given of the circumstances surrounding Mr Biko's death," it said.

"The matter cannot be allowed to rest, for Mr Biko is not the only person who has died in suspicious circumstances while in custody."

"Clearly there is something wrong with Security Police methods. Is there enough government supervision of their work? Or are they more or less a law unto themselves?"

"Something must be done, and be seen to be done, to rectify matters if the Government is to maintain any credibility on this issue at all. The removal of Mr Kruger from office would be a good place to start." — UPI.

The family learned that summons in the civil action will be issued against the people who result "very shocking".

TABLE

New U.S. strain after Biko verdict

Wk ARB
3/12/77
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WASHINGTON. — Further strain has been put on Washington's relations with South Africa by the inquest verdict clearing police of responsibility for the death of Mr Steve Biko.

The State Department said the ruling yesterday was inconceivable on the basis of evidence presented to the Pretoria inquest.

A department spokesman, Mr Hodding Carter, said: 'Even if individual responsibility was not established, Mr Biko's death resulted from a system which permits gross mistreatment in violation of the most basic human rights.'

Mr Biko, 30, died in police custody on September 12 of brain injuries. The inquest was told that during his detention by Security Police he was shackled naked in a cell.

The presiding magistrate, Mr Marthinus Prins, ruled that while Mr Biko had probably been injured in an interrogation room scuffle, the evidence did not point to any one person being responsible.

'We were shocked by the verdict in the face of compelling evidence at the least that Steven Biko was the victim of flagrant neglect and official irre-

sponsibility,' Mr Carter said.

Mr Biko's brother and cousin have been arrested yesterday in a police raid in Soweto — a move the State Department called 'particularly insensitive.'

It was the second time in less than two months that Washington had harshly criticised South Africa.

On October 18 and 19 the newspapers World and Weekend World were closed, 18 civil rights groups were outlawed and dozens of anti-apartheid leaders were detained.

This led the United States to recall its ambassador and two other United States officials from South Africa and it said the crackdown was 'a very serious step backwards' which had implications for United States-South African relations.

At the same time Congress passed a resolution condemning the South African Government's actions and urging President Jimmy Carter to take measures to express displeasure.

● The United Nations Secretary-General, Dr Kurt Waldheim, expressed shock and dismay at the verdict. Through a spokesman he said there was strong evidence to show that Mr Biko suffered violent and inhuman treatment.

● In London the British Foreign Secretary, Dr David Owen, said of Mr Biko: 'I have no doubt whatever he died as a result of injuries sustained during detention. I feel intense anger about it. I think his death has meant that many people have lost hope in that way forward.'

—Sapa-Reuter

TABLE 25:

Biko inquest 'tragedy'

Weekend Argus Bureau
LONDON. — Three of Britain's national newspapers — The Times, the Guardian and the Daily Telegraph — today attacked the verdict of the Biko inquest in leading articles.

Acknowledging that aspects of the inquest were to the credit of the South African legal system, The Times, in its main edi-

torial, nevertheless rejected the verdict.

The editorial concludes (by seeing behind the verdict 'a further and perhaps sadder tragedy: that the vast majority of white South Africans approved — in the name of national security — of what was done to Steve Biko.'

The Guardian also links the verdicts of the electorate and the coroner in its principal editorial.

The Telegraph says 'most people will find yesterday's abrupt, unconditional finding, by the magistrate, exonerating all concerned of any offence "by an act of omission," very shocking.'

41 900	42 800	122 000	128 000
10	10	20 000	27 000
11	11	11 500	12 000
12	12	13 000	13 500
13	13	156 000	271 500
14	14	15 700	119 600
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16	16	30 500	33 000
17	17		100 000
18	18		31 000
19	19		264 000
20	20	761 000	999 600
21	21	775 900	
22	22	863 800	
23	23	999 600	
24	24	1,73%	1,93%
25	25	(0,89%)	1,49%

Growth rate

Cape Times 3/12/77

325 Biko's brother

Biko: No evidence of offence found

PRETORIA. — The available evidence does not prove that the death of Mr Steve Biko was brought about by an act or omission involving an offence by any person.

This was the finding yesterday by the Chief Magistrate of Pretoria, Mr Martinus Prins, at the inquest into the death of the black consciousness leader.

In his verdict which lasted about five minutes, Mr Prins said Mr Biko's death could be attributed to head injury with extensive brain injuries followed by complications leading to renal failure.

This was the cause or likely cause of Mr Biko's death, he said. His judgment came at the end of a three-week inquest.

The actual verdict was given in less than three minutes.

Mr Prins said the inquest was held in terms of section 16 of the Inquest Act (Act 58 of 1959). The person involved was Steven Bantu Biko, about 30 years old, who died on September 12, 1977.

The cause or likely cause of death was head injury, followed by extensive brain injury and other complications, including renal failure.

The head injury was probably received on the morning of September 7 during a scuffle with security police in Port Elizabeth.

"The available evidence does not prove that death was brought about by an act or omission involving an offence by any person," Mr Prins said.

The court rose. — Sapa



Biko brother detained

PRETORIA. — At least six people, including Mr Kaya Biko, a brother of Mr Steve Biko, and Mr Solomon Biko, a cousin of Mr Biko, were detained by security police about 3am yesterday in Soweto.

According to Mr S Chetty, the Biko family's attorney, the other people detained are Mr Michael Jordaan, a friend of the Biko family, the Rev Julian Ntsheke, the Rev Jeff Masekane, and Mr Manda Kopo.

Mr Chetty said he was not sure whether the detentions were connected in any way with the inquest.

The brother and cousin, as well as Mr Jordaan, regularly attended the hearing during the past three weeks.

Mr Chetty said he had heard the detention had something to do with pamphlets. He had, so far, not been instructed to look into their situation. — Sapa

Police with dogs watched a large crowd yesterday which had gathered to hear the outcome of the inquest into the death of Mr Steve Biko. After the finding the crowd spilled out of the building and broke into protest songs, chanting: "They killed Steve Biko." Mr Biko's widow, Mrs Ntsiki Biko was the only member of the family in court yesterday morning. She was surrounded by newsmen outside the court but refused to comment on the outcome and spoke only of the detention of Mr Biko's brother, Mr Kya Biko, and his cousin, Mr Solomon Biko.

The Natal Mercury

SATURDAY, DECEMBER 3, 1977

325 - Detentions

THE BIKO VERDICT

IT WILL be a long time before the repercussions from the Biko inquest are allowed to settle. That there will be controversy over the Court's verdict, here and abroad, goes almost without saying. The Court's finding has effectively exonerated the security police from any blame for the detainee's death, and that will not be a popular conclusion in the emotionally-charged atmosphere that prevails in some quarters.

Not unexpectedly the hearing into the death of the Black Consciousness leader became the stage for a searching probe by counsel into South Africa's detention laws. The extent to which the security police were brought into the glare of publicity was remarkable. And it certainly has not gone unnoticed overseas.

The counsel for the Biko family, Mr. Kentridge, has been unstinting in his praise. There were not many countries in the world, not even the Western world, he said, where officers of the security police would be permitted to appear in open court and be subjected to what amounted to a hostile cross-examination. "I think we have every right to be proud of that." Indeed we have.

But aside from the Court's finding, the fact remains that Steven Biko, like others before him, died in detention in circumstances which will cause many people to question whether everything possible is being done to prevent such happenings — and whether a lot more might not be accomplished towards making the controversial detention laws more acceptable to our society.

It is some little comfort that the Minister of Justice has assured a deputation from three Provincial law societies that he will consider making amendments to the laws. Some of the evidence given at the Biko inquest should give the Minister cause for serious concern and it is to be hoped that if he survives as Minister of Justice in an expected Cabinet reshuffle he will take a very critical look at the whole detention system.

Meanwhile it can hardly be overlooked that Mr. Kruger's clumsy handling of the Biko affair, and his deplorable observation at the time of the detainee's death, simply swelled the tide of wrath which descended about the country's head. For the general peace of mind, perhaps the best guarantee against future indiscretions and bungling would be to put Mr. Kruger out to grass.

BIKO: LAW REVIEW CALL

w/k ARGUS

3/12/77

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Political Staff

OPPOSITION spokesmen said today that the Biko inquest showed more clearly than ever that South Africa's security legislation should be reviewed from the ground up.

Mrs Helen Suzman, Progressive Federal Party member of Parliament for Houghton, said she was appalled at evidence about the way Mr Steve Biko was kept 'naked and chained'.

And a former judge, Mr J F 'Kowie' Marais, who has been elected PFP member of Parliament for Johannesburg North, said

he felt more convinced than ever that the country's security legislation needed a 'radical review'.

Senator Brian Bamford, the PFP member of parliament for Groote Schuur, said the inquest magistrate had given his findings on the two most important issues which the Inquest Act of 1959 required to be decided. These were:

- The cause of Mr Biko's death, and;
- Whether his death involved a criminal offence.

'The magistrate was not required or empowered to pass judgment on the conduct of the Security Police, not did he do so,' Mr Bamford said.

'But this conduct was clearly the most disturbing

aspect of the whole case.'

Senator Bamford added: 'Colonel Pieter Goosen, chief of the Security Police in the Eastern Cape, stated quite bluntly that the Security Police considered themselves not to be bound by any statute—in other words, they were beyond the law.'

In consequence, there was apparently nothing that the late Mr Biko or his family could have done about his being interrogated for seven hours without a break, his being handcuffed and leg-ironed overnight, his being kept naked and his being denied exercise.

'This is an absolutely appalling state of affairs.'

'It means that a detainee is not only completely, cut off from any

human being except his interrogators. He is totally at their mercy, both physically and mentally.'

'The only equivalent of this in modern times was the system in Nazi Germany and that in Soviet Russia—and then only under Stalin's rule.'

The Rev Allan Hendricks, the Labour Party's chairman who spent two months in detention last year, called for the scrapping of detention without trial.

'It's degrading and inhuman for a person to be kept in the nude,' he said.

'The law is there to protect an individual, but it appears there's no protection to people held in detention.'

'Surprised'

Mr Gerald Gordon, QC, said he was 'very surprised' that nothing was said about the treatment of Mr Biko 'both medically and otherwise'.

He said: 'One would have expected some drastic criticism by the magistrate of the lack of medical attention received by Mr Biko at a critical time and of the fact that he was taken naked from Port Elizabeth to Pretoria in a Land Rover and not in a properly equipped ambulance or by air.'

Mr B M Marais, president of the Bar Council, declined to comment.

The MP for Pinelands, Dr Alex Boraine, (PFP), said the presiding magistrate's 'remarkably brief summing up and equally remarkable verdict' in relation to the evidence presented was 'certainly cause for some amazement'.

● New US strain after Biko verdict.

(See Page 10)

25 VICTIMS



Mrs E Singiswa

Mrs Anne Samboer

Mrs Deborah Mbayiya

Detainees' mothers are 'crazy with worry'

W/E ARG45

3/12/77

325 - Detention

By Moegsien Williams and Juliet Bell

TWO Cape Town mothers whose children are being held by the Security Police have received mysterious messages that have left them 'crazy with worry.'

One of the women was told that her 18-year-old daughter, arrested by the Security Police about three months ago, has been 'taken to hospital.' But she has not been able to find out anything more.

When she went to the police she said she was turned away without being able to speak to a senior officer.

The other woman had a message from the Security Police that her 15-year-old son's clothing was 'lost' but that 'the police will pay the cost.'

She said 'You can imagine what went through my head when I heard this.'

Her 13-year-old daughter

this week of a stranger who came to her home while she was at work. He told her other children that their sister Noshumi, 18, had been admitted to hospital.

'I've gone crazy with worry. For the past three months I've heard nothing.

'Now this man comes to my door. I've tried to get some confirmation from the Security Police, but I was turned away without being able to see any senior police officers.'

Mrs Mbayiya says she does not even know where her children are.

Describing the arrest of her daughter, Mrs Mbayiya said she just 'disappeared' after a church meeting.

Mrs Emily Singiswa, wife of a Guguletu police sergeant, has not seen her 13-year-old daughter Yalazwa, nor her 15-year-old son Sipho since they were detained in a dawn swoop.

Mrs Singiswa said she received a message from the Security Police this week that her son's clothing had been 'lost' and that they were prepared to bear the cost.

'Can you imagine what went through my mind when I received the message. How could they lose the clothing and why are they so readily prepared to pay back the money?' Mrs Singiswa asked.

She has not been al-

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The stranger

The two children of Mrs Deborah Mbayiya, a domestic worker and the two children of Mrs Emily Singiswa, a former nurse, were detained by the Security Police about three months ago. They were all members of a youth drama group who staged a play called Expo 77.

Mrs Mbayiya, fighting to keep back tears, told

arrested after she had gone to see a Major Swarts, who left a message that he wanted to see her.

Her 21-year-old son Zamile, also a matric pupil, was arrested during a dawn swoop on their home.

The police came to my house with five vans and a car. They shone their torches in our faces as we were lying in bed and they told Zamile to get up and accompany them.

bidden to take their clean clothing.

Colonel A Conradie, head of the Security Police in Cape Town, refused to comment.

Meanwhile, Mrs Anne Samboer, mother of Mr Peter Jones, detained with Mr Steve Biko 34 months ago, said she had seen her son once since he was taken away.

'They told me he holds the key to his own cell—in his tongue,' she said.

STAR 3/12/77

Eugene Hugo #25 Delton

Washington

South African advisers to the Vorster Government have delivered a devastating indictment of the way foreign policy is conducted.

The main charge is that there is no co-ordination and little consideration of the effect of internal developments on South Africa's position in the outside world.

This reaction comes in a situation in which the advisers are finding it almost impossible to conduct their tasks overseas while politicians carry on internally with almost a "wild abandon" and in total disregard of the country's international position.

This follows what is probably one of America's sharpest reactions yet against the South African system after a new crack-down on black activist Steve Biko's family on the day the inquest delivered its verdict.

Hard line

The American reaction foreshadows an increasingly hard line against South Africa and the politicians are almost courting confrontation in a situation in which some of the country's top foreign policy advisers have recommended a different approach.

There is little doubt that South Africa would have delivered a protest note over what could be regarded as America's total interference in internal affairs of another country by its criticism of the Biko inquest finding. But foreign policy circles advised against such a move.

Horror

After urgent consultations with US Secretary of State, Mr Cyrus Vance early yesterday the first reaction came from Assistant Secretary of State for African Affairs, Mr Richard Moose.

He said: "There is a particular horror about the kind of violence perpetrated on Biko. To take a helpless man and keep him handcuffed and

Outside reaction ignored claim

shocked by the verdict in the face of compelling evidence, at the least, that Steven Biko was the victim of flagrant neglect and official irresponsibility. It seems inconceivable on the evidence presented that the inquest could render a judgment that no one was responsible."

Reading from a prepared statement he added: "Mr Biko's death clearly resulted from a system which permits gross mistreatment in violation of the most basic human rights."

Administration officials said no further economic moves were planned at this stage — partly because some American corporations and banks had been taking voluntary action to cut the level of their investments in South Africa.

But there are clear indications that the situation will be reassessed once America's review of economic relations with South Africa is complete — a task expected to take about six weeks.

man manner. . . .
"There is very heavy evidence, even if not proven, that violence was perpetrated against him."

The State Department directly challenged the Biko inquest verdict expressing "shock" at the outcome and, at the same time, delivered a slashing attack on the "insensitivity" of South African officials for arresting members of Biko's family on this day.

State department spokesman Mr Hodding Carter said:

On the inquest Mr Carter said: "We were

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Gloom over findings expressions on the faces of people leaving the Old Synagogue, Pretoria, told their own tale yesterday after people heard the Biko inquest findings.

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UK law expert's view Mrs Biko sits alone, says she's depressed

By MELANIE YAP

BRITISH legal expert, Sir David Napley, who attended the Biko inquest as an independent observer, will submit a full report on his views of the proceedings early next week.

Sir David, a guest of the Association of Law Societies of South Africa, said yesterday he was "abundantly satisfied that every facility had been given for the fullest inquiry to be made on existing evidence."

"It was quite impossible to identify any one or two persons who could be said to be blamed. This does not mean, however, that I think no one was to blame," Sir David said.

"I would have thought the fact that Mr Biko died from brain injuries was an inevitable decision, as was the fact that this was due to blows or force," Sir David said.

Staff Reporter

FOR the first time in the three-week inquest, Mrs Nontsikelelo Biko, widow of Mr Steve Biko, sat alone on a bench at Pretoria's Old Synagogue yesterday as she waited for the magistrate to record his findings.

Every day since the inquest began on November 14, Mrs Biko dressed in black, had been accompanied by her mother-in-law, Mrs Alice Biko, and her brother-in-law, Mr Khaya Biko.

Neither were there to hear the findings yesterday Mr Khaya Biko nor his wife, Mrs Alice Biko, who had been asked to attend the hearing after a minor car accident on Thursday.

As soon as the magistrate announced there was no evidence to prove that any person was responsible for Mr Biko's death, Mrs Biko was mobbed by newsmen and photographers.

She said she was "depressed and didn't want to be there any more." She smiled as three bouquets of flowers were handed to her by a representative of the Black Sash.

Mrs Biko was then led away by her attorney, Mr Shun Chetty.

At the same time, a police riot squad armed with black rubber truncheons stood at the ready as scores of blacks tumbled out of the packed Old Synagogue after the inquest findings were announced.

The crowd estimated at nearly 200, erupted into freedom songs and black power salutes. Chants were carefully videotaped by a plainclothes policeman — "Vorster will never go to heaven, he will go to hell".

The Chief of the Security Police, Brigadier C F Zietsman, arrived wearing dark glasses and followed by his deputy, Brigadier Johan Coetzee, who avoided

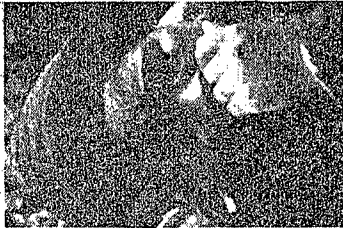
ed waiting Pressmen by taking a side entrance to the crowded court below. Mrs Biko, who was mobbed by the huge Press corps.

Mr Sydney Kentridge, SC, who appeared for the Biko family did not attend the final day of the hearing.

Most of the foreign Pressmen expressed surprise at the brevity of the three-minute finding delivered by Pretoria's Chief Magistrate, Mr M J Prins, in English and Afrikaans.

The chanting continued for about an hour afterwards, closely watched by uniformed police and a team of Security Police. Some distance away at least 20 men in camouflage uniforms, armed with rubber truncheons, were on standby in an alleyway.

The Biko family lawyer, Mr Shun Chetty, said later that it was unlikely that the family would ask that the findings be reviewed as provided by law.



MRS BIKO ... distraught

The Minister of Justice, Mr J Koster, declined to comment yesterday on the findings of the inquest.

"There has been a finding by the magistrate and I have no comment on that," Mr Kruger said, reports Sapa.

Steve Biko's brother freed

By ZWELAKHE SISULU
MR Khaya Biko, a brother of Mr Steve Biko, was released late on Friday afternoon and warned to leave Johannesburg.

Mr Biko was among 13 people detained during an early morning Security Police swoop in Soweto on Friday.

He said he was not told why he was detained and that he was not interrogated.

Mr Biko and four others were detained at about 2 am on Friday morning at the home of the Rev Drake Tshenkeng and taken to Protea police station.

"Shortly before we were released we were taken to a major who warned us that we should go back to King William's Town where we could make our nuisance," Mr Biko said.

Two other people in Mr Biko's group were from King William's Town. They were in Johannesburg to attend the inquest of Mr Steve Biko.

The major warned the group that they should leave Johannesburg and that if he heard anything about them they would be detained again.

Mr Biko heard the inquest court findings while at Protea: "A policeman came up to me and said 'I have just listened to the radio, nobody is to blame'. The policeman seemed jubilant."

Mr Biko said that his cousin was also accused of being "one of these who made black power salutes during the inquest" at the Old Synagogue in Pretoria.

He said the police came at about 2 am on Friday morning. They asked for Mr Mike Jordaan but when they discovered that some members of the Biko family were staying at the house they were all detained.

Referring to the court's finding he said: "It came as one of the greatest shocks in my life after what had been revealed in court."

The other six people released late on Friday afternoon were: Mr Mandla Kopo, Mr Solomon Biko, Mr Junior Tshenkeng, Mr L Mokgale, Mrs Thembi Ramokgopa and Mr Nathaniel Molope, vice chairman of the Teacher's Action Committee.

Family to sue over Biko death

By SHEILA WING
THE Biko family plans within the next few weeks to sue the "persons responsible" for Mr Steve Biko's death in detention.

Mr Biko's widow Ntsiki, may also lodge a complaint with the Medical and Dental Council against the doctors who treated her husband.

These plans were confirmed yesterday by the family's lawyer, Mr Shun Chetty.

"A claim for damages will have to be brought quite soon," he said.

"In terms of the Pre-

scription Act, civil actions have to be brought within six months of the event — in this case the occurrence which gave rise to Mr Biko's death.

"This means we will have to estimate it from August 18, the date on which Mr Biko was detained."

Mr Chetty declined to say who would be facing the litigation as a result of Mr Biko's death. He said names mentioned in Sunday newspaper reports at the weekend were "speculation on the part of the reporters concerned."

Both the Sunday Times and the Sunday Express reported the Biko family was likely to sue the Minister of Police, Mr J T Kruger, and the Minister of Health, Dr Schalk van der Merwe, in their respective capacities as heads of the departments employing the Security Police and district surgeons.

"We will be able to name the persons responsible once the action has been filed," Mr Chetty said yesterday.

He said the amount the Biko family would claim in damages had not been decided.

"This will have to be gone into quite finely — at this stage we are still considering the matter," he added.

Yesterday, Mr Martinus Prins, chief magistrate of Pretoria who presided over the 15-day Biko inquest, said he had no intention of furnishing full reasons for his finding last week.

In a three-minute verdict on Friday, Mr Prins found that evidence did not prove anyone criminally responsible for Mr Biko's death.

"I made a finding in terms of the Act and that concluded my duty," Mr Prins said yesterday. "As far as I am concerned, that is the end of it."

Mr Prins does, however, plan to reread the record of the inquest proceedings to decide whether the court record should be forwarded to the Medical and Dental Council.

Yesterday, a senior Johannesburg medical practitioner said the Medical and Dental Council could not take action against doctors unless it received a complaint.

"It can't take notice of newspaper reports or initiate action itself," he said.

"But any person can lodge a complaint against any registered person."

In terms of the Medical, Dental and Supplementary Health Service Professions Act of 1974, any court of law can forward a record of proceedings to the council if satisfied that there is

Criticism of verdict grows

LONDON. — International criticism of the "no blame" verdict at the Biko inquest grew in volume over the weekend with the British Foreign Secretary, Dr David Owen, adding his voice to the clamour of condemnation.

Dr Owen said he felt "intense anger" at the inquest verdict. Dr Owen indicated he did not believe the South African authorities could escape taking any of the blame for Mr Biko's death, reports the Rand Daily Mail correspondent in London.

Dr Owen made his comment after a conference held by the Labour Party and the Anti-Apartheid Movement in London. The conference unanimously adopted a resolution calling for an independent international inquiry into Mr Biko's death. Frequent mention was made by conference participants of "cover up" designed to clear the Security Police, and the London Sunday Times in an interview with the magistrate, Mr Martinus Prins, also referred to the possibility of a "cover up".

The British Press, in editorials at the weekend

expressed concern about the outcome of the inquest.

The Times said: "It is to the credit of the South African legal system that it still provides for the holding of a public inquest into the death of even a political detainee," but the paper said that virtually every other aspect of the Biko affair was shrouded in shame and dishonour.

The Daily Telegraph said: "Most people will find Friday's abrupt, unconditional finding by the presiding magistrate, exonerating all concerned of any offence, as very shocking."

The conservative Sunday Telegraph said in a strong leading article that the Biko affair could not be allowed to pass without the paper adding to the chorus of outrage.

In New York, the UN Secretary-General, Dr Kurt Waldheim, expressed shock and dismay at the verdict.

"The verdict will certainly detract from whatever confidence may exist in the impartiality of the judicial process in South Africa," Dr Waldheim said in a statement. — Sapa-Reuter.

