TRUTH AND RECONCILIATION COMMISSION
AMNESTY HEARING TRANSCRIPTS

PORT ELIZABETH - 1 (8 - 11 Sept 1997)
Assault of Mkuseli Jack: Nieuwoudt, G (3820/96)
Killing of Steve Biko
Nieuwoudt, G (3820/96); Marx, R (3521/96); Beneke, JJ0 (6367/97)
H SNYMAN 234 pages (353 Kb)
DANIEL PETRUS SIEBERT 63 pages (99 Kb)
MR MPSHE: Thank you, Mr Chairman. Mr Chairman, we are ready. I would request the Chair to cause the legal representatives who are herein present to put their names on record. All people are represented; that is the victim and the next-of-kin to victims are all here as well as the applicants, Mr Chairman and members of the Committee. Thank you.

CHAIRPERSON: Yes. Will counsel announce themselves and place themselves on record?

MR BOOYENS: May it please the Commission, Mr Chairman? J A Booyens. I appear on behalf of the applicants - Snyman, Siebert, Niewoudt and Marx.

MR DU PLESSIS: Mr Chairman, I appear on behalf of Mr J J O Beneke.

MR BURMEISTER: Mr Chairman, M Burmeister, on behalf of Dr Laing.

MR BIZOS: May it please you, Mr Chairman? I, G Bizos together with my learned friend, Mr Patrick Mpshwulana, instructed by the Legal Resources Centre, represented by Mr Clive Plaskid from our Grahamstown’s office and Ms Kamen Shepele from the Johannesburg office, appear on behalf of Mrs Biko, the wife of the deceased and Mr Peter Jones, in respect of whom there is also an application for amnesty.
MR MPSHE: Mr Chairman, members of the Committee, G M Mpshe for the Amnesty Committee. Thank you.

CHAIRPERSON: Thank you. Mr Booyens?

MR BOOYENS ADDRESSES COMMITTEE AND GIVES SUMMARY OF APPLICATION: Thank you, Mr Chairman. Mr Chairman, we intend leading the evidence of Mr Snyman first. I think it may be desirable in the circumstances just to very briefly set out what the nature of the evidence would be, without at all suggesting that that is comprehensive.

The evidence will be that the late Mr Biko, whom I will hereinafter refer to him as the deceased, had been arrested in a road block on the 18th of August 1977. He was thereafter taken to security police headquarters in Port Elizabeth, where he was kept in detention at Walmer Police Station.

A team consisting of the four persons that I appear for, was put together with the purpose of questioning the persons arrested. That would be Mr Jones and Mr Biko as well as some others; in connection with certain pamphlets that had been spread in the Port Elizabeth area as well as certain activities - other activities.

On the 6th of September 1977 the questioning of Mr Biko commenced in the morning at security police headquarters. The evidence will be that Mr Biko was brought in from Walmer Police Station and once brought into the same office as his would-be interrogators, he was told that he should remain standing when he sat down.

After approximately half an hour and during some rather fruitless efforts of getting information out of Mr Biko, he again sat down uninvited; whereupon the applicant, Mr Siebert, grabbed him on the front of his clothing and forcefully pulled him up from the position in which he was seated.

Thereafter, Mr Biko, the evidence will be, apparently lost his temper. He pushed, had thrown a chair in the direction of Mr Siebert and aimed a blow at him. A scuffle ensued which was initially between Siebert, but at the same time the applicant - that I do not represent - also joined in from an adjoining office and; in what one could perhaps describe as a shoulder-type rugby tackle, bumped into Mr Biko.

A full scuffle ensued in which Siebert, the applicant,
Niewoudt and the applicant I do not represent, were involved. During the course of the scuffle there were blows being exchanged, although nobody is really certain whether any of these blows landed and eventually during the course of the scuffle, the parties grabbed hold of each other and moved towards what would for convenience sake be described as the northern wall of the office in which they were.

In the process of the scuffle, Mr Biko lost his balance and the four people; that would now be Siebert, Niewoudt, the deceased, as well as the applicant I do not represent. Initially Mr Biko's head hit the wall and all four parties fell down.

It was noted that Mr Biko appeared to be, one could use the word stunned, confused, in any event his condition was such, we are not suggesting that these are accurate medical descriptions; that he did not get up immediately.

He was thereupon handcuffed where he was lying on the floor and after a while he was pulled up at the instructions of Snyman and cuffed to a door - some bars of a door that was in the office, with his hands spread out to his sides, with handcuffs as well as with foot-cuffs being threaded through the bars of the door.

It was noted that he still seemed to be confused and Snyman went to report the matter to Goosen, the then commander of the security branch. Goosen came in, spoke to Mr Biko. It was apparent that he was probably not *compos mentes* and Goosen gave instructions that the members Snyman and Siebert should continue with their work, whereas Niewoutd and Mark would watch Mr Biko and as soon as he recover, the questioning would continue.

The deceased was left in this standing position for the best part of the day and his condition did not improve. During the evening when the night staff took over, his cuffs holding him against the bars were unlocked, but the leg-iron was kept on and he was offered some mats to sleep on.

The next morning; that would be the 7th, it was noted that Mr Biko still hadn't recovered whereupon the district surgeon was contacted, who examined Mr Biko and reported to Col Goosen that he could find nothing wrong with him.

However, his condition still appeared to be a state of confusion. He was kept at the security police offices throughout the day and observed, but no further efforts to question him were made, due to the fact that his state remained more or less the same.
Throughout the day of the 8th he was seen again by the doctors and then on the evening of the 8th he was removed to a prison with the intention that he would be examined there.

He was kept at the prison until the Sunday - Sunday the 11th of September and after some medical examination and it being reported that nothing apparently could be found wrong with him, he was during the course of the morning removed from the prison and lodged in a cell at New Brighton Police Station again. I correct that, Mr Chairman, it is Walmer Police Station.

During the late afternoon, Goosen gave instructions that due to the fact that the deceased apparently was not recovering, he should be sent to Pretoria Central Prison, that he can be observed in the prison hospital there.

A Land Rover station-wagon was made ready after all efforts to obtain a military flight to fly him to Pretoria proved fruitless, according to Goosen, and he was driven to Pretoria where the parties arrived on the morning - early hours of the 12th of September. He was lodged in Pretoria Central Prison, where he died on the same day.

Subsequent to that, once the news of his death became known, Goosen gathered all the policemen on the next Saturday and statements were prepared. These statements were false in many aspects. The most important being, that it is was in fact alleged that Mr Biko was questioned by the security policemen involved on the 6th for the whole day and an incident which apparently caused his injury only occurred on the 7th.

That is - would appear already from what I've said earlier on, was false.

Subsequent to that, in a further investigation, the policemen stuck to the story and also at a later inquest hearing this false evidence was perpetuated.

That, in a nutshell, Mr Chairman, is what the evidence on behalf of these four applicants would cover and I would ask leave to call Mr Snyman.

MR BIZOS ADDRESSES COMMITTEE ON APPLICATION: Mr Chairman, our learned friend made a preliminary statement and we would ask for leave to very briefly state in broad terms the basis of our opposition so that the issues before you may be clarified in order to weigh up the evidence as you hear it, having regard to what we are going to submit.

We are going to oppose these applications on behalf of the family on two main grounds.
Firstly, that in the detailed statements made for the benefit of the Committee, where the new versions appears, which has been summarised by our learned friend; there is no full disclosure of the facts and that the new versions, even though substantially similar to that given at the inquest in 1977, has merely been modified in order to try and explain away some of the concrete evidence which did not fit with the false version that was put up under oath during the course of the inquest in 1977.

Secondly, that there is recitation of what was their political objective, is not the sort of objective that is envisaged in the Act and to summarise our position briefly, that torturing helpless detainees held under Section 6 of the Terrorism Act for the purposes of extracting information from them; either false or true to the point that they finish up dead is not a political objective that any civilised society can tolerate.

There will be refinements to these main submissions, but those in the main are the grounds upon which we oppose this application.

CHAIRPERSON: Mr Mpshe, is there anything you wish to say at this stage?

MR MPSHE: Nothing to add, Mr Chairman.

CHAIRPERSON: Mr Erasmus, I should have asked you?

MR ERASMUS ADDRESSES COMMITTEE ON APPLICATION: Meneer die Voorsitter, baie dankie. Ek gaan nie onnodig u tyd mors nie ... (intervention).

INTERPRETER: The speaker is not activating his microphone.

MR ERASMUS: I will not waste your time unnecessarily. My client will give testimony that will in the main be the same as the clients of Adv Booyens.

My client claims that he was not part of the investigative team; that in fact he was a mere observer who stood in the door of the interrogation room and that he saw that the deceased, Mr Biko,

bumped or threw a certain chair at Capt Siebert.

He also saw that Mr Biko aimed a punch at Capt Siebert and that in an effort to bring Mr Biko under control and to inhibit any further threatening attack or assault, that he took Mr Biko into a secure hold.
That in fact a shuffle did occur during which all of the applicants present took part and that beyond that the testimony would be the same as that sketched to you by Adv Booyens.

My client, through the course of the afternoon of the 6th of September 1977, guarded the deceased and noted that he appeared disorientated, or possibly confused.

He was replaced by the night guard, a further set of police officers and during the afternoon of the 7th of September 1977, resumed guarding Mr Biko.

He was not involved in any of the transport arrangements or other arrangements with regard to Mr Biko's transfer to Pretoria and his involvement ended on the 7th of September 1977.

CHAIRPERSON: Thank you.

MR ERASMUS: Thank you.

CHAIRPERSON: Mr Booyens.

MR BOOYENS: Thank you, Mr Chairman. Mr Chairman, just before I proceed to call Mr Snyman, I would like to hand in a medical certificate in respect of Mr - the applicant Mr Marx. We have discussed the matter with my learned colleague, Mr Mpshe, and from the medical certificate it would appear that Mr Marx is 75 years old; that he's suffering from high blood pressure and emphysema and loss of concentration and accordingly, we discussed it with my learned friend with the purpose that Marx is not out of disrespect to the Commission not here, but due to his condition of health we will only have him here on those occasions when in our view his presence would be strictly speaking necessary. I ask leave to hand that in, Mr Chairman.

MEDICAL CERTIFICATE HANDED IN

CHAIRPERSON: Thank you.

MR BOOYENS: Mr Chairman, I will have to proceed in Afrikaans henceforth. I call Mr Snyman.

MR BOOYENS: Mr Snyman, your full names for the record please. INTERPRETER: The speaker is not using the microphone, but his full names are Harold Snyman.

MR BOOYENS: Do you have any objections against the making of the oath?
HAROLD SNYMAN: (Duly sworn, states).

CHAIRPERSON: You may resume, you may take your seat.

EXAMINATION BY MR BOOYENS: Mr Snyman, your date of birth is the 23rd of April 1928 and you were born in Uitenhage. Is that correct?

- 

MR SNYMAN: That is correct.

MR BOOYENS: Is it in addition correct that currently you are 69 years of age?

MR SNYMAN: That is correct.

MR BOOYENS: You are a pensioner at this stage?

MR SNYMAN: That is correct.

MR BOOYENS: Did you during your career support any political organisation?

MR SNYMAN: That is the case.

MR BOOYENS: What would that have been?

MR SNYMAN: The National Party.

MR BOOYENS: Were you an official or anything of that nature or merely a member of the National Party?

MR SNYMAN: I was only a member.

MR BOOYENS: On your retirement, what was your position? Not in the party, but what was your work?

MR SNYMAN: At that time I went home and at a later stage I went to work for Sanlam for a number of years.

MR BIZOS: Mr Chairman, we cannot hear the witness.

CHAIRPERSON: Please check whether the mike works adequately so that your client can be heard. Unfortunately there seems to be some difficulty. Will you talk into the mike, please?

Yes, let's hear?
MR BOOYENS: At the time of your retirement from the police, what was your position, what was your rank in the police upon retirement?

MR SNYMAN: I was a colonel.

MR BOOYENS: And also regional commander of the security branch in the Eastern Cape, is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: I will lead you on the following aspect. In paragraph 8(b) of your application, you explain or indicate your history in the South African Police. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Maybe you can read that for us for record purposes.


In 1947 I was a constable at the Bakenstreet Police Station in Port Elizabeth.

1947, district commissioner, Port Elizabeth North.

1949, Alexander Bay.

1950, Louis Le Grange Square.

1951, district commissioner, Port Elizabeth North.

1953, Louis Le Grange Square.

1953, New Brighton.

1955, Baken Street Police Station, Port Elizabeth

1955 I achieved the rank of sergeant.

1955 I continued at Louis Le Grange Square.

1960, district commissioner, Grahamstown.

1961, regional commissioner, or the office of the regional commissioner in the Eastern Cape near Port Elizabeth."
1964, warrant officer.
1965 I was transferred to Pretoria to security branch head office.
1967 I was returned to the security branch Port Elizabeth.
1968 I achieved the rank of lieutenant.
1971 I was promoted to captain.
1976 to manager.
1981 to lieutenant-colonel.
1985 colonel.

I attended courses in 1947 with regard to first-aid and in 1967 with regard to the identification of explosives and explosive devices."

MR BOOYENS: That is fine then. In your application you then continue to provide a brief personal overview or sketch of which you have already partly explained to us. Could you tell us the circumstances of your childhood.

MR SNYMAN: I grew up in a conservative Afrikaans home.

MR BOOYENS: Maybe you should read the first paragraph of this brief personal overview and we could expand on that.

MR SNYMAN: "I, Harold Snyman, is 68 years of age and was born at Uitenhage in the Eastern Cape. I grew up in Uitenhage where, in a strict, conservative and Afrikaans home. We were all members of the Dutch Reformed Church.

Initially I went to a farm school, but I completed my secondary schooling education at the secondary school Humansdorp. I joined the South African Police immediately after the completion of my schooling. During my formative years, I became unconsciously a member or took part in the apartheid era and was convinced at the end of my schooling that apartheid was necessary for the continuing survival of the Afrikaans
MR BOOYENS: During 1948 when the National Party became the Government, you were already a police officer. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Did you at all times support the apartheid policy of the National Party Government?

MR SNYMAN: That is correct.

MR BOOYENS: The apartheid policy of the National Party which should be common knowledge, was based on the separation of races and the principle that Whites will govern the country?

MR SNYMAN: That is correct.

MR BOOYENS: Against this background and the circumstances of your childhood, could you find any error in this principle?

MR SNYMAN: No, your Honour, we supported this heartily.

MR BOOYENS: With regard to the police during those times, what had the general attitude of the police been during your early years in the police? What would your own attitude and the attitude of your colleagues have been towards the Government of the day?

MR SNYMAN: Our attitude as colleagues had been that the South African Government as constituted at that time had to be supported and kept in Government.

MR BOOYENS: During the 1950s there were - there might have been prior incidents, but while you were in service of the police, you became aware of the so-called Quo-Quo incidents. Are you aware of this?

MR SNYMAN: I am aware of this.

MR BOOYENS: Are these incidents in what is now known as the Eastern Cape Province?

MR SNYMAN: That is correct.
MR BOOYENS: Were you also aware of the fact that the ANC and the PAC were banned in 1961?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: You also have knowledge of the 1961 Sharpeville incident?

MR SNYMAN: That is correct.

MR BOOYENS: You were also aware of the founding of Umkhonto weSizwe in 1960. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Were you throughout, or rather what had been the attitude in the police and in the environment in which you found yourself with regard to these incidents and occurrences in relation to the South African Government?

MR SNYMAN: It was very clear that we as police officers had to make every possible effort to maintain the state, or rather the Government in control, in power and that we had to act against all forces that came against them.

MR BOOYENS: Would you say that it might have been the philosophy or the context within which you lived at that time?

MR SNYMAN: That is correct, you Honour.

MR BOOYENS: You have already mentioned that during 1965 you were transferred to the security branch in Pretoria.

MR SNYMAN: That is correct.

MR BOOYENS: The commanding officer of the security branch or at that time, who would that have been?

MR SNYMAN: It was Brig H A van der Berg, the later Genl van der Berg who was then the head of security.

MR BOOYENS: That is the person who was known as "Tall Hendrik" or "Lang Hendrik" and who later became the chief of BOSS; the Bureau of State Security.

MR SNYMAN: That is correct.
MR BOOYENS: Did you ever meet Genl van der Berg as your commanding officer?

MR SNYMAN: That is correct.

MR BOOYENS: Did he on occasion, and I'm thinking of you as security police in general, did he give you talks or lectures?

MR SNYMAN: That is correct.

MR BOOYENS: What kind of a person was Genl van der Berg, in your eyes?

MR SNYMAN: He was a person who as we saw it, emphasised to us that we must make every possible effort and at all cost must keep the then Government in government. He could be qualified as a very strong man.

MR BOOYENS: Apart from maintaining the Government in power, what was his attitudes towards the liberation organisations and with regard to organisations such as the South African Communist Party?

MR SNYMAN: It was that we as members of the Force must throw all of our efforts into the struggle against these people.

MR BOOYENS: In what section of the security branch did you work at the security branch head office?

MR SNYMAN: I was on the administrative staff at security branch head office.

MR BOOYENS: Could you tell the Commission what your tasks would have included?

MR SNYMAN: All of the administrative correspondence would have been handled by us in that section.

MR BOOYENS: What would this have included?

MR SNYMAN: It would roughly have included everything with regard to staff in the security branch head office. It did not include political reports; those were dealt with by other sections.

MR BOOYENS: Mr Chairman, my learned friend has indicated to me that he's got difficulty in hearing the witness, but unfortunately I think we have got a problem with the acoustics here. I don't know
whether there's a possible solution. I don't know. Is Afrikaans op een? Did the security reports that came in go through your hands in your administrative capacity?

MR SNYMAN: That is correct.

MR BOOYENS: What did the security overviews and reports deal with?

MR SNYMAN: It contained all of the events of security relevance throughout the country.

MR BOOYENS: While serving in that capacity, you dealt with reports from the perspective of the police and you would have had an overview of the security situation in the country as a whole?

MR SNYMAN: That is correct.

MR BOOYENS: Subsequently, during 1967 you were returned to the security branch Port Elizabeth. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: In what capacity?

MR SNYMAN: I was in command of the administrative staff at security branch Port Elizabeth.

MR BOOYENS: What would your task and functions have included?

MR SNYMAN: All incoming and all mail that came in and was sent away as well as the reports received from other offices of the security branch as well as the monthly security overview of the situation.

MR BOOYENS: Could you read these reports?

MR SNYMAN: That is the case.

MR BOOYENS: And you therefore would have had a global picture of the presumed security situation at that time?

MR SNYMAN: That is correct.
MR BOOYENS: Did you in - did you remain in the administrative section until 1971?

MR SNYMAN: That is correct.

MR BOOYENS: During 1969 the later colonel, then Maj Goosen took command of the security branch in Port Elizabeth?

MR SNYMAN: That is correct.

MR BOOYENS: During 1971 you were promoted to the rank of captain.

MR SNYMAN: That is correct.

MR BOOYENS: Could you perhaps explain to the Commission which desk, as it was referred to, you then found yourself at and how the division of these so-called desks was arranged?

MR SNYMAN: I was transferred to the unit that dealt with so-called Coloured and Asian matters. There was also a unit that dealt with Black matters. There was an administrative section, a technical section and also a unit that dealt with White affairs.

MR BOOYENS: That is fine. If we can then return to the second paragraph of your statement on page two of your application under "Kort persoonlike oorsig" - "Brief personal overview".

Could you read the following paragraphs into the record.

MR SNYMAN: "However, at all times during my service in the South African Police, I acted in a bona fide manner to carry out my vocation as a member of the South African Police. It was in service of the Government of the day, loyal and dutifully intending to maintain the constitutional circumstances of the time and law and order. My personal convictions were further supported by the fact that my church approved of and supported the policy and actions of the National Party Government. At all times in my capacity as a member of the South African Police, I did not at any time acted or failed to act in a way for personal gain. My involvement in this particular incident was also not because of personal ill-feeling against the victim of the act."

MR BOOYENS: If we can briefly return to the policy of the Dutch Reformed Church at that time. Did the Dutch Reformed Church proclaim, and I think it's a
matter of public record that there was synodical decisions to this in this regard that apartheid was publicly justified. At least the White Dutch Reformed Church did proclaim this.

MR SNYMAN: That is the case.

MR BOOYENS: Page 3. You are applying for an act which has to do with the assault on and death of Mr Steve Biko. The assault or the date of the assault mentioned is the 6th of September, but if we were to be more correct, it would be 6th to 12th September 1977?

MR SNYMAN: That is correct.

