

Two Tone Theatre presents
a dramatised reading of



THE BIKO INQUEST

by Jon Blair & Norman Fenton

WHY A READING ?

A play will normally attempt to make the audience believe that what is on stage is really happening.

Tonight we do not want to do that.

These events happened

We only report them.

We do not want to create the illusion that we are these characters.

These people really exist.

These people really said these things.

We are only the vehicles for their words.

THE BIKO INQUEST
a dramatised playreading.

THE CAST

Martinus Prins	Presiding Magistrate :-	Derick Meade
Mr. K. Von Lieres	State Prosecutor :-	Ian Baptiste
Mr. Van Rooyen	Council for the South African Police:-	Edward Ofosu
S. Kentridge	Council for the Biko Family	:- Cathi Kilcoyne

Witnesses for the South African Police

Sgt. Van Vuuren	Policeman	:- Metin Huseyin
Colonel Goosen	Chief of Security Police:-	Andy Black
Major Snyman	Head of the Interrogation Team	:- Ian Charlick
Lt. Wilken	Security policeman of the night interrogation squad	:- Fred Ofosu

Medical Witnesses

Prof. Loubser	Chief State Pathologist	:- Kilian Gideon
Prof. Proctor	A pathologist who consulted with the Biko Family	:- Sean Rutledge
Dr. Lang	District surgeon	:- Richard Bench
Dr. Tucker	Chief district surgeon	:- Paul Rodney
Dr. Hersch	A consultant physician	:- Shirley Gordon

THERE WILL BE ONE INTERVAL OF 15 MINUTES.

STEVE BIKO - ARREST TO DEATH

Sequence of events, 18th August to 12th September 1977

18 August Biko
is arrested.

Steve Biko was travelling in a car with a friend Peter Jones an executive member of the BPC. The car was stopped outside the King William's Town limits at a roadblock, by Lieut. Oosthuizen of the Security Police. The two men were taken to Grahamstown; the next day they were taken to Walmer Jail, Port Elizabeth and held under Section 6 of the Terrorism Act, in the custody of the Security Police under the command of Colonel Goosen.

He is kept naked
in a cell for 20
days.
Port Elizabeth.

For the next twenty days Biko was kept at Walmer Police Station, named, manacled, and not allowed out of his cell even for air or exercise. His daily ration of food was soup, magewu*, bread, jam and coffee. According to the sergeant in command, the soup and magewu were refused, and Biko ate little bread.

2 September,
Magistrate's visit.

On 1 September a magistrate made a formal visit to Biko in his cell. Biko complained that he had not even been permitted to wash himself. He asked the magistrate for water and soap to wash himself and a washcloth and comb. He asked: "Is it compulsory that I have to be naked? I have been naked since I came here". The magistrate made no reply.

6 September,
Biko taken for
interrogation
to Room 619
Sanlam Building
in Port Elizabeth

On the morning of 6 September, Biko was taken from the Walmer Street prison by security police, and brought to Room 619, Sanlam Building, for interrogation. The police state that they were with him from 10.30a.m. until 6 p.m. From 6 p.m. he was in the care of the 'night squad' (led by Lt. Wilken) naked, handcuffed and with one leg chained to a grille.

Room 619 at
7 a.m. on
7 September.

Major Harold Fryman, head of interrogation team of five, arrived at 7 a.m. and according to his statement, removed Biko's leg-irons and handcuffs. At this time, or very close to it, Biko received blows that caused brain damage and resulted in his death five days later. The police were unable to continue their interrogation. Biko was again handcuffed and chained to the grille.

7.30a.m. on
7 September,
Biko already has
brain injury

Colonel Goosen was informed that there had been an "incident". At 7.30 he arrived at Room 619 and spoke to Biko, who, he said, seemed incoherent and talked in a slurred manner. There was a visible swelling on his upper lip.

9.30a.m.
Dr. Lang gives
medical check-up.

The District Surgeon, Dr. Lang, was called in. He examined Biko in the presence of Col. Goosen. At the Colonel's request he made out a certificate that there was no evidence of any abnormality nor pathology on Biko.

Night of 7
September. Biko
lies on mat, chained
and in leg-irons.