RDM 3/12/77

The Biko

325-detentions

Case

THE five-minute verdict in the Biko inquest is probably going to have almost as much of a shock effect, at home and particularly abroad, as Mr Biko's death in detention did to begin with.

With all respect to the presiding magistrate, we think it unfortunate that he interpreted his function so narrowly, and limited himself so strictly to what was required of him under the Inquest Act.

After so much evidence was led, revealing so many shocking things about the way Mr Biko was treated in detention, it can only look bad to have such a starkly brief finding which makes no comment on any of these things.

Moreover, it was surely desirable that the magistrate should have substantiated his finding. A deeply concerned public has followed the detailed reports of this case with unprecedented closeness. It was important that they should know on what grounds the magistrate rejected the contentions of counsel for the Biko family, Mr Kentridge, and accepted those of counsel for the police, Mr Van Rooyen.

But it is the lack of any comment whatsoever on the conduct of the Security Police and the Biko doctors that we find most disturbing.

The magistrate had nothing to say about the fact that Mr Biko was kept naked in his cell, in leg irons and chained to a grille.

Or about the fact that this was not noted in the Occurrence Book, as is required by police standing orders.

Or about a doctor's admission that Mr Biko should have been admitted to a hospital, but that he had bowed to the Security Police colonel's refusal to allow this.

Or about the fact that, on the verge of

in the back of a Land Rover 1200 km through the night from Port Elizabeth to Pretoria.

Or about the fact that he had no medical supervision, or supplies, during this nightmare journey.

Or about the fact that no medical record accompanied him, so that the doctor who saw him in Pretoria prison had no case history to work from and gave a man dying of brain damage a vitamin injection and a drip feed.

Or about the fact that the first doctor to examine Mr Biko admitted that the medical certificate he signed was "highly incorrect"; and that his bed letter was also incorrect.

If there had been a full judicial Commission of Inquiry into this case, as we urged, all of these and other deeply unsatisfactory aspects would have been probed and pronounced upon.

As it is they have been passed over without a word.

And the impression that gives is very bad indeed.

US is stunned by the inquest finding

an general elections was minimal. Several newspapers regarded the Biko inquest as the most important court hearing in South Africa in years — and a test of the independence of the judiciary.

"The judiciary has tried to be as independent as possible," said Mr. George Hauser, Director of the American Committee on Africa. "That independence now seems to have broken down."

He said his initial reaction at the news that the police had been found responsible would have been "shocked," "if we hadn't been expected it."

"And yet, with all that evidence, all those facts, it just seems too fantastic."

He said he can only presume that the Government decided to take a hard option, but the magistrates, felt pressured.

Mr. Hauser said he had spoken to several people about the decision. "Every time the news broke, 'Every one was pretty shocked. Some people's views were conservative as usual, but the reaction was not as bad as I thought it is certain to be dealt with extensively."

● The UN Committee Against Apartheid, which often issues statements on events in South Africa within hours of the news reaching UN headquarters, had no statement on the matter today but officials indicated it would get "abundant attention" before the General Assembly session ends on December 20.

● The United States mission to the UN, after making a statement yesterday by the State Department in Washington, but other Western missions said comment would in the first instance have to come from their home governments.

African countries were said to be planning to meet over the weekend to discuss the inquest finding and to consider various proposals for protests.

An informed

Cheelah Hayson and Hugh Robertson NEW YORK — Americans have not, in recent years, been better informed about a court hearing in a foreign country than they have about the inquest into Mr Steve Biko's death.

Since the inquest started there have been almost daily reports of the court proceedings in the main American papers. Coverage of police testimony has been extensive.

The extent of the reportage was reflected in social conversation. If the subject of South Africa arose, it led to the Biko inquest. In comparison, the portage of the South African

Shocking, absurd, says UK Press

(325-Deleboe)

The Star Bureau

LONDON — Two of Britain's most influential national newspapers — The Times and The Guardian — today savagely attack the verdict of the Biko inquest in leading articles and The Daily Telegraph finds it "very shocking."

Acknowledging that aspects of the inquest were to the credit of the South African legal system, The Times in its main edi-

torial nevertheless finds the verdict "absurd."

It continues: "The magistrate may (he is not obliged to under the law) subsequently release the motivated reasons for his decisions, and a further analysis of his verdict may then be possible."

The Guardian also links "the verdicts of the electorate and the coroner" in its principal editorial:

"But," it says, "sanction a campaign of repression against the black opposition, and discourage any interference in the conduct of it."

The British chairman of Amnesty International said perhaps the only good thing that could be said for the South African system was that it could still allow an open inquest.

The Reverend Paul Oestreicher, in an interview on Independent Television News, said the South African system had shown the world what had happened but added that "the magistrate has given a very brief verdict which simply says that nothing has been proved against the police."

"What has clearly been established is that a human being was kept naked, shackled, broken, deeply sick and then dragged for hundreds of miles without any competent medical treatment so that his death was practically inevitable," Mr Oestreicher said.

Kruger has no comment

The Minister of Justice, Mr Kruger, declined to comment yesterday on the Biko inquest finding that no one could be blamed for the black leader's death in detention.

"There has been a finding by the magistrate and I have no comment to make on that," said Mr Kruger.

The editor of the Rand Daily Mail, Mr Allister Sparks, has told BBC radio listeners there is "a danger the inquest finding will be seen by South Africa's security police as a vindication of their actions."

Mr Sparks said he personally had been shocked by the brevity of the verdict. — The Star Bureau in London and Sapa.



Mr Steve Biko's widow, Mrs Ntsiki Biko, and the family's attorney, Mr Shun Chetty, leaving the Old Synagogue after the inquest finding was delivered yesterday.



Part of the crowd which demonstrated in the courtyard of the Old Synagogue in Pretoria after hearing the magistrate's verdict in the Biko inquest.

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Biko: no blame

EDITORIAL OPINION

Surprise finding

PRETORIA — The Biko inquest magistrate yesterday delivered a "no blame" finding.

Yesterday's proceedings in the Old Synagogue took barely three minutes.
The finding was by Mr. M.

From ROGER OMOND
Daily Dispatch man in Pretoria

3/12/77

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The magistrate, Mr M. J. Prins, flanked by his two assessors, Prof J. Olivier (left) and Prof I. Gordon, leave the Old Synagogue in Pretoria after Mr Prins had delivered his finding yesterday.

finding

After three weeks the magistrate presiding at the inquest into the death of Mr Steve Biko has found that on the available evidence it was not caused "by an act or omission involving an offence by any person."

The findings by the chief magistrate of Pretoria, Mr M Prins, will cause surprise in this country and the world outside South Africa, which is not subject to legal restraints, will undoubtedly have its full, unconstrained say upon it, and upon certain aspects of the evidence.

Mr Peter Jones, who was arrested with Mr Biko near Grahamstown in August (and who is still detained) was not called upon to give evidence, though evidence by the police officer making the arrest was admitted to the proceedings. And a plea by the

counsel for the Biko family, Mr S Kentridge, that Brigadier C F Zietsman, head of the Special Branch, be called to give evidence was rejected.

Brigadier Zietsman was the officer to whom Colonel P J Goosen, head of Special Branch, Eastern Province, reported the death of Mr Biko.

Brigadier Zietsman was a vital link in the information chain concerning the death — from Colonel Goosen to himself, to the Commissioner of Police, General G Prinsloo, and then, presumably, to the Minister of Police, Mr J Kruger.

There was no refutation of the statement by Mr Kentridge at the inquest that Mr Kruger had made more than one statement in public on Mr Biko's detention which, he said, had been proved to be incorrect.

J. Prins, said first in Afrikaans and then in English that no one could be found criminally responsible for the death of Mr Steve Biko.

He then adjourned the court and the stunned spectators began to leave as Mr Prins and his two assessors, Prof I. Gordon and Prof J. Olivier, filed out into the magistrates' chambers.

The 15-day inquest into the death in detention on September 12 of the black consciousness leader was over.

Armed riot police in camouflage uniforms were on the alert near the court. Uniformed police were equipped with batons for the first time since the proceedings started on November 14.

Mr Biko's widow, Ntsiki, was the only member of the family in court. Dressed in black, as she had been throughout the inquest proceedings Mrs Biko was surrounded by journalists, friends and admirers as she left the court.

Outside, the predominantly black crowd, closely watched by a strong force of police, sang freedom songs.

The crowd began to gather 2½ hours before Mr Prins entered the court at 11 a.m.

He said merely that the deceased was Bantu Stephen Biko, a black man of about 30 years, that he had died on September 12, that cause of death was brain injury which led to renal failure and other complications.

"The head injuries were probably sustained on September 7 in a scuffle in the Security Police offices.

"On the available evidence the death cannot be attributed to an act or omission amounting to a criminal offence on the part of any person," Mr Prins said.

Apart from the crowd of several hundred people, the press benches were filled with South African and overseas journalists and television crews.

Mr Sydney Kentridge, SC, who presented the case for the Biko family, was not present in court. It is understood that this is normal practice when the proceedings are brief. Two other senior advocates who assisted Mr Kentridge, Mr E. Wentzel

No decision on doctors Attorney General to decide

PRETORIA — Mr Prins, the magistrate who presided at the Biko inquest, said last night he had not yet decided whether to forward a transcript of the court proceedings to the South African Medical and Dental Council.

In terms of the Inquest Act, Mr Prins may forward the court record to the council, to enable it to decide whether any of the doctors who examined Mr Biko in Port Elizabeth had breached any of the council's rules. — DDC.

PRETORIA — The record of the Biko inquest would now go to the Attorney General of the Transvaal as a matter of routine, a spokesman for the Department of Justice said here yesterday.

It was up to the Attorney General to decide whether there should be any further investigation or whether any other action should be taken.

Asked about the possibility of an appeal, he said the Inquest Act made no provision for appeal against a finding. The only possibility was that the matter could be reviewed, but that could only happen if there was any irregularity. This had seldom if ever happened in South Africa's legal history.

The inquest lasted nearly three weeks. The Chief Magistrate of Pretoria, Mr Prins, gave his findings in about three minutes.

Asked about the possibility of Mr Prins elaborating on it at a later stage, the spokesman said the Inquest Act merely required the magistrate to give his finding on the available evidence. — S.A.P.A.

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and Mr G. Bizos were both present.

Both they and Mr S. Chetty, the Biko family's attorney, declined to comment on the magistrate's findings.

Mr Chetty did say, however, that review proceedings were available. But this should not be construed as suggesting the legal team was thinking of asking for a review of the findings, he added.

Police searched women's handbags before they entered court yesterday.

Senior Special Branch

personnel were in court to hear the findings, but no member of the Port Elizabeth Special Branch who had Mr Biko in their custody up to 24 hours before his death in the Pretoria prison hospital were present.

Counsel for the State, the police, the doctors and the Department of Prisons were all in court for the brief proceedings.

It is not known whether Mr Prins will furnish reasons at a later stage for his findings, which came after a full day of argument by the advocates for the different parties involved.

Angry reaction around world

LONDON — There was angry reaction around the world last night to the finding of the inquest into the death of Mr Steve Biko.

From the British Anti-Apartheid Movement came the threat to campaign for the isolation of the South African Medical Association if the two doctors who examined Mr Biko in Port Elizabeth were not struck off the roll.

The movement's reaction followed statement by the International Commission of Jurists whose general secretary, Mr N. McDermott, accused the magistrate in the case of being biased because he is a civil servant.

"It is my own opinion, from the evidence available to us and from Mr Biko's statement to Donald Woods, that it is an extraordinary finding to say that the police were not responsible for his death. It is equally extraordinary to take a man in his obvious condition on a 700 mile drive in a Landrover."

In London, Mr R. Hughes MP, chairman of

the Anti-Apartheid Movement, said: "the responsibility for Biko's death rests squarely with the Security Police."

Protesters against the verdict will hold a torchlight vigil on the pavement outside the South African Embassy in London tonight, and it is expected that the Foreign Secretary, Dr Owen, will make a statement on the inquest verdict when he addresses the Anti-Apartheid Movement.

The chairman of the Labour Party, Miss Joan Lester, said it was outrageous, that a man could be allowed to die — "ill-treatment and brutality were obviously proved."

In Washington, a State Department official denounced the verdict.

"We were shocked," he said and termed it inconceivable that no one was found responsible.

Mr Biko's death had clearly resulted from a system which permitted "gross mistreatment and violations of the most basic human rights."

British legal expert satisfied, page 2.

Biko relatives detained

JOHANNESBURG — At least 10 people, including members and friends of the Biko family, were detained during a security police swoop in Soweto early yesterday morning.

Mr Jhaya Biko, the brother of Mr Steve Biko, and a cousin, Mr Solomon Biko, were detained from the home of the Rev Drake Tshenig in Orlando East where they were staying for the inquest into Mr Biko's death.

Two sons of the Biko family, Mandla Kopo and Mr Ke Jordaana, and the brother of the Rev Tshenig, Mr Junior Tshenig, were also arrested at the same house.

Other people who were detained are the acting chairman of the Soweto Teacher Action Committee, Mr N. Molope, and the committee's secretary, Mr Lucas Ngakane.

Mr Ishmael Mkhabela, a

member of the Soweto Action Committee, and two priests, the Rev Jeffrey Moselane and the Rev Stephen Montjane, were also detained.

The two priests were among a group of priests who appeared in the Johannesburg Magistrate's Court on Thursday under the Riotous Assemblies Act.

Mrs Nomhle Moselane, who was not at home when her husband was detained, said police would not confirm her husband's detention.

A lawyer acting for some of the detainees also said police would not confirm the detentions of the other people.

Three other people, Mr Letsatsi Mosala, Mr L. Mokgale and Mrs Thembi Ramokgopa, were also reported to have been detained. — SAPA.

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Biko: UK LAWYER CRITICISES

police

Cape Times
9/12/77

325 Detention

From STANLEY UYS

LONDON. — The police investigation into Mr Steve Biko's death was "perfunctory in the extreme" and security policemen who gave evidence at the inquest were guilty of "mendacity", says a report released here yesterday by a British lawyer, Sir David Napley.



Mr Biko

Sir David, who was president of the Law Society of England till July this year, was invited by the Association of Law Societies of South Africa to attend the Biko inquest as an independent observer.

He concedes that, as far as the South African Government was concerned, "the fullest possible inquiry was facilitated from the moment the inquest began".

He states, too, that he is in full accord with the magistrate's finding that Biko died of a head injury, and he wholly accepts that, on the available evidence, the magistrate could not determine "that death was brought by an act or omission involving an offence on the part of any person, that is, any particular person".

This would also be true of any particular persons.

But, Sir David adds in his 25-page report: "I do not, however, apprehend on a strict reading of section 16 that it would have been irregular for the magistrate to have found that the death was caused by one or more of a group of persons without specifying such persons with particularity."

'Demonstrably wrong'

"In my opinion, however, he was demonstrably wrong in adding the rider that the head injuries which resulted in death were probably sustained in a 'scuffle' with the police at police headquarters."

Sir David's strictures on the South African Police apply not only to their evidence in the witness box, but also to the "ceaseless and degrading conditions" under which they held Biko in custody. After his reference to the South African Government facilitating the fullest possible inquiry into Biko's death, Sir David comments:

"I am unable to express the same view concerning the investigation by the police department which preceded the inquest. This appeared to me to have been perfunctory in the extreme."

"The death of anyone while detained in the custody of security police demands rigorous investigation. The death of this particular detainee rendered it manifest from an early date that it was an especially sensitive area for the South African Government in relation to world opinion. The inquest revealed, for example, that the officers closely concerned with the custody and interrogation of the deceased at the relevant time were questioned by means of rote-learned forms, which contained a series of questions with alternative answers. They were required to strike out the reply which they considered inappropriate to their answers."

Telex, bedside record

"Vital documents such as a significant telex, and a bedside medical record, were only discovered as the inquest proceeded, and then only by reason of the diligence of counsel appearing for the relatives of the deceased."

"It is clear that an investigation conducted by experienced police officers with a little of the enthusiasm and vigour with which they customarily appear to question detainees would have elicited the truth from the security police in far less time than was necessary to demonstrate their mendacity in the witness box, as, in my opinion, occurred."

"Moreover, if at the outset of the inquest it had been possible for the Deputy Attorney-General to announce the findings of such an investigation and the fact that appropriate action

Continued on page 2

Continued from page 1

was to follow, much of the opprobrium which has now ensued would have been avoided.

"In my opinion, the failure of the police properly to investigate this matter served a grave disservice to the government which employed them, to the cause of justice and to the police force itself. However, it was evident to me that the Chief Magistrate was concerned to ensure that the inquiry extended over every relative facet. Indeed, there were some aspects of which it may be said that far more time was devoted to it than was justified."

Sir David's report continues: "It has unfortunately become a matter of international speculation as to why the magistrate did not give his reasons for his decision, particularly since he took some trouble to give his reasons on each occasion when ruling on the admissibility of evidence.

"It is perhaps both fair and germane to observe that while I largely disagree with his rulings on these matters, I am satisfied beyond any doubt that he was not influenced by any consideration other than, within the limits of his legal knowledge, to conduct the inquest in a fair, open and unrestricted fashion."

Sir David makes the following points:

"In an affidavit dated October 20, 1977, Lieutenant Kuhn said he visited Biko in his cell at 8.10pm on August 22, 1977 and on September 8, 9 and 10. In an affidavit dated November 9 he admitted he had been wrong in stating that he so visited on September 8, 9 and 10.

Cavalier

"However, if as the witness explained, this was a mere mistake, it is pertinent to observe that it was only one of a number of examples where deponents to affidavits appeared to have testified under oath in a somewhat cavalier manner, to put it at its lowest. Certainly, this fact does not appear to have ruffled the imperturbability of those senior police officers charged with the responsibility of investigating the conduct of those serving under them.

"It was testified by a number of witnesses in oral and affidavit testimony that when asked if he had any complaints, Mr Biko never registered any. It was also suggested to the district surgeons in a series of leading questions put by counsel representing the police and accepted by them, that at no time did Mr Biko make any complaints as to his treatment or of any assault.

"It was reminiscent of the armed forces where officers inquired of other ranks whether they had any complaints in relation to their food. It used to be cynically observed that they were always free to complain so long as they did not mind being put on a charge."

"During part of his detention Mr Biko was kept naked,

although under constant surveillance by the security police. This was common ground. The justification for this was said to be to prevent him from committing suicide. I myself am wholly unconvinced by this explanation which I believe to be both implausible and inconsistent with the rest of the police evidence which portrays Mr Biko as aggressive, intractable and uncooperative.

"There was, I believe, a more convincing, albeit Machiavellian reason for Mr Biko's naked state. It was of a piece with what was aptly called 'the callous treatment' meted out to him by the security police which has shocked world opinion and the vast bulk of South Africans themselves.

"I apprehended in the course of the evidence produced at the trial, that, in particular, depriving him of clothes and refusing him the opportunity to purchase food from outside the prison were contrary to the terms of the warrant of arrest under which he was held, and there is reason to believe there were a number of other serious violations of prison regulations by the security police.

Breaking of spirit

"The totality of the conduct of the security police seems to me to fit in with an approach to, and a pattern of, interrogation which has certainly not been peculiar to the security police at Port Elizabeth. Although specific evidence was not led at the inquest in this regard, the magistrate could have taken judicial notice of the fact that the lowering and breaking of the spirit by such means, where it is intended to subject a person to interrogation, is a well documented course open to those who are prepared to stoop to the employment of such treatment. One need to no more than refer to the work of William Sargant in his book 'Battle For the Mind'."

"Mr Biko had been detained on August 18, 1977. His interrogation began on September 6, 1977. If the police could be believed, the delay of 20 days before questioning him was because they desired first to question those detained with him. It was equally consistent with the process of 'conditioning'...

"If one accepts as I do that this reflects a classical example of systematic brutalization and degradation designed to soften up, for interrogation, why should one resist the inference that the final factor must have been omitted, namely the application of violence?"

Of Colonel Goosen, the officer in charge of the security police, of Lieutenant Wilken, who was said to be guarding Mr Biko on the vital night of September 6, and of Warrant Officer Fouche, Sir David said:

"I was quite unable to accept them as witnesses of truth.

Referring to the alleged scuffle between Biko and the police, Sir David states: "If this struggle was the occasion for the brain injury

in the course of falling about, it is strange that the police sustained no injuries at all, save that one officer had a bruise on his elbow which on one occasion he said was to his right elbow and on another occasion he said was to his left."

Sir David added that the South African Government and the medical authorities had much to consider and rectify arising out of the conduct of the district surgeons in the Biko matter.

"In the light of Colonel Goosen's statement that he made endeavours to obtain a military aircraft as a matter of urgency to fly Mr Biko to Pretoria solely to ascertain whether he was shamming, one cannot long hesitate before wholly rejecting this explanation. If he was shamming what was the urgency?"

British jury

"I had the opportunity of seeing Colonel Goosen and Lieutenant Wilken, and observing their demeanour, in the witness box. In my opinion it was impossible to accept them as witnesses of truth, nor would in my opinion, any experienced lawyer or a British jury."

Among the "salient facts" mentioned by Sir David in the summary of his report are the following:

(1) "The dishonesty of the police in emphasizing to the doctors that Biko was shamming illness, and the fact that they steadfastly failed even to suggest to the doctors that he received a blow to his head, abundantly demonstrates that they had something discreditable to hide.

(2) "The failure by the police to mount and pursue a meaningful and vigorous investigation prior to the inquest as to the full and true circumstances was; and could only be, attributable to a significant reluctance to uncover the truth.

(3) "The demonstrable pattern of conditioning of the deceased for interrogation renders it improbable, in the face of the callousness involved throughout, that actual violence would have been abhorrent and absent.

(4) "The oral evidence of the police was unconvincing and for the most part probably unacceptable.

"In short, I was left in no doubt that Mr Biko died as a result of brain injury inflicted on him by one or more unidentified members of the security police at some time prior and reasonably proximate to 7.15am on the morning of September 7, 1977."

Intended to hurt

"A blow or blows, no doubt intended only to hurt, caused brain damage which resulted in death. If, within the first few hours of sustaining the injury, the full and true facts had been given to the doctors, and they had been allowed to place Mr Biko in a provincial hospital, with all the advantages of the excellent and experienced medical services available in South Africa, Mr Biko might still be alive."

"Although the magistrate clearly did all in his power to ensure that all such available evidence as he believed relevant, was placed before him, the real circumstances relating to Mr Biko's injury and death had never been fully investigated by the police."

The security police appeared to be given a degree of licence which was unwarranted. "They appear to regard themselves as above the law, exercising wide discretionary powers and Colonel Goosen in evidence virtually said as much".

1971	682	3	961
1972	589	3	575
1973	850	3	1971
1974	873	3	1973
1975	835	3	272
1976	777	3	1971
1977	820	3	070
1978	450	3	696
1979	637	3	896
1980	568	3	1967
1981	606	3	696
1982	497	3	1965
1983	429	3	1964
1984	457	3	1963
1985	435	3	1962
1986	575	3	1961
1987	491	3	1960
1988	476	3	1956
1989	264	3	1958
1990	239	3	1957
1991	135	3	1956
1992	158	3	1955
1993	148	3	1954
1994	201	3	1953
1995	361	3	1952
1996	358	3	1951
1997	126	3	1950
1998	327	3	1949
1999	243	3	1948
2000	442	3	1947
2001	231	3	1946
2002	White		Year

TABLE 4: EMPLOYMENT

Star 9/12/77

Amnesty hits out at detentions

(325) det.

The Star Bureau
LONDON—Detention without trial is a developing practice, according to Mr Thomas Hammarberg, the Swedish chairman of Amnesty International's executive committee.

As he emphasises in the preface to the annual report of the human rights organisation, it encompasses "all political and ideological blocs".

"Prisoners in Asia are

kept in poor prison conditions year after year and the authorities do not grant them the basic right to a trial . . .

"In other countries where political trials have taken place, the defendants have been denied the opportunity for a proper defence," he says.

Amnesty International reports that:

● In Indonesia there

are still more than 55 000 political prisoners held without trial. Some estimates put the figure as high as 100 000, all detained since 1965.