MR BOOYENS: In a broad sense this occurred in Port Elizabeth?

MR SNYMAN: That is correct.

MR BOOYENS: With regard to the deceased, you said that you worked on the Coloured desk. Were you aware of the deceased?

MR SNYMAN: Your Honour, I obtained information and knowledge through the monthly security reports, which also indicated the activities of this person.

MR BOOYENS: In your personal opinion, what was the prominence of the deceased?

MR SNYMAN: He was a prominent figure in the Black power movement and almost everyone looked to him as the leader of the Black Power movement at that time.

MR BOOYENS: I know that this is 20 years ago, but if at that time you had to rank him in importance, with exclusion of those leaders then in prison, for instance on Robben Island, how high would you have ranked him?

MR SNYMAN: I would have ranked him as one of these most important activists.

MR BOOYENS: In the country or just in the Eastern Cape?

MR SNYMAN: In the country as a whole.

MR BOOYENS: Never before you had dealt personally with Mr Biko?

MR SNYMAN: That is correct.
MR BOOYENS: If we can briefly deal with the situation in the Eastern Cape at that time and the organisation represented by Mr Biko, in your knowledge, to what political grouping or organisation or whatever you want to call it, did Mr Biko find a home in?

MR SNYMAN: He was the head of the Black people's Convention.

MR BOOYENS: I think the correct word is president.

MR SNYMAN: That is correct.

MR BOOYENS: To the best of your knowledge as a security police officer, what was the Black people's Convention? Without trying to give too technical an explanation, what would the nature and purposes of the Black People's Convention have been?

MR SNYMAN: It was a Black Power organisation which had the intention of ridding the country of the then order.

MR BOOYENS: Would you mean by that the National Party Government?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Today it is a matter of public record that the so-called Soweto riots, as they were referred to at that time on the 16th of June 1976, broke out in Soweto. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Did this unrest also spread to the Eastern Cape?

MR SNYMAN: Yes, it did.

MR BOOYENS: At what stage or at what time did the unrest in the Eastern Cape break out? When did the real problems start in the Eastern Cape?

MR SNYMAN: It was during August of 1976.

MR BOOYENS: Briefly, what would have been the nature of this unrest?

MR SNYMAN: Your Honour, there was anarchy in the Black communities. Schools were burned down, businesses were burned down, the houses of prominent persons in the Black communities were burned down, beer halls were plundered and burned down and there was generally anarchy reigning.

MR BOOYENS: When the unrest broke out in 1976, you were on a
course in Pretoria. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Was this course shortened by a week to return you to the Eastern Cape to bring the situation under control?

MR SNYMAN: That is correct.

MR BOOYENS: Is it also correct that there had been school boycotts?

MR SNYMAN: It is correct.

MR BOOYENS: Upon your return to Port Elizabeth, the situation would have been explosive. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: What was the reaction and the instructions, the commands which you received from the police Headquarters with regard to the manner in which you should handle the security situation in the Eastern Cape?

MR SNYMAN: We received very strict instructions that as the police we had to bring the situation under control as speedily as possible and that we should take drastic measures in our efforts to end the unrest.

MR BOOYENS: Your commanding officer, Goosen, what would his attitude and his instructions have been in this regard? I'm speaking in general, at this stage.

MR SNYMAN: Your Honour, the commanding officer emphasised

that we had to do everything possible to bring an end to the unrest and to prevent the possibility that the then National Party Government could in this way be taken out of action.

MR BOOYENS: In what manner would you have acted in order to maintain the status quo?

MR SNYMAN: At that time investigative teams were formed. A large number of arrests were also made during that time.

MR BOOYENS: There were also in terms of security legislation detentions without trial?
MR SNYMAN: That is correct.

MR BOOYENS: During which people were questioned?

MR SNYMAN: That is correct.

MR BOOYENS: Had there also been interference with the mail of persons?

MR SNYMAN: Indeed.

MR BOOYENS: Did you and your colleagues at that time pour all your efforts into the struggle against the onslaught; as it was considered at that time; against the Government of the day?

MR SNYMAN: That is the case.

MR BOOYENS: Already at that time, what would have been the perception with regard to the kind of situation? What was the view of security police with regard to the situation encompassing the security forces and particularly the police on the one hand and the liberation movements on the other?

MR SNYMAN: Your Honour, it was necessary for us as part of the security forces to suppress these efforts at rebellion. That was also said by our commanding officers from head office and also members of the then Government.

MR BOOYENS: During 1976, 1977, if my memory does not fail me, John Vorster would have been the Prime Minister and Jimmy Kruger would have been the Minister of Police or Justice.

(The interpreter could not hear clearly).

I would not want you to attempt to quote the statements of the politicians, but broadly speaking; what would have been proclaimed by the National Party politicians and the then Prime Minister with regard to the security situation?

MR SNYMAN: There would have been calls throughout that we had to fight fire with fire; that we had to bring the situation under control. These calls were from the side of the politicians.

MR BOOYENS: During the arrest of Mr Biko there would already prior to the arrest have been a certain document which had been spread, marked, August 18th, Commemoration Day. I'm showing you a copy thereof - Mr Chairman, that is in fact annexures to Niewoudt's application.
CHAIRPERSON: Which is?

MR BOOYSENS: It is rather - at what stage - it's marked number 7 in the index to Niewoudt's application and it is pamphlet - or indicated as pamphlet, August 18th - Commemoration Day.

MR SNYMAN: That is correct.

MR BOOYSENS: That is the very pamphlet I'm referring witness to. I'll just for the sake of clarity hand in the copy.

DOCUMENT HANDED IN

MR SNYMAN: That is correct, your Honour.

CHAIRPERSON: That's page 135, is it? Is it page 135?

MR BOOYENS: That's correct, Mr Chairman. Amongst others at that time, there had been a certain Mr Titi, T-I-T-I, in detention. During the interrogation of Mr Titi, it appeared that, according to his statements, the deceased might have played a role in the drafting of this document?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Could you for purpose of ease identify a copy of the document?

MR SNYMAN: This is the document.

MR BOOYENS: Let as mark it as A and hand in it. Or rather, let's mark it as B.

CHAIRPERSON: Are you handing in the original?

MR BOOYENS: Mr Chairman, we have got an original copy.

CHAIRPERSON: Yes.

MR BOOYENS: In other words, not one that was made by us, but by somebody else.

CHAIRPERSON: But this is not page 135?

MR BOOYENS: Yes, it is the same.

CHAIRPERSON: Is it the same document?

MR BOOYENS: It's the same document. It's just for identification purposes that I'm asking leave to hand this in.
MR BOOYENS: With regard to the interrogation, Mr Jones and Mr Biko were arrested at the same time, is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: I believe you have already mentioned, but for completeness sake, the then Col Goosen, called together an investigative team, consisting of yourself and the other four applicants; Siebert, Niewoudt and Marx?

MR SNYMAN: That is correct.

MR BOOYENS: You were the senior officer in this investigative team?

MR SNYMAN: That is correct.

MR BOOYENS: What would your instructions have been?

MR SNYMAN: Our instructions were that we should obtain information from the detainee in order to obtain a statement from him with regard to the pamphlet in order to institute proceedings against him.

We also received information that he did not obey his restraining order, but had travelled to Cape Town in the process of this breach of the restraining orders.

MR BOOYENS: How did you co-ordinate the interrogation? What did you start with?

MR SNYMAN: Peter Jones were interrogated first by members of the investigative team in order to obtain information while we investigated the second person.

MR BOOYENS: That is the deceased?

MR SNYMAN: That is correct.

MR BOOYENS: Did you obtain certain information from Mr Jones?

MR SNYMAN: That is correct.

MR BOOYENS: You have also referred already to information from Mr Titi?

MR SNYMAN: That is correct.
MR BOOYENS: Did you on the 6th of September give instructions that the deceased would have to be collected from Walmer Police Station?

MR SNYMAN: That is correct.

MR BOOYENS: To whom did you give this instruction?

MR SNYMAN: To Cpt Siebert and Warrant-Officer or Detective-Sergeant Niewoudt.

MR BOOYENS: Did they collect and during the course of that morning bring him to the Sanlam building to security branch offices.

MR SNYMAN: That is correct.

MR BOOYENS: Can you recall at what time he arrived?

MR SNYMAN: I would imagine that it would have been around nine o'clock in the morning, if I recall correctly.

MR BOOYENS: There were offices which had been outfitted as interrogation rooms; is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: To the best of your knowledge, upon arrival at the Sanlam building he was brought to these offices? Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Were all four members of the investigative team present?

MR SNYMAN: That is correct.

MR BOOYENS: When he was brought in, what would his state of well-being have been? He was normal. He was not at that point hurt in any way?

MR SNYMAN: That is correct.

MR BOOYENS: Was he hand-cuffed?

MR SNYMAN: Yes, he was.

MR BOOYENS: Only hand-cuffed or also foot chains?
MR SNYMAN: Both of these.

MR BOOYENS: He then came into the room. Were these shackles removed?

MR SNYMAN: Yes, I gave instructions that the shackles and handcuffs were to be removed.

MR BOOYENS: What happened subsequent to the removal of the shackles and handcuffs? Did Mr Biko remain standing, did he sit down, or what happened?

MR SNYMAN: Capt Siebert first began asking to ask questions to Mr Biko, with regard to his travels to Cape Town and the breach of his restraining order and also the handing out of the pamphlet.

It had been very clear or it then became very clear that Mr Biko was not going to co-operate.

MR BOOYENS: Could you expand why do you say that there had been no co-operation? Did he resist the questioning? Or what exactly did he do? Did he refuse to answer? What exactly was the situation?

MR SNYMAN: His actions were rebellious and aggressive. He refused to answer questions put to him.

MR BOOYENS: At that stage was he confronted in any way with the information already available to you with regard to the pamphlet?

MR SNYMAN: That is correct. Capt Siebert confronted him and interrogated him with regard to the pamphlet.

MR BOOYENS: That is then with regard to the suggestion that he was - or that he took part in both authoring and distributing the pamphlet?

MR SNYMAN: That is correct.

MR BOOYENS: What was the response of the deceased to this?

MR SNYMAN: He did not react in any way to questions put to him. At that time he also attempted to sit down on a chair in the interrogation room at which time Capt Siebert instructed him to remain standing, since he was busy with the interrogation.

MR BOOYSENS: Eventually an incident occurred. Let us call it a fight. What brought this about?
MR SNYMAN: It had to do with the chair. He sat down on the chair again. Capt Siebert then said to him ... (intervention).

MR BOOYENS: Did he shout at him?

MR SNYMAN: Yes, he shouted at him to stand up. He did not respond to this instruction. Siebert then took him by the clothes and pulled him upright very quickly. In this process the deceased attempted to punch at Siebert.

MR BOOYENS: Did he in fact hit him?

MR SNYMAN: No, he missed him.

MR BOOYENS: Could you tell us what you observed immediately subsequent to this?

MR SNYMAN: When he pushed the chair very quickly in the direction of Capt Siebert, Mr Beneke entered through the door.

MR BOOYENS: You are leaving the context here. You are referring to the pushing of a chair. Did the deceased push a chair in the direction of Siebert?

MR SNYMAN: That is correct.

MR BOOYENS: Did he attempt to punch at Siebert before or after pushing the chair or at exactly the same time?

MR SNYMAN: If I recall correctly, it was when he was pulled up from the chair.

MR BOOYENS: You are referring to Mr Beneke. That would have been the other applicant in this application. He then came into the picture. What happened?

MR SNYMAN: Mr Beneke shouldered Mr Biko and pushed him so that he fell towards the wall.

MR BOOYENS: You are saying that he shouldered him? What would you mean by that; that he bumped him with his shoulder?

MR SNYMAN: That is right. He ran in and with his shoulder, he shouldered him.

MR BOOYENS: You are indicating where? Where did he hit him?

MR SNYMAN: Roughly below the ribs.

MR BOOYENS: What would the effect have been of this shoulder shouldering?
MR SNYMAN: The deceased fell backwards towards the wall.

MR BOOYENS: If you say fall; do you mean he fell on the ground or did he simply shuffle backwards?

MR SNYMAN: He stumbled or staggered backwards.

MR BOOYENS: Can you recall whether he came into contact with the wall?

MR SNYMAN: That might have been possible.

MR BOOYENS: Apart from staggering backwards, did this have any other effect?

MR SNYMAN: We noted that he appeared disorientated.

MR BOOYENS: Could you wait a moment.

MR BIZOS OBJECTS: I would appreciate it if my learned friend did not try to lead the witness on so vital a matter. An answer has already been given. I would appreciate it if no leading questions are asked to try and shift the witness from what he has said, unwittingly as it may be. I accept my learned friend's *bona fides*, but I appeal that he should be very careful that he does not try - that he does not repeat questions in a manner which may indicate to the witness that the answer is not as self-serving as he might have thought.

MR BOOYENS: I agree with that objection by my learned friend, Mr Chairman.

CHAIRPERSON: Yes.

MR BOOYENS: You say that Mr Biko staggered backwards. Could you tell us what happened immediately after he was shouldered.

MR SNYMAN: Your Honour, at that time Warrant-Officer Marx and Detective-Officer Niewoudt joined in to bring assistance in order to shackle and handcuff him again.

MR BOOYENS: The deceased; how did the deceased respond?

MR SNYMAN: During this entire time he was resistant. He fought against the people. There was a general melee happening at that time.

MR BOOYENS: In an effort to shackle him again, you are saying that there was a fight, a melee. What kind of fight was this? What did he attempt to do?

MR SNYMAN: People were punching at each other. It was not possible to see who hit whom or whether all of the punches hit the mark. In the process everyone fell on top of each other at the northern end of the office towards the wall.
MR BOOYENS: How did this occur that they fell on top of each other like that?

MR SNYMAN: It was because of this very intense shuffle in the efforts to bring him under control to shackle him.

MR BOOYENS: That is fine. Can you describe to us; your are referring to the wall on the north and the falling on each other. Could you describe that incident in your own words as far as you can recall the exact facts of the incident?

MR SNYMAN: The fight between the members and Mr Biko at that time became a very violent struggle. Mr Biko was on the one end and in the process of the shuffle he fell and the others fell on top of him. He was then pushed towards the wall and ... (intervention).

MR BIZOS OBJECTS: Mr Chairman, my learned friend is entitled to lead the witness as he pleases within the - within the directions that the Committee may give.

The very least that I would draw attention to is, is that on this vital part of the witness's story, he's reading it out from a prepared document.

I merely wish to place on record that if he intends to argue that any weight should be placed on this witness's evidence, in his own interest he should not be seen to be reading the story out.

MR BOOYENS: Mr Chairman, in so far as my learned friend's objection is concerned, I think he will accept my word; the only document in front of the witness is in fact his amnesty application. That's the document that he's got. So it's not another prepared document. I trust my learned friend and I know each other well enough that he will accept my assurance in this regard, but he is welcome to have a look at it. That's the only document in front of him.

CHAIRPERSON: Yes, all right. Just formulate your questions as fairly as you can.

MR BOOYENS: Yes. Immediately before Mr Bizos referred to the document; the document in front of you; is that your amnesty application?

MR SNYMAN: That is correct, your Honour.
MR BOOYENS: Could you - or rather let us return; you were referring to the wall and where the people fell. Could you explain from there onwards what occurred?

MR SNYMAN: An effort was then made to shackle Mr Biko again. He was lying with his head partly against the wall and at that time it appeared as if he was completely confused.

MR BOOYENS: Could you attempt to give us a clearer picture? You say that he was lying with his head partly against the wall; could you describe his position for us? Could you attempt to?

MR SNYMAN: His body was on the wall and his head was sort of lying against the wall.

MR BOOYENS: What would his state have been? In what state would he have been?

MR SNYMAN: I would almost explain it like someone who had been knocked out in a boxing match. You could see that he was dazed.

MR BOOYENS: You've referred to shackling. Was he in fact shackled?

MR SNYMAN: After a time his hands were cuffed in front of him.

MR BOOYENS: What then happened after he was handcuffed with his hands in front of him? Was he still lying on the floor or had he been pulled up or what was the case?

MR SNYMAN: He was still lying on the ground. Subsequently the members picked him up.

MR BOOYENS: While being shackled, did he lie or sit or what?

MR SNYMAN: He was half sitting, half lying on the ground.

MR BOOYENS: His hand were then shackled in front or behind his back?

MR SNYMAN: In front of his - of him.

MR BOOYENS: What then happened? You say the members assisted him in rising; what then occurred?

MR SNYMAN: That is correct. The members at a later point picked him up, undid the handcuffs and shackled his hands to the grille. They also shackled his feet.
MR BOOYENS: You have indicated, when referring to the shackling of his hands to the metal grille that he was sort of spread-eagled, he was - his hands were spread sideways, his arms were drawn away from his body.

One could then conclude that there was a shackle to every wrist which would then each have been shackled to the metal grille; how was the foot shackles attached?

MR SNYMAN: Each of his feet were separately shackled to the metal grille by means of a chain that was attached to the metal gate or grille and this chain was woven through the bars of the metal grille or door.

MR BOOYENS: This investigation started roughly at nine o'clock in the morning as you have said to us already.

MR SNYMAN: That is correct.

MR BOOYENS: At - or rather, what would the length of the interrogation have been up to the incident as now described by yourself?

MR SNYMAN: I would believe that it was a matter of minutes.

MR BOOYENS: So at about what time would we have had the situation that the shuffle or the fight was over and Mr Biko was shackled or chained to the gate as you have described.

MR SNYMAN: It might well have been half-past-nine, roughly half-an-hour after the interrogation started.

MR BOOYENS: What, if anything, did you notice at that time with regard to Mr Biko?

MR SNYMAN: I noticed, Your Honour, that he was speaking in a slurred manner. His speaking was affected. He spoke very unclearly.

MR BOOYENS: What, if anything, did you notice in addition to this?

MR SNYMAN: I noted that he had an injury on his lip and also to his body.

MR BOOYENS: The injury to his lip; could you describe this more closely? What, in fact, did you see?

MR SNYMAN: We noticed that he had bleeding on his lip and I thought that this was a consequence of the shuffle during which the attempt was made to bring him under control.

MR BOOYENS: He spoke in a slurred manner; did you note anything beyond that which you have already mentioned?
MR SNYMAN: It was clear to me that at that time we could not continue with the interrogation.

MR BOOYENS: For what reason?

MR SNYMAN: He showed no response.

MR BOOYENS: What was your next action?

MR SNYMAN: I brought the matter to the attention of the commanding officer, Col Goosen. I informed him of what had occurred and that it appeared to me that we could not continue with the interrogation, but that he first would have to come and look at the detainee.

MR BOOYENS: Did Goosen then accompany you?

MR SNYMAN: That is correct.

MR BOOYENS: At that time Biko was still chained to the metal grille or gate?

MR SNYMAN: That is correct.

MR BOOYENS: What happened next?

MR SNYMAN: Col Goosen attempted to speak to Mr Biko and probably also determined that the interrogation could not continue. He then told me that the interrogation had to provisionally be brought to an end.

MR BOOYENS: Were you present when Goosen spoke to him? What was the response evoked from him by Goosen?

MR SNYMAN: No response.

MR BOOYENS: Goosen then instructed you to bring the interrogation to an end? The deceased at that time was still chained to the metal grille as described by you; was he then unchained or was he left there?

MR SNYMAN: He was left chained there.

MR BOOYENS: On whose instructions.

MR SNYMAN: On the instructions of Col Goosen.
MR BOOYENS: When Goosen instructed you to end the interrogation, did you give any instructions to the other members present, the members of your investigative team?

MR SNYMAN: My instruction was that they had to take careful note whether his situation changed, his state changed so that we could continue with the interrogation.

MR BOOYENS: To whom did you give this instruction?

MR SNYMAN: To Niewoudt and Marx and Beneke.

MR BOOYENS: The interpreter believes that the person also said "and Beneke", but could not hear clearly.

What was your next action?

MR SNYMAN: After having given this instruction to the other members, I received instructions from Col Goosen that I had to go to Baken Street Police Station to make a note of the injury to the detainee.

MR BOOYENS: Let's return to your instructions. You say that they had to come and tell you if there was any improvement on the part of Mr Biko? Did they at any stage report to you that the interrogation could be continued?

MR SNYMAN: No, your Honour.

MR BOOYENS: That was on the 6th, the 7th or the 8th?

MR SNYMAN: On the 7th I was informed by the members again who then told me that there had been no change in his well-being.

MR BOOYENS: Also on the 6th they did not give any information to you?

MR SNYMAN: That is correct.