The Security Police attempted once more to interrogate Biko, but he was totally unresponsive. For the rest of that day, and for that night, Biko lay on a mat on the office floor, manacled and chained by his legs as before.

8 September,
Dr. Lang comes
and brings
Dr. Tucker.

Dr. Lang returned. Col. Goosen told him that Biko had not urinated during the past 24 hours, and had refused all offers of food. Lang re-examined Biko, and then requested that the chief district surgeon, Dr. B.J. Tucker, examine Biko with him.

Although the trousers Biko had been wearing (for the interrogation) and the blankets were now soaked with Urine, Dr. Lange noticed no change and Dr. Tucker did not question Biko. It was decided to transfer him to the prison hospital.

Evening of 8
September,
Biko is taken to
prison hospital.

A specialist physician, Dr. Hersch, was consulted; it was agreed that a lumbar puncture should be performed. Biko was transferred to the prison hospital.

Night of 8
September,
Prison hospital

A warder stated that during the night of 8 September he twice found biko lying in a bath, the first time clothed in a bath filled with water; the second time the bath was empty.

9 September

The lumbar puncture was performed early in the morning.

10 September

Hersch informed Lang that the lumbar puncture showed the cerebro-spinal fluid to be bloodstained. It was decided to consult a neuro-surgeon, Mr. Keeley, by telephone; Keeley gave the opinion that there was no evidence of brain damage, but Biko should be kept under observation. He saw no reason why Biko should not be transferred back from hospital to the Security Police, provided he was kept under observation.

11 September
Biko is taken
back to a cell.

In the morning the Security Police took Biko from the hospital, and bed, back to a cell at Walmer Police Station. He was left on a mat on the cement floor of the cell, naked under the blankets.

He is found collapsed.

A few hours later a warder found Biko lying on the floor with foam at his mouth, and glassy-eyed. He informed Major Fischer, who phoned Col. Goosen.

He is driven naked through the night to Pretoria.

Dr. Tucker examined Biko at 3.20p.m. and saw no objection to Goosen sending Biko on a journey of 740 miles by road to Pretoria. Naked and manacled, he was left lying on the floor of a Land-Rover, with nothing except a container of water.

11-12 September, Pretoria Prison

He was carried into the prison hospital and left on the floor of a cell, without any medical records, 11 hours after leaving Port Elizabeth.

12 September
Dr. van Zyl gives intravenous drip.

Several hours later, a newly-qualified doctor, with no medical information about him other than that he was refusing to eat, ordered an intravenous drip.

Biko dies.

Some time that night Biko died, unattended.

Steve Biko was not the first to die in such circumstances while in police custody under the security laws.

On the 5th September 1963 looksmart Ngudle died. Inquest verdict:
"Suicide by hanging."

September 1963

Bellington Mampe. No further details.

January 1964

James Tyita. Found hanging in a cell by a scarf.
No further details.

September 9th 1964

Suliman Sallogjee fell seven floors onto the pavement outside Johannesburg Security Police Headquarters.
Verdict: Death from multiple injuries,
'no irregularities'.

1965

Ngeni Gaga. No details.
Pongolosha Hoye. No details.

1966

James Hamakway. 'Suicide by hanging'
Jangula Shonyeke. 'Suicide'
L.Y. Pin. 'Suicide by hanging'.
Ah Yan. 'Suicide by hanging'.

1967

Alpheus Madiba 'Suicide by hanging'

1968

J.B. Tubakwa 'Suicide by hanging'.

February 1969

Nicodemus Kgoathe. His post-mortem showed broncho-pneumonia, possibly as a result of head injury. He also had bruises and abrasions which the police said had been sustained when he slipped in the shower.

February 1969.

Solomon Modipane sustained fatal injuries by 'slipping on soap in the showers'. The district surgeon was unable to discover the cause of death and the magistrate's opinion was 'natural death - no inquest necessary'.

March 1969

James Lenkoe in Pretoria local prison. His body showed signs of electric shock on the toes; bruises below the ear: marks on his neck and shoulders; a haemorrhage at the base of his skull. The magistrate's findings: 'death by suicide and not due to an offence by anyone'.

June 1969

Caleb Mayekiso. No details.
Michael Shivute. No details.