● Vietnam continues large-scale detention in "re-education" camps for civilians and military personnel of the former Saigon administration.

● The Philippines still maintains detention without trial.

● Bangladesh is believed to be holding at present between 10 000 and 15 000 political prisoners.

Meanwhile Amnesty International has been accused in London of "imbalance" in its work, and of concentrating too much on human rights violations in "open" as opposed to "closed" societies.

Examples of closed societies which it had failed to penetrate included China and Cambodia, according to questioners at a Press conference yesterday to introduce Amnesty's annual report.

But the allegations were dismissed by Mr Martin Ennals, Amnesty's secretary-general, and other officials.

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325 det.

'Take note of Biko report'

Tim Patten, Political Reporter

The senior British lawyer, Sir David Napley, "had done what the magistrate should have done" in his 31-page report on the Biko inquest, Mrs. Helen Suzman, P.P.P. MP for Houghton, said today.

Sir David, immediate past president of the Law Society of the City of Westminster, who attended the Biko inquest as an independent observer, found in the report that black consciousness leader, Mr. Steve Biko, had died of injuries inflicted by the Security Police.

The report was handed to the Minister of Justice, Mr. Kruger, yesterday by the president of the Law Societies of South Africa Mr. O.D. Hart.

The report called for a full, independent investi-

gation by selected police officers.

Commenting on the report today Mrs. Suzman said she hoped that the authorities would take note of the conclusions and that further action would be taken.

"It is a damning report, and every reasonable South African will be ashamed when they read it. It condemns the methods used by the Security Police, the conduct of the district surgeons and the findings reached by the Chief Magistrate, Mr. Prins," Mrs. Suzman said.

● Pretoria's Chief Magistrate, Mr. M. J. Prins, who presided at the inquest, said today he had not seen Sir David's report and could, therefore, not comment on the lawyer's findings.

● "Biko probe did not do justice" — Page 25

Police could have murdered, says counsel

Four Soweto policemen could have murdered Mr Paul Sekhukhuni (21), who was allegedly unharmed when two of the men arrested him in September last year, an advocate submitted in the Johannesburg inquest court yesterday.

Mr George Bizos was summing up on behalf of the relatives of Mr Amon Ngwenya (20) and Mr Paul Sekhukhuni, both of Orlando West 2, who died of bullet wounds on September 6, 1976.

The four policemen submitted statements saying that Mr Ngwenya and Mr Sekhukhuni were shot in self-defence because they were part of a crowd attacking the police near Mzimhlope Station, Soweto.

Mrs Martha Mkuthu said that on the evening of September 6, she saw two policemen chase youths behind her Orlando West house. After

shots, the constables emerged dragging Mr Ngwenya's body and holding Mr Sekhukhuni by the arm.

She said Mr Sekhukhuni was unharmed when the police took him away. Mr Sekhukhuni's brother, Bernard, testified that he also saw Paul was arrested with no injuries.

The next day, the Sekhukhuni family learnt that Paul was dead.

A State pathologist, Dr P E Kirschoff, said the powder burns he had found on Mr Ngwenya's corpse showed that he was shot from a distance of less than 45 cm.

Mr Bizos described Mr Ngwenya's shooting as "an irresponsible act" of bravado.

"The policeman who did it, and his colleagues, realised that Paul Sekhukhuni must have been a witness to the shooting of Amon.

"It was thereupon de-

cided by the four of them," continued Mr Bizos, "that if Paul was allowed to live, they would not be able to tell the story which they told in their statements."

"I submit that if a prima facie case of murder is not found," Mr Bizos concluded, "then the people requiring protection from such constables will begin to have considerable doubts about the safety of their lives."

Mr P C Oosthuizen, for the police, said that the events which the witnesses had testified about "must have been different events."

BONE FOUND

He said the jawbone was found at a street corner "and carted somewhere else with the witnesses colluding afterwards."

"The cartridges were most probably picked up somewhere remote from the shooting," said Mr Oosthuizen.

He said there were so many discrepancies in the witnesses' evidence that it had to be rejected.

"It is clear the police were set upon, and they shot when in fear of their lives," he said.

The magistrate, Mr W L Dormehl, will give his finding at a later date.

The Biko inquest relived on TV

The Star Bureau

LONDON—In Thames TV's dramatic reconstruction of the Steve Biko inquest, the production team hopes that the historic words speak for themselves.

Based on news reports and transcriptions of the inquest, the film begins with the words of Mr Sydney Kentridge, SC, for the Biko family:

"Our submission is that one or more Security Policemen are responsible for the injury which caused Steven Biko's death and the probabilities are that the injuries were inflicted deliberately, unlawfully, and without good cause."

The title comes from another part of his submission: "Steve Biko died a miserable and lonely death on a mat on a stone floor in a prison cell."

TOP UK JURIST RECOMMENDS FRESH POLICE INVESTIGATION

The Star Bureau

LONDON—The failure of the police properly to investigate the death of Mr Steve Biko, was a grave disservice to South African Government, to the cause of justice and to the police itself.

This is one of the main conclusions of Sir David Napley, a past president of Britain's Law Society, who attended the Pretoria inquest as an independent observer.

In a 26-page report running to 14,000 words, just released in London, he adds:

"It is clear that an investigation conducted by experienced police officers with a little of the enthusiasm and vigour with which they customarily appear to question detainees, would have elicited the truth from the Security Police in far less time than was necessary, to demonstrate their mendacity in the witness-box as, in my opinion, occurred."

Inquiries

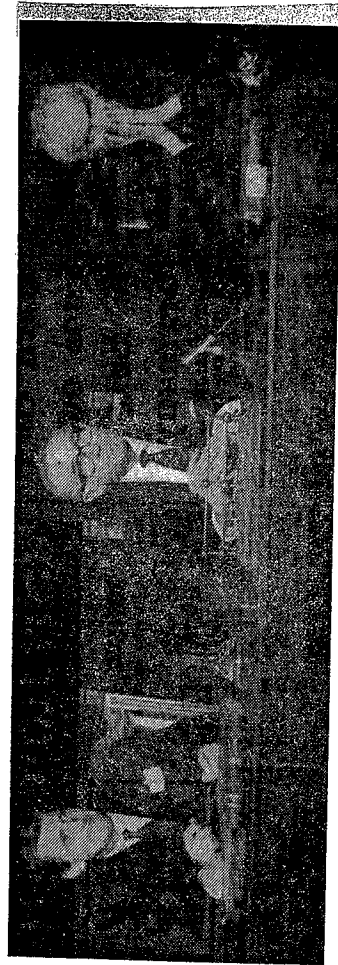
"Moreover, if at the outset of the inquest it had been possible for the Deputy-Attorney-General to announce the findings of such an investigation and the fact that appropriate action was to follow, much of the uproar which has now ensued would have been avoided."

Sir David, who was invited to attend the inquest by the Association of Law Societies of South Africa, ends his report:

"The sense of outrage which appears to have been generated by this inquiry can still be assuaged (as I

do

the Inquest Act, that he could not, on the evidence available, deter-



A scene from the Thames Television film of the inquest on black consciousness leader Steve Biko which British viewers saw last night.

Biko ³²⁵ *det.*
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probe

did not

justice

approximately to 07.15 on September 7.

"A blow, or blows, no doubt intended only to hurt, caused brain damage, which resulted in death."

He adds: "If, within the first few hours of sustaining the injury, the full and true facts had been known to the doctors, and these had been allowed to place Mr Biko in a provincial hospital, Mr Biko might still be alive."

Evidence

"After the first few hours, as the autopsy and the medical evidence showed, the resultant damage became irreversible."

Sir David says the Security Police in South Africa appear to be given a degree of licence which is unwarranted."

He adds: "They appear to regard themselves as above the law, exercising wide discretionary powers, and Colonel Goosen in evidence virtually said as much."

He suggests it might be worth the Government considering the establishment

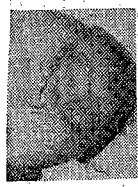
9/12/77

925

Branch set up force and to monitor the most diligent and searching inquiry where it is necessary.

Counsel

A further aspect calls for investigation, says Sir David. Counsel representing the Police appeared on the instructions of the State Attorney-General.



MR STEVE BIKO

sideration other than within the limits of his legal knowledge, to conduct the inquest in a fair, open and unrestricted fashion."

Sir David says he was not impressed with the evidence of the police officers. In his opinion, it was impossible to accept Colonel Goosen and Lieutenant Wilken as witnesses of truth.

Brain damage

He says he was left in no doubt that Mr Biko died as a result of brain injury "inflicted on him by one or more unidentified members of the Security Police at some time position previously taken up."

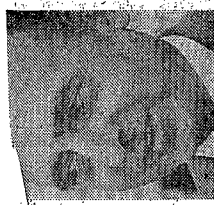
mine that death was brought about by an act or omission involving an offence on the part of any person, ie any particular person."

However, Sir David says that he does not apprehend on a strict reading of Section 17 that it would be necessary to have found that the death was caused by one or more of a group of people without specifying such people particularly.

Satisfied

"In my opinion, he was demonstrably wrong in adding the rider that the head injuries which resulted in death, were probably sustained in a 'scuffle' with the police at police headquarters."

He adds: "It is perhaps both fair and germane to observe that while I largely disagree with his rulings on these matters, I am satisfied beyond any doubt that he was not influenced by any con-



SIR DAVID NAPLEY

the extreme. The death of anyone while detained in the custody of Security Police, demands rigorous investigation."

Sir David says he is in full accord with the finding of the magistrate that Mr Biko had died as a result of a head injury associated with extensive brain damage and resulting complications.

"I also wholly accept that on the evidence adduced before the magistrate he had no alternative but to find in relation to the verdicts open to him under Section 16

even at this stage, proper and vigorous police inquiries are pursued, in the knowledge and to the end that those who frustrated justice in this case, performed no service to their country or to the establishment of better international relations."

Concerned

Earlier in his report, Sir David says he was concerned whether the inquest had been conducted with thoroughness and fairness.

"I am abundantly satisfied that insofar as the South African Government was concerned, the fullest possible inquiry was facilitated from the moment that the inquest began."

But, Sir David says, he is unable to express the same view concerning the investigation by the police which preceded the inquest.

"This appeared to me to have been perfunctory in

UN hits

325 det. out on stovg/m/r Biko

NEW YORK — The General Assembly last night strongly condemned what it called the "arbitrary arrest, detention and torture which led to the murder" of black activist Steve Biko by "agents of the racist minority regime of South Africa."

A resolution adopted by consensus also demanded that the "minority apartheid regime" of South Africa release all political prisoners without pre-condition.

The draft expressed the conviction that the "martyrdom" of Steven Biko and all other nationalists murdered in South African prisons "and the ideals for which they fought, would continue to enrich the faith of the peoples of southern Africa and other parts of the world in their struggle against apartheid and for racial equality and the dignity of the human person."

The resolution reiterated "deep aversion" to the practice whereby "the South African regime persistently subjects all opponents of apartheid to summary banning, detention, imprisonment and sometimes murder." — Sapa-Reuters.

● The Biko Inquest/relived on TV Page 25.

Star 9/12/77 328 dot

Author LAURENS VAN DER POST, in an interview with Dirk de Villiers of The Star's London Bureau, poses questions which he says every South African, particularly every Afrikaner, should ask himself if he were to live with his conscience.

Biko: the challenge to Afrikaners

The Biko affair presented South Africans, notably Afrikaners, with perhaps the biggest challenge in their history, according to Colonel Laurens van der Post, the distinguished South African author. And if they condoned what had happened, he said, they were doomed.

Colonel van der Post granted this interview after refusing pleas for comment from all branches of the media in Britain.

His argument: he wanted to address his feelings as an Afrikaner to South Africans at the recent election, despite his pronounced views on no watershed for South Africa.

Colonel van der Post said: "The really important challenge South Africa is facing at the moment came out in the way the tragic, shameful Biko affair has been handled by the Government and the institutions of government in South Africa."

There was police brutality in all cases, he conceded, and in civilized societies this abuse was always investigated and corrected.

"And it is not surprising that in a country like South Africa, with great

conflicts and tensions, that you should get more frequent and disturbing abuse of power.

"We have seen that in the way more than 30 people have died in custody of the police."

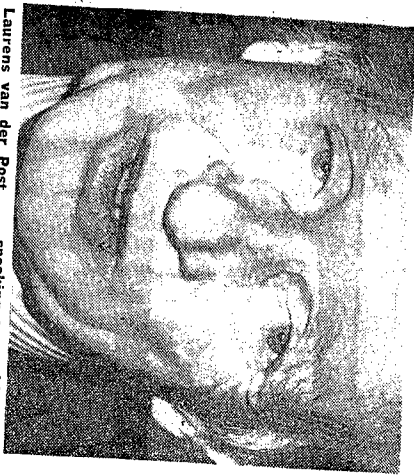
"But our approach to these abuses is to be in conformity with what is normal for most Western nations."

He recalled how as a young reporter in Cape Town he had exposed an apparent abuse of police power. The Nationalist Government at the time under General Hertzog promptly ordered the attorney-general to bring the officer to trial.

"But when the Nationalist Government came to power in 1948 something new happened in South Africa."

"For the first time in the history of either the (old) republics of South Africa or the Union of South Africa we began to have political prisoners. That was bad enough: it is a matter of shame when people are put in jail purely because of their political conviction that a society should be changed."

There, in a well be known prison, where men in prison, because they are regarded as a form of education, which no society could tolerate. But it is something that should be



Laurens van der Post... speaking as an Afrikaner.

ted in open court."

The matter of political detention was beginning to be taken for granted in South Africa. But the deaths of Biko and the other detainees and those whose disappearance has never been properly investigated revealed a new dimension.

Fortunately when the Biko affair broke, public opinion in South Africa was so roused that it forced the Government to have the death properly

Argentine."

After all that came out at the inquest, how could a magistrate sum it up in three minutes and say there was nothing that could be laid against the Post asked.

"I do not know how a magistrate could have answered the clear duty and obligation in his summing up to say: 'Although I cannot return a finding against any particular person, there are very disturbing features in this case to which I must draw the attention of the Minister of Justice, the director of public prosecutions, the head of the security police, and the medical associations.'"

"Why was this not done?"

There were questions every South African, particularly every Afrikaner, should ask himself, he said. If he were going to live with his conscience, it was the going to accept this like the unacceptable normality of others, as a

"For we have here, unless it is investigated, an ostrich pattern of behaviour, of power on a scale that has never been seen before in South Africa."

On the evidence, a Minister of Justice had

clearly been lied to by his ministers. What was the Minister going to do about the people who fed him lies?

"Clearly, such people should not be in positions of power in any department of the administration of justice."

Colonel van der Post asked, too, what the Medical Association of South Africa was doing about doctors who, to put it mildly, had behaved as incompetently in the Biko case.

"For the sake of their own honour, they should speak up. They have a responsibility," he added.

What was the head of the security service doing about police who told so many conflicting stories? They were not fit to have power.

"Above all, I ask what the churches in South Africa are going to do about it. The Afrikaners 'preachers' heard on the Afrikaner radio service a minister of religion talking about the life of Christ and the compassion of Christ."

"What are they doing about their love and compassion in this case? Of about the bereaved family of this man? What are they saying to the people in power on this issue? And what are all professors and Afrikaners schoolteachers, everyone who regards himself as a keeper of Afrikaner honour,

doing, where do stand? And the Afrikaner newspapers, guardians of democracy — what they say?"

If they allowed the matter to go unchallenged, they were doomed. For this is the simplest of reasons for an abuse of power, started with political imprisonment in the first of South Africa.

"This, not the effect, is our real watershed. If we allow this ostrich-tion to continue, we are doomed. Our only way in the future is a moral weapon."

"We are going into dark and sinister future in South Africa. The or truth and love of it at justice."

Great civilisations have crumbled because they evaded a challenge to the security service. The Biko case epitomised the one factor South Africa faces.

"How we meet it will condition how we go to ward from the African challenge or taking it to as we should on a moral basis."

"I speak as an Afrikaner, not from what can be dismissed as a bourgeois or a liberal or a European ethos. I speak out of the historical Afrikaner ethos which I inherited from a South Africa for 300 years."

"I reject the people who can impose the Biko affair on people of Africa. I do not recognize Afrikaners who can do a thing like it and condemn it. If we condone it, we are doomed."

Lawyer slams Security Police

LONDON — South African Security Police appeared to have unwarranted licence and to regard themselves as above the law, a British legal observer at the Biko inquest said in a report released yesterday.

Sir David Napley, an eminent solicitor, sharply criticised the Security Police in a 31-page report on the inquest into the death of the black activist.

He described Security Police evidence in the case as unsatisfactory, and said the police account of how Mr Biko sustained his fatal injury could not be accepted as truthful.

Sir David questioned in particular the testimony of the head of the Port Elizabeth Security Police, Col Pieter Goosen, and Lt Eric Wilken, the Security Police officer said to have guarded Mr Biko on the night of September 6 this year.

"The Security Police, which is only a branch of the State police force, appears to have been given a degree of licence which is unwarranted," Sir David said.

"They appear to regard themselves as above the law, exercising discretionary powers, and Col Goosen in evidence virtually said as much."

It was for others to consider how to ensure that there was no repetition of the Biko incident.

As there were no separate police force branches which could be used to investigate other divisions of the force, the Government might consider setting up a special branch, he suggested.

The former London Commissioner of Police, Sir Robert Mark, had set up such a branch to monitor the force, thus ensuring the most diligent searching inquiry when necessary.

Sir David said he believed Mr Biko had been hit by one or more unidentified members of the Security Police, and that there had been a subsequent attempt to conceal the cause of his fatal injury.

He rejected evidence that Mr Biko was kept naked to prevent him from committing suicide.

"There was, I believe, a more convincing, albeit Machiavellian reason for Mr Biko's naked state.

"It was a piece of what was aptly called the 'calvary treatment' meted out to him by the Security Police which has shocked world opinion and the vast bulk of South Africans themselves.

"The totality of the conduct of the Security Police seems to me to fit in with an approach to, and a pattern of, interrogation which has certainly not been peculiar to the Security Police at Port Elizabeth."

Sir David said he had not been present when police gave evidence during the first three days of the hearing.

"I have, however, read the record, and was not impressed."

He had been present to observe the demeanour in the witness box of Col Goosen, Lt Wilken and W/O Fouche, all of the Port Elizabeth Security Police.

"I was quite unable to accept them as witnesses of truth."

This was demonstrated by the record of their cross-examination by counsel for the Biko family, Mr Sydney Kentridge, and doubly evident when they were observed.

"Lt Wilken, on entering the court, presented an air of amiability to all concerned, and spent some time smiling."

"At one point, when his face was turned from the magistrate and he became put out by a reference by Mr Kentridge to his having played the part of a night nurse, he revealed, when taken off his guard, a picture, to which his eyes gave testimony, of underlying anger and a degree of viciousness which I personally found frightening."

Sir David said that if the struggle on September 7 was the cause of Mr Biko's brain injury, it was strange that the Security Police sustained no injuries except a bruise to a police officer's elbow. The officer had said on one occasion it was his right elbow and on another the left.

say he did not wish to answer.

"If, per contra, he was shamming serious illness then the only reason for doing so was to avoid the treatment to which he knew he was to be subjected or had already been subjected, to compel him to speak.

"Whichever way Col Goosen prefers to have it, he fails."

The second was Col Goosen's contention that he had tried, as a matter of urgency, to obtain a military aircraft to fly Mr Biko to Pretoria purely to ascertain whether he was shamming.

"One cannot long hesitate before wholly rejecting this explanation. If he was shamming, what was the urgency?" Sir David asked.

The third indication was the telex message Col Goosen sent to Security Police headquarters in Pretoria, describing Mr Biko as having been in a "semi-coma" when he left Port Elizabeth by Landrover.

"This was never previously revealed in evidence and was utterly at variance with Col Goosen's statements on oath that he did not believe Mr Biko was at that time seriously ill," Sir David said.

He asked why Col Goosen had so strongly stressed to doctors that Mr Biko was shamming, and studiously avoided bringing the head injury to their notice.

"To me, this affords the strongest possible indication, verging upon certainty, that there was some happening which he was anxious to hide.

"Once one is satisfied about that, as I am, it can only be that he knew the injury did not result from an accident."

Sir David suggested it was more than a "Freudian slip" when Col Goosen disclosed in the telex message that the blow was "inflicted" on Mr Biko on the morning of September 7. — SAPA.

Sir David mentioned three aspects of evidence which, he said showed Col Goosen's unreliability.

The first was Col Goosen's repeated endeavours to convey to doctors that Mr Biko was shamming illness.

"Col Goosen was, however, on the horns of a dilemma: if he was telling the truth when he said no improper pressure was put on Mr Biko, the inevitable conclusion was that there was nothing about which Mr Biko needed to sham. He had only to

Biko: probe

DD 9/2/77 (325) det
urged

LONDON — A senior British solicitor concluded yesterday that Mr Steve Biko died of injuries inflicted by the Security Police, and called for a full independent investigation by selected police officers.

Sir David Napley, immediate past president of the Law Society of England, was invited by the South African Association of Law Societies to attend the Biko inquest as an independent observer.

In his report, released yesterday, Sir David criticises the finding of the Pretoria Chief Magistrate, Mr M. J. Prins, of the conduct of district surgeons who treated Mr Biko and above all the behaviour of security policemen involved in the case.

"There was in my opinion a prima facie case of obstructing the course of justice," he said, arguing that Security Police appeared to have concealed the cause of his injuries in an attempt to avoid a subsequent trial.

Sir David agreed with Mr Prins's principal finding that no particular person could be said to be primarily responsible for Biko's death, but said the magistrate should have gone further in terms of the Inquest Act to find one or more or a group of persons responsible.

"In my opinion, however, he was manifestly wrong in giving the rider that the head injuries which resulted in death were substantially sustained in a scuffle with the police at police headquarters."

Sir David suggested that Mr Biko's fatal injury could have been sustained shortly before the struggle on the morning of September 7.

Violence such as Mr Biko exhibited then had been shown by medical evidence to be symptomatic of that type of brain injury. And the truckie could have been a

"regrettable." It had become a matter for international speculation, particularly as Mr Prins had given reasons on each occasion when ruling on the admissibility of evidence.

"It is perhaps both fair and germane to observe that, while I largely disagree with his rulings on these matters, I am satisfied beyond any doubt that he was not influenced other than, within the limits of his legal knowledge, to conduct the inquest in a fair, open and unrestricted fashion."

He said South African magistrates were not appointed from the body of practising lawyers.

"They are drawn from the ranks of civil servants; they generally have no legal professional qualifications and lack grounding in legal principles and practice."

"It is a matter of surprise to me that more use is not made in South Africa in its magisterial system of the wealth of untapped legal talent in both branches of the legal profession."

Sir David's main criticism in a 31-page report was directed at the police, and in particular the Security Police, whose evidence he found unsatisfactory and who, he said, appeared to regard themselves as above the law.

Police have shown callousness throughout their handling of Mr Biko and "a significant reluctance to uncover the truths" with a meaningful and vigorous investigation prior to the inquest.

"Certainly there appears today to remain a strong case for the fullest independent investigation by specially selected police officers into the causes of this unhappy death," Sir David said.

"The sense of outrage which appears to have been generated by this inquiry can still perhaps be assuaged (as I and so many others would wish) if, even at this stage, proper and vigorous police inquiries are pursued in the knowledge

"It is clear that an investigation conducted by experienced police officers with a little of the enthusiasm and vigour with which they customarily appear to question detainees would have elicited the truth from the Security Police in far less time than was necessary to demonstrate their mendacity in the witness box, as, in my opinion, occurred."

Sir David said he was left in no doubt that Mr Biko died as a result of brain injury inflicted on him by one or more unidentified members of the Security Police at some time prior to and reasonably proximate to 0715 hours on the morning of September 7, 1977.

"A blow or blows no doubt intended only to hurt caused brain damages which resulted in death."

Sir David said the question of whether Mr Biko's ultimate death was attributable to negligence on the part of the district surgeon involved was peripheral to the principal issue.

"Suffice it to say for my purpose that both the Government of South Africa and the medical authorities have much to consider and rectify arising out of the conduct of the district surgeons in this matter."