MR BOOYENS: Can you recall whether during the course of the 6th, subsequent to having given these instructions to the members, whether you saw the detainee again or the deceased again?

MR SNYMAN: At a later stage I went to him with Col Goosen again, but in the meantime I withdrew under the instructions of Col Goosen.
MR BOOYENS: For clarity's sake you say that you again went to him with Goosen; was that on the occasion when you and Goosen went to speak to him or was there a subsequent occasion?

MR SNYMAN: No, it was that first occasion.

MR BOOYENS: So you did not again see him on the 6th?

MR SNYMAN: That is correct.

MR BOOYENS: Did you give any instructions that he had to be unchained from the metal gate or was he left in that position.

MR SNYMAN: He was left in that position. Col Goosen also said that he would then take over the entire matter from then onwards.

MR BOOYENS: Did you see the deceased on the 7th?

MR SNYMAN: I was informed of his situation. It was reported to me that there had been no change.

MR BOOYENS: Were you in an office on the same floor as that in which the interrogation room was where the detainee was kept?

MR SNYMAN: No, we were on the fifth floor. The detainee was interrogated on the sixth floor.

MR BOOYENS: Did you make any arrangements for medical treatment of the deceased or do you bear any knowledge of efforts to bring medical attention to the deceased?

MR SNYMAN: I reported to Col Goosen what had occurred with a view that he would take the necessary steps to provide for a medical investigation or medical treatment.

MR BOOYENS: Do you have any personal knowledge whether the deceased had been visited by a doctor?

MR SNYMAN: I had heard that he was visited by a doctor on the 7th.

MR BOOYENS: So you had heard that a doctor visited him on the 7th and would that have been the district surgeon?

MR SNYMAN: It would have been the district surgeon.

MR BOOYENS: Did you have anything to do with the deceased subsequently?
MR SNYMAN: No, not after that day.

MR BOOYENS: You do know that on the evening of the 8th, or did you hear that he was removed to the prison on the evening of the 8th?

MR SNYMAN: That is correct.

MR BOOYENS: It is also known, possibly for the sake of completeness, did you visit him at the prison at any stage?

MR SNYMAN: No, Your Honour.

MR BOOYENS: You have mentioned that there was an entry made by yourself in the occurrence book?

MR SNYMAN: That is correct, Your Honour.

MR BOOYENS: Although this is a photocopy, but it's in the witnesses' handwriting. The original is obviously nowhere to be found. This is documents that we obtained with the courtesy of my friend, Mr Mpshe.

I'm showing you a copy of a document. Do you recognise the handwriting there on?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Gee net vir my die getikte afskrif. Your Honour, with your permission, we have an illegible copy and I will ask the witness to read this into the record, but I do want to give typed copies of that which will now be read to you.

CHAIRPERSON: Mr Mpshe, does it form part of the record at present?

MR MPSHE: It is not in the bundle, Mr Chairman.

CHAIRPERSON: It is not in the bundle?

MR MPSHE: It is not.

CHAIRPERSON: Very well. What is this document headed or what is it called?

MR BOOYENS: It's a - Mr Chairman, it's a photostat of an occurrence book, occurrence book entry at the Bakenstraat Police Station.

CHAIRPERSON: Thank you.

MR BOOYENS: What you have got in front of you at this stage, is
a typed copy of what will be read out now, due to the fact that it's not very legible. I hope I can guarantee the accuracy of what you are reading Mr Chairman, but if you see the handwriting, that guarantee certainly is not hundred per cent.

CHAIRPERSON: Very well. This will be EXHIBIT C.

EXHIBIT C HANDED IN

MR BOOYENS: The document in front of you, please look at the photocopy of the occurrence book. Is that in your handwriting?

MR SNYMAN: That is correct, Your Honour.

MR BOOYENS: Would that have been an entry number 633?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: The time is 10:44?

MR SNYMAN: That is correct.

MR BOOYENS: Or 10:45, when was this entry made? When was this entry made?

MR SNYMAN: On the 8th, Your Honour.

MR BOOYENS: Could you perhaps indicate, to the best of your knowledge, you have a typed copy of the copy of the original entry. Have you compared these and in your view, is this an accurate transcription of the original handwritten document?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Could you perhaps read out what is written there?

MR SNYMAN:"Injury article 6(a) detainee.

Maj Snyman reports that on 7/9/79 at about 07:00 he and Siebert and Beneke at the security offices in Sanlam offices interrogated Steven Bantu Biko. The detainee was extremely arrogant, went berserk, took one of the chairs in the office and threw it at Snyman. With his fists he then stormed at the other members and the other members overwhelmed him. After a violent struggle, he fell with his head against the wall and with his body on the floor and in this process he received injuries on the lip and body. Warrant-Officer Beneke received an
elbow injury and nonetheless did not go off duty. The district surgeon was informed and visited the detainee."

And then my signature appears.

MR BOOYENS: Is that in fact your signature that appears on the copy of the handwritten entry?

MR SNYMAN: That is correct.

MR BOOYENS: The entry is in your handwriting, but there are corrections in another handwriting. The word "injury" and the word "service" was changed. Whose handwriting would that have been?

MR SNYMAN: I do not know.

MR BOOYENS: Would you confirm that this was your entry?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Could I ask leave to hand in the photocopy of the occurrence book then as I presume C - C1?

EXHIBIT C1 HANDED IN

MR BOOYENS: Mr Snyman, this entry was made on the 8th?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Why was this only entered on the 8th?

MR SNYMAN: It was a late entry, your Honour.

MR BOOYENS: With a view to prevent later uncertainty with regard to occurrence books and their role; at a police station an occurrence book is kept? Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: At the security branch office, would there at the branch have been an occurrence book where entries could be made?

MR SNYMAN: Is that at the security branch?

MR BOOYENS: At the security branch.

MR SNYMAN: No, your Honour.
MR BOOYENS: When you had to make entries, would that have been made at a normal police station?

MR SNYMAN: Yes, the entries would have been made in the occurrences book at the complaints desk of a normal police station.

MR BOOYENS: You say that this was a late entry and you have already said that this was under the instructions of Goosen. This entry is inaccurate?

MR SNYMAN: That is correct.

MR BOOYENS: It is a blatant inaccuracy in that it indicates that Maj Snyman indicates that on the 7th of September 1979 at about 07:00 in the morning a certain incident occurred. What is your comment on this?

MR SNYMAN: That is correct, your Honour, these were not the true facts of the matter. This incident in fact occurred on the 6th of September. I questioned the instruction which I received from the commanding officer, Col Goosen, who instructed me to report the matter on the 8th and to indicate it under the date of the 7th of September.

MR BOOYENS: When did Goosen give you this instruction to make this entry?

MR SNYMAN: The instruction was given when I arrived in his office after I reported that the detainee had been injured. It was not, however, on the same day. It was on the following day, on the 8th.

MR BOOYENS: Maybe you could just repeat your answer. On what date did Goosen instruct you to make the entry.

MR SNYMAN: It was on the 8th.

MR BOOYENS: Fine then. The fact that the date had to be indicated as the 7th, rather than the 6th which would have been the correct date, who gave this instruction?

MR SNYMAN: This was an instruction of Col Goosen. I believed that the fact why it came from him was that the doctor had apparently only on the 7th or had been called in only on the 7th to examine the detainee.

MR BOOYENS: The entry, although cryptic in nature, attempt to sketch a picture of what had occurred. Could you comment on the correctness, apart from the date which is apparently incorrect and also it would appear to me that time, namely of
07:00 in the morning, seven o'clock in the morning, would there be other untruths or inaccuracies?

**MR SNYMAN:** Most certainly, your Honour.

**MR BOOYENS:** What would these be?

**MR SNYMAN:** In the first place, it did not occur as it was entered. It did not occur on the 7th. It occurred on the 6th. Also, it did not occur at seven in the morning, but at a later time between nine and half past nine in the morning.

**MR BOOYENS:** Would there be any further inaccuracies?

**MR SNYMAN:** The fact that he fell with his head against the wall is in fact correct.

**MR BOOYENS:** I had in fact asked you whether there were any further intentional untruths in the entry? I'm not asking you what is correct.

**MR SNYMAN:** With regard to the chairs having been picked up and thrown, that is also incorrect.

**MR BOOYENS:** So that the chair had been thrown at you or at whom?

**MR SNYMAN:** The chair was thrown at Siebert.

**MR BOOYENS:** Is there anything incorrect in addition to this?

**MR BOOYENS:** Within the context of the entry, the claim that the district surgeon was called to examine the detainee, would be incorrect, because it would appear as if he had been called in on the same day as the injury occurred.

**MR SNYMAN:** That is correct. That was not in fact contextually the case.

**MR BOOYENS:** Is there anything that you would want to indicate in addition to this?

**MR SNYMAN:** No, your Honour.

**MR BOOYENS:** Did you at a later stage - were you informed at a later stage that Mr Biko in fact died in Pretoria after having been transferred there?

**MR SNYMAN:** That is correct, your Honour.
MR BOOYENS: That would have been roughly on the 13th when you heard of this?

MR SNYMAN: That is correct.

MR BOOYENS: What would have occurred subsequent to this? I want you to tell us more about statement made by members of the branch, drafted by members of the branch, including yourself.

MR SNYMAN: The instruction from Col Goosen to all the members of the security branch who had been involved with Biko; the Saturday after his death, he called all of these members into his office.

MR BOOYENS: Yes?

MR SNYMAN: During this meeting Col Goosen explained that the death of Biko was a great embarrassment to the security branch and the South African Government or could be a great embarrassment.

It was clear that this event would have a negative impact on the image of South Africa abroad and that perhaps this could lose foreign investments for the country.

MR BOOYENS: Are you reading from your statement?

MR SNYMAN: That is correct. Col Goosen explained that it was in the interest of the Government of the day that the matter had to be managed in such a way that the interests of the security branch and the South African Government could be protected. During this meeting there were instructions for everyone involved that the true facts with regard to this incident had to be adapted or simply not mentioned.

At that time it was my personal opinion that in this process it was in the interest of the security branch and the South African Government and in fact necessary for the continued survival of the then Government system to act in this manner.

MR BOOYENS: All of you then made statements. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Were these statements true or false?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: No, I'm asking you whether they're true or false. It can't simply be correct.

MR SNYMAN: The statements were false.
MR BOOYENS: We attempted to obtain a copy of your statement of that time, but we failed in this attempt. Broadly, however, what would have been the lies contained in the statement?

MR SNYMAN: Your Honour, these would include the fact that the detainee had been injured on the 7th rather than on the 6th. Furthermore, that a doctor only examined him on the 8th; that he received medical attention a day after having been injured.

MR BOOYENS: I'm sorry, I'm not understanding what you are saying. Would there have been a lie with regard to when the doctor saw him or would the lie have been that he was in fact injured on the 7th or what exactly? I'm not following what you are saying with regard to the doctor.

MR SNYMAN: The lie would have been that he had been injured on the 7th, since he had already been injured on the 6th.

MR BOOYENS: To the best of what you can recall, what additional lies would have been contained in that statement?

MR SNYMAN: We were told by Col Goosen what to say in our statements. The statements were not based on the true facts as we are now making clear in this application.

MR BOOYENS: Were all of you together when you prepared your statement?

MR SNYMAN: Yes, we were all together.

MR BOOYENS: Did Goosen take the statements down or let you write them out yourselves.

MR SNYMAN: No, he took the statements down from us.

MR BOOYENS: Were all of the statements cooked or were they all changed from the actual facts?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Would these changes have been made under the direction of Goosen or under whose direction?

MR SNYMAN: No, it was under the direction of Goosen.

MR BOOYENS: Subsequently you also testified or made these into sworn statements as if they were in fact the truth and this was done
with the full knowledge that they were in fact not true?

MR SNYMAN: That is correct.

MR BOOYENS: Genl Kleinhouse was then the chief detective in South Africa. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Did he subsequently visit you and make warning statements in terms of the Judges Rules in terms of the death of Mr Biko?

MR SNYMAN: That is correct.

MR BOOYENS: At that time, would the lie or lies contained in what we will for clarity sake or for the sake of ease, refer to as the Goosen statement; would these lies have been continued?

MR SNYMAN: That is the case.

MR BOOYENS: You did not come out with the truth to Kleinhouse or Kleinhans, with regard to the true events of the 6th?

MR SNYMAN: No.

MR BOOYENS: We know that there had subsequently been a formal inquest at which my learned friend, Mr Bizos, was in fact present and that you gave testimony at that inquest?

MR SNYMAN: That is correct.

MR BOOYENS: With regard to which statement or statements did you base your testimony at the post-mortem inquest?

MR SNYMAN: These were based on the fake statement.

- 

MR BOOYENS: Would this have been the Goosen statement?

MR SNYMAN: Yes, that is correct.

MR BOOYENS: On that occasion also then you gave false testimony?

MR SNYMAN: That is correct.

MR BOOYENS: So, you in fact lied to the inquest court?
MR SNYMAN: That is correct.

MR BOOYENS: To the best of your knowledge, the other members present, would also have taken part in this deception?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS: Mr Snyman, why did you lie?

CHAIRPERSON: Please, just let's have some quiet, please! Do carry on.

MR SNYMAN: Your Honour, it was very clear that we were guided by Col Goosen with regard to the manner in which we should draft our statements and that is from whom the idea came.

MR BOOYENS: Did you protest in any way against telling these lies? Did you protest towards Goosen?

MR SNYMAN: When I had to make the entry into the occurrence book, I found it strange that he told me to enter the incorrect date, namely the 7th rather than the 6th. I then became concerned, but I had no intention to protest, since I knew I would get into - would be resisted by him.

MR BOOYENS: Did Goosen exactly tell you what to write into the occurrence book entry or what was the situation?

MR SNYMAN: No, your Honour, he only told me that I had to enter that the incident occurred on the 7th. For the rest I wrote down what I had observed.

MR BOOYENS: With regard to the incident; the incident of the Goosen statement, the date change and other untruths contained in that statement, you were wholly knowledgeable of the fact that this was an untrue statement. It was a deception. Could you give us some indication of the character of Col Goosen?

MR SNYMAN: Col Goosen was a very determined person. Once he had made up his mind, he stayed with that and he also insisted that everyone would have to join into his decision or join with his decision.

MR BOOYENS: You have given quite considerable, considerably complete detail with regard to the events of the assault on Mr Biko, the statements and so forth. Would you confirm in addition, the essential correctness of that contained in your statement with regard to the incident, with regard to Mr Biko?

MR SNYMAN: That is correct.
MR BOOYENS: With regard to the interrogation of Mr Biko, the efforts to conceal the true facts with regard to his death, the fact that the man was kept chained in a standing position against the barred metal gate, the fact that medical assistance was only obtained at a later stage on his behalf; what would your feelings be today, as you are sitting here with regard to your actions at that time?

MR SNYMAN: I feel very badly about these actions, that we acted in this manner against this person.

MR BOOYENS: Was it ever the intention to kill Mr Biko?

MR SNYMAN: No, your Honour, it had never been the intention.

MR BOOYENS: It is know and I have summarise for you what you had done to in fact violate his human rights; with regard to your description of the shuffle or fight; were there any further assaults? Was he beaten or was there any other such actions?

MR SNYMAN: No, your Honour.

MR BOOYENS: What would the political purpose have been? In your personal view, what political purpose did you attempt to achieve while interrogating Mr Biko, while violating his human rights and while deceiving the court subsequently? Why did you do this? What would the political purpose, if any, have been?

MR SNYMAN: The political purpose had been in the first place, not to bring the security branch or the Government of the day into a position of embarrassment. It was intended to protect the Government and the security branch. That is why the facts were concealed.

MR BOOYENS: With regard to the violation of Biko, his interrogation, what political purpose were you attempting to achieve through those actions?

MR SNYMAN: Certainly, since he was striving to subvert the status quo it was our intention to obtain information from him in order to develop a case against him and to have him prosecuted in a court of law.

MR BOOYENS: His intentions, to the best of your knowledge, was to subvert the status quo? If you had done nothing with regard to him, if for instance you simply left him alone; what would you imagine might have happened amongst others?
MR SNYMAN: The country would have been brought into further anarchy.

MR BOOYENS: Referring to page 7 of your application, you there deal with the political objectives which you attempted to achieve, at 10(a). Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Perhaps for the sake of comprehensiveness, you should read this out.

MR SNYMAN: "1. The purpose of a security branch as part of the power base of the National Party Government, was the maintenance of internal security by means of countering terrorism and protecting the then State order, namely the National Party Government and State structures against Communist expansionism as identified in the so-called liberation organisations; that is the ANC/SACP alliance and the PAC as well as Black Power or Black Consciousness Organisations, namely the BPC and SASO, as well as their armed wings, Umkhonto weSizwe, APLA and
TBCM which had tempted with violence to overthrow the Government of the day and to take over Government."

MR BOOYENS: I'm sure everyone knows who the ANC/SACP alliance and the PAC is. The BPC would be the Black People's Convention, is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: SASO would be the South African Students' Organisation?

MR SNYMAN: That is correct.

MR BOOYENS: I'm sure everyone knows what APLA is. BCM would be the Black Consciousness Movement?

MR SNYMAN: That is correct.

CHAIRPERSON: Maybe this might be a convenient stage to take a short adjournment?

MR BOOYENS: Certainly, Mr Chairman.

CHAIRPERSON: Mr Booyens, we'll resume in 15 minutes from now.

COMMITTEE ADJOURNS

ON RESUMPTION:

HAROLD SNYMAN: (Still under oath).

CHAIRPERSON: Mr Booyens, you may proceed.

EXAMINATION BY MR BOOYENS: (cont)

Thank you, Mr Chairman. Mr Snyman, you - if I recall correctly, were at the end of page 7 of your application. Could you continue at the top of page 8?

MR SNYMAN: Paragraph 1.1 -

The achievement of these purposes or goals would have consisted of paragraph 1.1.1. The protection and maintenance of the National Party Government and the
Paragraph 1.1.2 -

"The protection of the integrity of the previous Government in order to ensure that the community does not lose trust in the governing party, the National Party, as a consequence of acts of terror and propaganda by communistically-inclined organisations."

Paragraph 1.1.3 -

"South Africa, and to protect South Africa and its Western capitalistic community against a violent take-over by communistically inclined so-called liberation movements whose intentions were to make the country ungovernable."

Paragraph 1.2 -

"By means of these above-mentioned purposes the continued existence or survival of a normal Western democracy as I know it, would be maintained and ensured."

Paragraph 2.2.1 -

"The detention, interrogations and accompanying confrontations were necessary in order to counter the total onslaught against the Government of the day."

Paragraph 2.2 -

"Information had to be obtained at all costs in order to counter the revolutionary struggle by means of the arrest of persons, the detention of persons and the criminal prosecution of persons."

Paragraph 2.3 -

"Obtaining new information was necessary in order to take pro-active measures with which to effectively contain the efforts of the liberation organisations."

Paragraph 2.4 -
"Steven Bantu Biko was personally involved in, and in addition obtained valuable information which would have enabled the security branch to neutralise effectively the Black Consciousness Movement and the Black People's Convention, to contain them and in this way to stabilise the situation of unrest."

MR BOOYENS: Excuse me. There would seem to be a typing error. It has to be BCM and not BMC in this particular paragraph.

MR SNYMAN: That is correct. With regard to paragraph 2.5 -"False statements were made to prevent that the Government, the National Party and the security branch would be embarrassed; should the true facts be made known."

MR BOOYENS: Thank you very much. You have indicated your political purposes and intentions as per your amnesty application. Is this correct?

MR SNYMAN: That is correct.

MR BOOYENS: You would maintain that these still are in fact the reasons for your actions?

MR SNYMAN: That is correct.

MR BOOYENS: On page 9 of the application, with regard to the motivation why you would consider this action to be linked to a political purpose. Could you read your answer to this?

MR SNYMAN:"For reference purposes, see paragraph 9(a)(iv) above and then Steven Bantu Biko. The assault occurred during interrogation. Mr Biko, during his detention at the central prison in Pretoria, died in consequence of injuries received during the interrogation of 6 September 1977. The confrontation was a direct result of our efforts to obtain information from Mr Biko who had been a prominent anti-government activist."

MR BOOYENS: Briefly then through the remaining questions; you claim not to have in any way financially or otherwise gained from this?

MR SNYMAN: That is correct.
MR BOOYENS: The interrogation occurred under the instructions of Col Goosen, who was your commanding officer.

MR SNYMAN: That is correct.

MR BOOYENS: You bear no knowledge of any actions, criminally or civilly?

MR SNYMAN: That is correct.