September 1969

Imman Abdullah Haron 'fell down stairs'

January 1971

Mthayeni Cuthsela. When his son fetch his body from Umtata hospital the face was swollen, and bruised, there were weals on the body and a cut on the head. Inquest verdict: 'death by natural causes'.

October 1971

Ahmed Timol fell from the 10th floor of Johannesburg Security Police Headquarters.

1976

Joseph Mdluli. No details
 Luke Mazweme. No details
 Dumisani Mbatha. 16 years old.
 Mapetla Mohapi
 Edward Mzolo. No details.
 William Namodi Tswabe. No details.
 Ernest Mamsila. No details
 Wellington Mlungisi Tshazibane
 George Botha. No details.

January 1977

Dr. Nanaoath Ntshwrtsha
 Lawrence Ndsabga
 Elmon Malel

February 1977

Twasiene Joyi
 Samuel Malinga
 Matthew Marwale Mabelane, aged 22

March 1977

R. Khoza

July 1977

Phakamile Mabiji fell from 6th floor of Kimberley
 Police station.

August 1977

Elisa Loza
 Hoosen Haffeejee
 Bayempin Enizi

September 1977

Seven Bantu Biko.

On the 7th November the parents of 18-year-old Bonaventura Sipho Malaza were informed that their son had committed suicide by hanging while held under South Africa's security laws.

AN EXTRACT FROM THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948

Civil and Political Rights

3. Everyone has the right to life, liberty and security of person.
4. No one shall be held in slavery or servitude
5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
6. Everyone has the right to recognition every-where as a person before the law.
7. All are equal before the law.....
8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
9. No one shall be subjected to arbitrary arrest, detention or exile.
10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal
11. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty
12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.
13. Everyone has the right to freedom of movement and residence within the borders of each State.

Everyone has the right to leave any country including his own, and to return to his country.
14. Everyone has the right to seek and to enjoy in other countries asylum from persecution
15. Everyone has the right to a nationality
16. Men and women of full age have the right to marry or to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.....
17. Everyone has the right to own property alone as well as in association with others.
No one shall be arbitrarily deprived of his property.
18. Everyone has the right to freedom of thought, conscience and religion
19. Everyone has the right to freedom of opinion and expression
20. Everyone has the right to freedom of peaceful assembly and association.
No one may be compelled to belong to an association.
21. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives

STEVE BIKO WAS A BANNED PERSON
WHAT IS A BANNED PERSON?

Banning orders are designed to restrict the lives and activities of those on whom they are served. You are forbidden to belong to any organisation. You are restricted to a certain area (like King William's Town) and not allowed to leave. You may not attend any meeting - and a "meeting" takes place as soon as a banned person talks to two people together. You may not write for publication, nor may anything you say be quoted. You are prohibited from entering certain buildings, such as any court, educational institution, newspaper offices or publishers.

Steve Biko was a Section 6 detainee.
What is a Section 6 detainee?

THE TERRORISM ACT (SECTION 6)

The Terrorism Act (no. 83 of 1967) established the offence of 'participation in terrorist activities', such activities being very broadly defined. Furthermore, if an accused is found guilty of having committed any act included in the list, the onus is on him to prove that his intention was not to commit terrorism. Once convicted, the minimum sentence that the court may impose is 5 years' imprisonment, the maximum - death.

Section 6 of the Terrorism Act allows any officer of the police over a certain rank to order the arrest without warrant, and the detention for interrogation, of any person whom he has reason to believe is a terrorist, or is withholding information relating to terrorists or to offences under the Act. A person so detained will be held, subject to such conditions as the Commissioner of Police or the Minister of Justice may determine, until the Commissioner is satisfied that he has replied adequately to all questions asked at his interrogation, or that no useful purpose will be served by his further detention, or until the Minister orders his release.

It could be added, in view of the number of deaths in detention under the Terrorism Act - "Or until he dies".

The Act also provides that no court of law may pronounce upon the validity of any action taken under the provisions relating to detention, nor order the release of any detainee. No one shall have access to a detained person or be entitled to information about him except the Minister, or an officer of the State acting in his official capacity. If circumstances so permit, the detainee may be visited by a magistrate once a fortnight.