An aspect of the case which called for investigation was the fact the counsel for the doctors and for the police involved in the case had both been instructed by the State Attorney despite conflict of interest between them.

There was also a conflict of interest between the district surgeons and a Port Elizabeth specialist, Dr Colin Hersch, who was not a State employee, yet both were represented by the same counsel.

"One speculates as to how an attorney could instruct counsel to conduct a vigorous case against another person for whom he is also acting, or vice versa."

Sir David said he could not agree that joint representation was justified because both doctors and the police were State employed. For the doctors, their reputation and professional status was at stake.

Sir David also questioned the situation of the Transvaal Attorney-General and Deputy Attorney-General in the case.

He mentioned specifically the actions of the Deputy Attorney-General, Mr K. von Lieres,

who led the evidence and appeared to have intervened to support the police and doctors who were already represented by other counsel.

"It seemed odd to me that the Deputy Attorney-General, having been seen to be asking questions apparently designed to sustain the earlier formed view, should later be called on to play the decisive part in determining whether criminal proceedings should nevertheless be taken."

Sir David said he had been a guest in South Africa and, while guests should normally refrain from criticism, he had been invited to express his views honestly and objectively.

"I can only hope that what I have written will cause further consideration to be given to the events which brought about the tragic and disturbing death of Mr Biko."

"It was heartening to see in most respects the judicial process so greatly respected in South Africa, not least by the many able and conscientious people engaged in the administration of justice," he said.

South Africa's Minister of Justice, Mr Kruger, was given a copy of the report yesterday. — S.A.P.A.

He also said Mr Biko might have lived had the Security Police — whose oral evidence he found unconvincing and mostly unacceptable — told doctors immediately what might have caused the injury. The brain damage was irreversible within hours.

Sir David described Mr Prins's decision not to motivate his finding as

who frustrated justice in this case performed no service to their country or to the establishment of better international relations."

While the South African Government had facilitated the fullest possible inquiry from the moment the inquest began, the police investigation which preceded the inquest was "perfunctory in the extreme."

British lawyer blames SP for Biko's death

325 det

RDM 9/12/77

A SENIOR British lawyer concluded yesterday that the black consciousness leader, Mr Stephen Biko, had died of injuries inflicted by the Security Police.

He called for a full, independent investigation by selected police officers.

Sir David Napley, immediate past president of the Law Society of the City of Westminster, was invited by the Association of Law Societies of South Africa to attend the Biko inquest as an independent observer.

In his 31-page report released in Pretoria yesterday, Sir David criticises the finding of the Pretoria Chief Magistrate, Mr M J Prins, the conduct of district surgeons who treated Mr Biko and above

all the behaviour of security policemen involved in the case.

IN his report, Sir David Napley praised the Rand Daily Mail reports on the Biko inquest which he said displayed a high degree of accuracy, comprehensiveness and objectivity.

all the behaviour of security policemen involved in the case.

"There was in my opinion a prima facie case of obstructing the course of justice," he said, arguing that Security Police appeared to have concealed the cause of his injuries in an attempt to avoid a subsequent trial.

Sir David agreed with Mr Prins' principal finding that no particular person could be said to be criminally responsible for Mr Biko's death, but said the magistrate could have

gone further in terms of the Inquest Act to find one or more or a group of persons responsible.

"In my opinion, however, he was demonstrably wrong in adding the rider that the head injuries which resulted in death were probably sustained in a 'scuffle' with the police at police headquarters."

Sir David suggested that Mr Biko's fatal injury could have been sustained shortly before the struggle on the morning of September 7.

Violence such as Mr Biko exhibited then had been shown by medical evidence to be symptomatic of that type of head injury. And the struggle could have been a result, not the cause, of the injury.

He also said Mr Biko might have lived had the Security Police — whose oral evidence he found unconvincing and mostly unacceptable — told doctors immediately what might have caused the injury. The brain damage was irreversible within hours.

Sir David said Mr Prins' decision not to motivate his finding was "regrettable". It had become a matter for international speculation, particularly as Mr Prins had given reasons on each occasion when ruling on the admissibility of evidence.

"It is perhaps both fair and germane to observe that, whilst I largely disagree with his rulings on these matters, I'm satisfied beyond any doubt that he was not influenced other than, within the limits of his legal knowledge, to conduct the inquest in a fair, open and unrestricted fashion."

He said South African magistrates were not appointed from the body of practising lawyers.

"They are drawn from the ranks of civil servants,

• TO PAGE TWO

Biko death: SP blamed

• FROM PAGE ONE

they generally have no legal professional qualifications and accordingly lack grounding in legal principles and practice.

"It is a matter of surprise to me that more use is not made in South Africa, in its magisterial system, of the wealth of untapped legal talent in both branches of the legal profession."

Sir David's main criticism was directed at the South African Police, and in particular the Security Police, whose evidence he found unsatisfactory and who, he said appeared to regard themselves as above the law.

Police had shown callousness throughout their handling of Mr Biko and "a significant reluctance to uncover the truth" with a meaningful and vigorous investigation prior to the inquest.

He noted that, while Britain had separate branches of the police, and one could be used in a high-level investigation of the other, this was not so in South Africa.

"Certainly there appears today to remain a strong case for the fullest independent investigation by specially selected police officers into the causes of this unhappy death," Sir David said.

"The sense of outrage which appears to have been generated by this inquiry can still, perhaps, be assuaged (as I and so many others would wish) if, even at this stage, proper and vigorous police inquiries are pursued, in the knowledge and to the end that those who frustrated justice in this case performed no service to their country or to the establishment of better international relations."

While the South African Government had facilitated

the fullest possible inquiry from the moment the inquest began, the police investigation which preceded the inquest was "perfunctory in the extreme."

"It is clear that an investigation conducted by experienced police officers with a little of the enthusiasm and vigour with which they customarily appear to question detainees would have elicited the truth from the Security Police in far less time than was necessary to demonstrate their mendacity in the witness box, as, in my opinion, occurred."

The death of anyone in Security Police detention demanded rigorous investigation, particularly since Mr Biko's death was sensitive in relation to world opinion.

The inquest revealed that officers concerned with Mr Biko's custody and detention were questioned by means of roneoed forms containing a series of alternative answers, and had to strike out what they considered inappropriate.

"Vital documents, such as a significant telex and a bedside medical record were only discovered as the inquest proceeded, and then only by reason of the diligence of counsel appearing for the relatives of the deceased," he said.

"In my opinion, the failure of the police to properly investigate this matter served a grave disservice to the Government which employs them, to the cause of justice and to the police force itself."

But it was evident that Mr Pries had been concerned to ensure that the inquiry extended over every relative facet, and that more time was devoted to some aspects than might appear justified.

Sir David rejected evidence that Mr Biko need not necessarily have been unconscious following his head injury, and that the

violence Mr Biko exhibited on September 7 was prompted by the disclosure to him of information received from a detained associate.

"It is, in my opinion, reasonable to postulate as follows: The purpose of Mr Biko's detention was to obtain information concerning alleged terrorist activities.

"A recognised course for eliciting information is to condition a person, eg, by holding him incommunicado for 20 days, subjecting him to hardship and deprivation such as that endured by Mr Biko.

"Not long before the interrogation was to be resumed on the morning of September 7, he sustained an injury which proved fatal, and that injury was inflicted by one or more persons with a view to rendering him compliant."

Sir David said there appeared to have been an attempt by police to cover up what had caused Mr Biko's injury.

"The dishonesty of the police in stressing to the doctors that Mr Biko was shamming illness and the fact that they steadfastly failed even to suggest to the doctors that he sustained a blow to his head, abundantly demonstrates that they had something discreditable to hide," he said.

"The failure by the police to mount and pursue a meaningful and vigorous investigation prior to the inquest as to the full and true circumstances was, and could only be, attributable to a significant reluctance to uncover the truth."

In view of the demonstrable pattern of conditioning of Mr Biko and the callousness involved throughout, it was improbable that actual violence would have been abhorrent to the Security Police.

"In short, I was left in

no doubt that Mr Biko died as a result of brain injury inflicted on him by one or more "unidentified members of the Security Police at some time prior to and reasonably approximate to 7.15 am on September 7, 1977.

"A blow or blows no doubt intended only to hurt caused brain damages which resulted in death."

The head of the Port Elizabeth Security Police, Colonel Pieter Goosen, had said he had been anxious that Mr Biko should not die, and with good reason.

One would therefore have expected that he would have vouchsafed information about possible injuries to the doctors.

"I was personally left in no doubt that the reason why this was not done was to avoid drawing attention to the real cause of the injury and resultant proceedings.

"It must have been known to the police officers concerned that, if the whole of the facts had been disclosed, there was a probability almost to the point of certainty that such proceedings would follow.

"It is also for consideration whether there is not evidence that several members of the Security Police force agreed expressly or by implication to frustrate a proper investigation in order to avoid the inevitable consequence of a trial.

If that was so, there was a conspiracy and anyone who later joined in it would have been equally guilty," Sir David said.

"Suffice it to say for my purpose that both the Government of South Africa and the medical authorities have much to consider and rectify arising out of the conduct of the district surgeons in this matter." — Sapa.

Charge or free my son pleads Border mother

DD9/12/77

325 det

EAST LONDON — A Duncan Village woman, Mrs N. G. Keke, has called on the Security Police to bring her son, Mr Zolile Keke, to court or release him.

Mr Keke has been in custody since May, last year.

He appeared in the Supreme Court, Grahamston, in April and was found not guilty and discharged on a charge under the Terrorism Act.

He was redetained immediately and when inquiries were made, the investigating officer, a Mr Venter, said he had done so on instructions from Pretoria, Mrs Keke said.

"Since then I have seen my son twice and the last time I saw him at

Cambridge police station in May, his face was puffed up," Mrs Keke said.

She said he had come to their home in Duncan Village Extension with members of the security police at 2 am that day.

"He asked about money he had left in his jacket and we explained we had used it.

"The same morning at 9 a neighbour, Mr N. Ngetu, and I were called to the police station and we made statements about some books he had kept at Mr Ngetu's place. That was when I saw his face was puffy.

"I asked a brigadier from Pietermaritzburg if I could see him and he refused and would not let me give him food," Mrs Keke said.

She said the last she heard of her son was when Sgt M. O. Mbewana of the Security Police came to her home in September

and said her son had asked him to get him some money and clothes.

"We gave him R10 in cash, a pair of pyjamas, a jacket and a shirt," she said.

She had written to the attorney who briefed counsel for his defence when he appeared in Grahamstown, but had received no reply.

"I don't know whether he got the letter," Mrs Keke said.

Brigadier C. Zietsman, of the security police, Pretoria, was not available to comment. — DDR.

325 (Nkomo)

Held Cape Times 8/12/77 Swapo man's papers shown

WINDHOEK. — The deputy chairman of Swapo in SWA/Namibia, Mr Daniel Tjongarero, had met the South African black consciousness leader, Mr Steve Biko, and had later come to know him.

This was one of the disclosures by Mr Tjongarero in a 22-page memorandum which he wrote during his recent detention in Ovambo.

The document was released to newsmen by the security police chief in SWA/Namibia, Colonel Koos Myburgh, at a press conference yesterday.

In the part of the document devoted to his personal background, Mr Tjongarero wrote: "At the end of 1975 I was invited to the BPC (Black People's Convention) congress in King William's Town where I came to know the late Steve Biko."

He had visited Mr Biko at home and had been asked to deliver a paper which he did.

"I explained that it was not necessary to take up arms for recognition and that internal recognition was a better guarantee than outside recognition," he wrote.

Intimidated

The press conference was called about the detention of Mr Tjongarero in Ovambo last week, as well as allegations made by him that he had been intimidated into resigning his position with Swapo.

The memorandum, in Mr Tjongarero's handwriting, was signed by him at Oshakati, Ovambo, on December 5.

Two photographs were also issued to newsmen for publication.

On Saturday, December 3, Mr Tjongarero was questioned by Colonel Willem Schoon, the head of the security police in Ovambo.

During the questioning Colonel Schoon received a report of a landmine explosion east of Oshakati.

A number of Ovambos were killed and injured and Colonel Schoon was requested to go to the scene.

Colonel Schoon offered Tjongarero the opportunity to go with him, Colonel Myburgh said.

When he saw the bodies (of the landmine victims) Tjongarero was visibly moved (bewoe) and deeply touched (aangedaan) and he voluntarily helped offload the victims, Colonel Myburgh said.

This action of Mr Tjongarero's

Continued from page 1

part was proved by the pictures taken of him at the time and handed to the press for publication, Colonel Myburgh said.

After he had seen the bodies, Mr Tjongarero was taken back to Ondangwa.

Later he sent a message to Colonel Schoon that he wished to see him urgently.

Mr Tjongarero was sent for on Sunday, December 4, and he handed Colonel Schoon, extensive, handwritten notes which he read and returned.

Following the conversation, two rehabilitated terrorists were brought to Mr Tjongarero and he was asked if he would like to talk to them. Mr Tjongarero agreed.

Mr Tjongarero then spoke to Mr Gabriel Mutumbulua and Mr Timteus Amupolo in private for 40 minutes and 10 minutes respectively.

Mr Tjongarero handed his completed handwritten memorandum to Colonel Schoon at Oshakati on Monday morning, December 5.

In his memorandum, Mr Tjongarero made a number of points. Among these were:

- He rejected Swapo's "deeds of terror and senseless murder of elders and children" as not being a fight for freedom but a form of barbarism.
- He had only known "one side of Swapo" and not been aware of the realities.
- Nobody had forced him physically or psychologically during his detention to say anything.
- He had been well-treated by the security police during his detention.
- He would in future concentrate on church affairs and he would play a moderate role in politics.

Resigned

The memorandum was discussed between Mr Tjongarero and Colonel Schoon and Mr Tjongarero was released.

"Thereafter, Tjongarero and Colonel Schoon discussed the liaison between the internal and external wings of Swapo; the detention (in Zambia) of Andreas Shipanga and other Swapo rebels and internal Swapo affairs."

Moments after his release, Tjongarero told Colonel Schoon there was something else he wanted to show him.

"It was a letter which Tjongarero had written to the administrative secretary of Swapo and in which he resigned as Swapo's deputy chairman and as ordinary member," Colonel Myburgh said.

The text of the letter is: "I would hereby like to tender in my resignation as deputy chairman of Swapo as well as bona fide member of the said organization for the following reasons:

"I have assured myself through talks with ex-Swapo guerrillas and members of the senseless killings of civilians and I don't want to be party of this:

"I have convinced myself of the undemocratic and Marxist leanings of Swapo, which makes a mockery of justice and democracy;

"Thanking you with the full knowledge that I will be labelled as a sell-out and puppet. I am only a puppet of my own conscience."

Conflict

Mr Tjongarero had not objected to Colonel Schoon making a copy of the letter of resignation.

"Colonel Schoon returned the original letter to Tjongarero after which he shook Colonel Schoon's hand and left," Colonel Myburgh said.

In his memorandum, Mr Tjongarero gives details of the conflict in his life between his devotion to his wife and children, his personal political convictions and his wavering loyalty to Swapo.

Examples of these were:

"When Katamilla left the country I was already inactive (as publicity and information secretary). I was much more obsessed with my wedding as from August 1976. I paid little attention to politics...

"The whole political set up was confusing me and I was getting tired with the internal problems among groups and parties in the country.

"My colleagues were also no more satisfied with my handling of the press. I was becoming too soft, I was told. But the truth of the matter is that I was frustrated.

"The slogans were sounding outdated, hollow and without meaning.

"This year, the annual national conference (of Swapo) co-opted me as deputy chairman... I was left with little duties." — Sapa

stew 8/2/77
Inquest on
(325) det.
Mzizi

Own Correspondent

DURBAN — The inquest on the death in detention of Mr Bayempin Mzizi will be held at the Durban magistrates' court on Tuesday.

Mr Mzizi (54) was found hanging from a cell window bar at the Brighton Beach police station on August 12. He was being held under Section 6 of the Terrorism Act at the time of his death.

Advocate L. Skweyiya, instructed by Shun Chetty and Company, will appear for the Mzizi family.

Biko: Call for verdict to end 'further abuse'

The Argus Correspondent

PRETORIA. — A call was made to the Bench at the Biko inquest in Pretoria yesterday for a 'firm and clear verdict' to help to prevent 'further abuse' of the security system in South Africa.

The call came from Mr Sydney Kentridge SC, appearing for the Biko family, while addressing the court, sitting in the Old Synagogue.

He submitted the inquest of black consciousness leader, Mr Steve Biko, who died in detention on September 12, had exposed 'grave irregularity and misconduct' in the treatment of a detainee.

It has incidentally revealed the dangers to life and liberty involved in the system of holding detainees incommunicado.

Disquieting

In the light of further disquieting evidence before this court, any verdict which can be seen as an exoneration of the Security Police will unfortunately be interpreted as a licence to abuse helpless people with impunity.

'This court cannot allow that to happen.'

Mr. Kentridge started his address, which lasted about 34 hours, yesterday after the completion of 13 days of evidence on Wednesday.

He submitted the only reasonable verdict open to the court in the matter was to find that the death of Mr Biko was due to criminal assault by one or more of the eight members of the Security Police in whose custody he was at Security Police headquarters in Port Elizabeth on September 6 and 7.

Dr Lang

Speaking about the evidence of Dr Ivor Lang, a Port Elizabeth district surgeon, and his superior, Dr Benjamin Tucker, who treated Mr Biko, Mr Kentridge submitted:

'It is with some sadness and regret that... in this case the proved facts show that not only can the court not rely on the evidence (of the pair) but that an analysis of the

joined with the Security Police in this conspiracy of silence related to Mr Biko's condition.'

Submissions

Dr Lang's evidence could not be believed, it was submitted, because he was unable to explain:

① Why he had issued a medical certificate for Mr Biko to the Security Police.

② Why the complaint noted on the certificate was different to the complaint by Colonel Pieter Goosen, chief of the Eastern Cape Security Police.

③ Why he had not noticed injuries on Mr Biko's lip, ankles and wrists.

The district surgeon had also admitted the certificate was 'highly inaccurate,' Mr Kentridge added.

Dr Tucker

Dr Tucker's evidence should not be believed because:

① He, like Dr Lang, identified himself with the Security Police by attending a consultation held by Mr P R van Rooyen, SC, appearing for the police.

② He made no 'searching inquiry' why Mr Biko wet his clothes and bedding with urine.

③ He made assumptions about the causes of the injuries on Mr Biko and then admitted he saw they were not in accordance with the practice of district surgeons.

④ He failed to inquire about the possibility of a head injury after finding the presence of a doubtful extensor plantar reflex, which could indicate brain damage.

⑤ He did not wish to ask questions which could have embarrassed the Security Police.

No evidence

Mr P R van Rooyen, counsel for the police, said there was not a 'tittle' of evidence to show that Mr Biko had been

No evidence detainee smashed up — counsel for police

By breaking down the positive evidence Mr Kentridge had cleared the way for 'a bout of glorious imagining.'

If counsel for the family wanted to rely on circumstantial evidence then their inference, or an unlawful assault by the police had to be the only possible inference from the facts, Mr van Rooyen said.

It was all very well to say now that a dying man had been sent on the trip to Pretoria, but this was the situation seen through the 'retrospectroscope,' before a judgment could be made the facts had to be looked at.

Logical point

Criticism had been levelled at the investigating officer, Major General J F Kleinhaus, but he had started at the logical point: How, when and where did Mr Biko receive his forehead injury?

A host of witnesses had failed 'en masse' to see any external injury — this included policemen, doctors and prison officials.

The only conclusion was that the mark was not readily visible. Mr van Rooyen said. The only person who saw a mark of sorts was a security policeman, Lieutenant Winston Wilken, a man who

heart of the cover up alleged by counsel for the family.

This fact militated against the allegation of a cover up, police counsel said.

Self-inflicted

The mark supposedly seen by Lieutenant Wilken on September 6 raised the possibility that the injury may have been self-inflicted, Mr van Rooyen said, especially if one considered what the psychological condition of Mr Biko must have been soon after 6 pm on September 6.

Captain D P Siebert, one of the interrogation team, had been one of the best witnesses he had ever seen, the advocate said. The witness had withstood Mr Kentridge's cross-examination with the greatest of ease, he had been 'cool, calm, collected, logical and was not shaken in the least.'

Unconscious

Mr van Rooyen then turned to the fact none of the police witnesses had said Mr Biko may have been unconscious while he was in their care.

Pathologists had told court that in their opinion it was possible Mr Biko may have been unconscious after an application of force to his head.

It would be a 'grave miscarriage of justice' if the police witnesses were 'branded liars' on the basis of medical opinion the advocate said. 'One cannot be dogmatic about this talk about him being unconscious.'

Mr van Rooyen submitted the court could find no other finding except that Mr Biko had died of brain injury and that no living person, as far as the police were concerned, was 'responsible for the death.'

Counsel for the doctors Mr B de V Pickard, said he was concerned about Mr Kentridge's submission that the doctors and police were colluding. He felt that Mr Kentridge had not interpreted the evidence properly.

'Placed in the wrong context all kinds of sinister conclusions can be reached,' he said.

Biko: UK doctors react

DALEY DAS
21/12/77

328

Defence

LONDON — The British Medical Association has said it is gratified by reports that the medical profession in South Africa was concerned about the conduct of the doctors involved in the treatment of Mr Steve Biko before his death, and that there is to be an investigation by the South African Medical and Dental Council.

"We were deeply concerned about the medical evidence in this case and have been in constant and close contact with the Medical Association of South Africa," a spokesman said.

"The association is continuing to supply us with full and frank information on the case, and it shows the great concern felt by the medical profession there."

The spokesman said a motion that they should cut all ties with the South African association would be ignored.

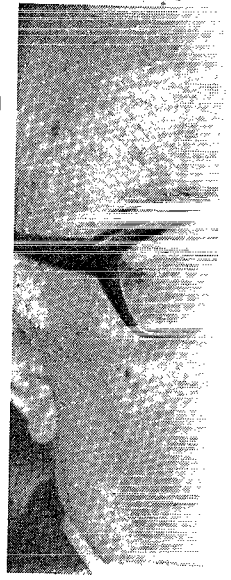
It is being presented to the BMA next month by the powerful Socialist Medical Association of Great Britain. The BMA spokesman said: "We have every confidence in the South African association and we see no reason to cut our ties. There is no question of supporting apartheid." — DDC.

Rm 22/12/77

Inside Mail

The October banning

22



MR VORSTER ... in
continuu

A kind o

IN the wake of his election victory on November 30, the biggest in South African electoral history, the Prime Minister, Mr Vorster, told newsmen: "I have never been so tired in all my life."

At one level it was a strange statement. Electoral triumphs are to weary politicians what blood transfusions are to ailing patients, a surge of strength and new life.

But, as Mr Vorster noted, 1977 had been a trying year, in which it seemed not even decimation of the Opposition and unprecedented solidarity around the governing party brought the first vista of an end to the problems ahead.

Some observers might go further and dub Mr Vorster's success at the polls a Pyrrhic victory — a victory gained at such great cost that it weakened rather than strengthened the victor for the battles which lie ahead.

When Mr Vorster announced his decision to hold a snap election he gave as his primary reason his wish to give the electorate an opportunity to endorse his stand against foreign interference in South Africa's internal affairs.

As subsequent election campaign speeches by National Party leaders made clear, the underlying presumption was that an emphatic manifestation of solidarity with the Prime Minister would check the foreign meddlers.

But, although the election saw the electorate rally behind the NP in spectacular fashion, the run-up to polling day on November 30 aggravated rather than silenced the shrill "moralising" cries from abroad.

The crack-down of October 19 against the black consciousness movement and The World, with its spate of bannings and detentions, brought condemnation from the West and, more important, hastened the imposition of an arms embargo on South Africa by the United Nations.

But Mr Vorster and his Ministers stuck doggedly to their belief that if the electorate stood "united as never before", the tide of hostility would eventually recede.

The problem, however, was that the electorate was drawn exclusively from the white population, which constituted less than one-fifth of the total population.

Ultimately the ability of South Africa to withstand outside pressure would depend on the white elite finding an accommodation with the vast majority of South Africans who were not white.