MR BOOYENS: A few remaining aspects which I want to deal with briefly. You have already said to the Commission that you supported the apartheid Government, the National Party of that day. Currently, since 1994, there is a different Government in this country. What is your attitude, your feeling with the wisdom of subsequent experience; what is your attitude towards your support of the apartheid Government and its actions?

MR SNYMAN: Your Honour, the transformation and the transfer to a democratic Government I feared, and my fear was that should this change occur, utter anarchy would reign. The opposite did however occur and thus far all of these events have been peaceful.

MR BOOYENS: We've already touched on the fact that you had violated the human rights of the deceased. Today, 20 years after the event; what would your personal feelings be?

MR SNYMAN: Your Honour, it is my conviction in the depth of my heart that our actions were wrong. I can say in honesty that I feel remorse over these events.

MR BOOYENS: Would there be anything else that you want to bring to the attention of the Commission at this stage?

MR SNYMAN: Your Honour, I want to ask that I be forgiven for my part. That is all, it would appear to be all.

MR BOOYENS: Thank you Mr Chairman, that's the evidence I intend leading.

NO FURTHER QUESTIONS BY MR BOOYENS

CHAIRPERSON: Mr Erasmus, are there questions you wish to put to the applicant?

MR ERASMUS: There are a few questions I would like to ask, Mr Chairman.

Mr Snyman, I want to refer to Exhibit C. Exhibit C would be the translated version of the entry into the occurrences book. Do you have that in front of you?

MR SNYMAN: That is the case, your Honour.
MR ERASMUS: The first sentence thereof reads as follows:

"Maj Snyman reports that on the 7th September 1977 at about 7 o'clock he, Capt Siebert and Warrant-Officer Beneke questioned detainee Biko at the security branch offices in the Sanlam building."

I want to state it to you that Warrant-Officer Beneke was not part of the interrogation. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR ERASMUS: I have no further questions.

NO FURTHER QUESTIONS BY MR ERASMUS

CHAIRPERSON: Mr Bizos, any questions?

CROSS-EXAMINATION BY MR BIZOS: Thank you, Mr Chairman. Please turn to page 2 of your application. The last two paragraphs where you say that you acted in good faith as a member of the South African Police. Is perjury a police action which is performed in good faith?

MR SNYMAN: (No audible reply).

MR BIZOS: What is the answer?

MR SNYMAN: (No audible reply).

MR BIZOS: Do you want me to repeat the question?

MR SNYMAN: Please do.

MR BIZOS: Do you want me to repeat the question?

MR SNYMAN: Please do.

CHAIRPERSON: Mr Bizos, please repeat it.

MR BIZOS: You say that throughout your long career in the police you always acted in good faith. Is perjury a police action carried out in good faith?

MR SNYMAN: No, your Honour.

MR BIZOS: Is defeating the ends of justice as you and your colleagues did during a number of weeks in November 1977, in good faith?
MR SNYMAN: It occurred as a consequence of the situation and also as I have said in order to maintain the Government of the day.

MR BIZOS: Your and your colleagues' perjury for the purposes of defeating the ends of justice, a **bona fide** police action?

MR SNYMAN: At that stage I would say, yes.

MR BIZOS: Do you know what good faith means? (Laughter).

MR SNYMAN: Yes, your Honour.

MR BIZOS: What does good faith mean?

MR SNYMAN: That I believe in it.

MR BIZOS: That if you believe that you can commit perjury and that you can defeat the ends of justice, you are acting in good faith?

MR SNYMAN: Yes, your Honour.

MR BIZOS: Do you still believe that?

MR SNYMAN: No, your Honour.

MR BIZOS: What made you change your mind?

MR SNYMAN: With the change to a democracy as I have mentioned ... (intervention).

MR BIZOS: Democracy dawned in our country on the 28th of April 1994?

MR SNYMAN: That is correct.

MR BIZOS: Why did you wait until practically the twelfth hour in order to make an application for amnesty?

MR SNYMAN: Because, at that time we believed that what we did was done in the interest of the State and the National Party.

MR BIZOS: I don't think you understood the question. If you changed your mind when democracy came, why did you wait from the end of April 1994 until the date on which you made your application for amnesty? Have you any explanation?

MR SNYMAN: Perjury was committed under pressure.

MR BIZOS: What pressure was put on you and by whom?
MR SNYMAN: As I have already mentioned in the applications we drafted due to the death of Mr Biko, that lies were told.

MR BIZOS: You also gave evidence in the Goniwe inquest.

MR SNYMAN: That is correct, your Honour.

MR BIZOS: You denied that you had anything to do with it.

MR SNYMAN: Your Honour, at this point I want to say that that is part of an application for amnesty which I have handed in.

MR BIZOS: I'm testing whether you had any good reason for waiting for so long after the dawn of democracy which you say made you a different man.

MR SNYMAN: Please repeat your question, I do not understand it?

MR BIZOS: I think ... (intervention).

CHAIRPERSON: If I may just help ...

MR BIZOS: Please do.

CHAIRPERSON: It has been put to you that as a result of the change in this country when it became a democracy in 1994, you've changed your views that you held previously.

Now the question really boils down to this; if that change came about in you in 1994; why did you wait until now to make this application? Why didn't you apply earlier? I think that is the purpose of the question.

MR SNYMAN: We were offered the opportunity to apply for amnesty which opportunity we took.

MR BIZOS: Mr Chairman, the copies of his applications is not complete, because it does not give the date. May I ask for assistance to place the date of the application on record, please?

CHAIRPERSON: Mr Mpshe, can you throw any light on the date of this application?

MR MPSHE: Mr Chairman, I do not know the exact date, but the application reached the office in 1997, in early 1997.

MR BIZOS: Early what?

CHAIRPERSON: Early 1997, Mr Bizos.
MR BIZOS: Okay. Why did you wait for almost three years to give expression to your reformation? (Laughter).

MR SNYMAN: The current Government offered us the opportunity to apply for amnesty which opportunity we did take?

MR BIZOS: Answer the question please; why did it take you almost three years to profess your reformation?

CHAIRPERSON: I think to be fair to the witness, Mr Bizos, the act under which he's applying was only promulgated in December 1995. So maybe it wasn't ...

(intervention).

MR BIZOS: Mr Chairman, I'm not for one moment suggesting that he had no right to wait. I am merely testing whether or not he's telling the truth that democracy made him a different man. May I suggest the reason to you that this application was made as a result of the person sitting to your right, one Niewoudt, who had other reasons for applying for amnesty, that you fell along with it?

MR SNYMAN: No, your Honour, those are not the facts.

MR BIZOS: Can you give us any other explanation?

MR SNYMAN: At an earlier stage amnesty applications were completed by us members of the security branch and these were sent to Pretoria. However, we received no response to these applications. I cannot recall the date of that application.

MR BIZOS: Was there another meeting like the one that you had on the Saturday morning after Mr Biko's death to decide what you were going to say?

MR SNYMAN: No, your Honour.

MR BIZOS: On page 2 of your application, you claim to have done this in the interest of the National Party Government. Could you name anyone in the National Party who advised publicly or even privately that a detainee was not entitled to sit on a chair?

MR SNYMAN: No, your Honour.

MR BIZOS: You also say that you acted faithfully in accordance of the principles of your church. Can you quote anybody in your church that advocated that a detainee was not entitled to sit on a chair?

MR SNYMAN: No, your Honour.
MR BIZOS: Can you quote anyone in the National Party who suggested to you that a detainee was to be kept naked in his cell and whilst he was being interrogated?

MR SNYMAN: Yes, your Honour, this was an instruction which we received through our commanding officer from our head office.

MR BIZOS: Can you please tell me whether anyone in the National Party told you, or suggested to you that detainees were to be kept naked in their cell and naked whilst they were being interrogated by a team of security policemen.

MR SNYMAN: No, your Honour.

MR BIZOS: Did anyone in your church suggest that you might do that?

MR SNYMAN: No, your Honour.

MR BIZOS: You give the impression in your application that you are a God-fearing man who was brought up in a good family who had respect for religion. Am I summarising the position correctly?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Is committing perjury part and parcel of that upbringing?

MR SNYMAN: No, your Honour.

MR BIZOS: Or the committing the crime of defeating the ends of justice?

MR SNYMAN: No, your Honour.

MR BIZOS: If you take the trouble to count the number of lies that you told to magistrate Prins in the Old Synagogue in Pretoria ... (intervention).

MR SNYMAN: I realise this, your Honour, but as I've said earlier, this was done under pressure from my commanding officer.

MR BIZOS: My learned colleague sitting on my right who is appearing with me, counted over 80 specific falsehoods of fact which you deposed to.

MR SNYMAN: Your Honour, we did make a false statement ... (intervention).

MR BIZOS: That even if we were to omit some of the less important ones, there are almost 40 material false statements. Are you prepared to accept the number as more or less correct?
MR SNYMAN: I would not be able to recall that entirely, your Honour, but I will accept that if that is your claim.

MR BIZOS: Now, you took the oath here to tell the truth, the whole truth and nothing but the truth, like you did when your made your affidavit and when you took the oath before the magistrate. Can you please give the Committee some idea as to how it can decide when the oath is binding on your conscience and when it is not?

MR SNYMAN: Your Honour, the oath is binding on my conscience.

MR BIZOS: Just as it was at the Old Synagogue.

MR SNYMAN: As I have already said, it was a false statement, under pressure.

MR BIZOS: What pressure was placed on you?

MR SNYMAN: The commanding officer instructed us as to how we should draft these statements.

MR BIZOS: And did you blindly follow his advice?

MR SNYMAN: Yes, we followed it blindly.

MR BIZOS: Who was the Commissioner of Police? Why didn't you go to him and say that the colonel is expecting met to commit perjury, I'm not prepared to do it?

MR SNYMAN: No, your Honour, we did not take that course of action.

MR BIZOS: The Deputy Commissioner at the time was either Brig or Gen Johan Coetzee.

MR SNYMAN: That is correct.

MR BIZOS: I didn't hear you.

MR SNYMAN: That is correct, your Honour.

MR BIZOS: He comes from these parts of the world like you?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: He was, or appeared to be as if he was orchestrating the happenings at the hearing of the inquest, is that correct?
MR SNYMAN: No, your Honour, that is not correct.

MR BIZOS: He and Genl Zietsman were there every day.

MR SNYMAN: That is correct, they were present.

MR BIZOS: Why didn't you go up either to Genl Zietsman, or Brig or Genl Coetzee, whatever his rank may have been at the time, and say I'm not prepared to commit perjury, nor am I prepared to attend to defeat the ends of justice?

MR SNYMAN: Your Honour, as this pressure was exerted on us by Col Goosen, we would simply not have dared to do so.

MR BIZOS: What prevented you from going to one or other of these two very senior officers and say your colonel in Port Elizabeth is expecting that we should commit perjury and defeat the ends of justice; help me please to be in good faith and faithful to the truth of my - as my church demands?

MR SNYMAN: That would probably have been the correct cause of action, but we did not take it.

MR BIZOS: Why didn't you do it?

MR SNYMAN: I've already said to you that I acted under pressure and that these statements were made under pressure and that we had to keep to these statements.

MR BIZOS: I'm going to suggest to you that you did not do it, because you were not pulled along, but rather a "voorbok" as the senior officer of this whole scheme to defeat the ends of justice.

MR SNYMAN: I do not concur, that was not the case.

MR BIZOS: Were the proceedings in court transmitted by a secret transmitter, so that one witness could hear what the other witness was saying in court?

MR SNYMAN: I do not bear knowledge thereof, your Honour.

MR BIZOS: Try and think.

MR SNYMAN: That was 20 years ago, I cannot remember.

MR BIZOS: Do you say that it may have happened, but you don't remember.

MR SNYMAN: I'm not sure, I cannot respond to that.
MR BIZOS: But surely, so dramatic - a dramatic fraud on the court; if it happened, would not have been something you would have forgotten?

MR SNYMAN: I bear no knowledge thereof, your Honour.

MR BIZOS: Was there an answer?

MR SNYMAN: I bear no knowledge thereof, your Honour.

MR BIZOS: I still didn't hear it.

MR SNYMAN: I bear no knowledge of any such a matter, your Honour.

MR BIZOS: I listened to your evidence carefully and I believe that there are certain ambiguities which I want to clear up.

Did you or did you not assault the late Mr Biko?

MR SNYMAN: I did not assault him, your Honour.

MR BIZOS: Did you associate yourself in any way with any assault that may have been committed on him?

MR SNYMAN: As I've said in my testimony, there was no assault on him other than to bring him under control.

MR BIZOS: But that was justified, that was not an assault, if your evidence was correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: You never witnessed any assault if I understood your evidence?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: And you did not associate yourself in any way with any unlawful act that may be described as an assault in relation to your dealings with the late Mr Biko? Is that correct?

MR SNYMAN: That is the case, your Honour.

MR BIZOS: Then I do not understand, Sir, how you came to say under oath on page 9 of your application, the following:
"Your motivation why you would associate such an act....

And it continues -

"... to associate this with a political purpose - for reference see paragraph 9(a)(iv) above ..."

And then it reads:

"Steven Bantu Biko.

The assault occurred during interrogation and Mr Biko died during the course of his detention at the Central Prison, Pretoria, as a result of injuries sustained during the interrogation on the 6th of September 1977. The confrontation was the direct result of our efforts to obtain information from Mr Biko who had been a prominent anti-government activist.

Did you sign that under oath?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Is it true or false?

MR SNYMAN: It is not false, your Honour.

-----

MR BIZOS: Is it true?

MR SNYMAN: The assault to which I refer, is the scuffle, the shuffle during which the members of the interrogating team were involved ... (intervention).

MR BIZOS: The - jammer, gaan maar voort.

MR SNYMAN: ... when Mr Biko began to throw the chair and threw a punch at one of the members.

MR BIZOS: The assault occurred during interrogation. If there had been no assault, why then have you taken the oath and made the claim that there had in fact been an assault?

MR BOOYENS OBJECTS: M'Lord, I must at this stage, I think in all fairness to the witness - one cannot read this entirely out of context, because there's a pertinent reference to paragraph 9(a)(iv) above.
That paragraph 9(a)(iv) sets out the whole story as to what happened during the interrogation and so it is not entirely fair to suggest that the witness is in fact speaking of another so-called "aanranding", because there is a reference to 9(a)(iv) above.

CHAIRPERSON: I think that the word "aanranding" means assault. Is the burden of the question that there was in fact an assault, judging from what had been read out on this page, page 9?

MR BOOYENS: Thank you, your Lordship.

CHAIRPERSON: I think that's admitted by this witness; that there was in fact an assault and he gives an explanation as to how the assault occurred.

I think that Mr Bizos now says that this is a contradiction with what your client has said that there was in fact no assault on the man; that legitimate force was used to restrain the man, but there was no assault on him.

I think that that is the distinction Mr Bizos is trying to draw. Mr Bizos, do carry on.

MR BIZOS: May I continue?

CHAIRPERSON: Yes.

MR BIZOS: Thank you, Mr Chairman. You see, you in your own words, say that there was an assault during the interrogation. Please tell us what form the assault took?

MR SNYMAN: In the course of the scuffle with Mr Biko, there were punches thrown by the members who attempted to restrain him.

MR BIZOS: On your version the security policemen did nothing wrong. They acted in self-defence, all four of them against - an attack on Mr Biko? That is what your story is.

MR SNYMAN: That is correct, your Honour.

MR BIZOS: And that you did nothing wrong?

MR SNYMAN: We had to bring - to restrain him.

MR BIZOS: Now, he died as a result of violence to his person. You didn't apply any violence to his person at any time?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Nor did any of your colleagues in your presence?
MR SNYMAN: Your Honour, we have said that during the scuffle, he bumped his head against the wall.

MR BIZOS: That was not violence which was wrongful; that was in self-defence, because this man had gone berserk on your story?

MR SNYMAN: That is correct, and that is the course of events as we have described it. There had been a scuffle, he did bump his head against the wall.

MR BIZOS: If your story is true; that was his own fault and not the fault of anyone else?

MR SNYMAN: Please repeat the latter part of your question?

MR BIZOS: I'm sorry, I didn't hear you?

CHAIRPERSON: Would you just repeat?

MR BIZOS: Yes. If what happened, is true; his death was not your fault or the fault of your colleagues, but his own fault.

MR SNYMAN: Your Honour, in order to restrain him, we had to follow that course of action and in the process thereof he fell with his head against the wall.

MR BIZOS: Please answer the question. Do you remember what it was?

-  

MR SNYMAN: Please repeat the question?

MR BIZOS: If your story is true, you and your colleagues did nothing wrong. The late Mr Biko caused his own death and you are - you and your colleagues are blameless of it.

MR SNYMAN: Your Honour, as I've told you, as it occurred during the scuffle ... (intervention)

MR BIZOS: Answer the questions, please.

MR SNYMAN: As it occurred during the scuffle he bumped his head against the wall and that is how he was injured.

MR BIZOS: Please answer the question that I have asked of you. Do you want me to repeat it?

MR SNYMAN: (No audible reply).
MR BIZOS: I will either repeat it or you can give us an answer and I will continue with the Chairman's permission to ask the question until I have an answer.

MR SNYMAN: The events occurred as I have told it to you, your Honour.

MR BIZOS: Sorry, I didn't hear you.

MR SNYMAN: The events were as I have earlier related them. During the scuffle Mr Biko was injured during the scuffle.

CHAIRPERSON: Please answer the question.

MR SNYMAN: Ek is moeg. (I am tired).

CHAIRPERSON: Mr Bizos, maybe we can help here as members of the Committee. The question that is being put to you, Mr Snyman, is that your version, the evidence you've given here this morning is that there was a scuffle, there was some kind of a struggle between Mr Biko and members of the security police and in the course of that scuffle, Mr Biko got injured on the head. Now if that is your version, you as members of the security police cannot be blamed for what happened to him. I think that is the question Mr Bizos is trying to put to you.

MR BIZOS: Thank you, Mr Chairman.

MR SNYMAN: Chair, it is the case that during the course of this confrontation, during the course of the scuffle, he was injured.

MR BIZOS: I am going to suggest to you, Sir, that you do not answer the question, because you cannot answer it honestly.

MR SNYMAN: As I have said, there had been no assault.

MR BIZOS: Now let us go into that interrogation room of yours in Sanlam Building. Was Mr Biko brought to that room naked?

MR SNYMAN: No, your Honour.

MR BIZOS: What was he wearing?

MR SNYMAN: He wore clothes.

MR BIZOS: Did he have his clothes on?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Who supervised his detention at the police station?
MR SNYMAN: That would have been the station commander and

his staff.

MR BIZOS: Did they take instructions from the security police that as to how Mr Biko as a detainee should be treated?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Were there any instructions given to the police officers as to whether he should be kept clothed or naked?

MR SNYMAN: That is correct, your Honour. There had been an instruction due to a suicide in a cell. The instruction was that these detainees had to be detained naked.

MR BIZOS: Why was he not given a very brief pair of underpants to wear?

MR SNYMAN: I do not know to what you are referring; at what point is this?

MR BIZOS: At the police station of which your security police had control.

MR SNYMAN: I had nothing to do with this. The instruction came from our headquarters that they had to be detained naked and that is in fact what was done at that time.

MR BIZOS: Did you question why, for a person's dignity that you should at least have a pair of underpants.

MR SNYMAN: That was not my instruction, I had nothing to do with this instruction, that was a head office instruction.

MR BIZOS: Did you ever question the humanity of that

instruction?

MR SNYMAN: I realise that this was inhumane, but as I have mentioned this was a head office instruction against which I could not protest.

MR BIZOS: And were you prepared to behave in an inhuman manner, because an order came from someone else?

MR SNYMAN: No, your Honour.
MR BIZOS: Well, why didn't you as the person in charge of the late Mr Biko's detention not accord him the dignity of a pair of underpants?

MR SNYMAN: It was not possible for me, since this had been an instruction from our head office.

MR BIZOS: Were your orders as to how Mr Biko was to be treated the same as your orders as to how this Mr Peter Jones ...

MR SNYMAN: Your Honour, these instructions were the same. As far as I can recall, he was also detained naked.

MR BIZOS: And generally, as to whether he was allowed to sleep or not or what food he should or should not get, the number of blankets and mats that he was entitled to, was the same? Correct?

MR SNYMAN: I had no control over that which occurred in the cells. That was a police station.

MR BIZOS: Whether he should be taken out to the exercise yard or not? Was it the same for Mr Jones and Mr Biko?

MR SNYMAN: I do not know what instructions Col Goosen gave in this regard, I gave no instructions.