But 1977 offered little hope on that score.

After months of gestation, the Cabinet Committee finally produced its "new deal" plan for political accommodation of the coloured and Indian peoples.

But the elaborate plan, involving three parliaments in one country and an executive president, was rejected first by the ruling Labour Party in the Coloured Representative Council and then by the Indian Council.

The National Party was apparently unperturbed, although there was some muttering about the Progressive Federal Party being behind the rejection.

It simply persisted in the belief that if it pressed ahead resolutely enough coloured and Indian opposition would disappear to be replaced by more co-operative folk from these communities.

As a NP information sheet said: "We lay the table and those refusing to sit down shall do without. Because the old dispensation is something of the past, we shall simply continue with the new dispensation."

On the black front there

was a similar situation, with another "new dispensation" to provide an answer to the most pressing of the internal political challenges: the growing number of urban blacks who could not be fitted into the homelands policy.

The "answer" was the Community Councils Act, which some observers saw as markedly similar to the old and discredited Urban Bantu Councils Act of 1961.

In Soweto, the volatile centre of urban black life, the new law was unceremoniously and unequivocally rejected by the newly-formed Committee of 10.

Under the chairmanship of Dr Nthato Motlana, the committee produced its own plan to make Soweto an autonomous municipality. The committee sought in vain to negotiate with the authorities.

Instead it was ignored and told it was unrepresentative, although all its attempts to hold a mass meeting to prove it had the backing of the people ran into banning orders requested by the

Security Police.

Then on October 19 seven of its members, including the chairman, were interned. Virtually within days regulations for the holding of a community council election were published in the Government Gazette.

Again the ruling NP demonstrated its conviction that it was all a matter of determination and will power: if it was determined enough — some would prefer the phrase "ruthless enough" — its opponents would realise the folly of their ways and come over to the NP viewpoint.

But even before October 19 an event of great importance to the political future had taken place: the death in detention on September 12 of Mr Steve Biko.

At the relatively young age of 30, Mr Biko was a man whom observers were already comparing with the foremost black leaders of an earlier era — Robert Sobukwe, Nelson Mandela and Albert Luthuli. He was loved and respected by many.

His death came to sym-

bolise the brutality of detention without trial and the tragic death of 45 people in detention since the introduction of the 90-day law in 1962.

Coupled with the disclosures at the inquest — he was stripped naked and chained — his death compounded the problems faced by the authorities on both the external and internal fronts: international hostility hardened further still and the anger of black militants rose.

The response to the challenge was defiance of international criticism and repression of black consciousness movements in the October crackdown.

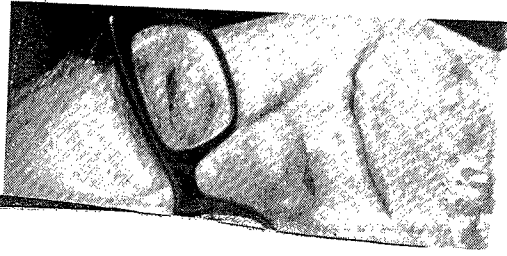
Major-General Dawid Kriel, Deputy Commissioner of Police in charge of Riot Control, subsequently justified the crackdown by quoting statistics to show that unrest in black areas dropped sharply after the crackdown.

But that was only half of the equation. It did not take account of the four bomb explosions after the crackdown and the resurgence of underground organisations.

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225-*Apartment*

..Biko's death.. urban terrorism.. election victory...



triumph at the polls but problems.

South Africa 1977. It could be the title of a political thriller. It had all the ingredients — sabotage, arson, high-level negotiations, death of a brilliant young leader, political blueprints and sanctimonious politicians. But it was only too real. Deputy Political Editor PATRICK LAURENCE reports.



PRESIDENT CARTER... and an untimely contributor to the National Party victory.

f victory

The turning to violence by black militants — what sociologists describe as the militarisation of political conflict — foreshadowed in the Goch

Street shooting in June, when black youths armed with machine pistols and grenades killed two white civilians. As the year came to an

end, both the Prime Minister and the Minister of Police, Mr J. T. Kruger, warned South Africans to brace themselves for more incidents of urban terrorism. Another pointer to the un-

rest which underlay the chronology of events in 1977 was the 96 trials under security laws held during the year. More than 140 people were sentenced to a total of nearly 900 years imprisonment.

But in its drive to win "moderate" blacks to its side — the real name of the game in the struggle which lies ahead — the authorities did notch up a few successes.

After protracted and often tense negotiations, Bophuthatswana became the second homeland to achieve independence under the homeland policy. Preliminary negotiations for the third, Venda, were opened in August.

But there were no breakthroughs on the international fronts in terms of recognition for the independent homelands. To the world they remained the "children of apartheid" and the client states of Pretoria comparable to satellites of the Soviet Union.

For South Africa 1977 was, of course, the year of Jimmy Carter, Andrew Young and the sharp escalation of American interest in and its concern for South African race policies.

The United States at times rivalled and even superseded the Soviet Union as a threat to "law and order" in the minds of many whites, not least of all those of Mr Vorster and his newly-appointed Foreign Minister, Mr P. K. Botha.

To many whites US concern over human rights in South Africa was indicative of double standards and

selective morality. Their indignation became the greatest trump card of the NP in the election campaign.

The US Vice President, Mr Walter Mondale, commented the situation when he defined America's wish to see meaningful political participation for all South Africans as one man, one vote.

That was at Vienna in May: in spite of subsequent explanations by Mr Mondale that it was not what he meant, it loomed as a major issue in the election.

But for all the Western expressions of disquiet and even disgust at South African race policies, Mr Vorster remained the man that the West had to deal with in its quest for peaceful solutions to the Rhodesian and Namibian conflicts.

Whatever their views on his internal policies, Mr Vorster remained a formidable and key figure on the Southern African stage. Western diplomats expressed off-record acknowledgement of his tough, shrewd handling of negotiations.

As the year closed, Mr Smith of Rhodesia was pushing ahead for an international settlement and the talks on South West Africa with the West appeared to be hanging by the slenderest of threads.

If and when these questions are settled, will the West continue to treat Mr Vorster with circumspection? As South Africa enters 1978, that question hangs like the proverbial Sword of Damocles.

Biko family to sue 2 Ministers

23/12/77 325 October RDM 23/12/77

THE family of Steve Biko, the black consciousness leader who died of brain injuries in police detention, will sue two Ministers for a record sum in damages, family sources told United Press International yesterday.

The demand letters to the Minister of Police, Mr J T Kruger, and the Minister of Health, Dr Schalk van der Merwe, totalling about R320 000, would probably be served next week, they told UPI.

Mr Kruger is being sued as Minister responsible for the Security Police, in whose custody Mr Biko, 30, was held before he died on September 12.

Dr Van der Merwe is regarded as responsible for the district surgeons who attended Mr Biko, Dr Benjamin Tucker and Dr Ivor Lang.

At the inquest Mr Sydney Kentridge, the Biko family lawyer, accused both doctors of "joining the security police in this conspiracy of silence related to Mr Biko's condition".

The inquest verdict was that no one could be held responsible for Mr Biko's death.

According to South African law, unless the damages demand is met within 30 days, the family can sue in a civil case.

Mr Shun Chetty, a lawyer also acting for the family, told UPI the action was "definitely going ahead" although assessing the exact amount of the damages delayed proceedings.

Last night he said he was meeting with counsel tomorrow to decide who exactly we are suing and what the actual amount is to be.

Family sources said Col Piet Goosen, head of the Port Elizabeth Security Police, as well as the two doctors who attended

Col Goosen admitted in court that Mr Biko was handcuffed and manacled in leg irons and chained to a grille in an interrogation office. The doctors testified they thought Mr Biko was "shamming" illness.

PRETORIA'S chief magistrate, Mr Martinus Prins, ruled after a 15-day inquest that there was no evidence to implicate anyone in Mr Biko's death.

Legal sources said the R320 000 suit would be the highest damages claimed after any of the 19 prison deaths of political detainees since March, 1976.

The South African Council of Churches announced yesterday that it was paying the family's entire costs of the Biko inquest, writes Helen Zille.

Md John Rees, SAACC's acting general secretary, said the costs would be R75 000, and would be met by the Council's Asingeni Relief fund.

This fund — supported by Christian churches local and abroad, operated openly and had assisted in over 1 000 legal cases, of which the Biko inquest was the largest, Mr Rees said.

Mr Rees made this statement in the wake of press reports linking the financing of the inquest with a Washington-based group, the South African Project of the Lawyers' Committee for Civil Rights under Law.

An English morning newspaper claimed yesterday the group had "pumped R1-million into South Africa for legal fees in black consciousness cases," including "part of the costs" of the Biko inquest.

The Asingeni Relief Funds, were not earmarked in any way, Mr Reeves said.

The fund had been responsible for a "colossal relief programme" since the outbreak of the Soweto riots last year, he said.

"The sole purpose of our involvement in this matter is our string belief, that enshrined in the SA legal system is the right of all persons to seek and obtain justice," the statement said.

DD 23/1/77
Detainee
325 - detention
for trial

EAST LONDON. — Mr Zolile Keke, of Duncan Village, who has been in detention since April 1976, is due to appear in court at Bethal, Transvaal, on January 9 on charges under the Terrorism Act.

Mr Keke, 32, who had been employed as a first-aid assistant at a tyre factory in East London, was detained in Grahamstown.

In 1963 he was sentenced to ten years imprisonment for PAC activities. Later he was banned for two years and restricted to the magisterial district of East London. — DDR.

The Cape Times

FRIDAY, DECEMBER 23, 1977

325-De la Riva

Detention of young people

THE FACTS stated and the questions asked by the Cape Western Region of the Institute of Race Relations about the detention without trial of black youngsters in the Peninsula (to which a letter on this page from the National Council of Women also draws attention) call for the immediate and serious attention of the authorities. The full statement appears in the Cape Times on page 9. There is no reason to question the accuracy of the statement of facts. Since April, the Institute has reason to believe, some 53 Africans have been detained, 38 of them under the age of 21 (11 between 12 and 16), some for more than six months. Some, including all but three of the children under 16, have been released. Parents cannot visit these youngsters and most parents found it impossible even to obtain information about their wellbeing. The first question put by the Institute asks for the precise number of young people detained and still in detention. An answer will keep the record straight if by any chance the Institute has been misled. Other questions ask for basic information about the conditions of detention, exercise, availability of medical attention and so on.

It will be reckless disregard of the interests of this country to withhold this information for any reasons whatever. Disagreeable as the thought is, the fact must be faced that South Africa cannot face the world on its record as a Western-type democracy. The government and parliament are the monopoly of a racial minority, the protection of the courts of law has been drastically curtailed, the doctrine of habeas corpus has been abolished. There has even been a suggestion in the Biko proceedings that the security police in some way seem to regard themselves as above or beyond the ordinary law of the land.

The youngsters and others detained under the Terrorism Act are excluded from the government's invitation to the International Red Cross to visit political detainees. Why? There has been no plausible let alone satisfactory explanation of the principle. It would be audacious in the extreme to claim that the record of the security branch in the matter of the Terrorism Act detainees is itself a sufficient answer. There have been some scores of deaths in detention. People have died falling down steps, over chairs, by leaping out of windows, by committing suicide. The evidence in the Biko inquest at the best demonstrated callousness and inefficiency and at the worst led an eminent jurist to the conclusion that the man had died of a brain injury inflicted by one or more unidentified members of the security police. The body of detainee Mdluli showed numerous injuries. One George Botha had injuries found by state pathologists to have been inflicted before he fell to his death. Luke Mazwembe and Hoosen Haffjee had injuries not explained in inquests. The full judicial inquiry that would examine this series of happenings and, it is to be hoped, exonerate the security police and the other authorities from blame, has not been granted.

Unhappily it is against this background that the Institute's request for specific information and reassurance must be assessed. Arrogant refusal to allay public (and, in many individual instances, parental) anxiety might pass for *kragdadigheid* among some sections of the local community. This will not be the reaction of wider sections of the South African community, not to mention the world community. A full answer is demanded in the name of our already dangerously strained race relations.

Cape Times 23/12/77 525 Defector

Whereabouts of arrested schoolchildren unknown

From Mrs H M ROBINSON, Cape Town branch president, National Council of Women of South Africa (532/3 CTC Buildings, Plain Street, Cape Town):

AT THIS time of general rejoicing and happy family reunions it is as well that we spare a thought for those whose circumstances are very different. I refer to the families of school pupils, some under the age of 16, who in recent months have been arrested in the middle of the night at their homes and whose present

whereabouts are unknown.

Parents are extremely concerned about the wellbeing of these children in detention and are urgent in their requests for assurance. So far this has not been forthcoming, and the affidavits of children subsequently released regarding their treatment in detention more than justify this apprehension.

It is affirmed, for example, that young children are being kept in solitary confinement, which is usually considered to be a severe form of punishment even for adults.

Pupils, furthermore, have not been able to complete their examinations; and those writing external examinations have not had alternative arrangements made for them.

We feel, as a branch of the National Council of Women of South Africa, that every citizen should be informed of this distressing situation so that he or she may take action through their local members of Parliament and every other channel available to them.

The matter is urgent, as bitter resentment is inevitably being created.

Cape Times 23/12/77

Plea to charge or release young detainees

325-Defetra

THE CHAIRMAN of the Western Cape region of the Institute of Race Relations, Mr René de Villiers, appealed to the authorities in a statement issued yesterday to charge or release people under the age of 21 detained in the Peninsula.

The statement reads:

The Western Region of the SA Institute of Race Relations is deeply concerned at the continued detention by the Security Police of an undetermined number of young people in the Peninsula. In some cases individuals have apparently been held incommunicado for seven or more weeks without charges being laid against them.

Although it is extremely difficult to obtain precise figures, the Institute believes that at least 53 Africans, mainly from Guguletu and a few from Langa and Nyanga, have been detained since April. Of these, 35 have been in detention since mid-September. These included 11 children between 12 and 16 years of age, six aged 17 and 26 between the ages of 18 and 21. Thirty-eight were under 21.

At least 14 of those originally detained have been released and it is possible that others may have been released without the Institute being aware of the fact. All but three of the 11 children aged 16 and under have been released, but according to our information there is still one of 15 (detained since November 3) and two of 16 (one since mid-September and the other since November 3) in detention.

Apart from those detained in October and November, two, aged 16 and 18, were detained from June 8 to

November 24, and two aged 18 and 21 from April to the end of November.

Parents are not permitted to visit their children and although they have been allowed to leave clean clothing at the police stations, they have, in most cases, not been allowed to provide food or reading matter. Most parents have found it impossible to obtain information about the wellbeing or otherwise of their children.

In the case of a 19-year-old girl the mother learnt that she had been taken to hospital but could get no information about her condition or why she had been sent there or where she was.

Nor is any authentic information available regarding the treatment of these young detainees although, as is to be expected under such circumstances, rumours are rife about their detention and what is happening to them. All this adds to the understandable anxiety of the relatives.

This concern has been heightened by the fact that representatives of the International Red Cross were, according to Press reports, not allowed access to persons detained under Section 6 of the Terrorism Act although they were able to see those held under the Internal Security Act.

The Cape Western Region

of the Institute of Race Relations urges, in the name of justice and humanity, that these young people be charged or released without delay. Apart from the injustice and inhumanity of holding people incommunicado for months on end — a system not tolerated in most civilized societies — the Institute is naturally concerned about the effect these detentions have on race relations, already strained to near breaking-point by the events of the past 18 months.

The fact that dozens of young people can be detained in these circumstances for months on end without any explanation from the authorities is a shocking commentary on the state of civil liberty in South Africa and the extent to which the rights of the individual have become subordinated to those of the state.

The public is entitled to know:

- (a) How many detainees of 21 and under are still being held by the Security Police?
- (b) Under what conditions are they being held: Are they in solitary confinement? If not, how many are in a cell?
- (c) Do they have daily exercise periods in fresh air? If so, for how long every day? If not, why not?
- (d) Do they have access to medical attention if necessary?
- (e) Are they seen individually once a fortnight by a magistrate?
- (f) Do those who are scholars have access to reading matter and/or study material?
- (g) When do the Security Police anticipate they will have completed their investigations and either release those against whom they have no case or charge those believed to be guilty of having

J.D. 23/12/77

Biko costs: we paid ^{325- detentions} says SACC

JOHANNESBURG — The South African Council of Churches is paying the full costs of the Biko inquest.

This was revealed yesterday by Mr John Rees, the council's acting general secretary.

He said it was expected that the costs would be in the region of R75 000. An assertion that the inquest would cost R250 000 was "the figment of some excited person's imagination."

The costs would be met by the council's Asingeni Relief Fund which was supported by Christian churches locally and abroad.

Mr Rees was reacting to press reports linking the financing of the inquest with a Washington-based group, the South African Project of the Lawyers' Committee for Civil Rights Under Law.

An English morning newspaper claimed yesterday the group had sent R1 million to South Africa for legal fees in black consciousness cases.

Earlier in the week an

Afrikaans newspaper claimed that a whole network of South African lawyers was being paid by the South African Project to act in political cases. Money for these lawyers was almost unlimited, the newspaper claimed.

Mr Rees said there had been an apparent attempt to cast suspicion on the integrity of those genuinely concerned to see that all the facts of the Biko case were revealed.

The time had come for the record to be set straight.

Mr Rees said a strict set of criteria was applied to each application that came before the Asingeni Relief Fund.

The fund operated quite openly and had been responsible for a colossal

relief programme since the outbreak of the Soweto riots last year.

It had assisted in over a thousand legal cases, of which the Biko inquest was the largest, and had been involved in the majority of inquests into deaths in detention since June 1976.

The money received was openly spent through reputable legal firms and subject to intense and accurate accounting for the purpose of reporting to donor churches.

"The sole purpose of our involvement in this matter is our strong belief that, enshrined in the South African legal system, is the right of all persons to seek and obtain justice," Mr Rees said. — SAPA-DDC.

Parish ministers

STAR 23/12/77

are in cells

325
detention

Religion Reporter
Some Johannesburg and Soweto church congregations will be without their parish ministers on Christ-

mas Day—the men are in detention.

Other ministers will have to take their places at Christmas services.

In central Johannesburg, meanwhile, one church congregation will hear a banned Methodist minister, the Reverend Brian Brown, preach on Christmas night.

Lawyers say banned ministers are not prevented from preaching — but they may not shake the hands of their congregations after the service.

Four ministers of religion detained in terms of the Internal Security Act will, like other prisoners, be able to take part in Christmas Day services. They fall under the juris-

diction of the Department of Prisons.

But comment could not be obtained yesterday on whether anything would be arranged for two Johannesburg Anglican priests, the Reverend Stephen Montjane and the Reverend Geoffrey Moselane, who were detained under the Terrorism Act early this month.

The Right Reverend Timothy Bavin, Anglican Bishop of Johannesburg, has not been told the whereabouts of the two priests.

325 Detention

The Star Friday December 23 1977 3

Biko claim: lawyers are to decide

Legal representatives for the Biko family are to examine an actuary's report today and decide the damages to be claimed in an action arising from the detainee's death.

Mr Shun Chetty, the Biko family's lawyer, said in Johannesburg today it was likely that the Minister of Police, Mr Kruger, and the Minister of Health, Dr van der Merwe, would be sued.

He would not confirm a UPI report that damages claims could be around R320 000.

"I am meeting with Mr G Bizos (counsel for the Biko family) today and we are to examine an actuary's report in which damages arising from Mr Biko's death have been quantified," he said.

LETTERS

Mr Chetty said the claim was for damages arising from Mr Biko's death and for loss of support for his family. The lawyer hoped to send out letters of demand today after the amount of damages to be claimed had been decided upon.

Mr Biko died of brain injuries in police detention. At an inquest, the magistrate, Mr M Prins, found the evidence did not prove that anybody was criminally responsible for the detainee's death.

It is understood Mr Kruger is being sued as the Minister responsible for Security Police in whose custody Mr Biko was held before he died on September 12.

Dr van der Merwe is being sued as the Minister responsible for the district surgeons who examined Mr Biko.

Meanwhile, the South African Council of Churches — as reported in The Star's late editions yesterday — has revealed that it is to pay the Biko family's inquest costs through its Asingeni Relief Fund.

The acting general secretary of the council, Mr John Rees, said the costs were expected to be about R75 000.

FOREIGN AID

Mr Rees said cash for the Asingeni Fund, started the day the riots began on June 16, last year, were received openly from overseas and local sources.

"At the present time they have been accepted only from Christian churches inside South Africa and overseas."

The SACC, through the fund, had been involved in the majority of inquests into deaths in detention which had taken place in the period since June, last year.

Remember the lonely ones

The SA Institute of Race Relations today called on South Africans to remember those separated from their families and friends at Christmas because of apartheid laws and detention without trial.

"For all those so affected, Christmas will be a sad and lonely time instead of a time for joyous thanksgiving for the birth of the Prince of Peace," said the institute's acting director, Mr J G E Wolfson, in a statement.

325 - Detention

The other side

A gloomy festive season for hundreds in detention

By JILL McILRAITH

FOR two-year-old Ntsumi Duma there will be no presents today. She cannot have the one thing she wants most for Christmas — her detained father, Mr Enoch Duma.

The little girl, who listens to each car outside hoping it is her father returning home, is not the only child with such a wish.

Her father, a senior reporter on the Sunday Times, who was detained three months ago, is one of more than 700 people who will spend Christmas in a prison cell.

In the past year, South Africa's security laws have spread their net far and wide — double the number of people are in detention this Christmas compared with 12 months ago.

It is a long list which includes two unnamed youths of 14 and several listed only by a surname or first name and a place and date of detention.

Among them are journalists, a doctor, trade unionists, students, teachers, clerks, a former Robben Island prisoner, community leaders and black consciousness workers.

They are South Africa's "rightless" people — the detainees who may face months in solitary confinement without access to family or lawyers and never be brought to court.

Some families, like that of the editor of the banned newspaper, The World,

PERSON MISSING...



wait, life must go on, Mrs Anne Qoboza.

"We will go to mid-Mass and the children open their gifts on Christmas morning. Percy me he hoped to be Christmas, but I think was just to keep up spirits.

"I will try my best to make it a cheerful for the children but miss their father."

For Mrs Duma and four girls, it will not be a special day.

She said: "There will be a few friends and no presents. The youngest misses her father and calls for him day. When a car goes to the house she thinks of his.

"It is difficult to plain where her father and why she cannot him."

For Mrs Helen Jo



25/12/77
325

MR ENOCH DUMA

Mr. Percy Qoboza, 47, a little luckier than his father, is not detained under the Terrorism Act but under the preventive detention clause of the Internal Security Act.

Unlike Mr. Duma and the hundreds of other Terrorism Act detainees, Mr. Qoboza and 60 other Internal Security Act detainees are entitled to weekly visits, to newspapers, radios, and to good food and clothing from outside the prison.

They are treated like awaiting-trial prisoners and can be kept in detention for up to a year.

The Terrorism Act detainees' period is indefinite from a few hours to 513 days in solitary confinement, like Mr. Tem-



The wife and sister of detained editor Mr. Percy Qoboza and their children gathered at the Qoboza home in Soweto this week. From left, back row: Mr. Qoboza's nephew, at the Qoboza home in Soweto this week. From left, back row: Mr. Qoboza's nephew, Thamsanqa, his niece, Nokuzola, 14, his only son, Vusi, 10, his nephew, Nzwandile, 10, and his sister, Mrs. Martha Toli. Mr. Qoboza's two eldest daughters, Thokki, 12, and Pinkie, 14, are seated by their mother, Mrs. Anne Qoboza, who is holding her nephew, Mncedisi, 3.

hani Phantasi, 21, released in March this year. He was never interrogated and never charged.

Last Christmas 81 out of 102 Internal Security detainees were released before Christmas, leaving

about 360 people, including those held under the Terrorism Act and General Law Amendment in detention over the festive season.

It appears unlikely that there will be a Christmas

or New Year moratorium this year. The final decision rests with the Minister of Police, Mr. J. T. Kruger, who has given no indication about any release of detainees.