MR BIZOS: Or whether one or other or both of them would be allowed the luxury of having a shower or not?

MR SNYMAN: I had no control over that, your Honour.

MR BIZOS: Was there any suggestion from anyone that detainees should not be allowed to sleep properly?

MR SNYMAN: Your Honour, the instruction to us as an investigative team had been that during the course of interrogation the detainee was not to be allowed sleep, so that we could break down his resistance. This was a pertinent instruction which we were given.

MR BIZOS: ... was not extended to the deprivation of sleep in the cell before interrogation started, should be applied in order that the detainee should be disorientated and more easily made pliable to your wishes during your interrogation?

MR SNYMAN: No, your Honour.

MR BIZOS: Do you know whether that was done ... (intervention).
MR SNYMAN: I do not know, your Honour.

MR BIZOS: ... to Mr Peter Jones?

MR SNYMAN: I do not know, your Honour.

MR BIZOS: Mr Peter Jones is still alive and on this platform and he has given us instructions as to what happened to him. Was there

any reason for those in charge of Mr Biko before the interrogation commenced to treat Mr Biko any differently than what Mr Jones was treated?

MR SNYMAN: Your Honour, I believe that the treatment would have been the same in both cases.

MR BIZOS: Thank you for that answer. Now, you have mentioned two names of the persons that influenced your conduct and gave your orders. The one is Genl van der Berg and the other is Col Goosen. Is that correct?

MR SNYMAN: Instructions came from Col Goosen, your Honour.

MR BIZOS: And influence from Genl Van der Berg?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: There is nothing about Genl Van der Berg in your application.

MR BOOYENS OBJECTS: With respect, Mr Chairman, the context in which the evidence about Genl Van der Berg was given, was that Van der Berg was in charge of the security police at the time when he was stationed in Pretoria and that was many years before the Biko incident. In fact, if one goes back to that would have been in 1965, that was 12 years earlier.

I don't - if my learned friend understood it that it was suggested that Van der Berg had a direct, a direct influence in fact, then I apologise. It was certainly not our intention to convey that, but I

with respect do not think that was conveyed.

MR BIZOS: I understood the evidence perfectly, Mr Chairman. I want to persist in my question for - in order to make another point and not the one suggested by my learned friend.
My reason for doing so will be come apparent in a question or two later, if I may proceed, please?

Genl Van der Berg's name is not mentioned in your application for amnesty?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Between the making of your application for amnesty and today, is that Genl Van der Berg has died in the meantime?

Col Goosen is also dead?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Might we infer a tendency on your part to put the blame on the dead; on Mr Biko, or Mr Van der Berg, or Col Goosen?

MR SNYMAN: Your Honour, these persons, when I started my career in the security office, were in fact people who were alive and who exerted an influence on us through the years of their service.

MR BIZOS: Now, let us come to the reason for the changing of your story. Was the injury above Mr Biko's eye clearly visible to you shortly after it was inflicted?

MR SNYMAN: No, your Honour, I did not notice it, otherwise I

would have mentioned it in the entry into the occurrence book.

MR BIZOS: You persisted in your affidavit and in your evidence in Pretoria that you did not see that injury?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Do you recall that there was a parade of prison and police officers and police witnesses and prison officials in Port Elizabeth and in Pretoria who all said that they saw this injury. The only persons who denied that that injury was not clearly visible, was you and your colleagues in the security police. Do you recall that?

MR SNYMAN: Your Honour, I did not notice this mark. I did, however, subsequently gain the information from statements received that Mr Biko had fallen from a bed and also at the Walmer Police Station, it might have occurred there. I did not notice it and that is why it is not mentioned in any of my statements.
MR BIZOS: Where did you get the story that he fell out of a bed?

MR SNYMAN: I had heard that this was noted down in statements.

MR BIZOS: Whose statements were they?

MR SNYMAN: I do not know the names of the persons, but I believe it was the warden and someone at the police station.

MR BIZOS: The one difference between your story now and the story that you told in Pretoria, is that in Pretoria you described how - you described how, when, after Biko fell, he fought against the

four security policemen that he had had a scuffle with and that it took a considerable period of time to bring him under control. Have I summarised your evidence correctly?

MR SNYMAN: Your Honour, that statement made at the judicial inquest was false as I have said at the beginning.

MR BIZOS: I asked you whether I have correctly summarised your evidence?

MR SNYMAN: (No audible reply).

MR BIZOS: Have I correctly summarised your evidence?

MR SNYMAN: I do not know, your Honour.

MR BIZOS: Well, we'll refer to the passages in order to satisfy you and the Committee that it is a correct summary, but let us proceed.

Do you recall that it was the opinion of Prof Procter, of Prof Loubser - the Chief State Pathologist and Dr Jonathan Gluckman that your story could not possibly be true, because the contrecoup injury on Mr Biko's would have lead to immediate unconsciousness as if it were a knock-out blow delivered by a heavy-weight boxer. Do you recall that?

MR SNYMAN: Your Honour, I cannot answer at this stage, but I can say that as we have stated, the way in which the head bumped against the wall, did in fact knock him out for a while, but he was not entirely unconscious.

MR BIZOS: In Pretoria, your evidence and your colleagues'
evidence were shown to be false, because you said that Biko fell; that is where he must have got his injury above his left eye, but despite that, he continued to fight with strength and determination that not even four security policemen could bring him under control.

Now, the convenient stage that you and your colleagues have changed the story to, was that he appeared to be confused, a sort of halfway stage to unconsciousness in order to make your story fit at least in part the medical evidence given by such eminent medical people.

Isn't that the reason that you now changed your story, because you knew that unless you admitted at least in part, that portion, the medical evidence would again show that your evidence was false.

Have you got anything to say about what I'm putting to you?

MR SNYMAN: Your Honour, what I have said in my application now, are the true facts.

MR BIZOS: What I am asking you is that; were you not when making up this alternative story aware that you had to say something that fitted the medical evidence, at least in part?

MR SNYMAN: No, your Honour, that is not the case.

MR BIZOS: My learned friend, Mr Mpshuwulana, that's sitting next to me, has drawn my attention that in his affidavit Mr Beneke who's also sitting at that table as far as I know - I am told that he is, he says in his affidavit:

"I noticed that there was a bruise over his left eye and that his lip had some blood on it and was slightly swollen."

Any reason why you could not see what Mr Beneke has reported as having seen?

MR SNYMAN: Your Honour, on my observation, I did not notice it.

MR BIZOS: Do you recall whether in your evidence in Pretoria you said that you saw that Mr Biko hit his head against the wall?

MR SNYMAN: That is possible, your Honour, but I cannot after all of these years, recall.

MR BIZOS: Well, let me assure you that you did not say it, nor did you say it in your statement and my senior colleague, Mr Kentrich, put to you the contents of
the affidavits of the other people who were in the interrogation room; that none of them actually said that Mr Biko knocked his head against the wall.

If those be the facts; can you explain why you did not say, either in your statement or in your evidence that Mr Biko had knocked his head against the wall?

**MR SNYMAN:** Your Honour, I did say that that statement made for the judicial inquest, that that had not been founded on the actual truth.

**MR BIZOS:** People lie in order to serve their purposes. How would your purposes be served by not mentioning to Mr Biko knocking his head against the wall.

**MR SNYMAN:** Your Honour, as we made our statements subsequent to the incident and under pressure, similarly we gave testimony in Pretoria ...

(intervention).

**MR BIZOS:** I think you must try and come to terms with my question, Sir. Let me illustrate it, Sir. Meaning, you gave a reason to my learned friend representing you why you lied about the date when the injuries were sustained. You said because a doctor was not called on the 6th as he should have been, but because of the 7th. As reprehensible as it may be, we can understand why you want to tell that lie.

Please explain to us what purpose would it have served to withhold that you had seen Mr Biko knocking his head against the wall?

**MR SNYMAN:** (No audible reply).

**MR BIZOS:** Any answer to the question?

**MR SNYMAN:** Your Honour, in my current statement I did explain that the incident occurred on the 6th and at that time we were told that it happened on the 7th.

**MR BIZOS:** But surely this false version was orchestrated in order to make it as non-culpable as possible? Not so?

- **MR SNYMAN:** That is possible.

**MR BIZOS:** Is there no answer to my question?

**MR SNYMAN:** I said that that might have been the case.

**MR BIZOS:** If that be so, what purpose would have been served by you withholding that you had seen Mr Biko striking his head against the wall?
MR SNYMAN: Your Honour, I did not keep this information silent. In the entry in the occurrences book, it's clearly mentioned that he in fact bumped his head against the wall.

MR BIZOS: Please repeat your answer. Neither of us heard you.

MR SNYMAN: (Indistinct - microphone not switched on).

MR BIZOS: Yes, no, I am aware of that. What I am asking you is whether or not the keeping away that fact from your statement and from your evidence, would have helped you to put together an exculpatory version?

MR SNYMAN: That is how we drafted our statements at that time and that is the testimony that we gave.

MR BIZOS: Please tell me who was the conductor, so to speak, in this orchestrated act of perjury? Who was the smart guy there who could make up stories best?

MR SNYMAN: No, your Honour, there wasn't any smart guy who fabricated it. These facts as we have them in our statements now, are the actual facts ... (intervention).

MR BIZOS: I'm sorry, I again have not heard your answer. Please repeat it.

MR SNYMAN: The facts are as we have now stated them in our statements. There has been no change of the facts in these statements ... (intervention).

MR BIZOS: I'm going to appeal to you, Sir, to raise your voice. I understand your Afrikaans. I find it very difficult through this system to hear you and I would appeal to you to raise your voice.

You asked many questions in your life. Please raise your voice as if you were asking the questions. What is the answer? (Laughter/Applause).

MR BOOYENS OBJECTS: M'Lord, I think the part that Mr Bizos and the witness are completely at cross-purposes here with both question and answer, quite frankly. Maybe, Mr Chairman, you could ask my learned friend to repeat his question.

CHAIRPERSON: Yes.

MR BIZOS: So that we do not have a dialogue of the death, will you please raise your voice whenever you answer so that I can hear it in Afrikaans, please.

MR BIZOS: Who was the person who put the story together, because when you have a lot of people who are going to lie, you need a co-ordinator of the lie. I'd like to know who that person was?
MR BOOYENS OBJECTS: At which stage, M'Lord, with respect?

- 

MR BIZOS: On the Saturday, on the Saturday morning.

MR BOOYENS: The Goosen statements in other words?

MR BIZOS: Yes. Who was appointed to now work out a version?

MR SNYMAN: Are you referring to the current statement or what statement? To which statement are you referring?

CHAIRPERSON: I think, Mr Bizos, just be a little more patient.

MR BIZOS: I beg your pardon.

CHAIRPERSON: I know you are - you are being questioned about the original statement that you all made shortly after the death of Mr Biko. The question is; who was it that co-ordinated what was ultimately put in your statement?

MR SNYMAN: Your Honour, as I have mentioned earlier, this was done under the guidance of Col Goosen, our commanding officer.

In fact, he told us how to draft the statements.

MR BIZOS: He was not present. Col Goosen was not present when it happened. Please tell us how - who said what?

First of all, who said what did happen and who suggested how the truth would be insulted by making the different version? Who - to make an elaborate story such as this, it must have taken a long time, a lot of debate and it must have had a leader. Let's start off with who was the person that led the pack?

MR SNYMAN: As I have already testified, your Honour, Col Goosen, the commanding officer, called us all together on that particular Saturday morning and then the statements were drafted according to a version, which in fact he gave to us.

MR BIZOS: Who gave him the basic facts? The true facts to enable him to "verdraai" - I can't think of the English word at the moment.

MR SNYMAN: I would not know. In fact he did this and we had to draft our statements as he gave us instructions.

MR BIZOS: And did he tell you not to mention in your statement that you saw Mr Biko's head hitting the wall?
MR SNYMAN: It is possible that the statements were drafted in that way.

MR BIZOS: In the context in which you were working there; of what benefit would that have been to you or to your colleagues?

CHAIRPERSON: That might have been somebody else to answer. Mr Goosen might have an answer for that.

MR BIZOS: I beg your pardon?

CHAIRPERSON: Mr Goosen might have an answer for that.

MR BIZOS: Yes. Well, if it was Mr Goosen, did you tell him that it's too late for you to tell me that, because I went and put at least part of the truth in Exhibit C1 in the "voorvalle-boek"?

MR SNYMAN: Your Honour, he gave me the instruction to make the entry in the occurrence book, but I used my own words and my own initiative to make the entry and that is why I wrote in there that he bumped his head.

CHAIRPERSON: That might be a convenient stage to take the adjournment, Mr Bizos?

MR BIZOS: As it pleases, Mr Chairman.

CHAIRPERSON: Yes. We'll adjourn now and resume at 14:00

COMMITTEE ADJOURNS

ON RESUMPTION:

HAROLD SNYMAN: (Still under oath).

CHAIRPERSON: Mr Bizos?

CROSS-EXAMINATION BY MR BIZOS (cont):

Thank you. This false version that was worked out, will you please tell us the name of everyone present?

MR SNYMAN: Your Honour, everybody who was involved, was present.

MR BIZOS: Please give us the names?
MR SNYMAN: It was myself, Daan Siebert, Niewoudt, Beneke, ... (intervention).

MR BIZOS: Is that all?

MR SNYMAN: Yes, I think so.

MR BIZOS: No-one else?

MR SNYMAN: There were others, but I can't remember all the names.

MR BIZOS: Please try.

MR SNYMAN: I suppose it was the people who also looked after him during the night, I can't remember their names.

MR BIZOS: Oh, yes. Well, were they there or were they not?

MR SNYMAN: I think they were there.

MR BIZOS: Now, this story that you made up required you personally to be particularly inventive in the story. Do you agree?

MR SNYMAN: Yes, that's correct.

MR BIZOS: You had to make up an interrogation and the answers given by the late Mr Biko and his reaction that was supposed to have lasted the whole day?

MR SNYMAN: No, that is not correct.

MR BIZOS: Well, didn't you have to account what happened during the 6th, once you had decided to lie that the injury and incapacity of Mr Biko, started on the 7th?

MR SNYMAN: Your Honour, that was because of the false statements that we compiled.

MR BIZOS: The question is that you showed yourself to be particularly inventive, because you were capable of making up a story of an interrogation, responses by Mr Biko and reactions by Mr Biko throughout the 6th; something that never happened. You made it up.

CHAIRPERSON: When you are saying "you", are you referring to him personally?

MR BIZOS: Him personally, because I'm going to put to you that it was you who described what happened during the interrogation and what documents Mr Biko was confronted with and how he was - he reacted to them and how he confessed to be a terrorist and how he agreed on this, that and the other; something that never
happened. I'm putting to you that that is evidence of you being particularly inventive. Do you agree?

MR SNYMAN: No, it never happened, your Honour, the interrogation.

MR BIZOS: We know that, because you now tell us that it never happened. The question is that you are a particularly inventive person, because you were able to fill the whole day's happenings that never happened and stand up in the witness-box and brazenly lie about what happened throughout that day, without it having happened. Is the answer to my question, yes?

MR SNYMAN: Yes.

MR BIZOS: Now, do you agree that you and your associates made up false affidavits, supposedly having been made by other people with which you confronted Biko during the 6th?

Do your recall that, that that was your evidence?

MR SNYMAN: It could possibly be.

MR BIZOS: No, no, no, you did it. We're not - the Committee is not interested in possibilities. Do you recall doing it? Do you recall saying that you confronted Biko with signed affidavits that showed that he took part in terroristic activities? Do you recall that or not?

MR SNYMAN: That was in any case a false statement.

MR BIZOS: We know it was false. I am asking you to place on record that you admit that this is what you did?

MR SNYMAN: Yes.

MR BIZOS: Now, how did you manage to get false affidavits signed, which were in fact signed after Mr Biko's death? Do you remember that?

MR SNYMAN: (No audible reply).

MR BIZOS: Do you remember standing in the witness-box and saying that you confronted Mr Biko with affidavits which were produced and which were in fact dated and sworn to after Mr Biko's death and you said that these are the documents with which you confronted Mr Biko? Do you recall that?

MR SNYMAN: It's possible.
MR BIZOS: No, we're not interested in possibilities. Did you or did you not say that or do we have to take a little time and refer you specifically to passages in the record and read it out to you?

MR SNYMAN: Your Honour, I cannot remember, it's 20 years ago, I can't remember what was said.

MR BIZOS: Now, let me put it to you; that you produced affidavits and you said these are the very affidavits that I put before Biko and he got such a shock and that he went ashen grey and he knew that that it was over for him, because we had obtained affidavits and that he knew that his political life was at an end and that these affidavits would prove that the world was being misled when it suggested that he was a peace-loving man, you had hard evidence that he had taken part in acts of terror. Do you recall that?

MR SNYMAN: That is false, your Honour.

MR BIZOS: I know that it was false. Don't you remember, Mr Kenridge assured - accusing you of trying to try, to try Mr Biko after his death when you couldn't try him during his life time?

MR SNYMAN: (No audible reply).

MR BIZOS: Don't you recall that?

MR SNYMAN: (No audible reply).

MR BIZOS: You couldn't have forgotten that, Mr Snyman? Could you?

MR SNYMAN: Yes, it is so.

MR BIZOS: Now, for a person that showed such inventiveness as to produce false affidavits, could you please explain to us what methods you used in order to obtain false affidavits from would-be witnesses in Mr Biko's trial after his death?

How did you manage to get those affidavits which you produced?

MR SNYMAN: It was from documents that were available.

MR BIZOS: How were documents signed about what Mr Biko had done, which could be produced on the 6th when they had been signed on the 14th?
Please tell me how you managed to get false affidavits about Mr Biko's activities after his death and foolishly pretended that they were taken before his death? How did you manage that?

MR SNYMAN: This was a story that was fabricated, because of the meeting on Saturday morning.

MR BIZOS: I can understand you making up lies. I want to know how you managed to get existing persons to sign affidavits about Mr Biko's activities, after his death?

MR SNYMAN: We were in the possession of certain statements, but I can no longer recall which ... (intervention).

MR BIZOS: The affidavits which were signed after his death? And you wrongly believed when you produced them that they were taken before his death. I want to know how you managed to get false affidavits from people?

MR SNYMAN: It must have been false, I don't know.

MR BIZOS: Well, Mr Jones gives an answer as to how you managed to get false statements from people. You smash them up, like you did Mr Biko. You torture them like you did Mr Jones, so that they will sign anything that you put in front of them. Do you consider that as part of your duty as a policeman?

-  

MR SNYMAN: I deny that.

MR BIZOS: What are you denying?

MR SNYMAN: I did not beat Jones up.

MR BIZOS: Well, did you take the trouble to read Prof Loubser's report?

MR SNYMAN: No, your Honour.

MR BIZOS: Were you never interested to count the number of abrasions that there were on Mr Biko's body?

MR SNYMAN: I never saw it, your Honour.

MR BIZOS: Yes. I don't know whether a copy of the post-mortem report, a very full document by Prof Loubser, also signed by Prof Simpson and also signed by Prof - by Dr Gluckman, is available to the Committee, Mr Chairman.

MR BOOYENS: It is. It's in my bag with one of his files.
MR MPSHE: Mr Chairman, I must apologise for the, for the poor paper. I copied from a copy that was copied from another copy. My apologies.

CHAIRPERSON: Are you handing this in, Mr Bizos?

MR BIZOS: If it pleases you, Mr Chairman, yes.

CHAIRPERSON: All right. EXHIBIT E

MR MPSHE: It will be D, Mr Chairperson.

CHAIRPERSON: EXHIBIT D?

MR MPSHE: Exhibit D.

- 

EXHIBIT D HANDED IN

MR BIZOS: Now, I don't want to go through these technical terms with you, because our time is limited, but please accept from me that these - the two prominent professors and a pathologist of international repute all agreed on the condition of Mr Biko's body. There were numerous abrasions which were noted, photographed, described and aged. Do you know anything about that?

MR SNYMAN: No, your Honour.

MR BIZOS: And the conclusion is that there were numerous abrasions of different ages which could be determined by these experienced doctors that they were of various ages, varying from 48 hours before his - I beg your pardon - varying from four to 12 days, if I remember correctly on the - in the report. Four to eight days was it? Yes, four to eight days, but I think that in the record there was some difference of opinion in relation to the precise number of dates. But let's take four to eight days before his death. Now, we know that he died during the night of the 11th to 12th. Can you please tell us, going back four days, will give us the 7th or 8th, but at any rate, during the period from the 6th to the 8th is within that period, four to eight days? Can you explain to us how the abrasions that were described in this report, occurred?