For the families who

MR PERCY

the first person to be placed under house arrest in South Africa, today will be a traditional gathering of friends.

During her years of house arrest, 1962 to 1970, friends, both black and white, gathered at her front gate in Johannesburg every Christmas Day, although they were forbidden to enter.

Today Muslims, Christians, Hindus, Zulus and non-believers will again cluster at the house. A close friend said there would be a brief silence for those in detention.

31. Belle époque
 32. Impressionism
 33. Belle époque
 34. Symbolism L
 35. Impressionism
 36. Symbolism I
 37. Symbolism
 38. Symbolism
 39. Symbolism I
 40. Valéry D
 41. Art nouveau
 42. Proust I
 43. Post Impres.
 44. Proust II
 45. Post Impres.
 46. Thomas & Heinrich Mann D
 47. Burckhardt S
 48. Futurism S
 49. Science I D
 50. Futurism S
 51. Science II D
 52. Constructivism S
 53. Literature 1910 - 14 D
 54. Lit. since Daumier S
 55. The case of Romain Rolland D heroism
 56. Photogr. S.
 57. Theatre as a mirror of social conditions D
 58. Photo. II S
 59. Media and culture I D
 60. Bauhaus I
 61. Media and culture II D
 62. Bauhaus II S
 63. The Vienna circle D
 64. Surrealist I S

Biko suit
STAR 27/12/77
letters to
(325 Adenika)
be posted

The letters of demand suing two Ministers and "a number of people" in connection with the death of black consciousness leader, Mr Steve Biko, will be sent off next Tuesday.

This was said today by Mr Shun Chetty, acting for the Biko family.

Mr Chetty refused to disclose at this stage how many people are to be sued, except to say that a "number of people" will get letters of demand.

He also refused to comment on the exact amount involved. "At this stage it is both improper and unethical to disclose these facts until those involved receive their letters," he said.

Cape Times 28/2/77 (325 detchan)

Curbs on Sobukwe hospital visit to City

Own Correspondent

JOHANNESBURG. — Mr Robert Sobukwe, banned leader of the banned Pan-African Congress, has been refused permission to stay with friends when he returns to Cape Town for a check-up at Groote Schuur Hospital.

The Minister of Justice, Mr J T Kruger, in a letter to Mr Sobukwe forwarded by the Chief Magistrate of Kimberley, has granted him permission to go to Groote Schuur Hospital on January 6 subject to the

following conditions:

- That he leaves Kimberley by train on January 3 and reports his departure to the divisional commander of the security police in Kimberley.
- That on arrival in Cape Town on January 4, he reports to Caledon Square police station.
- That he spends the night of January 4 and 5 at the Holiday Inn, Woodstock.
- That he reports to Groote Schuur Hospital on January 5 and remains there as long as the hospital

authorities deem it necessary.

- That on his discharge from hospital he returns to Kimberley by the first available train.
- If he has to wait for a train after his discharge from hospital he must stay at the Holiday Inn.
- He must report his departure at Caledon Square police station and his arrival at Kimberley to the divisional commander of the security police.
- Mr Sobukwe 53, who is confined to Kimberley, had a lung tumour operation at Groote Schuur Hospital

in September this year. He was granted permission by the Minister of Justice to fly to and from Cape Town and was also given permission to recuperate at a friend's home for two weeks before returning to Kimberley.

Three hours after he was discharged from hospital he was ordered by the security police to leave the Newlands house of Bishop Patrick Maroldengwe and return to hospital or to his home in Kimberley. He was then granted permission to stay with a Cape Town doctor.

STAR 28/12/77

325 Detention

Detained editor's wife quizzed

Mrs Anne Qoboza, wife of Mr Percy Qoboza, editor of the banned newspaper *The World*, is puzzled about a visit by four men who said they were from the Security Police.

When the men visited her last week, said Mrs Qoboza, they asked when her husband had come home from work each day, who his parents were, who her parents were, the name of the police station nearest to her home, to what church and parish the family belonged to and the names of relatives staying with her.

Colonel H Müller, the Witwatersrand Security Police commander, told *The Star* today he had no knowledge of the visit.

It was possible, he said, that Security Police could have paid Mrs Qoboza a visit.

He said — in reply to a question — he did not believe that such a visit indicated Mr Qoboza might be released soon.

Sobukwe city visit: ARGUS 28/12/77

Conditions 'harsh' 325 Det. Mr.

The Argus Correspondent
JOHANNESBURG. — Conditions imposed on Mr Robert Sobukwe, banned leader of the banned Pan Africanist Congress, for a visit to a Cape Town hospital next month were described as 'harsh and cruel' by his wife today.

When Mr Sobukwe goes to Cape Town he may not stay with friends.

The authorities have granted him permission to go to Groote Schuur Hospital on January 6 for a check-up on condition that he leaves Kimberley by train on January 3 after reporting to the divisional commander of the security police in Kimberley.

When he arrives in Cape Town on January 4 he must report to the Caledon Square police station and he must spend the night in the Woodstock Holiday Inn.

He must report to the hospital on January 5 and remain there as long as the hospital authorities deem it necessary. On his discharge he must return to Kimberley on the first available train.

He must report his departure at the Caledon Square police station and his arrival in Kimberley to the divisional commander of the security police.

Detained journalists: World press body appeals to PM

Own Correspondent

Cape Times 28/12/77
325 def-mu

LONDON. — The International Press Institute, which represents more than 1 800 editors throughout the world, has written to the Prime Minister, Mr Vorster, to say they are "very concerned" about the banning and detention of journalists in South Africa and press censorship.

In the letter sent from the press in your country. financial constraints and London the IPI director, Mr "We receive constant difficulties. We urge you to Peter Galliner, said: "We are reports of heavy legal respect the freedom of the very distressed to witness the sanctions imposed on press and not to resort to the deterioration of the status of newspapers causing severe repression of all forms of criticism, a practice unknown in democratic countries."

"He added: "We would like assurances that your government will cease harassment of journalists and the press and release all journalists now in detention."

Of journalists who have been through the courts and jailed, the IPI said they were particularly concerned about the case of former Cape Times and Rand Daily Mail journalist Anthony Holiday, who is in poor health.

Mr Galliner said: "We urge you to release him as soon as possible to ensure that he receives proper medical attention. The Department of Prisons, however, have denied he is in poor health."

The letter included a list of eight journalists detained under the Terrorism Act and the two jailed under the act, Holiday and David Rabkin; three journalists detained under the Internal Security Act; the two journalists banned from press work under the act (Mr Donald Woods, editor of the Daily Dispatch and one of his reporters, Miss Thenjiwe Mthintso.

31. Belle époque I

32. Impressionism

33. Belle époque II

34. Symbolism Lit

35. Impressionism

36. Symbolism II

37. Symbolism

38. Symbolism

39. Symbolism I

40. Valéry D

41. Art Nouveau

42. Proust I

43. Post Impres.

44. Proust II

45. Post Impres.

46. Thomas & Hein

47. Burckhardt

48. Futurism

49. Science I

50. Futurism

51. Science II

52. Constructivism

53. Literature 1

54. Lit. since D

55. The case of

56. Photogr. S.

57. Theatre as

58. Photo. II

59. Media and culture

60. Bauhaus I

61. Media and culture II D

62. Bauhaus II S

63. The Vienna circle D

64. Surrealist I S

N. Mercury 28/12/77

Detained man sacked by ⁽³²⁵⁾ *Detention* Drum magazine

Mercury Correspondent

JOHANNESBURG — Mrs. Antoinette Mzileni (29), wife of a detained Black journalist wept yesterday when she read a letter from her husband's employer stating that his services had been terminated.

Her husband, Mr. Mike Mzileni who was employed by Drum magazine as a photographer was arrested by the Security Police and has been held in custody since February 2 this year.

They have one child, four-year-old Kwame.

Mr. Mzileni has been named as a co-conspirator in the terror trial of 18 people who appeared in the Bethal Magistrate's Court on December 5.

No evidence was given and the case was postponed to January 9.

In a letter dated November 30 the employer told Mr. Mzileni that, "I hereby give you one month's notice of my intention to terminate the monthly payment made to you by this organisation. The final payment will be at the end of December 1977."

Mrs. Mzileni said she was called to the employer's office and the contents of the letter confirmed. She was further told that the company could no longer afford paying her husband's salary.

The proprietor of the magazine, Mr. Jim Bailey, told her that all his employees had been asked to sign an undertaking that they would not take part in politics, but her husband replied that this had nothing to do with an employee's private life.

heroism

conditions D

Eight detained youths freed

Argus 29/12/77

325 Detention

The Argus Crime Reporter

SECURITY POLICE have released eight youths from detention during the past three weeks, Colonel Alwyn Conradie, head of the Security Police in the Western Cape, said today.

Colonel Conradie said the youths were released after police had completed 'investigations' and that their release was a 'normal procedure.'

The fact that some of them had been released shortly before Christmas was purely coincidental. The released detainees were freed after investigations had been completed in the normal way, Colonel Conradie said.

Bikos claim

R10 000 on

STAR 29/12/77

policy

325 Dikehan

The Biko family is claiming R10 873 on a life insurance policy taken out by Steve Biko, who died in detention.

An executive of a leading Cape Town-based insurance company said today Mr Biko had taken out a life insurance policy for R10 873. A claim by the family had not been paid.

"We are studying claims documents and have called for copies of relevant parts of the inquest evidence, including the finding," said the spokesman.

'Protection' for detainees plan

SS-defendants

Mercury Correspondent

31/12/77

JOHANNESBURG — The Government is to introduce safeguards early next year for the protection of detainees, according to the official National Party mouthpiece in the Transvaal, the Transvaal.

The Minister of Justice, Mr. J. T. Kruger, told the Transvaal yesterday that these measures would be designed to prevent a recurrence of the "Steven Biko incident," but would

give no details.

Commenting on the general security situation in South Africa, Mr. Kruger said that although 1977 had closed quietly, further incidents of urban terrorism could be expected.

NATAL MERCURY 14/12/77

325-defenda

MZIZI INQUEST ADJOURNED

Court Reporter

A DURBAN magistrate recused himself yesterday from hearing an inquest into the death of Mr. Bayempini Mzizi, who was found hanging in his cell at the Brighton Beach police station on August 4.

Mr. H. J. Potgieter told representatives of the parties concerned that he had visited detainees as part of his duties as a magistrate.

Although he had never seen Mr. Mzizi, he had received the reports of other magistrates who had visited him while he was being detained under the Terrorism Act.

In the circumstances he considered it advisable to recuse himself from the case, which would be sent to another magistrate.

The hearing was adjourned to a date to be arranged.

325 Detention

'Torture' order not urgent, rules judge

Own Correspondent

WINDHOEK. — An urgent application for an order restraining the police from assaulting a Swapo detainee, Mr Bernadus Petrus, 21, was dismissed in the Windhoek Supreme Court yesterday on the grounds that it was not urgent.

The application was brought by the detainee's father, Mr Franciscus Petrus, who alleged that his son had been maltreated and assaulted in custody.

It cited the Minister of Police, Mr J T Kruger, and Colonel W F Schoon, as the respondents.

Supporting the application were over 100 pages of affidavits in which 13 detainees claimed they had been tortured.

Five photographs were also submitted which allegedly showed the results of electric shock treatment to the legs and genitalia of a Mr Reinhold Ipinge.

Of the 13 detainees who alleged that they had been tortured, nine said they had received electric shock treatment, three of them to their genitalia.

In an affidavit, Dr J Wickens said he had examined Mr Reinhold Ipinge after his detention and found burns on his genitalia and feet which were probably caused by a burn of an electric nature.

In another affidavit, Dr Ritwa Kallioikoski said she had examined a Mr Hosia Mbandeka and found injuries consistent with the administration of electric shock.

Also submitted was

evidence from the Elifas murder trial in which a Miss Elise Kadhila said she had received shocks on her breast and a Mrs Biata Asino claimed she had been assaulted.

Mr Petrus was arrested in Ovambo on December 2 along with Swapo's internal leader, Mr Daniel Tjongarero, the director of the Christian Centre in Windhoek and Swapo's national treasurer, Mr Tauno Hatuikulipi, and other Swapo members.

All except Mr Petrus were released.

In an affidavit, Mr Hatuikulipi said that during his detention: "I saw a person whose face was swollen and whom I did not recognize immediately . . . I then recognized that it was none other than Bernadus Petrus."

Assurance

Colonel Schoon denied that detainees had been given shock treatment or assaulted in the past and gave an assurance that they would not be ill-treated in the future.

On the contrary, he said, Mr Petrus had assured him that he was being well-treated.

In another affidavit, a magistrate, Mr F Pretorius, said he had visited Mr Petrus on Saturday and he had had no complaints.

A photograph taken of Mr Petrus after he was allegedly assaulted showed him to be "happy and healthy", it was claimed.

During his judgment, Mr Justice J Hart said that the applicant had had information available to him on December 6 but had not acted until December 9 or 10.

Mr David Soggot, appearing for the applicant, read a message that the magistrate had again seen Mr Petrus and he now claimed he had been assaulted but the court moved against a postponement.

Mr Justice Hart dismissed the application on the grounds that it was not urgent and ordered the applicant to pay costs.

An application for leave to appeal against the judgment will be lodged with the court today.

STK 15/12/77
**Search for
detainee**

ends

The six-month search for Soweto student leader Sechaba Montsitsi (22), has at last ended.

Mr. Montsitsi, who is detained under Section 6 of the Terrorism Act, is being held at John Vorster Square.

His family was last week told at Soweto Police Security Headquarters in Protea that all his effects must now be taken to John Vorster Square.

Police last Friday confirmed that Mr. Montsitsi was being held at the square and took clothing and an amount of R2. Sechaba's sister, Miss Baby Montsitsi, was then told to come again on December 23.

each passenger

Kruger is arrogant says Red Cross

325-DJH

STAR
15/12/77

Difficulties experienced by representatives of the International Committee of the Red Cross in obtaining meaningful access to Terrorism Act detainees showed Justice Minister, Mr. Kruger, was running true to his "usual arrogant form".

Mr David Dalling, MP justice spokesman for the Progressive Federal Party was commenting on a statement by the ICRC which said representatives had been unable to visit people detained under Section 6 of the Terrorism Act, the section under which the late Mr Steve Biko was held.

The ICRC was "in no position to report to the South African Government on this subject, nor on the deaths in detention of other persons held in terms of the section", said the statement.

VISITS

The delegates, Mr Frank Schmidt, ICRC delegate-general for Africa, and Mr Dominique Dufour, regional delegate, have completed a series of visits to 61 people detained in terms of Section 10 of the Internal Security Act.

The ICRC delegates have not been able to visit Section 6 detainees as the conditions stipulated by the Minister of

Justice for such visits could not be reconciled with ICRC visiting rules."

"Without knowledge of what the conditions were it seems clear they were such as to destroy the

value of any such visit. Mr Kruger is running true to his usual arrogant form. His recent actions can only bring further criticism on South Africa," said Mr Dalling.

Cape Times 15/12/77

325-Defentrai

Red Cross won't see Section 6 detainees

JOHANNESBURG. — Two representatives of the International Committee of the Red Cross (ICRC) have been unable to visit people detained in terms of Section Six of the Terrorism Act, the section under which Mr Steve Biko was held, the ICRC said in a statement issued yesterday.

The ICRC was "in no position to report to the South African Government on this subject nor on the deaths in detention of other persons held in terms of the section", the statement said.

The two delegates, Mr Frank Schmidt, ICRC delegate-general for Africa, and Mr Dominique Dufour, regional delegate, have just completed a series of visits to 61 people detained in terms of Section 10 of the Internal Security Act.

"The ICRC delegates have not been able to visit persons detained in terms of Section Six of the Terrorism Act as the condition stipulated by the Minister of Justice, Police and Prisons for such visits could not be reconciled with ICRC visiting rules," the statement said.

The visits to the 61 people detained in terms of Section 10 of the Internal Security Act were made at Grahamstown, King William's Town, and Modderbee prisons and at the Johannesburg Fort.

"In accordance with its general policy, the ICRC will communicate its report to the

South African Government alone," the statement said.

A similar series of visits was made in December last year. In addition the ICRC have made regular visits since 1963 to people convicted under South African security laws who were held on

Robben Island, at Pretoria and elsewhere.

"The ICRC has for several years offered its services to the South African Government to visit all persons detained under security legislation and will continue to keep this offer open," it said. — Sapa

Star 325 det

System killed Biko, says Young

NEW YORK — South Africa was creating a deliberate slave system that was responsible for the death of black activist Mr. Steve Biko, according to the US ambassador to the United Nations, Mr. Andrew Young.

During a sermon on Human Rights Day at Riverside Church in Manhattan, Mr. Young said South Africa was "a most tragic place where a group of people seek to have all the rights, even though they are in the minority, but extend no rights to others in the majority."

MARTYR

South Africa was trying to create "a deliberate slave system in which some human beings are treated as less than human."

Mr. Young said Mr. Biko was a "martyr... a good man who laid down his life before his fellow man. We see in the martyrdom of Steve Biko an awakening of the conscience of the entire world."

Mr. Young said later that he did not feel Mr. Biko's death — of head injuries received while in police custody — had been planned.

"When you have an evil system like that, there will be deaths."

"I don't think anybody sat down and made a decision that he should be beaten to death." —

Saba-AP.

the discretion of the Security Police removed.

Professor Dugard pointed out that extended periods of solitary confinement, coupled with sensory deprivation, had been categorised a form of torture by the European Commission on Human Rights, yet both were sanctioned by Section Six of the Terrorism Act.

And Professor Mathews described this treatment as 'injurious to the health and also the life of people held'.

He said such treatment was authorised by provisions which made it virtually impossible for courts to control even the illegal practices of interrogations, such as assaults.

Both experts proposed that the courts be given the power to investigate alleged maltreatment of a detainee by taking evidence, including the evidence of the detainee himself.

'The confidence of the external world, of most Blacks and of a substantial portion of the Whites in South Africa in the system of political justice has probably been destroyed,' he said.

'It will not even begin to return unless these minimal improvements are made.'

18/12/77

(229)

DETENTION



• Professor John Dugard

‘This is
the least
they
can do’

JUN EXPRESS
18/12/77

325-Dutchman

By JENNIFER HYMAN

DEMANDS for a judicial inquiry into detention laws continued mounting this week — but some of the earliest critics of South Africa's draconian security legislation have now scaled down their demands to “bare minimum” reforms necessary “to safeguard the lives and health of detainees”.

Long-time opponents of detention without trial still believe the law requires a major overhaul. But this week they spelled out to the Sunday Express the “minimum changes” that could be realistically made.

At the same time, Afrikaner academics from four universities have joined those here and abroad who have expressed grave concern about disclosures made at the Biko inquest last month.

They have urged a judicial inquiry into events leading to Steve Biko's death and a judicial review of all previous deaths in detention.

However, legal experts who protested at detention without trial 14 years ago now consider the call for a judicial inquiry to be a “dead” one.

The Government, they claim, will never grant such an inquiry as it maintains that existing legal machinery is more than adequate to protect the interests

Professor John Dugard, of the University of the Witwatersrand's Law School, and Professor Tony Mathews, of the Law Faculty at the University of Natal, agreed that their attitudes had remained unchanged.

“There is no place for Section Six of the Terrorism Act in South Africa,” said Professor Mathews.

However, they believe that in the present political climate calls for the Terrorism Act to be repealed would be “unrealistic”.

Length of time

Instead, they outlined to the Sunday Express this week a few urgent, practical amendments to detention laws which they believe could be put into effect without altering the fundamental purpose of the laws.

Their suggestions include the following proposals:

- That a detainee should be allowed to see his lawyer and a doctor of his own choice at any time during his detention;
- That he should be allowed visits from his family or close relatives, particularly in the case of child detainees;
- That the treatment of detainees, including the length of time they are kept in solitary confinement, should be brought under

statute and the discretion of the Security Police removed.

Similar proposals were put to the Minister of Justice, Mr Kruger, by the Association of Law Societies recently, and Mr Kruger promised to consider them.

According to sources within the association the question of a detainee being visited by his own doctor instead of a district surgeon is considered as significantly more important in the light of the Biko inquest.

The association also proposed to the Minister that detainees should be examined by their own private doctors as soon as they are detained.

These points will be taken up again when a second round of talks with Mr Kruger takes place next year.

Meanwhile, the Association of Law Societies has endorsed the report of Sir David Napley, an independent legal observer at the inquest, which claims that it was “clear from evidence that Steve Biko died from injuries ‘inflicted by the Security Police’”.

The basic, “minimum” reforms of detention laws suggested by Professor Dugard and Professor Mathews include the establishment of an independent board to review the decision to detain a person, both at the time of his detention and at regular intervals thereafter.

They said it was “imperative”, particularly in the light of revelations at the Biko inquest, that a detainee should be allowed to see his lawyer and a doctor of his own choice, whenever he wished.

The Security Police would be much more careful in their treatment of a detainee if they were aware that he had access to his own lawyer and doctor, Prof Dugard said.

The Biko inquest had shown that a fortnightly visit by a magistrate “was not very useful”, since Steve Biko had complained, unsuccessfully, to a magistrate before he died.

Professor Dugard also dismissed district surgeons being able to provide any safeguard against maltreatment — “they were no bloody use to Biko,” he said.

Form of torture

Both academics agreed that “decent and humane” conditions of detention had to be legislated for.

“These should preclude extended periods of solitary confinement and cruel forms of sensory deprivation,” said Professor Mathews.

“Regular exercise periods should be prescribed and cruel forms of treatment such as chaining a prisoner must be forbidden.

“These matters must be brought under statute and

Two more black reporters held

Staff Reporter

TWO reporters of The Voice newspaper, Mr Phil Mthamkulu and Ms Juby Mayet, were detained yesterday by two plainclothes policemen at the paper's offices in Braamfontein, Johannesburg.

The assistant editor of The Voice, Mr Mike Norton, said he had been given no reason for the detentions.

There are now 12 black journalists being detained. The president of the Writers Association of South Africa (Wasa), Mr

Zwelakhe Sisulu, last night condemned the detentions in a statement.

"The detention of Mr Mthamkulu and Ms Mayet, two respected journalists in the community, will further antagonise an already impatient mass of black people," he said.

The other black journalists already in detention are Mr Percy Qoboza, editor of the banned World; Mr Aggrey Klaaste, news editor of the banned Weekend World; Mr Willie Bokala, a World reporter; Mr Joe Thlolo, of The

World; Mr Mike Mzileni, of Drum magazine; Mr Jan Tugwana, of the Rand Daily Mail; Mr Enoch Duma, of the Sunday Times; Mr Quraish Patel, of the Daily News, Durban; Mr Wiseman Khuzwayo, of the Daily News; and Miss Thenjiwe Mthintso, formerly of the Daily Dispatch, East London.

Mr Moffat Zungu, of The World, has been charged under the Terrorism Act and will appear on Tuesday with 17 others. The indictment cites Mr Mzileni as a co-conspirator.

325 Detention

Cape Times 20/12/77

Police detain two reporters

JOHANNESBURG. — Two reporters of the Voice newspaper, Mr Phil Mthimkulu and Miss Juby Mayer, were yesterday detained by two plainclothes policemen at the paper's offices in Braamfontein.

The arrests bring to 12 the

number of black journalists held by the police.

The other ten black journalists in detention are Mr Percy Qoboza, editor of the banned World, Mr Aggrey Klaaste, news editor of the banned Weekend World, Mr Willie Bokala, reporter on the World, Mr Joe Thlotse of the World, Mr Mike Mzileni of Drum, Mr Jan Tugwana of the Rand Daily Mail, Mr Enoch Duma of the Sunday Times, Mr Quraish Patel of the Daily News, Mr Wiseman,

Khuzwayo of the Daily News and Miss Thenkwe Mthinstso, formerly on the Daily Dispatch.

Mr Moffat Zungu, of the World, has been charged under the Terrorism Act and will appear in court with 17 others in a Pan African Congress trial.

Mr Mzileni is cited on the indictment as a co-conspirator.

Police comment was not available yesterday on the latest detentions.

R6 600 given to Chest

SEVENTY-EIGHT donations totalling R6 646 helped raise the Community Chest total to R698 373 yesterday.