MR BOOYENS OBJECTS: Mr Chairman, I didn't have the benefit of my learned of appearing at the Biko inquest. I did, however,

have the benefit of reading Prof Loubser's evidence and the report and I think in all fairness to the witness, the - my learned friend should also make it clear that those abrasions with the exception of one against the temple and one on the mouth and
some marks on the wrists and the ankles; those injuries were indeed described as minor injuries and superficial injuries by Prof Loubser.

With the exception of the ones that I mentioned. It is not a suggestion - they were certainly not suggestive the other injuries of anybody being, to use my learned friend's words, being bashed up.

MR BIZOS: Smashed-up.

MR BOOYENS: Smashed-up.

CHAIRPERSON: Yes. Do you accept that?

MR BIZOS: I accept that they were described as minor injuries, Mr Chairman, in relation to the cause of death. What I am asking about is how did those numerous injuries come about? What caused them?

The issue we are not dealing with, is whether they could have caused death, which was the primary concern of Prof Loubser. We are concerned with how a person who is entitled to have his person not violated; how so many minor injuries were suffered by Mr Biko?

MR SNYMAN: Your Honour, this could have occurred during the fight or the scuffle during which we attempted to restrain him. Alternatively, it could have been brought about by the handcuffs during the time when he was chained against the steel door.

MR BIZOS: That was after he had been seriously injured? If any of these injuries can be explained on the basis that they were caused by the handcuffs; that must have been after he had been injured and was either unconscious as the doctor say or he had been unconscious as the doctor say or he was confused as you say?

Is that correct?

MR SNYMAN: That is correct.

MR BIZOS: Now if you would bear with me?

CHAIRPERSON: It has been described in simple terms as a scuffle.

MR BIZOS: A scuffle, yes, a scuffle.

CHAIRPERSON: Described as a scuffle.
MR BIZOS: Yes.

CHAIRPERSON: It may very well have been an event in which the man was pushed around, beaten, bumped against and so on.

MR BIZOS: Well ... (intervention).

CHAIRPERSON: But if there were minor injuries; those could be as a result of falling and whatever.

What I would like to know from you, is what is the purpose, obviously medical, legal questions put to this witness are not going to elicit any sensible reply?

MR BIZOS: No. I'm happy with his answer, Mr Chairman, that he does not know how any of the injuries which were recorded were

inflicted and we will argue the ... (intervention).

CHAIRPERSON: Yes, unless you are drawing a distinction between the injuries that were sustained before he became unconscious and those that must have been incurred by him after he was unconscious. If you're seeking to draw that distinction, then I can understand the purpose of your question.

MR BIZOS: I have enough for my - for our purposes in relation to that and I will leave it there, Mr Chairman.

CHAIRPERSON: Yes.

MR BIZOS: May I just have one moment? I just want a document found.

Was there a hosepipe in the room in which you intended to interrogate Mr Biko?

MR SNYMAN: That is possible, your Honour.

MR BIZOS: Was there such a hosepipe or wasn't it?

MR SNYMAN: I did not see it, but it is possible.

MR BIZOS: Did you never such a hosepipe there?

MR SNYMAN: No, your Honour.

MR BIZOS: Is that the room that you usually interrogated people in?

MR SNYMAN: At that time, your Honour, yes.
MR BIZOS: Was that the room in which Mr Jones was interrogated?

MR SNYMAN: He was also interrogated in that room, your Honour.

MR BIZOS: Did you ever take any part in the interrogation of Mr Jones?

MR SNYMAN: No, your Honour.

MR BIZOS: Do you know whether a hosepipe was used on him?

MR SNYMAN: No, I do not know, your Honour.

MR BIZOS: If anyone said that he hit Mr Biko with a hosepipe and he was hit with a hosepipe on a number of occasions during the course of the interrogation ... (intervention).

CHAIRPERSON: Are you talking about Mr Jones or Mr Biko?

MR BIZOS: No, he says Mr Biko, Mr Chairman. Page 41 of the papers before you. Would that be wrong?

MR SNYMAN: It is possible that it might have occurred, your Honour, but I did not pertinently notice it.

MR BIZOS: Please raise your head so that we can all see you saying that somebody may have been beaten in that room with a hosepipe, but that you did not see it.

MR SNYMAN: That is correct, your Honour, I did not see it.

MR BIZOS: Why? Is the room so large or were there screens behind which beatings with a hosepipe were done?

MR SNYMAN: It is possible that it might have been there and that it might have been used in the scuffle to restrain him, but I did not notice.

MR BIZOS: But you were there.

MR SNYMAN: It is correct. I had been there, but I did not see it.

MR BIZOS: The presence of an instrument of torture such as a hosepipe in an interrogation room; how can the person in charge of the interrogation, miss it?
MR SNYMAN: I did not see it, your Honour.

MR BIZOS: How could you have missed it?

MR SNYMAN: I simply did not see it, your Honour.

MR BIZOS: You've told us that. Try and explain how you could have missed it?

MR SNYMAN: I did not see it. How am I to explain that?

MR BIZOS: Do you agree that hitting the human flesh with a hosepipe or a sjambok usually leaves marks which are described as tramlines?

MR SNYMAN: That is the case, your Honour.

MR BIZOS: I'm just trying to find the passage which I remember having been used in the document, but I want to put it specifically. I'm relying on memory. If I may just have a moment whilst the passage is identified, Mr Chairman?

You say that if it was used, it must have been used during the course of the scuffle?

MR SNYMAN: I would deduce that, your Honour.

MR BIZOS: Isn't it a strange way to try and restrain a person when there are four able-bodied policemen and one detainee? Isn't hitting him with a hosepipe a strange way of trying to get him under control?

MR SNYMAN: It would have been irregular.

MR BIZOS: It could only be a punishment and not an attempt to restrain him?

MR SNYMAN: That is possible, your Honour.

MR BIZOS: You know, anything is possible. The Committee is interested in you telling them all the facts.

I'm going to ask you; if indeed there is evidence by way of admission or by way of medical evidence that a hosepipe was used on Mr Biko, will you agree that this was not for any purpose that you have spoken of up to now, but for the purpose of punishing him or to use an even worse word, to torture him?

MR SNYMAN: No, your Honour.

MR BIZOS: Well, what would it have been used for?

MR SNYMAN: Had it been used, it would probably have been to torture him.
MR BIZOS: And was that within the policy of the National Party or the security police in 1977?

MR SNYMAN: Irregularities did occur; that I would admit.

MR BIZOS: No, I'm asking you whether torture was advised either by the security police or the National Party Government in 1977?

MR SNYMAN: Your Honour, yes, the country was in a state of chaos, factually in a state of war. Probably methods were use that were not authorised.

MR BIZOS: Listen to the question please. Was it the policy of either the National Party or the security police to use torture in 1977?

MR SNYMAN: Yes, your Honour. (Laughter/Applause).

MR BIZOS: Can you name one politician who publicly said that torture was an instrument within the policy of the National Party?

MR BOOYENS OBJECTS: M'Lord, with respect, the question - the answer was given in reply to a double-barrelled question; the security police and the National Party. He didn't qualify his answer and so perhaps before we get to politicians admitting something like that, as unlikely as it may be, perhaps my learned friend could just rectify that.

CHAIRPERSON: Mr Bizos?

MR BIZOS: I intend asking the question again and separating them. I have not preferences, Mr Chairman.

CHAIRPERSON: Yes.

MR BIZOS: Can you name any National Party politician who said that torture was a means to be used as a matter of policy?

MR SNYMAN: No, your Honour.

MR BIZOS: Can you tell us any person in the security police who said that torture was to be used as a mode of achieving any objective?

MR SNYMAN: Your Honour, instructions had been given to break down the resistance of people.
MR BIZOS: No, but I told you how. You don't let them sleep, but did anybody say that one of the ways in which you must break them is you must take hosepipes and beat them up? Did anybody say that?

MR SNYMAN: No, your Honour.

MR BIZOS: Not even Col Goosen?

MR SNYMAN: (No audible reply).

MR BIZOS: Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: So this, if it did happen, was on your own initiative or the initiative of the people who were interrogating Mr Biko?

MR SNYMAN: That might be the case, your Honour.

MR BIZOS: That includes you?

MR SNYMAN: No, your Honour.

MR BIZOS: Why do you want to dissociate yourself from the piece of hosepipe that was apparently in the room in which you have habitually interrogated people and which was there when Mr Biko was to be ... (intervention).

MR BOOYENS: Mr Chairman, it's not an objection. I am informed by my attorney that there might have been a translation error and "torture" has been translated as "ondervra" - "questioned" into the Afrikaans.

So that of course would - that's what I'm told by my attorney. In other words, he is listening to the microphones to the Afrikaans translation.

CHAIRPERSON: Yes.


CHAIRPERSON: Please.

MR BIZOS: You know what torture means?

MR SNYMAN: I know the meaning of the word.
MR BIZOS: And you understood it when I used it a couple of times? Must we start again from the beginning?

MR SNYMAN: I did hear your words.

MR BIZOS: Thank you. As I promised, Mr Chairman, I refer to the document, Exhibit B, on page 3, paragraph 2.2.6.

I will read it out. Photos numbers 5 and 6, diapositive numbers 2 and 9 -

"On the posterior aspect of the left buttock, there is a 5 centimetre and 6 millimetre broad old scar of tramline appearance. On incision shows no vital reaction."

Now, either on your old version or in your new version, can you please explain to us in view of what you have told us up to now, how there is a scar of tramline appearance, 5 centimetres long and 6 millimetres broad? Can you explain that?

MR SNYMAN: No, your Honour.

MR BIZOS: Well, it means that someone had given, to use an expression, a hiding with an instrument likely to have been a sjambok or a hosepipe, not so?

MR SNYMAN: That is possible.

MR BIZOS: When could it have happened, on your new version?

MR SNYMAN: I would not be able to tell you, but had it occurred, it had probably occurred during that time. I don't know of rhR.

MR BIZOS: From the moment, your evidence, from the moment that Mr Biko was brought into that fateful room to the moment that you tied him up on the grille with handcuffs and leg-irons, you were present throughout in that room?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: But how could that have happened without you seeing it? Did you close your eyes, your ears in such a small space?

MR SNYMAN: I did not notice it, your Honour.

MR BIZOS: Could you give us some idea of the size of this room?

MR SNYMAN: It is not a very large room. I can no longer recall the size of the room.
MR BIZOS: Try and give us in relation to any visible space here, how big or small it was?

MR SNYMAN: It was a limited space, it also included a steel cabinet, a desk, a table and chairs as well as the investigative team.

MR BIZOS: You are not suggesting that Mr Biko was beaten with a hosepipe behind a chair, or a steel cabinet deliberately for you not to see? Please tell us how big or small this room was?

MR SNYMAN: I do not know what size the room was.

MR BIZOS: Give us some indication here so that we can have - you know, we can see to the end of this very large hall without any difficulty despite the number of people here.

Please tell us how you could have missed it, if you can?

CHAIRPERSON: Is it not possible, Mr Bizos, it does not benefit him not to disclose if he had taken part or seen this particular injury being inflicted. It doesn't benefit him from not disclosing it at this stage.

MR BIZOS: This may be, Mr Chairman, but applicants very often in an attempt to avoid responsibility, whether moral or otherwise or for reasons best known to themselves, do not want to make a full disclosure.

What we are going to submit is that when there is evidence, particularly by an admission made by one of the applicants, that this happened, and we have had a story from this witness that hardly anything happened to him. We are going to suggest that there is a deliberate withholding of the truth.

CHAIRPERSON: Is there no other explanation, because if one of his colleagues inflicted that injury, how does it benefit him from not disclosing it?

Can't it be explained on the basis that if all this happened in the rough and tumble, he may not remember this particular blow being struck.

MR BIZOS: Well, he doesn't say that, Mr Chairman?

CHAIRPERSON: But is it not a possibility?

MR BIZOS: Well, I would submit that the Committee at the end of it all will find not on remote possibilities, but on the hard facts.

CHAIRPERSON: But I think that we must just make some progress.
MR BIZOS: And also, one would have expected that when he - when that his colleagues speaks of a hosepipe, that he himself might have mentioned something about it in his evidence. But leave it as it may, I will leave it there and leave it to argument, Mr Chairman.

Now why did you use the handcuffs to spread out the arms of Mr Biko? Am I indicating correctly, the way I am indicating with my arms, slightly above shoulder level and stretched out completely? Is this how you tied his arms to the grille? Is that how you did it?

MR SNYMAN: No, your Honour, his arms were not above his head, they were more on a level with his body.

MR BIZOS: Will you please put your arms up the way that you put Mr Biko's arms.

MR SNYMAN: Like this.

MR BIZOS: No, both arms, please, the way that you did it to Mr Biko.

MR SNYMAN: (Witness demonstrates).

MR BIZOS: Yes. You show that below, below - and why did you do that? Why did you put his arms out wide?

MR SNYMAN: The intention was to reduce his resistance.

MR BIZOS: But you told us that he had been confused and hardly in a position to speak and you had the benefit of the handcuffs in order to put an end to his resistance. Why would you have to put his arms out in a comparatively uncomfortable position?

MR SNYMAN: Your Honour, this was done after he had been lying on the ground for a while and as it appeared that he was improving, we shackled him again and put on the foot-shackles.

MR BIZOS: Why did you put his arms up in a manner which would have given an injured man some additional discomfort to that of his injuries?

MR SNYMAN: At that stage we did not bear knowledge of the manner of his or the nature of his injuries.

MR BIZOS: What made you - what did you think had caused his slurred speech and his inability to behave in the normal aggressive way that he had behaved before? Did you not think that it was an injury?

MR SNYMAN: It might well have been the knock against the wall.
MR BIZOS: No, listen to the question please. Why is it necessary to break the resistance of an injured man? If you've got a pair of handcuffs and that one handcuff on the grille would have been sufficient with his arm in a comfortable position, why is it necessary to put his arms out in an uncomfortable position?

MR SNYMAN: It was in order to break him down. We did this when it appeared as if he had improved and that is why we did it again.

MR BIZOS: You also used leg-irons. How long is the chain between each of the leg-irons?

MR SNYMAN: It's a fair length.

MR BIZOS: Could you give us some indication of its length?

MR SNYMAN: I would say as long as indicated.

MR BIZOS: Approximately 35 centimetres, more or less?

MR SNYMAN: It would be longer than 35 centimetres.

MR BIZOS: Half a metre?

MR SNYMAN: Let's say half a metre, maybe.

MR BIZOS: Half a metre. And what - it doesn't matter, really - but why was it necessary to use both hands to be hand-cuffed on the grille and the leg-irons with the chain passed through one of the bars, was it? So that he didn't have free movement of his legs? Have I got the picture correctly?

MR SNYMAN: We were not aware of whether he would be able to come up with his tricks again and that is why we chained him down like that.

MR BIZOS: Why was the chain put on the other side of the one bar, other than to restrict even the movement that leg-irons allow?

MR SNYMAN: It is possible that we acted in an inhumane manner.

MR BIZOS: Well, that's one of the franker answers that you've given the Committee. Can we summarise that the putting up of his arms, that the manner in which you did and using the leg-irons in the manner in which you did, was a form of torture?

MR SNYMAN: That is correct, your Honour. That might have been the case.
MR BIZOS: For how long did you keep this injured man, which we know had a serious head injury, for how long did you keep him in this position with his arms and legs? For how long?

MR SNYMAN: Your Honour, after I reported to Col Goosen and after he had seen the person himself, he remained in that position. Subsequent to that, I withdrew, so I would not know when he was unchained. There were people who guarded him through the night.

MR BIZOS: Was he given an opportunity - what time did you go away?

MR SNYMAN: I reported to Col Goosen after the incident. I then accompanied him to the interrogation room. After he had assured himself of the exact circumstances of Biko, he instructed me to withdraw.

MR BIZOS: I thought that you waited there in order to get a report whether his position improved so that you could continue the interrogation. Isn't that what you told us?

MR SNYMAN: No, but that is what I said to the people who were supposed to guard him; that should there be an improvement, they should call us.

MR BIZOS: So you waited there, hoping that that would happen?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: What time did you go away?

MR SNYMAN: It would have been through the course of the morning. I cannot recall exactly at what time.

MR BIZOS: How many hours was he left in this position?

MR SNYMAN: I would not be able to tell you, because I had to withdraw at a later stage.

MR BIZOS: What time did you leave?

MR SNYMAN: It is possible that it might have been after 10 or at half past 10.

MR BIZOS: But you must have waited for the better part of the day for him to recover so that you can continue with your interrogation?

MR SNYMAN: Col Goosen instructed me that I had to provisionally withdraw; that he would handle the situation himself, subsequent to that.
MR BIZOS: Did you give any instructions as the person who originally put this person in a position which you considered as torture; did you give any instructions as to when it should stop?

MR SNYMAN: No, your Honour. I withdrew and Col Goosen said that he would handle the matter after that.

MR BIZOS: When did you see him again?

MR SNYMAN: Through the course of the afternoon I returned and at that time the situation had not changed. The next morning I also made enquiries and I was told that the situation had not changed.

MR BIZOS: And during the afternoon, was he still in the same position?

MR SNYMAN: I cannot recall, but it is possible.

MR BIZOS: Were you not concerned as to how long a person was shackled against a grille, unable to rest his legs by movement or his arms by movement or to sit down, particularly as he appeared to you to be injured? Did you not care?

MR SNYMAN: No, it was not a matter of a lack of care. I would agree that it was inhumane, but we were acting under instructions.

MR BIZOS: Now, did you know that a person with a head injury, evidenced by slurred speech, by uncoordinated movements, requires medical attention as soon as possible?

MR SNYMAN: I am aware of that, your Honour, but as I have said, I reported the matter to my commanding officer and subsequently had nothing to do with it since he had told me that he would handle the situation from thereon.

MR BIZOS: Would it not be your responsibility as the chief interrogator of Mr Biko to look into his condition and find out whether he required any medical attention?

MR SNYMAN: That is exactly why I brought the matter to the attention of Col Goosen. We said to him that the person does appear to have been injured.

MR BIZOS: What do you do when a person that receives even a minor injury on the rugby field or some other sport; what do they do with him almost immediately?

MR SNYMAN: The correct procedure would be to call in a medical officer as soon as possible.
MR BIZOS: Yes, and to have an X-ray to see whether there was any brain damage in order to try and give him medical attention as soon as possible to try and reverse the effects of the brain damage.

MR SNYMAN: I would agree with you.

MR BIZOS: Do you now? And you knew that one of the sure signs

doctor, not a medical
person. I would not bear knowledge of this.

MR BIZOS: Yes, rugby coaches are not doctors either, but they know what to do with a person that has had a head injury and has got slurred speech and is confused.

MR SNYMAN: I believe that I did my duty when I made this known to my commanding officer.

MR BIZOS: What arrangement was made whilst Mr Biko was shackled against this grille about his toilet requirements?

MR SNYMAN: That would have received attention from the person guarding him.

MR BIZOS: Wasn't it your general responsibility in order to see to it once you chose this cruel and inhuman manner of practically suspending him from a grille, to make some sort of suggestion as to how his toilet requirements may be addressed?

MR SNYMAN: I did mention it to my commanding officer ... (intervention).

MR BIZOS: What did you say?

MR SNYMAN: ... and I told him of the injury of the scuffle; that we wanted to restrain the person, that we wanted to exert pressure on the person. I brought this information to him, I informed him that he probably hit his head against the wall and he then informed me or told me that he would handle the matter from there onwards. I then left the matter in his hands.

MR BIZOS: When did you find out that Mr Biko had become incontinent as a result of his injury?

MR SNYMAN: I'm not following?
MR BIZOS: When did you find out for the first time that Mr Biko could no longer control his functions; that he could not keep his urine back, had not control over it? When did you find that out?

MR SNYMAN: I bear no knowledge thereof. That was determined by Col Goosen and the medical doctor who attended to him.

MR BIZOS: Did you know that early in the morning of the 7th?

MR SNYMAN: I was informed by the people who guarded him who said to me that his situation had not changed.

MR BIZOS: Didn't you see him?

MR SNYMAN: It is possible that I'd walked in there.

MR BIZOS: Why do you say, speak of possibilities? Don't you remember that you must have gone in in order to see how the person that you had manacled against the grille was faring the next morning; whether he was still in the same position or whether he had been given an opportunity to sleep or anything like that?

MR SNYMAN: My responsibilities ceased after Col Goosen instructed me to withdraw. He had said to me that he would handle the matter from there onwards.

JUDGE WILSON: May I just ask you a question; when you went there the following morning, did you still see him in the same position he was when you left on the previous day?

MR SNYMAN: Your Honour, I am not able to recall whether I entered the room or simply asked a question of the people who were guarding him.

MR BIZOS: Did you not learn the next morning that he had wet his pants, his blankets and that he was completely disorientated? Didn't your learn that the next morning?

MR SNYMAN: I did not receive this information. I was only told that he had been seen by the doctor.

MR BIZOS: I'm sorry, there was a break in the sound.

MR SNYMAN: I bear no knowledge thereof. I had been told that the district surgeon did see him on the 7th.

MR BIZOS: Did you see Mr Beneke coming suddenly into the room and rugby-tackling Mr Biko with a shoulder and finishing against the wall? Did you see that?

MR SNYMAN: That is correct, your Honour.
MR BIZOS: Now, you will recall that I spoke to you about Mr Niewoudt admitting that he hit Mr Biko with a hosepipe. I want to read to you, in Afrikaans, because of its importance, a passage from Mr Siebert's application in paragraph, the second last paragraph on page 13(f).


MR BIZOS: Page 6 of the typed page 6, but the - of Mr Siebert's application, but 13(f) of the paginated papers.

You have it before you. Please read it out.

"Tydens hierdie gestoeiery ..."

Please read that out aloud.

MR SNYMAN: "During this wrestling and fighting

I became aware of Det-Sgt Niewoudt on several occasions beating Biko on the back with a piece of cut-off hosepipe. Subsequently the three of us grabbed Biko and moved with him in the direction of the corner of the room and ran against the wall into the wall with him."

MR BIZOS: Is that correct?

MR SNYMAN: As I have read it there, your Honour.

MR BIZOS: Yes, I know that you've read it. I'm not asking you whether you read it correctly. Are the facts correct?

MR SNYMAN: As I have said, your Honour, that might have occurred, but I bore no knowledge thereof.

MR BIZOS: Well, do you agree that if this is correct; that it is capable of the interpretation that this was not an accidental hitting against the wall, but a charged, a wilful charge against the wall so that Mr Biko's head would bang against the wall? Do you agree with that?

MR SNYMAN: No, your Honour.

MR BIZOS: What would the words mean?
"Ons het hierna al drie vir Biko vasgegryp, waarna ons met hom in die rigting van die hoek van die vertrek beweeg het en met hom in die muur vasgehardloop het."

That's not an accident. That's using him as a battering ram. Isn't that so?

**MR SNYMAN:** No, that should have been due to the momentum of the movement.

**MR BIZOS:** Did they try to get him into the corner?

**MR SNYMAN:** If I recall correctly, all of them fell on top of each other in the corner of the room.

**MR BIZOS:** Did they try to push him to the corner.

**MR SNYMAN:** In order to restrain him, it might have been possible to move him into the corner ... (intervention).

**MR BIZOS:** ... the system again. I can't hear you. I'm sorry.

**MR SNYMAN:** It is possible that when they attempted to restrain him; that in the course of the scuffle, they moved into the corner of the room.

**MR BIZOS:** Do you still maintain that this hitting of his head against the wall, despite your own version at the bottom of page 6 and this passage that were read out from Mr Siebert's application, that it was not an attempt to actually hit his head against the wall?

**MR SNYMAN:** No, your Honour.

**MR BIZOS:** Very well. If we can go back to the 7th; was there any discussion as to what you were going to tell the doctor?

**MR SNYMAN:** I had no part in that, your Honour.

**MR BIZOS:** Please repeat that, because this system isn't working again.

**MR SNYMAN:** I had no knowledge of what the doctor said. I never went into - I never conferred with the doctors.

**MR BIZOS:** Was there any suggestion made that the doctor should be told that Mr Biko had had a stroke?
MR SNYMAN: I am not aware of any of the medical negotiations made by Col Goosen.

MR BIZOS: Did you know of the suggestion that Mr Biko had had a stroke?

MR SNYMAN: I'm not able to recall that, your Honour.

MR BIZOS: In any event, on the morning of the 7th, you were either told or you saw that Mr Biko was not in a state to answer any of your questions?

MR SNYMAN: That is the case, your Honour.

MR BIZOS: That was from way back on the 6th right up to the morning of the 7th.

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Where were you when Dr Laing came to this interrogation room?

MR SNYMAN: I was continuing with my work on the fifth floor and I was no longer involved in the interrogation room.

MR BIZOS: Did anybody, even Dr Laing, or anybody else, ask you how this injury was inflicted?

MR SNYMAN: At no point did I enter into conversation with the medical doctors.

MR BIZOS: We know that Dr Laing gave Col Goosen a false certificate. You know about that?

MR SNYMAN: I have heard of the certificate.

MR BIZOS: Was it a false certificate.

MR SNYMAN: I would not be able to say, since I had not been present when the doctor saw Biko.

MR BIZOS: But you knew that the certificate said that there was nothing wrong with him?

MR SNYMAN: That occurred between Col Goosen and the doctor. What he told the doctor, I would not know.
MR BIZOS: Did you know that the doctor certified that there was nothing wrong with Mr Biko?

MR SNYMAN: I didn't bring the word of the doctor into doubt when he had issued a certificate.

MR BIZOS: But a man is injured and he can't be interrogated and this urgent interrogation has got to be interrupted. That means the certificate given by the doctor that there was nothing wrong with him, must be false, or you must be mistaken and you must have thought that it was okay for you to go on with the interrogation?

MR SNYMAN: No, your Honour. Col Goosen handled the entire matter, also the visits of the doctors and I had not been present.

MR BIZOS: But you've heard that the doctor had given a certificate that there was nothing wrong with Mr Biko? You've already said that?

MR SNYMAN: Yes.

MR BIZOS: But you also knew that he was injured and that he could not answer any of your questions and you therefore were frustrated in your investigation?

MR SNYMAN: No, your Honour.

MR BIZOS: But did you continue your investigation?

MR SNYMAN: No, your Honour.

MR BIZOS: Why not?

MR SNYMAN: Because they told us that he was not in a state that we could continue with the interrogation.

MR BIZOS: Why should anybody say that if you have a medical certificate, say that there's nothing wrong with the man?

MR SNYMAN: Your Honour, I did not have this medical certificate in my possession. It was between Col Goosen and the district surgeon. No-one brought information to me or came to tell me that there was nothing wrong with him and gave me instructions to continue with interrogation.

It was handled by Col Goosen after the visit of the doctor.
MR BIZOS: Were you not anxious after the visit of the doctor to try and find out what was wrong with Mr Biko and for how long he expected to be indisposed? How long the doctor thought he would be indisposed in order for you to carry on with your work?

MR SNYMAN: I was instructed to continue with my work already.

MR BIZOS: The work that you had to do with Mr Biko, I'm talking about.

MR SNYMAN: I am sorry, your Honour, but my work was on the fifth floor in my section.

MR BIZOS: Didn't you want to know from anyone when it was expected that you would be able to continue interrogating Mr Biko?

CHAIRPERSON: How did it come to your knowledge that this man was not fit enough for you to continue questioning him? How did that come to your knowledge?

MR SNYMAN: Your Honour, on the 7th he was not yet fit enough for us to continue with the interrogation.

MR BIZOS: Did you subsequently receive a further report that he was not yet fit enough?

MR SNYMAN: I believe that I was told by the people guarding him that he was not yet fit enough for us to continue with the interrogation.

CHAIRPERSON: The question that is being put to you by Mr Bizos is: were you not concerned about when he was likely to be better for you to carry on with your questioning?

MR SNYMAN: Your Honour, surely I was concerned about his state of well-being, but I was clearly instructed that I was not to handle the matter any further and that it was now to be dealt with by Col Goosen and that he was in good hands.

MR BIZOS: In the good hands of Col Goosen for what?

MR SNYMAN: With regard to that fact that I withdrew and Col Goosen handled the matter from then onwards.

MR BIZOS: What would he deal with further? The interrogation or the state of health or non-health of Mr Biko?
MR SNYMAN: Your Honour, that is the reason why I went to report to him; with a view to obtaining medical treatment.

I went to him. I reported that the person was injured. One can certainly understand it that once you have reported it, you would expect there to be medical treatment. I therefore did not involve myself any further.

MR BIZOS: You see, this certificate must obviously have been obtained for the purposes of misleading people that may enquire about the state of health of Mr Biko.

MR SNYMAN: That might well be the case, your Honour.

MR BIZOS: And if you are correct in your observation and the people that were looking after him after you had left the room, were of the view that he was not a fit person to be interrogated any further and Mr Goosen - Col Goosen must also have know that?

MR SNYMAN: That is the case, your Honour.

MR BIZOS: Then the only inference that can be draw is that either Dr Lang and Col Goosen conspired to put a lie out to the world, or Mr Goosen lied to the doctor? Can you think of any other possibility?

MR SNYMAN: No, your Honour.

MR BIZOS: And surely you must agree with me, that if you could see that Biko was not a fit and proper person or rather was not fit for further interrogation, that must have been even more obvious to the doctor?

MR SNYMAN: That would be the case, your Honour.

MR BIZOS: So, would you agree that one of the persons that was in that building, that a conspiracy must have been entered into between Col Goosen and Dr Laing to lie about Mr Biko's condition?

MR SNYMAN: That is the case, your Honour.

MR BIZOS: And I want to suggest to you that the reason why that conspiracy to lie was entered into, was that if Mr Biko lived and complained about his injuries, he would have been branded as a liar if he complained about it by producing a certificate of good health, which was false. You knew that, didn't you?

MR SNYMAN: I would agree with you.

MR BOOYENS OBJECTS: Sorry that I speak, M'Lord, there was a double-barrelled question again.
MR BIZOS: Well, let's take them separately. You agree that there must have been a conspiracy to let out a falsehood between the doctor, Dr Laing and Col Goosen?

MR SNYMAN: That is possible, your Honour, although as I have said, I had not been present when the doctor and Col Goosen discussed the matter.

MR BIZOS: No, but you agreed that that is entirely possible from the facts as you knew them.

MR SNYMAN: It is possible.

MR BIZOS: Now you make it a possibility and before you said that that was so? But let's be satisfied with both your answers for the time being.

Isn't that the time that the falsehood trail started, long before the Saturday that you say that you were told that you had to lie? On the morning of the 7th, the trail of falsehood had already started?

MR SNYMAN: No, your Honour. I had no part in that discussion with the medical doctors. That was done exclusively by Col Goosen. Only the subsequent Saturday, after his death, did we meet.

MR BIZOS: The trail of falsehood had started on the 7th, partly for your benefit and for the benefit of Siebert and Niewoudt and Beneke, not so? For whose benefit was this conspiracy to give out a false picture to the world?

MR SNYMAN: The only conclusion that I could make is that the commanding officer, Col Goosen wanted to protect the security branch and the Government of the day by not giving the true facts out.

MR BIZOS: And you who were responsible for the injuries and the torturing of Mr Biko? So it was partly to protect you?

MR SNYMAN: I did not torture him, your Honour.

CHAIRPERSON: I don't think it's necessary for us to go very much further along those lines.

MR BIZOS: Thank you, Mr Chairman.

CHAIRPERSON: Whether it's to protect him or the security branch.

MR BIZOS: Yes. Thank you.

Was that the only untruth that was made at an earlier stage? Let me remind of a few others. Was Mr Biko hyper-ventilating? You know breathing heavily and irregularly from the time that he
was injured?

MR SNYMAN: No, I could not answer that question.

MR BIZOS: Didn't you see him or hear him hyper-ventilating?

MR SNYMAN: No, your Honour, I had already withdrawn. I do not know beyond that.

MR BIZOS: Did you know that he had been a medical student?

MR SNYMAN: Yes, your Honour.

MR BIZOS: Did you and your colleagues give out that this hyper-ventilation was done deliberately by him and that he could simulate hyper-ventilation, because of his medical training?

MR SNYMAN: No, I would not be able to say, your Honour.

MR BIZOS: There was another untruth that was brought into being as soon as he was injured; that he was doing a form of yoga which enabled him to behave in this unnatural way to pretend that he was ill when in truth and in fact there was nothing wrong with him. I am not for one moment suggesting that yoga is used for this purpose, but among your colleagues this was another myth that was created. Did you hear anything about that?

MR SNYMAN: No, your Honour.

MR BIZOS: Well, if you and your colleagues didn't start these myths, who did?

MR SNYMAN: Your Honour, it was not me personally and with the drafting of the statements we were given instructions by the commanding officer. Whether he had further knowledge, medically, I would not know. He had conferred with the doctors. He might have heard something from the specialists? I would not be able to answer that question.

MR BIZOS: Do you know of any reason why Mr Biko was not sent to hospital?

MR SNYMAN: I would not be able to answer that question. That was the task of the commanding officer.

MR BIZOS: Didn't you ask?

MR SNYMAN: He had instructed me to withdraw and I assumed that he was going to take the necessary steps.
MR BIZOS: Didn't you feel any moral responsibility for this person to even ask how is he, why isn't he being sent to a hospital, how is he getting on? Did you never ask anybody any of those questions?

MR SNYMAN: Yes, my moral responsibility, when I reported the matter to my commanding officer and he told me that he would handle the matter from there on, had ended.

MR BIZOS: You had been given a very important task in order to investigate Mr Biko and Mr Jones. Did you make any enquiries at all between the 6th, when you knew that he had an injury to the time that you heard that he had died?

MR SNYMAN: I had mentioned earlier that I made enquiries from the people guarding him concerning his health. They then informed me that nothing had changed.

MR BIZOS: Whose decision was it to send him to the prison hospital?

MR SNYMAN: That must have been Col Goosen. I had not been involved in that.

MR BIZOS: Who took him to the prison hospital?

MR SNYMAN: I cannot tell you, I do not know.

MR BIZOS: Did you make enquiries as to how he was getting on at the prison hospital?

MR SNYMAN: I made no further enquiries, since people were giving him attention. I had withdrawn already.

MR BIZOS: Didn't anybody tell you that he couldn't handle a spoon and that he had to be fed by a warden?

MR SNYMAN: I do not know whether this finer detail had been reported to me, but I had heard that he had been moved to the prison hospital.

MR BIZOS: Didn't anybody tell you that he got into a bath of water with his clothes on?

MR SNYMAN: I cannot recall whether anyone told me that at that time?

MR BIZOS: Didn't anybody tell you that he suffered from echolali - that is baby-talk that if you say mummy, the baby says mummy and if you say daddy, the baby says daddy; that he was merely repeating the words used by others? A clear indication that his
mind had been smashed up?

MR SNYMAN: I am not aware of that, your Honour.

MR BIZOS: Would there have been any reason for anyone to keep you in the dark about this condition of the person that became what he then was as a result of interrogation in your interrogation room?

MR SNYMAN: Your Honour, I had heard that he was taken to the hospital and also heard that certain specialists paid attention to him. I saw no further need to be involved as I had been instructed to withdraw.

MR BIZOS: Did anybody tell you why he was moved from Eben Le Roux Dementery Hospital facilities at the hospital to a police cell?

MR SNYMAN: It is possible that someone might have mentioned it to me.

MR BIZOS: Why? Why would they have taken him away where he had some sympathy at least from the prison personnel back to a police cell?

MR SNYMAN: That did not occur under my instructions. I had no part in that.

MR BIZOS: But when you heard about it, did you not care?

CHAIRPERSON: What about confining your questions to what he does know and what he did do.

MR BIZOS: Thank you, but I then ... (intervention).

CHAIRPERSON: You know putting questions to him why so-and-so didn't do or why he wasn't told about it. There might have been many reasons why he might not have been told about it.

MR BIZOS: Yes, I'll accept that, Mr Chairman.

Did you know anything about his trip on - in an ordinary vehicle from Port Elizabeth to Pretoria?

MR SNYMAN: Yes, I have heard of that, your Honour.

MR BIZOS: Before it happened?

MR SNYMAN: No, your Honour.

MR BIZOS: After it happened?
MR SNYMAN: I believe I heard of it on the day during which he had been transported.

MR BIZOS: That would have been before there was any agreement to tell lies, wouldn't it? Before Saturday?

MR SNYMAN: That would have been arranged by Col Goosen; the transport arrangements to Pretoria. I had no hand in it.

MR BIZOS: When did you hear for the first time that he was on a hunger strike? He was supposed to be on a hunger strike. When did you hear that for the first time?

MR SNYMAN: I cannot remember, your Honour.

CHAIRMAN: Did you hear being told - were you ever told that he was on a hunger strike?

MR SNYMAN: (No audible reply).

CHAIRPERSON: Were you ever told that he was on a hunger strike?

MR SNYMAN: Not as far as I can recall, your Honour.

MR BIZOS: Did you see him as he was being taken away from Port Elizabeth to Pretoria?

MR SNYMAN: No, your Honour.

MR BIZOS: Do you know what his condition was at that time?

MR SNYMAN: No, your Honour.

MR BIZOS: I'm going to read to you from page 58 of your evidence which reproduces your statements.

"I was present on 11/9/77 when Capt Siebert and other certain members went with Steve Biko from Walmer Police Station to Pretoria"

Was that true or false?
MR SNYMAN: I cannot recall. If it is stated like that in my statement, it might be
the case.

MR BIZOS: Well, why did you say that you didn't know when he was taken - you
didn't see him being taken to Pretoria?

MR SNYMAN: Your Honour, with respect, this is 20 years ago. I cannot recall
every detail and I do really honestly not know whether I had been present.

MR BIZOS: These were not ordinary everyday events, were they?

MR SNYMAN: I would agree with you.

MR BIZOS: What was his condition when he was put into that vehicle?

MR SNYMAN: I did not see him.

MR BIZOS: You say that you were there, in an affidavit made shortly after the
events. I just want to put the date on record, Mr Chairman.

MR BOOYENS: If I may assist my learned friend, M'Lord, I think all those
affidavits were taken on the 17th of September, the Saturday.

MR BIZOS: The one that I am referring to, was made on the 20th of October as
appears on page 54 of the record, Mr Chairman.

You said in a statement on the 20th of October, according to page 54 of the record,
that you were at the police station when he left.

MR SNYMAN: That can't be correct, your Honour.

MR BIZOS: Why would you have said a thing like that in your statement in
October if it was not correct?

MR SNYMAN: I have no explanation for that, but I am convinced that I had not
been present.

MR BIZOS: Well, did you know why he was being taken to Pretoria?

MR SNYMAN: (No audible reply).

MR BIZOS: Did you hear my question?

MR SNYMAN: I heard that he had been moved to Pretoria, yes.
MR BIZOS: The question was: did you know then why he was being taken from a police cell in Port Elizabeth to Pretoria?

MR SNYMAN: No, Col Goosen would have controlled those matters.

MR BIZOS: The people that took him there were in your unit and your juniors? Correct?

MR SNYMAN: That is correct, your Honour, but they were then under the command of Col Goosen since he had arranged that trip to Pretoria. I was not involved.

MR BIZOS: If your affidavit on the 20th of October is correct, you must have been - you were there. Was there any discussion as to what was to be reported to the prison in Pretoria when they got there?

MR BOOYENS OBJECTS: M'Lord, with respect, that's ... (intervention).

MR SNYMAN: I bear no knowledge of that, your Honour.

MR BOOYENS OBJECTS: With respect, that's not a proper question. The witness has said that he's not even certain whether he was there; that he cannot comment whether he was there when they - and now my learned friend is putting the question as if he was there and if he should have knowledge.

That's not a proper question.

MR BIZOS: I'll accept the criticism and I will alter the form of the question, Mr Chairman.

Whether you were there or not; was there any talk as to what would be reported to Pretoria as soon as your underlings got there with the very seriously ill Mr Biko?

MR SNYMAN: I bear no knowledge thereof, your Honour.

MR BIZOS: I am going to put to you that you and your underlings were going to mislead - before the Saturday when you told us that Mr Goosen told you to mislead people. Before they got to Pretoria it was agreed that it would be reported to Pretoria that this person was not really ill, but that he was shamming? Do you know anything about that?

MR SNYMAN: No, your Honour.

MR BIZOS: That they mustn't be taken in by his hyper-ventilation? Do you know anything about that?

MR SNYMAN: I bear no knowledge thereof, your Honour.
MR BIZOS: And they mustn't be taken in on his pretence of being disorientated?

MR SNYMAN: No, I bear no knowledge thereof, your Honour.

MR BIZOS: And they must not be taken in by any feigning of illness, because he was merely trying to mislead the security police in order to avoid interrogation? Do you know anything about that?

MR SNYMAN: I bear no knowledge thereof, your Honour.