Rotary Ahne club donated R30 and there were three company donations of R1 000, R750 and R500.

There are only eight days left for the Chest to reach its target of R750 000. Donations may be sent to PO Box 3836, Cape Town, or delivered to Room 510, Saambou Buildings, 45 Castle Street, Cape Town.

DAILY MIST 19/12/77

(325-detention)

Biko inquest doctors to face probe?

JOHANNESBURG — The three Port Elizabeth doctors who treated Mr Steve Biko in detention will almost certainly face a Medical Council investigation — even if the magistrate who presided at the inquest does not forward the court record to the council.

The magistrate, Mr Prins, who is empowered by the Inquest Act to send a transcript of the court proceedings to the council, has not yet made his decision known.

But a spokesman for the Southern Transvaal branch of the Medical Association said yesterday it was almost certain complaints would be laid by members of the medical profession if the magistrate decided not to take action.

The council would then investigate the conduct of the three Port Elizabeth doctors who treated Mr Biko during the last week of his life.

The doctors involved are the Chief District Surgeon of Port Elizabeth, Dr Benjamin Tucker; another district surgeon, Dr Ivor Lang; and a private specialist physician, Dr Colin Hersch.

The Medical Association spokesman said the revelations at the inquest of the conduct of the three doctors had "engendered deep interest and concern" among doctors throughout the country.

A complaint was almost certain to be laid, "but first there must be finality on the attitude of the magistrate," the spokesman said.

Mr Prins could not be reached for comment yesterday. Earlier in the week his secretary told a reporter that Mr Prins had not yet made a decision.

— DDC

Church man pressures council over Biko

JOHANNESBURG — The ombudsman of the South African Council of Churches, Mr Eugene Roelofse, last night called on the South African Medical and Dental Council to investigate whether the conduct of the doctors who testified at the inquest into the death of Mr Steve Biko was "in conformity with the rules laid down by the Medical Council for medical practitioners."

"Today I delivered a

written request to the South African Medical and Dental Council in Pretoria to take cognisance of the medical evidence delivered during the recent inquest on the death of Mr Steve Biko," he said.

What he had done was "necessary to trigger action on the part of the council, which until now has apparently not acted in spite of the amazing evidence and disclosures during the inquest," he said.

"I realise the council's failure to act might have been due to a technicality in as much as they have not received a direct request for action. I have now removed that technical problem, and, with many others in South Africa and overseas, am waiting with great interest to see what will now be done."

Asked to comment, Prof H. W. Snyman, head of the South African Medical and Dental Council, said: "The council works according to law and we react only to specific written complaints about specific doctors. I have not personally seen Mr Roelofse's communication so I have no further comment to make." — SAPA

Biko case: Police l

The Argus Bureau
LONDON.—The failure of the police properly to investigate the death of Steve Biko was a grave disservice to the South African Government, to the cause of justice, and to the police itself.

This is one of the main conclusions of Sir David Napley, a past president of Britain's Law Society, who attended the Pretoria inquest as an independent observer.

In a 26-page report running to 14 000 words, just issued here, he adds:

The truth

'It is clear that an investigation conducted by experienced police officers with a little of the enthusiasm and vigour with which they customarily appear to question detainees would have elicited the truth from the Security Police in far less time than was necessary

to demonstrate their mendacity in the witness box, as, in my opinion occurred.

Moreover, if at the outset of the inquest it had been possible for the Deputy Attorney-General to announce the findings of such an investigation and the fact that appropriate action was to follow, much of the opprobrium which has now ensued would have been avoided.'

Sir David, who was invited to attend the inquest by the Association of Law Societies of South Africa, ends his report:

'The sense of outrage which appears to have been generated by this inquiry can still be assuaged (as I and so many others would wish) if, even at this stage, proper and vigorous police inquiries are pursued, in the knowledge and to the end that those who frustrated justice in this case performed no service to their country or to the establishment of better international relations.'

Earlier in his report, Sir David says he was concerned whether the inquest

was conducted with thoroughness and fairness.

'I am abundantly satisfied that insofar as the South African Government was concerned, the fullest possible inquiry was facilitated from the moment that the inquest began.'

But Sir David says he is unable to express the same view concerning the investigation by the Police Department which preceded the inquest.

'This appeared to me to have been perfunctory in the extreme. The death of anyone while detained in the custody of Security Police demands rigorous investigation.'

'The death of this particular detainee rendered it manifest from an early date that it was an especially sensitive area for the South African Government in relation to world opinion.'

Sir David says he is in full accord with the finding of the magistrate that Mr Biko died as a result of a head injury associated with extensive brain damage and resulting complications.

'I also wholly accept that on the evidence adduced before the magistrate he had no alternative but to find in relation to the verdicts open to him under Section 16 of the Inquest Act, that he could not, on the evidence available, determine that death was brought about by an act or omission involving an offence on the part of "any person," that is, any particular person.'

'Persons'

'On the principle that in an act the singular also includes the plural, this would also be true in respect of any "particular persons".'

However, Sir David says that he does not apprehend on a strict reading of Section 16 that it would have been irregular for the magistrate, to have found that the death was caused by one or more of a group of persons without specifying such persons particularly.

In my opinion, he was demonstrably wrong in adding the rider that the head injuries which resulted in death, were probably sustained in a 'scuffle' with the police at police headquarters.'

Sir David says it has unfortunately become a matter of international speculation as to why the magistrate did not give his reasons for his decision, particularly since he

took some trouble to give his reasons on each occasion when ruling on the admissibility of evidence.

He adds: 'It is perhaps both fair and germane to observe that while I largely disagree with his rulings on these matters, I am satisfied beyond any doubt that he was not influenced by any consideration other than, within the limits of his legal knowledge, to conduct the inquest in a fair, open and unrestricted fashion.'

Police officers

Sir David says he was not impressed with the evidence of the police officers.

He says he was left in no doubt that Mr Biko died as a result of brain injury 'inflicted on him by one or more unidentified members of the Security Police at some time before and reasonably proximate to 7.15 am on September 7.'

'A blow or blows no doubt intended only to hurt, caused brain damage which resulted in death.'

He adds: 'If, within the first few hours of sustaining the injury, the full and true facts had been given to the doctors, and they had been allowed to place Mr Biko in a provincial hospital, Mr Biko might still be alive.'

'After the first few hours, as the autopsy and the medical evidence showed, the resultant damage became irreversible.'

Sir David says the Security Police in South Africa appear to be given a degree of licence which is unwarranted.

He adds: 'They appear to regard themselves as above the law, exercising wide discretionary powers.'

Monitoring

He suggests it might be worth the Government considering the establishment of some special branch similar to the A10 branch set up in England to monitor the force and thus ensure the most diligent and searching inquiry where it is necessary.

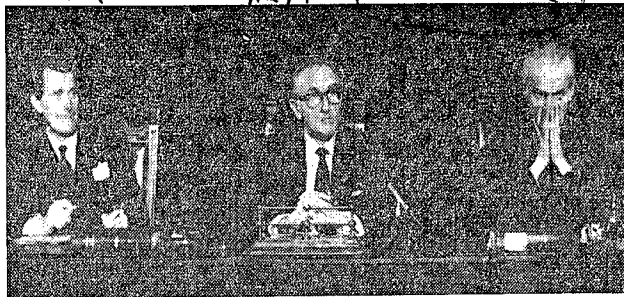
'Certainly, there appears today to remain a strong case for the fullest independent investigation by specially selected police officers into the cause of this unhappy death.'

9/12/77

(328)

et down SA —UK lawyer

ARGUS 9/12/77 (325 Detention)



THE men on the Bench as they appeared in a Thames TV dramatisation of the Steve Biko inquest which was seen by millions of British viewers last night.

Biko drama on British TV

The Argus Bureau

LONDON. — The gap between drama and documentary can be difficult to bridge — but in Thames TV's reconstruction of the Steve Biko inquest, the production team hopes the historic words speak for themselves.

The film — a half-hour production transmitted last night — is the first dramatisation attempted by the This Week News programme.

KENTRIDGE

The exchanges in Pretoria's Old Synagogue during the inquest echoed round the world more loudly than almost any other 'domestic' issue in South Africa.

This prompted This Week to tackle the project which, the team admitted, was 'barely possible'.

Based on news reports and transcriptions of the inquest, the film begins with the words of Mr Sydney Kentridge, SC, for the Biko family: 'Our submission is that one or more security policemen are responsible for the injury which caused Steven Biko's death and the probabilities are that the injuries were inflicted deliberately, unlawfully and without good cause.'

LONELY DEATH

The title comes from another part of his submission: 'Steve Biko died a miserable and lonely death on a mat on a stone floor in a prison cell. Those responsible are guilty of at least the crime of culpable homicide.'

A Miserable and Lonely Death focuses on key moments in the three-

week examination of, among others, Sergeant Paul van Vuuren, Security Police chief Colonel Pieter Goosen and the medical witnesses called to explain alleged omissions in their reports.

IN DISBELIEF

The most startling physical resemblance between actors — all but one British — and those involved in the real-life drama is that of Glynn Edwards to Major Harold Snyman, who led Mr Biko's interrogation.

Few concessions are made to TV effects in the film. Most of the evidence is given in flat statement, in short, tightly framed shots. Director Michael Darlow allowed himself one visual comment only.

When Colonel Goosen protests: 'We are aware of the politeness and concern with which we treat our detainees. We buy them cigarettes, cold drinks and nice things to eat,' the camera flicks to the face of a black onlooker who laughs in disbelief.

RAND PAPER

Last night Jon Blair, co-writer of the script and the only South African on the production team, said: 'We couldn't have done this without the Rand Daily Mail. We were buying it every day to write the next section — from South Africa House.'

The film ends with the comment: 'Steve Biko was the 23rd political detainee to die in suspicious circumstances in a South African jail in the past 18 months.'

9/12/77 (325 Detentions)

Damning report —Suzman

The Argus Correspondent
JOHANNESBURG. — The Senior British lawyer, Sir David Napley, had done what the magistrate should have done' in his 31-page report on Biko inquest, Mrs Helen Suzman, MP for Houghton, said today.

Sir David, immediate past president of the Law Society of the City of Westminster who attended the Biko inquest as an independent observer, concluded in the report that black consciousness leader, Mr Steve Biko, had died of injuries inflicted by the Security Police.

The report was handed to the Minister of Justice, Mr J T Kruger, yesterday by the president of Law Societies of South Africa, Mr O D Hart.

INVESTIGATION

The report called for a full, independent investigation by selected police officers.

Commenting on the report today Mrs Suzman said she hoped that authorities would take note of the conclusions reached and that further action would be taken.

'It is a damning report, and every reasonable South African will be ashamed when they read it, it condemns the methods used by the Security Police, the conduct of the district surgeons and the findings reached by the Chief Magistrate, Mr M Prins,' Mrs Suzman said.

Magistrate makes no comment

The Argus Correspondent
PRETORIA. — Pretoria's Chief Magistrate Mr M J Prins, who presided at the Biko inquest, said today he had not seen Sir David's report and could, therefore, not comment on the lawyer's findings.

Told that Sir David criticised his finding, Mr Prins said: 'If this gentleman wants to criticise my findings, it's his good democratic right to do so. I used the best of my legal ability to reach my finding.'

'I have only one guiding star and that's the law. I met all the requirements of the law.'

We intercepted mail to Woods, says PO man

325 det

RDM 10/12/77

By SHEILA WING
THE Post Office intercepted certain mail addressed to Mr Donald Woods, banned editor of the Daily Dispatch, and handed it to the Security Police for inspection.

This was confirmed yesterday by Mr F J Theron, Deputy Postmaster-General for staff and posts, following reports that a private investigator, Mr Donald Card, a former Security Policeman, had carried out tests which established that some of Mr Woods'

mail had been tampered with.

Yesterday, Mr Theron said: "The Security Police made application for some of Mr Woods' mail to be handed to them in terms of the Post Office Act."

Section 118 allows for particular articles to be intercepted at the request of a person designated by the State Security Council.

The request can only be made if it is believed that the interception is necessary for the maintenance

of the security of the Republic. The person who makes the request may then examine an intercepted mail item.

Mr Theron said Security Police requests for the interception of mail in the interests of security were a "fairly common occurrence".

He said the Security Police had not asked to inspect all Mr Woods' mail but he could not say how many of the banned editor's letters had been in-

tercepted.

"We only hand over mail when we are asked to — we don't hand it over automatically."

Meanwhile in East London, the Divisional CID officer for Border, Colonel J H Fourie, said yesterday that the forensic report on a chemically-impregnated T-shirt which injured Mr Woods' five-year-old daughter Mary, would not be available until about the first week in January.

(325) det
Nov 10/12/77

Ex-SRC leader in jail

The vice-president of the dissolved SRC at the University of the North is being detained at Modderbee Prison, Benoni, under the Internal Security Act.

This was confirmed by the attorneys acting for Mr. Vusi Muzi Philip Khanyile (27), who were told yesterday that he is being held at Modderbee, along with the president of the Turfloop SRC, Mr. Jacob Mamabolo.

Mr. Khanyile was detained on Sunday, December 4 outside Mooi River, Natal — his home town. It is understood he was on his way to Johannesburg.

On October 10, Mr. Khanyile chaired a Johannesburg meeting of Turfloop students who intended taking the university to court for prohibiting them from writing their examinations.

The university rector, Professor Kgware, dissolved the SRC in September when students boycotted lectures after expulsion of an SRC member.

Mr. Ntsizi E. Moremi (27), former organiser of TEACH literacy groups in the Vaal Triangle, has been released after 39 days' detention in Verdening under Section 6 of the Terrorism Act.

SA's black

week on ^{RDM 10/12/77} (325) det.

British TV

By STANLEY UYS

LONDON. — This has been a black week for South Africa in publicity terms.

Yesterday The Times gave a full page to the 14 000 word report by the eminent British lawyer, Sir David Napley, on the Biko inquest.

Sir David also appeared on television and gave radio interviews in which he repeated his sharp criticism of the Security Police.

On Thursday night, too, Thames Television (ATV) screened "A Miserable and Lonely Death", a dramatic reconstruction of the Biko inquest.

The script was based on transcripts of the evidence given at the Biko hearing. Actors played the roles of the family's counsel, Mr Sydney Kentridge, SC, the magistrate, Mr Prins, the security policemen and the doctors who examined Mr Steve Biko.

The play was hastily put together within a week of the magistrate announcing his findings and, as theatre, it was a flop.

But the extracts selected from the evidence ensured

that the witnesses condemned themselves.

The play presented the Security Police and the doctors in a harsh light. The actors chosen to play the part of the Security Police were tough-looking men.

Colonel Piet Goosen, Chief of the Security Police in Port Elizabeth, in particular, was shown as an aggressive, hard-eyed man who clashed frequently with Mr Kentridge.

All the police witnesses, and even Mr Kentridge, are given heavy Afrikaans accents.

On Wednesday night, the BBC screened the second film in the four-part television series, "The South African experience".

Wednesday's film dealt with the disturbances in Soweto that started on June 16 last year. The film concentrated on the alleged shooting of blacks by police and, like the Thames television play, presented South Africa as being perilously close to a police state.

The third film in the series will be shown next Wednesday and will deal

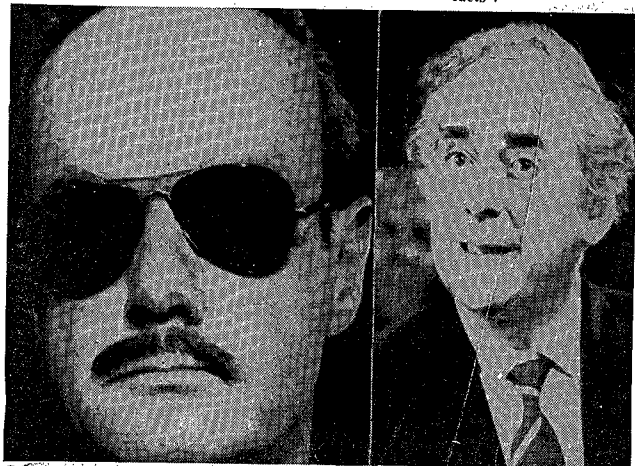
with the activities of British firms in South Africa.

At first, one of the British firms, Tate and Lyle, accused the film makers of faking three interviews in the film, but now they say they question the truth of all eight interviews with black workers.

The producer and director, Mr Anthony Thomas, agreed to withdraw the first three interviews after Tate and Lyle produced affidavits from its workers stating that they were asked to make false statements by the film crew about their jobs and wages.

Mr John O Lyle, Tate chairman, said yesterday he had requested Lord Windlesham, managing director of ATV, to abandon all material in the programme about Tate and Lyle. Lord Windlesham had not answered.

"We feel this is a disgraceful performance by ATV", said Mr Lyle. "A British firm is going out of its way to harm another British firm. Think of the harm this can do to British industry — all these mud-slinging allegations made without checking facts".



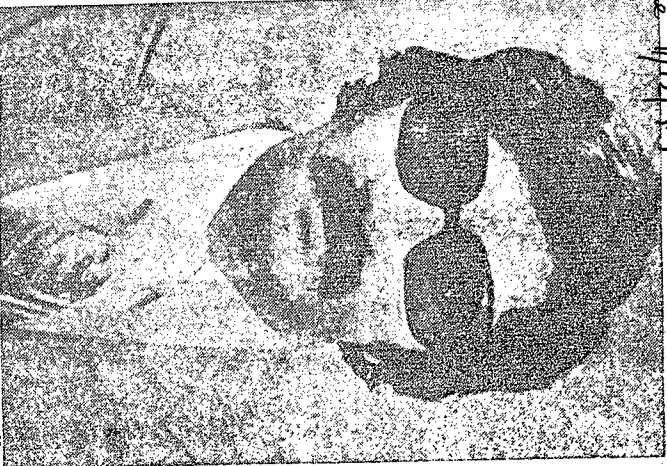
Glyn Edwards, left, and Arto Morris played Major Harold Snyman and Mr Sydney Kentridge, SC, respectively in the British TV drama of the Biko inquest.

Durban's cell death... and the inquiry

325 Section 2 Volume 4/12/70

DOCTOR FINDS 'PLIERS' CLUE IN HAFEEJE PROBE

Dr Hoosan Hafejee... dead in police cells



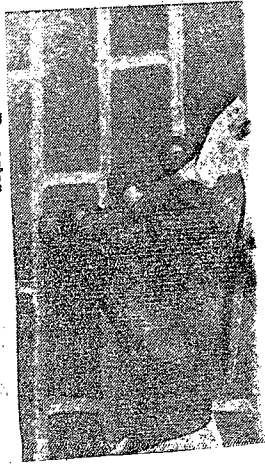
Special pliers to press lead seen. Mr D. H. Biggs, the surgeon acting to the Hafejee family, said they produced marks similar to those found in a number of places on the dead detainee's body. Mr Biggs conducted a number of experiments to try and trace the cause of the mystery injuries which came in pairs and were circular.

A PIETERMARITZBURG surgeon who examined the body of Dr Hoosan Hafejee after his death in police custody in Durban says there were many questions he could not answer after the examination.

Mr Biggs, in his report, said it seemed likely that death was caused by a light constricting band around the neck. It further appeared to be death by suffocation rather than by sudden arterial occlusion — yet it was stated that the band around the neck had to be cut to remove it because the knot was too tight. "How could this have been achieved?" he asks.

- Circular marks which appeared to occur in pairs on parts of the body. They were depressed and sharply defined.
 - Post mortem incisions on the inner thigh.
 - Removal of certain pieces of skin.
- The surgeon, Mr D. H. Biggs was asked by representatives of Dr Hafejee's family to carry out the examination.

He also noted that he found marks on the neck divided into two bands of approximately equal width, with normal looking skin between the two bands, and he posed a question: "How did the constricting band around the neck come to be divided into two?" Mr Biggs said that in experimenting to establish how the band had formed he had produced a similar — but not exactly the same — mark on skin by using an iron band of the type used to compress lead seals.



Tribune Reporter

An inquest is to be held early next year and will again focus international attention on South African Observers from Amnesty International and from the British Law Society are expected to attend.

Mr Biggs, in his report, said it seemed likely that death was caused by a light constricting band around the neck.

It further appeared to be death by suffocation rather than by sudden arterial occlusion — yet it was stated that the band around the neck had to be cut to remove it because the knot was too tight.

"How could this have been achieved?" he asks. He also noted that he found marks on the neck divided into two bands of approximately equal width, with normal looking skin between the two bands, and he posed a question:

"How did the constricting band around the neck come to be divided into two?" Mr Biggs said that in experimenting to establish how the band had formed he had produced a similar — but not exactly the same — mark on skin by using an iron band of the type used to compress lead seals.

Jails grant Red Cross visit to top detainees

325 det

TWO DELEGATES from the International Red Cross are this week visiting South African detainees held under the "preventive detention" clause of the Internal Security Act.

It is believed to be the first time the Red Cross has been granted access to political detainees, as opposed to convicted prisoners.

Although names of the detainees they are visiting have not been disclosed, it is believed they will see the former editor of The World, Mr Percy Qoboza, and the chairman of the Soweto Committee of 10, Dr Ntatho Motlana, when they visit Modderbee Prison this week.

It is understood that the two Red Cross representatives, Mr Frank Schmidt, delegate-general for Africa, and a regional delegate, Mr Dominique Dufour, had hoped to see people detained under Section Six of the Ter-

rорism Act and to report on their condition to the IRC.

However, the Department of Prisons declined, with the result that their current visit is limited to detainees held under Section 10 of the Internal Security Act — 47 throughout the country at the end of November out of an estimated 714 people held without trial under various security legislation.

The majority of these are believed to be Section Six detainees, held incommunicado and in solitary confinement until they have answered questions to the satisfaction of the Security Police.

The 47 Section 10 detainees, on the other hand, are held under similar conditions to awaiting-trial prisoners.

They are allowed weekly visits from relatives, employers and lawyers;

they are given books and newspapers, radios and even films.

They are not held in solitary confinement, they are not formally interrogated, and their detention is not related to the bringing of charges.

In addition to requesting permission to visit Terrorism Act detainees, Mr Schmidt and Mr Dufour also asked for an interview with the Minister of Justice and Prisons, Mr J T Kruger.

According to the National Council for the Red Cross, they have not yet received an appointment.

On Thursday and Friday last week Mr Schmidt and Mr Dufour visited Internal Security Act detainees in Grahamstown and King William's Town, accompanied by the Deputy Commissioner of Prisons, Major-General J P Roux.

Reporter held under Terror Act

325 Delehor

ARGUS 12/12/77

The Argus Correspondent

DURBAN — A Daily News reporter, Mr Quraish Patel, 24, has been detained by Security Police under Section 6 of the Terrorism Act.

Mr Patel is the second Daily News reporter to have been detained by the Security Police during the past three weeks. Mr Wiseman Khuzwayo has been in Security Police custody since November 22.

Mr Patel, who is completing a thesis for his

master's degree from the University of Durban/Westville, was picked up at his Overport flat about 8 am yesterday.

He was alone in the flat at the time and his wife was informed of his detention hours later by a relative.

The head of the Security Police in Durban, Colonel Herman Stadler, said Mr Patel had been detained and transferred to Pietermaritzburg.

Security Police head in Pietermaritzburg, Colonel J G Dreyer, confirmed Mr Patel's detention under Section 6 of the Terrorism Act.

Mr Patel has been a reporter on the Daily News for about 18 months.

stan 12/12/77
Newsman held
325 det
Own Correspondent

DURBAN—A Daily News reporter, Mr Quraish Patel (24), has been detained by Security Police under Section 6 of the Terrorism Act.

12-12-77 D.B.

Star 12/12/77 (325) det

Detainee report 'not for public'

A fact-finding commission of the International Red Cross was scheduled to visit Internal Security Act detainees at Modderbee Prison on the East Rand today.

The detainees at this prison include Mr Percy Qoboza, editor of the banned World newspaper, and members of the Com-

mittee of Ten, Soweto's popular leadership until the bannings and detentions of October 19.

"We have been told we would be seeing them all," said Mr Frank Schmidt, the Red Cross delegate general for Africa, when he was asked today about the detainees he would visit.

Asked about the conditions of the detainees, Mr Schmidt said:

"The findings and recommendations are not for public use. They are confidential and are submitted only to the detaining authorities."

Mr Schmidt and Mr Dominique Dufour, a regional delegate, are visiting

four institutions with the Deputy Commissioner of Prisons, Major General J P Roux.

On Thursday and Friday they saw 10 detainees in Grahamstown and King William's Town, Mr Schmidt said.

In addition to Modderbee they will also visit the Johannesburg Fort.

Biko: Rapport urges more investigation

Cape Times 12/12/77 325 Defenders

THE Sunday newspaper Rapport said in an editorial yesterday that it was upsetting that certain facts about the treatment of Mr Steve Biko which came to light at the recent inquest had not been condemned.

The editorial said that neither the Minister of Police, the head of the police nor any government spokesman had considered it his duty to react to the facts surrounding Mr Biko's death.

"It would be a sorry reflection on the South African community if we now simply consider the Biko case

closed and forget about it as soon as possible."

As long as there was silence it would be considered by ill-disposed people to be approval of methods which ought not to be tolerated in the Republic, the editorial said.

It was necessary for it to be shown that the treatment that befell Mr Biko, was not generally used and may never be used.

"This case must be investigated further and it must be done urgently," the editorial said.

Professors back Biko inquiry call

DAILY DISP. 12/12/77 325 Defek

JOHANNESBURG — Two leading Afrikaans legal academics have endorsed the idea of a full judicial inquiry into the death of black consciousness leader Steve Biko.

Prof Ignus Rautenbach, of the Department of Public Law at the Rand Afrikaanse University, and Prof Marinus Wiechers, of the department of State and Public Law at the University of South Africa, were commenting on one of five questions put to them at the weekend by Die Transvaler.

The questions arise from the report of British jurist Sir David Napley, immediate past president of the Law Society of Westminster, who attended the Biko inquest as an independent observer.

Prof John Dugard, dean of the faculty of law at the University of the Witwatersrand, also says that a full judicial inquiry is necessary.

But Prof Nic Pretorius, dean of the faculty of law at Potchefstroom University says that he is sure the Attorney-General will reopen the inquiry if he deems it necessary.

The question put to the four academics was: Sir David came to the conclusion that Mr Biko's death resulted from injuries at the hands of the Security Police. He suggests that a full, independent inquiry is held by "selected police officers." What do you think of the suggestion?

Prof Rautenbach said there could be no objection to an inquiry by police officers, but it was likely that in the civil lawsuit in the offing the case would be thoroughly dealt with.

"I think an inquest was

too restricted for such a sensational case. I would also have liked to hear the reasons (for the finding), but the procedure did not demand this. A judicial inquiry would have been more suitable."

Prof Wiechers said it is important that a thorough inquiry be held. An open judicial inquiry would be the ideal, but a police inquiry would serve the purpose.

He said the civil action had limitations.

Prof Dugard pointed out that a civil lawsuit would probably only come to court at the end of 1978 and that it was necessary for a thorough inquiry to take place as soon as possible.

He said a full judicial inquiry should be preceded

by a thorough police inquiry.

In answer to a question as to whether detention without trial and the powers of the Security Police should be re-evaluated, Prof Rautenbach and Prof Wiechers said the circumstances surrounding detention without trial warranted attention.

Prof Rautenbach called for clear rules concerning police action to be drawn up.

Prof Dugard said South Africa needed special security laws, but the security of the State could be upheld without granting absolute powers to the police.

The present laws were too drastic and controls were needed, he said.

Die Transvaler put it to the academics that Sir David believed the Security Police freedoms went beyond the law and that they viewed themselves as above the law.

In reply, Prof Wiechers said existing legislation could possibly be reviewed to allow greater access to detainees.

Prof Pretorius said legal control over detainees was possibly necessary.

Prof Dugard said the

police should be responsible to the courts to a greater degree. He said the law should be revised to allow lawyers and doctors to visit detainees.

Sir David's criticism of the magistrate presiding at the Biko case for not finding that one or more members of a group were responsible for the death was put to the academics.

They were not prepared to comment on who was responsible, but most agreed that reasons for the finding should be given. — DDC.

Potch prof urges full Biko probe

STAR 13/12/77

325-16400

It was essential that the fullest possible inquiry be held not only into the death of Mr Steve Biko, but also into other deaths in detention, a Potchefstroom University academic said today.

Professor Johan van der Vyver, head of the university's department of legal philosophy, has joined the call for a full judicial inquiry into Mr Biko's death.

Law professors from the University of South Africa, the University of Stellenbosch and the Rand Afrikaans University have also made such a call.

Professor van der Vyver said today that the disclosures at the Biko inquest and the "absolutely uncivilised" methods of treating political prisoners had made the fullest possible power to detain people.

The "inexplicable contradictions" between the statements made by the Minister of Justice, Mr Jimmy Kruger, and those made by the police should also be fully investigated, he said.

He indicated that he was not satisfied with the inquest hearing not because it had been improperly conducted, but because "one had the feeling that the full story was not placed before the court."

He said the most unsatisfactory aspects of the country's security legislation included the fact that the executive had arbitrary power to detain people without having to answer to anyone for its actions.

Y

CAPE TIMES 13/12/77 (325 DEC 1025)

Detainee: Court bid to curb police

WINDHOEK. — An urgent application was filed in the Windhoek Supreme Court yesterday for an interdict to prevent the South African police from ill-treating a Swapo member, Mr Bernadus Petrus, 21.

The action was brought by his father, Mr Franciscus Petrus, against the Minister of Police and Colonel Willem Frederick Schoon, head of the security police in Ovambo.

Mr Petrus was arrested on December 2, along with Swapo's internal leader, Mr Daniel Tjongarero, and Swapo members, Mr Tauno Hatikuliti, Mr Charles Sihani, Mr Geoffrey Maezi and Mr Simon Hiskia.

The others have since been released.

In a sworn affidavit Mr Petrus alleges that his son has been "maltreated and assaulted since being taken into custody".

Mr Petrus says in the statement that Mr Hatikuliti had seen his son in detention and said his face was swollen and his eyes red.

He alleges that assault and electric shock treatment have been used by the police as part of their system of interrogation and says: "There is considerable danger that the same treatment is being meted out to detainees at present and will be in the future."

"It is my respectful submission that my son is in danger of further imminent ill-treatment..."

More join inquiry call

JOHANNESBURG — The call for a full judicial inquiry into the death of Mr Steve Biko grew yesterday when law professors at the Universities of Potchefstroom and Stellenbosch came out in support of their colleagues at the Rand Afrikaans University and Unisa.

Prof Johan van der Vyver, head of Potchefstroom's department of legal philosophy, said: "Disclosures at the Biko inquest of the absolutely uncivilised methods of treating political prisoners have made the fullest possible inquiry essential, not only the death of Mr Biko, but of all others who died in detention."

He said the inexplicable contradictions between the statements of the Minister of Police, Mr Kruger, after Mr Biko's death and the statements made by the police at the inquest must also be

investigated.

The inquest left him dissatisfied, not because it was improperly conducted, but he had the feeling the full story was not placed before the court.

Prof Klaus Schwietering of Stellenbosch described a full judicial inquiry as essential.

"There are so many questions that have been left unanswered, not only in Mr Biko's case, but in others as well. A thorough investigation is essential," he said.

Meanwhile, the Socialist Medical Association of Britain is to ask the British Medical Association to "cut its close ties with South Africa" if the South African Medical Association fails to take disciplinary action against the doctors in the Steve Biko case. — DDC.

More law professors back full Biko probe

(325) Detention RDM 13/12/77.

By HELEN ZILLE
LAW professors from the universities of Potchefstroom and Stellenbosch yesterday joined the call for a full judicial inquiry into the death in detention of the black consciousness leader, Mr Steve Biko.

Prof Johan van der Vyver, head of Potchefstroom's department of legal philosophy, and Prof Klaus Schwietering of the legal faculty at the University of Stellenbosch, came out in support of their colleagues at the Rand Afrikaans University and the University of South Africa. Commenting on the weekend endorsement of

a judicial inquiry by RAU's Prof Ignus Rautenbach and Unisa's Prof Marinus Wiechers, Prof Van der Vyver said: "Disclosures at the Biko inquest of the absolutely uncivilised methods of treating political prisoners have made the fullest possible inquiry essential, not only into the death of Mr Biko, but of all others who died in detention."

"The inexplicable contradictions between the statements of the Minister, Mr Kruger and those made by the police at the inquest must also be fully investigated."

The three-week inquest hearing had left him "dissatisfied — not because it was improperly conducted, but one had the feeling that the full story was not placed before the court," Prof Van der Vyver said.

He also called for a review of South Africa's security legislation, describing the "most unsatisfactory aspects" as:

- The fact that the executive has arbitrary power to detain people without having to answer to anyone for their actions.
- Detainees under security laws are deprived of the

right to state their case. ● No provision is made for judicial review of decisions taken by the executive under the security legislation.

"There are so many questions that have been left unanswered, not only in Mr Biko's case but in others as well, that a thorough investigation is essential," Professor Schwietering said.

Prof Schwietering also supported a review of security legislation which would enable lawyers, relatives and other "responsible persons" to visit detainees at present held incommunicado.

- multiplier, (d) automatic and discretionary changes in fiscal policy, (e) timelags - recognition lags and
 - decision making lags and
 - multiplier lags,
- (f) the public debt, (g) the Phillips curve.

THE ARGUS, TUESDAY DECEMBER 13 1977

Academics want full Biko inquiry

The Argus Correspondent
JOHANNESBURG.—It was essential that the fullest possible inquiry should be held not only into the death of Mr Steve Biko, but others who had died in detention, a Potchefstroom university academic said today.

Professor Johan van der Vyver, head of the university's department of legal philosophy, has joined the call for a full judicial inquiry into Mr Biko's death.

Law professors from the University of South Africa, the University of Stellenbosch and the Rand Afrikaans University have also made such a call.

CONTRADICTIONS

Professor Van der Vyver said today that the disclosures at the Biko inquest and the 'absolutely uncivilised' methods of treating political prisoners had made the fullest possible inquiry essential — not only into Mr Biko's death, but of all others who died in detention.

The 'inexplicable contradictions' between the statements made by the

Minister of Justice, Mr J T Kruger, and those made by the police should also be fully investigated, he said.

He indicated that he was not satisfied with the inquest hearing — not because it had been improperly conducted, but because 'one had the feeling that the full story was not placed before the court.'

He said the most unsatisfactory aspects of the country's security legisla-

tion included the fact that the executive had arbitrary power to detain people without having to answer to anyone for their actions.

Detainees under security laws were deprived of the right to state their case and no provision was made for judicial control of decisions taken by the executive under the security legislation.



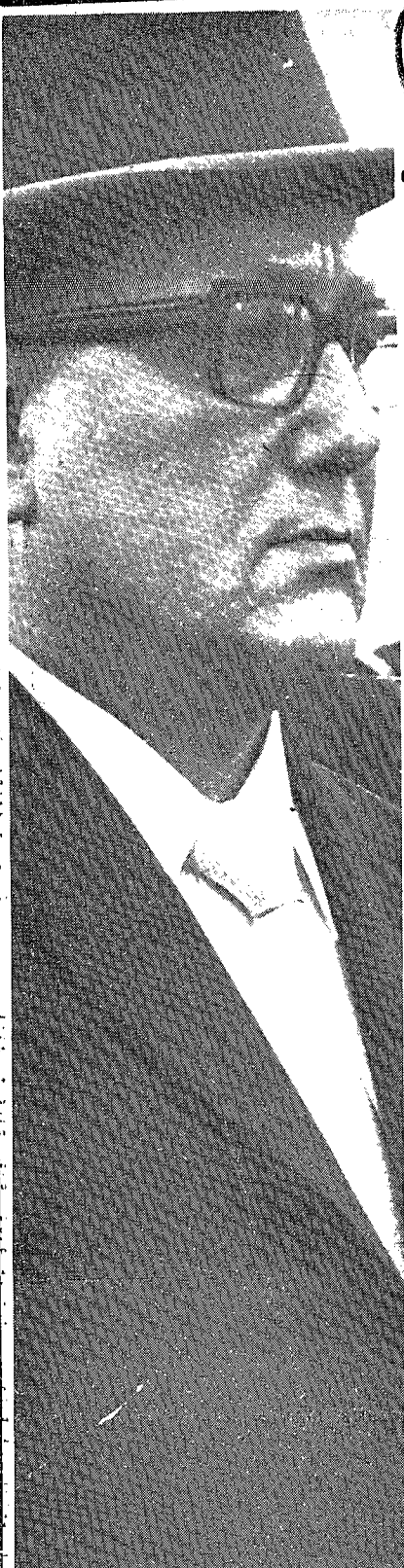
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MR SYDNEY KENTRIDGE, SC for the Biko family. ... "obviously a cover-up".

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HELEN ZILLE

WHERE did the story of Mr Steve Biko's hunger strike come from?

This was one of the questions asked — but never answered — during the three-week inquest into the death in detention of the black consciousness leader.

Mr Sydney Kentridge, SC, leader of the Biko family's legal team, put it this way:

"The story of the hunger strike, false as it was, was obviously a cover-up. There are two questions that arise out of that. Where did the cover-up start and how high did it 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."

Those questions were never answered at the inquest.

Colonel Pieter Goosen, the only source of official communication from the Security Police in Port Elizabeth said he had never told his superiors that Mr Biko had threatened a hunger strike.

He could throw no light on how the Minister of Justice, Mr J T Kruger, had received the information on which he based his statements that Mr Biko had been on a hunger strike.

The magistrate, Mr M J Prins, turned down a request that Mr Kruger be called as a witness to say who had given him the information. It was accepted that Mr Kruger had passed on without distortion information given to him.

During the inquest proceedings it became clear that Mr Biko had never threatened, nor started, a "hunger strike". It is true that before his interrogation began he refused a large

but requested to be allowed to buy other food, stating that he lived on bread alone.

A district surgeon, Dr Ivor Lang, who examined Mr Biko during the week before his death, found him a "well-nourished, obese male" who said he was not eating because he did not feel hungry. Subsequently, Dr Lang believed Mr Biko's condition to be improving after receiving reports that he was eating.

Despite this background the reference to the "hunger strike" was the only indication of Mr Biko's condition before he died which appeared in Mr Kruger's first official statements.

This led a large section of the Press and the public at home and abroad to conclude that the official explanation of Mr Biko's death was the "hunger strike".

Four days later, Mr Kruger corrected this impression, saying he never suggested that Mr Biko had starved himself to death.

More than five weeks later, Mr Kruger made the first mention of a possible "struggle" between Mr Biko and the police.

Eight weeks after Mr Biko's death, Mr Kruger confirmed that the autopsy report on Mr Biko showed he had died as a result of a head injury.

The Rand Daily Mail went back through the files to trace Mr Kruger's original comments and the subsequent elaborations.

Mr Kruger's statements were then placed in the context of developments occurring "behind the scenes" as they were revealed during the inquest.

Mr Biko died on September 12.

On September 13 Mr Kruger issued his first official statement on the Biko affair. He said that Mr Biko

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and from September refused meals and threatened a hunger strike. By September 11 he had still not eaten.

● On the same day a team of three pathologists began their post-mortem examination on Mr Biko in Pretoria. On opening Mr Biko's head it was apparent he had suffered extensive brain damage.

● On September 14, at the National Party Congress in Pretoria, Mr Kruger agreed with a delegate who spoke about South Africa as a democratic land where prisoners had the right to starve themselves to death.

Mr Kruger repeated that on September 5 Mr Biko said he would go on a hunger strike after deliberating for 15 minutes. "And indeed he began to push away his food and water that were continually given him so that he would freely eat or drink."

● On the same day, Dr A van Zyl, the Pretoria district surgeon who examined Mr Biko the day he died, signed a statement saying he had been told Mr Biko had refused to take food or liquid for a week. He diagnosed general weakness and dehydration and prescribed a vitamin injection and a drip.

● On September 15 Mr J Fitchet, a warder at the Port Elizabeth prison, signed a statement saying Mr Biko had drunk a rich vitamin drink and water on September 9. A warder, Mr Du Preez, also made a statement saying he had fed Mr Biko half a ration of porridge on the same day.

● On September 16, the Port Elizabeth Security Police sent a message to Security Police headquarters in Pretoria saying Mr Biko had sustained injuries at 7 am on September 7. The telex referred to the struggle

between Mr Biko and his interrogators in Room 619 and to an injury "inflicted" on the detainee. Mr Biko's case was described as "urgent". He had given the impression of being in a coma and on arrival in Pretoria on September 12 was unable to walk and was carried into the prison hospital.

● That evening — September 16 — Mr Kruger said he had "never suggested at any stage that Mr Biko starved himself to death. I gave categorically the fact that he had gone on a hunger strike. That was given to me by the police," Mr Kruger said.

On September 17, Colonel Goosen and the Security Police interrogators involved in the violent struggle with Mr Biko made statements containing details of the struggle. The statements told how Mr Biko had to be overpowered, that he sustained an injury to his lip, that afterwards he spoke incoherently and in a slurred manner and that the interrogation attempt was stopped because no further communication was possible.

The statements said Mr Biko was examined by a district surgeon, a chief district surgeon and a private specialist, that a lumbar puncture was performed, that Biko was found lying on his cell floor with foam about his mouth on September 11 and that, after a vain attempt to get a military aircraft, he was taken to Pretoria by road.

● The same day — September 17 — Mr Kruger told the Sunday Times "heads may roll" in the police over the Biko affair.

The newspaper said the interview indicated that Mr Kruger had not been told certain facts relating to Mr Biko's death.

● On September 26, Colonel

David Dorfeling of the Pretoria Prison, signed a statement saying he had been told by a Brigadier Gericke that Mr Biko had been on a hunger strike while in detention in Port Elizabeth. Colonel Dorfeling was given similar information by Captain D Siebert, a member of the interrogation team involved in the struggle with Mr Biko.

Mr Kruger made no more statements for a while and several newspapers began their own investigations into Mr Biko's death. Reports were published saying that Mr Biko had died as a result of a brain injury and that he showed no sign of a hunger strike.

● On October 7 Mr Kruger brought an urgent Press Council action against the Rand Daily Mail over a report headlined, "No sign of hunger strike — Biko doctors" and which contained a paragraph that read: "The facts that emerged from interviews with these doctors and others who had contact with Mr Biko during the last days of his life, contradict points made by Mr Kruger in a statement that followed the world-wide outcry over Mr Biko's death."

The Press Council upheld Mr Kruger's complaint and reprimanded the "Mail" for "tendentious reporting".

● On October 11 two Port Elizabeth doctors who had examined Mr Biko made comprehensive statements on his condition during the week before his death.

Mr Biko was found to have a cut lip, chest bruising, swollen hands, feet and ankles, a staggering walk, left-sided weakness, slurred speech, echolalia, an upgoing big toe and red blood cells in his spinal fluid following a lumbar puncture.

● In the October 17 edition of Time Magazine, Mr Kruger said he had "all the state-

ments available" and made another reference to the hunger strike: "I never at any stage said that he died of hunger. I said he had been on a hunger strike. He refused to eat. Those were the facts I gave. I never drew any conclusions. He had definitely gone on a hunger strike. There is a medical history about that."

● Around October 23, in an interview with the New York Times, Mr Kruger said that "a struggle to handcuff Mr Biko" could come out.

"There may be evidence of a struggle and things like that but it may be totally innocent. I mean there were struggles that would probably come out... This follows axiomatically from an arrest with a stropky person."

Finally, in the week before the inquest began on October 11, Mr Kruger confirmed to foreign correspondents that the post-mortem report said Mr Biko had died as a result of a head injury which led to brain damage and renal failure.

Asked to explain, Mr Kruger said: "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, but realising now, with the Biko autopsy that that may be fatal, I haven't done it."

At the end of the three-week inquest, the magistrate found that no one was criminally responsible for Mr Biko's death.

The magistrate said nothing about the alleged "hunger strike".

How did Mr Kruger get the information?

Maybe that is one of the questions that will never be answered.

Star
6/12/77

Contradictions over Biko hunger strike

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During the Biko inquest lawyers acting for the Biko family tried to submit in evidence a file containing public statements made by the Minister of Justice, Mr Jimmy Kruger.

The file was not accepted in evidence as the magistrate felt it was "hearsay."

Mr Kruger said:

"Since the fifth of September 1977 he refused his meals and threatened with a hunger strike but he was however regularly supplied with his meals and water which he refused to partake." Press statement, September 13.

★ ★ ★

"From September 5 he refused food and water — he said he was going on a hunger strike." — Interview with SABC TV.

★ ★ ★

"He had definitely gone on a hunger strike. He had definitely said he was not going to eat. He refused food; he refused to eat." — Interview with Time Magazine, October 3.

★ ★ ★

"He first said he would answer questions and they gave him a quarter of an hour chance. After quarter of an hour he said 'no' he would go on hunger strike." — SABC TV interview.

According to Mr Kruger, in his interview with Time magazine, Mr Biko

Relevant portions of the Minister's statements are compared here with evidence given during the inquest. Apparent contradictions emerge about Mr Biko's alleged hunger strike and about whether or not the detainee answered questions asked by the investigators.

Witnesses said:

"I meant (by hunger strike) that he was not eating his meals" — Colonel Goosen, Security Police witness.

★ ★ ★

"Mr Biko ate half his ration of porridge and drank a cup of coffee" — Prison warder, Mr du Preez of Port Elizabeth.

★ ★ ★

"He said he wanted to kiss me because I had given him magewu (a vitamin drink) and water." — Prison warder Mr John Fitchet.

★ ★ ★

The inquest was also told Mr Biko had complained to the visiting magistrate that he was only living on bread.

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"In regard to the pamphlets distributed in Port Elizabeth during the night of August 17/18 he openly acknowledged that he and Patrick Titi, another detainees were responsible for drawing them up." — Major Harold Snyman, a Security Police witness.



MR KRUGER . . . in the middle.

had been arrested in connection with the "spreading of pamphlets."

Nov 6, 1977
Inquest date
(325) let.
for detainee

DURBAN—The inquest on a Maritzburg-born detainee, Dr. Hoosen Hafejee, will probably be held in February at Durban Magistrate's Court.

The delay has arisen because legal advisers have been unable to agree on a date. Dr. Hafejee died at Brighton Beach police station within hours of his detention on August 2. He was found hanging in a cell.

Koyana joins Biko outcry

(329) Detention 7/12/77.

LONDON — The Transkei Foreign Minister, Mr Digby Koyana, added his voice yesterday to the wave of outrage here against the inquest finding that no one was criminally responsible for Mr Steve Biko's death.

The Scotsman newspaper reported from Edinburgh that Mr Koyana had said he agreed with the US State Department's comments on the finding. The Washington spokesman said the finding was inconceivable.

"Against the background of the evidence, that was an appalling verdict," he said.

Mr Koyana was in Edinburgh to attend a Presbyterian Church group meeting and to speak at Edinburgh University.

A group of five professors of law at Oxford University said in a letter published in The Times yesterday the Biko inquest decision "is not a decision that the evidence rationally permits."

"We sadly conclude that South Africa no longer offers its citizens even the most minimal standards of procedural legal justice."

The professors said they had different political convictions and often disagreed about matters of politics. "But we share a sense of outrage at the inquest findings."

Meanwhile, the inquest will be shown in a dramatic presentation on Independent Television here tomorrow night.

It will be seen by thousands of viewers in a dramatised version on the "Thames This Week" programme at peak viewing time. Well-known British actors play the main characters.

"This drama of shock and trauma is reconstructed through the script based on an official transcript of the inquest," a spokesman for Thames Television said.

A member of the Thames Television researching team was secretly in South Africa for part of the inquest. Thames Television is barred from South Africa.

The programme is a dramatised reconstruction. The script was finished on Saturday and it was filmed working overtime on Sunday and Monday.

The film comes at a time when horror here is still fresh in the minds of those who have heard and read of Mr Biko's injuries, death and the evidence that the court case revealed. It is likely to add greatly to the shock of what, for many, has become a turning point in attitudes to the South African situation. — SAPA-RNS-DDC.