MR BIZOS: Can you advance any reason if that is what happened according to the prison officials who made affidavits why that misinformation should have been kept away from you by your juniors?

MR SNYMAN: Your Honour, I was no longer involved. I was not involved with that particular incident. It was handled by Col Goosen.

MR BIZOS: Did your junior not owe you the duty of keeping you informed of what happened to this - to this important detainee that you were supposed to interrogate.

MR SNYMAN: No, subsequent to Col Goosen taking over the entire matter, it was not necessary for them to bring any report to me. It was in the hands of my commanding officer.

MR BIZOS: Or that he - that he had been on a hunger strike?

MR SNYMAN: No, your Honour, I do not know of that.

MR BIZOS: If I were to put to you that the apparent reason for removing him from here, was because the senior officer, Johan Coetzee and others at the head office were very concerned that Mr Biko in his miserable condition may be recognised by some decent person and make it known that he had been smashed up? What would you say to it?

MR SNYMAN: (No audible reply).

MR BIZOS: Do you want me to explain the question?

- 

MR SNYMAN: Pleas do explain it.

MR BIZOS: I have suggested to you that the reason why he was taken to Pretoria, was because it was realised that someone would recognise him here in his smashed up condition and make his condition known to the public, to the media.
MR SNYMAN: Your Honour, I could not comment on that. As I have said, the entire matter was now in the hands of Col Goosen. What he had known and what he had discussed with people at head office, I would not know.

MR BIZOS: Can you think of any reason why, while he was so obviously sick, he was so urgently transported into another jail all the way in Pretoria? Can you think of any reason?

MR SNYMAN: No, I could not comment on that. I had no part in that.

MR BIZOS: Where were you when you heard about Mr Biko's death?

MR SNYMAN: Probably at the office. I can no longer recall on what day I heard this news.

MR BIZOS: Who told you?

MR SNYMAN: I do not know. Probably it was common knowledge. It might even have been in the newspapers.

MR BIZOS: Was the event so insignificant to you that you don't remember how you heard about it?

MR SNYMAN: It is not that it was insignificant to me. Probably it would have come by means of an official telex message or a phone call to our office, but I can no longer precisely recall how and when I was informed, but I did bear knowledge that he had died.

MR BIZOS: The Minister responsible for your department; who was it at the time?

MR SNYMAN: Your Honour, if I recall correctly it would have been Mr Jimmy Kruger, but I am not sure.

MR BIZOS: Did you hear him say that Mr Biko died as a result of being on a hunger strike?

MR SNYMAN: It is possible that I might have bore knowledge of this.

MR BIZOS: Well, did you or did you not hear it?

MR SNYMAN: Your Honour, I cannot recall. I did not ever tell the Minister anything about a hunger strike. It's probably something that happened via Col Goosen, my commanding officer.

MR BIZOS: You knew it would be false.

MR SNYMAN: It's possibly false.
MR BIZOS: You're not really putting in issue that it was in fact false. Even after what you know today, are you, Mr Snyman?

CHAIRPERSON: Mr Bizos, let's carry on. Let's move on. I don't think this kind of cross-examination is taking you much further.

MR BIZOS: Thank you, Mr Chairman.

When you decided to apply for amnesty in relation to this matter; who drew your application?

MR SNYMAN: If I recall correctly, this was done during the month of December.

MR BIZOS: Who drew the application?

MR SNYMAN: Attorney Francois van der Merwe.

MR BIZOS: On your instructions?

MR SNYMAN: That is correct, Your Honour.

MR BIZOS: And who drew what is said in paragraph 10? Who drew that paragraph? You needn't read it all at this stage. I'm just asking you who drew this up?

MR SNYMAN: That would have been done in consultation with my attorney.

MR BIZOS: It was done, was this on your instructions? Now, please put that document away, Mr Snyman and please tell us in your own words, in your own words what was the political objective that you wanted to achieve by any act that you committed? Please tell us in your own words what was the political objective that you wanted to achieve?

MR SNYMAN: Your Honour, our actions ... (intervention).

MR BIZOS: I asked you, you personally; what objective did you want to achieve? I am not interested in the draft that your attorney has dished out in numerous applications. I am asking you for your reasons, personally?

What objective did you want to achieve by committing any wrongful act that lead to Mr Biko's death?
MR SNYMAN: Your Honour, the purpose had been that I as a member of the security branch served the Government of the day, namely the National Party.

Since I believed that what we were doing at that time was right, it was the right thing to do. We had anarchy in our country. It was expected from us by the Government, by the National Party, by our head office, that we had to act in the circumstances.

I felt that because of the sacrifices that we had to make, that I in fact could apply for amnesty.

MR BIZOS: No, I did not ask you whether you have the right to apply for amnesty or not. I asked you in your own words to please tell us what political objective did you wish to achieve by performing any unlawful act relating to the death of Mr Biko. Please try and answer that question.

MR SNYMAN: Since we were at the sharp end of the struggle against the SACP/ANC alliance and the Black Consciousness and Black Power Movements and since we had to put everything into the struggle to attempt to prevent the subversion of the then Government and since by means of the politicians and of our head office, we were encouraged to fight this fight.

I feel that now at the end of this period and at the beginning of a new democracy, I have the right to apply for amnesty.

MR BIZOS: I will not put the same question, but let's try and analyse what you have said yourself and not what is in the document. Did you understand ...

(intervention).

MR SNYMAN: Your Honour, I want to ask you, I am very tired.

(Commotion in hall).

CHAIRPERSON: Please!

(Commotion in hall).

CHAIRPERSON: Please, want you to allow these proceedings without much further interference or disturbance from you. Please allow this witness, this applicant, to give his evidence in a quiet atmosphere.

Proceed.

MR SNYMAN: Your Honour, I am not a healthy person and I cannot - do not feel that I can continue. I am using medication. My age must be taken into account. I do not feel that I can continue any longer.
MR BIZOS: I would, with respect, I am not likely to finish, even if we do go on for the next fifteen minutes. I would suggest, with respect, that we take the adjournment and ... (intervention).

CHAIRPERSON: Mr Booyens, it's quite clear that your client is not well enough to proceed.

- 

MR BOOYENS: Yes.

CHAIRPERSON: And am inclined to agree with his request that we adjourn this stage..

MR BOOYENS: Certainly, M'Lord. Yes, I in fact have got a medical certificate relating to what ailments he suffers from.

CHAIRPERSON: Yes.

MR BOOYENS: So I could perhaps, if necessary hand that up to you ... (intervention).

CHAIRPERSON: If it's necessary you may do so.

MR BOOYENS HANDS IN MEDICAL CERTIFICATE ON MR SNYMAN

CHAIRPERSON: I will adjourn these proceedings now. Mr Bizos, may we resume at 09:30 tomorrow morning?

MR BIZOS: Of course, Mr Chairman, as you please.

CHAIRPERSON: Mr Mpshe?

MR MPSHE: That is in order, Mr Chairperson.

CHAIRPERSON: Mr Erasmus?

MR ERASMUS: That would be in order, Sir.

CHAIRPERSON: We adjourn these proceedings now and resume at 09:30 tomorrow morning.

COMMITTEE ADJourns

ON RESUMPTION ON 11 SEPTEMBER 1997 - DAY 2

---

Page 105 of 202
HAROLD SNYMAN: (Still under oath).

CHAIRPERSON: Mr Booyens, is your client well enough? Is your client well enough, Mr Booyens?

MR BOOYENS: Yes, M'Lord.

CHAIRPERSON: Proceed, thank you, Mr Bizos.

CROSS-EXAMINATION BY MR BIZOS (cont):

Thank you, Mr Chairman. When we adjourned yesterday, we asked you to please give us in your own words what the political objective was that you wanted achieved by doing what you say you did together with your colleagues to the late Mr Biko?

You have had overnight to think about it. Could you please in your own words tell us precisely what the political objective was?

MR SNYMAN: Your Honour, the goals of the security branch as one of the structures of the National Party Government, had been to maintain internal safety and security by means of combating terrorism and protecting the State order against expansion of Communism which found expression in the activities of the liberation organisations; the ANC/SACP alliance, the PAC, the Black Consciousness Movement and the South African Students' Organisation as well their military wings; Umkhonto weSizwe, APLA and BCN and the struggle which they waged in order, by

violent means, to subvert the status quo.

In this process we found it necessary to detain people, to arrest people and detain them, to interrogate them in order to restrain the activities of the organisations mentioned and to prevent the overthrow of the then State order by means of violence.

MR BIZOS: Finished?

MR SNYMAN: Yes, your Honour.

MR BIZOS: The question was what political objective did you and your colleagues in the security branch hope to achieve by what you did and your colleagues did to Mr Biko on the morning of the 6th of September 1977. Would you mind answering that question please?
CHAIRPERSON: I think the question is directed to what happened to Mr Biko and not all the various organisations. What did you hope to achieve in treating the late Mr Biko in the way he was treated? I think - is that what you're really trying to achieve?

MR BIZOS: Precisely, Mr Chairman, thank you.

MR SNYMAN: Your Honour, the detention of Mr Biko was intended to obtain information from him with regard to his activities within the Black Consciousness Movement, or rather the Black People's Convention and in that way, by means of what we could obtain from him, to gather the necessary evidence with which we could later bring a case to court.

MR BIZOS: The reason for the scuffle, if it was in fact a scuffle and not a beating up, came about as a result of his refusal to get off the chair. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: That is not a refusal to give information. It is a refusal by a man who thought of his human dignity as having a right to be seated when there was a chair available.

MR SNYMAN: That is correct, your Honour. His human dignity might well have been violated ... (intervention).

MR BIZOS: Yes.

MR SNYMAN: The instruction had been from our seniors that we should break him down in order to obtain information from him.

MR BIZOS: But let us just take this step by step. He didn't refuse to answer your questions that led to this scuffle or beating up? Correct?

MR SNYMAN: Your Honour, he was resistant and did not want to reply to our questions.

MR BIZOS: He insisted on sitting down. That is the evidence that you have given us, and the scuffle or beating up came about as a result of a stubborn person in your view of not wanting to get up at your request or command?

MR SNYMAN: Your Honour, it was clear that he did not want to co-operate with us. It was clear from his behaviour.

MR BIZOS: His behaviour was that he refused to submit to your will that he should not be seated?
MR SNYMAN: Your Honour, it had been the instruction that we were not allowed to let him sit down; that we had to break him down in order to obtain the information.

MR BIZOS: Why would his remaining in a seated position - it would just not be possible for you to interrogate him?

MR SNYMAN: That is correct, your Honour. It remains that the instruction to us had been that he was not to be allowed to sit down.

MR BIZOS: Specifically you had an instruction that he should not be allowed to sit down? Is that what you are saying? Or was it your decision that this particular detainee should not sit down?

MR SNYMAN: Your Honour, during his interrogation by the interrogation team he was instructed to stand up from the chair.

MR BIZOS: In the background in which you grew up and in which you had a training; we are not talking about now when you profess to be a democrat, but at that time, was it your general view that a Black man had to obey an order of a White man, particularly a White man who was in the security police?

MR SNYMAN: Your Honour, according the State system or State order of that time, it had been our thinking that that is the way that things should be done.

MR BIZOS: Yes. Your state of mind at that time and having regard to the words that you used in your application, was that the late Mr Biko was stubborn, "parmantig" and too big for his boots for a Black man.

MR SNYMAN: Your Honour, that was the case. That is the impression that he created to - for us; that he did not really want to listen to us.

MR BIZOS: Yes, but he was a proud man and that your self-respect would have been insulted if he continued sitting on the chair?

MR SNYMAN: Your Honour, we had to realise that he was a high profile person in the Black Consciousness Organisations. He was a president of one of these organisations and by sitting he maintained his own status.

MR BIZOS: I see. So that you were offended, personally offended that you, a White man, had a pretender of political power before him and that you were not going to tolerate it and you told him to get up? Is that correct?

MR SNYMAN: That is correct, your Honour.
MR BIZOS: And had it not been for your personal pride, combined with the personal pride of your fellow security policemen, and he was allowed to sit down, the scuffle or beating up may not have happened at all?

MR SNYMAN: Your Honour, our instruction had been very clear from our commanding officer with regard to the manner in which we had to break down this person.

MR BIZOS: I want to read your own words in your application at the bottom of page 4 to the top of page 5:

"Biko appeared resistant, challenging and aggressive."

Was that because he insisted on sitting down?

MR SNYMAN: Your Honour, his entire attitude was recalcitrant, challenging and aggressive.

MR BIZOS: Mr Siebert described him as "weerbarstig, minagtend en aggressief".

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Now, did he show all those attitudes by insisting on his right to sit down?

MR SNYMAN: Your Honour, when we started with him it already appeared clearly that he was not going to co-operate with us.

MR BIZOS: But he sat down right away.

MR SNYMAN: That is correct, your Honour, and then he was taken from the chair and he was instructed to stand again.

MR BIZOS: Taken from the chair; how was he taken from the chair?

MR SNYMAN: Your Honour, it was by one of the members of the investigative team, who grabbed him up from the chair or lifted him up from the chair and told him to remain to standing.

MR BIZOS: How did he lift him up?
MR BOOYENS: Mr Chairman, I just got a request that the witness be requested to speak a bit harder. Apparently the interpreters have got a difficulty in hearing him.

CHAIRPERSON: Tell the witness that he should speak a little louder.

MR BIZOS: How did he pick him up?

MR SNYMAN: He lifted him up as indicated and he lifted him up by holding his clothes.

MR BIZOS: Did he say anything - first of all, who was it that lifted him up by his clothes?

MR SNYMAN: It was done by one of the members of the investigative team, Capt Siebert.

MR BIZOS: Did Mr Siebert say anything whilst he was doing this?

MR SNYMAN: If I can recall correctly he said to him; you must stand up. You must stand.

MR BIZOS: Yes and did Mr Biko say anything as a result of that?

MR SNYMAN: I cannot recall, your Honour.

MR BIZOS: Did anybody say to him that he was now in security police territory and he had to do what he was told?

MR SNYMAN: That is possible that that was said to him, your Honour.

MR BIZOS: Yes, and then he disobeyed that and he sat down?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: In your personal life and in your professional life, did you personally resent Black people not listening to you?

MR SNYMAN: Your Honour, in this particular case it was very clear that he was going to be recalcitrant and that he was not going to want to listen to us.

MR BIZOS: Why don't you answer the question?

MR SNYMAN: The instruction had been that this man was not going to sit down. We obeyed this instruction.
MR BIZOS: Would you please answer the question. In your personal and your professional life, did you resent Black people not listening to you?

MR SNYMAN: No, your Honour.

MR BIZOS: Well, why didn't you say so when the question was asked the first time?

MR SNYMAN: Your Honour, I said at the beginning that through the attitude of the detainee it was clear that he was not going to co-operate with us.

MR BIZOS: You must have hated this "parmantige" man whom you would have probably have described by another word for his actions?

MR SNYMAN: No, your Honour, I did not hate him.

MR BIZOS: Were you upset by his behaviour?

MR SNYMAN: It was clear that he was not willing to co-operate with us, your Honour.

MR BIZOS: Were you upset by his behaviour?

MR SNYMAN: Your Honour, we did probably have enough time to continue with the interrogation. It had been our hope that he would find some or other way in which to answer questions when these were directed to him.

MR BIZOS: I will ask the question for the last time. Were you upset by his behaviour?

MR SNYMAN: Your Honour, his behaviour did not really anger me or upset me. We did endeavour to get information from him and at that time it appeared to us that we were not going to get the information from him.

MR BIZOS: Did you at that time try to persuade him that you were not upset; you just wanted to facilitate the performance of your duty and ask him to please sit down?

MR SNYMAN: The idea had not - was not that he was going to be allowed to sit down. He was going to stand while the interrogation was in process.

MR BIZOS: You told us yesterday that you couldn't tell us how big this room was, 619. We went there yesterday and it's a room hardly bigger than four by five metres. Would you agree with that?

MR SNYMAN: That might be the case, your Honour.
MR BIZOS: It was an ideal interrogation room from the point of view of not being interrupted and not being detected for any crimes that may be committed within it, because it did not have any door to any passage. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: It was enclosed by 621, which was a much larger room and 617, which was smaller than 621, but a little larger than 617. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: There was no access to 619 unless you went through either 621 or 617?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: It was also a room hidden at the back of the building, overlooking a small yard. Is that correct?

MR SNYMAN: That might be correct, your Honour.

MR BIZOS: Why might it not be correct?

MR SNYMAN: I am not saying that it is not correct, but as you know I had been in that building only a very long time ago.

MR BIZOS: That would have been even more - more helpful to you to say whether what I put to you, was correct or not.

CHAIRPERSON: I understand by a gesture made by my learned friend that he has a plan. If that would be the case, could we have a look at it and consider whether we should put it in as an exhibit?

COMMITTEE MEMBERS VIEW THE PLAN AND DISCUSS IT QUIETLY

MR BIZOS: The plan that is tendered here is not what we saw and we are instructed by Mr Jones that it is not what he knew at the time. So I will not hand it in. My learned friend can have a look at it and do whatever he wants to do with it. During interrogations in room 619, where the doors of 617 and 621 kept closed?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: The two doors leading from 619 to 617 and 621, were they kept closed during interrogations?

MR SNYMAN: That is possible, your Honour, but I cannot recall.
MR BIZOS: Well, generally speaking, in view of the highly sensitive matter that you dealt with and also as a cover up for any unlawful activities that you may have wanted to perform in that room, you would not leave doors open or ajar for passers by to hear screams or to hear protests or even perhaps to hear the information that was being imparted, do you?

MR SNYMAN: No, your Honour, that had not been the idea.

MR BIZOS: Well, why was such a little hole at the back of the building comparatively speaking chosen as the interrogation room? Four by five at most for a table, a chair, a filing cabinet, four or five interrogators and the detainee?

Why was that room chosen for this purpose?

MR SNYMAN: Your Honour, that room was always used for interrogation.

MR BIZOS: That was the only room that was used for interrogation?

MR SNYMAN: To the best of my knowledge, yes, your Honour.

MR BIZOS: The question was, why did you choose such a comparative small hole in order to do your job?

MR SNYMAN: Your Honour, that was the office in which interrogations were carried out with all other detainees.

MR BIZOS: All the more reason; why?

MR SNYMAN: (No audible reply).

MR BIZOS: Any answer?

MR SNYMAN: Could you please repeat your question, I did not clearly hear it.

MR BIZOS: Why was this particular little room, so isolated from the rest of the world, chosen as the room at which all interrogations were to take place?

MR SNYMAN: Your Honour, that was the office used by the section which dealt with Black issues or Black matters. It was common usage to use that room for that purpose.

MR BIZOS: Why?

MR SNYMAN: I cannot offer a reason for that practice.

MR BIZOS: May I suggest one to you: so that the screams of your
victims could not be heard.

MR SNYMAN: No, your Honour.

MR BIZOS: And where you felt confident that the detainees that you interrogated were completely helpless.

MR SNYMAN: No, your Honour, that is not the case.

MR BIZOS: Was Mr Beneke in that room from the time of the arrival of Mr Biko in it to the time that he was picked up from the chair and told that he was not allowed to sit? Was Mr Beneke in that room?

MR SNYMAN: No, your Honour, he was not present in the room throughout since he had not been a member of the investigative team.

MR BIZOS: Oh! Where was his office?

MR SNYMAN: It was one of the offices in that area, but I cannot recall exactly which one of these offices.

MR BIZOS: Was it 617 or 621, the two adjoining offices of 619?

MR SNYMAN: It might possibly be one of these, yes.

MR BIZOS: You don't remember where his office was.

MR SNYMAN: Your Honour, this was not my section and I was not exactly sure where these people were placed, but I would presume that it was one of these offices. My office was on the 5th floor. The 6th floor was not my everyday office.

MR BIZOS: Who were the people - what was the job of the people in their offices around 619 and 617?

MR SNYMAN: Your Honour, these were all of the persons who dealt with Black matters.

MR BIZOS: Yes. Did Mr Beneke have no - nothing to do with the interrogation of Mr Biko?

MR SNYMAN: No, your Honour.
MR BIZOS: Why did you in Exhibit C1 - did you say -

"Maj Snyman reports that on 7/9/77 at about 07:00 in
the morning, he, Capt Siebert and Warrant-Officer
Beneke interrogated detainee Bantu Steven Biko at the
security branch offices in the Sanlam Building."

MR SNYMAN: Your Honour, it had probably been the time when Warrant-Officer
Beneke came in to assist us when we were involved in the scuffle with Mr Biko.
He was in one of the adjoining offices at that time.

MR BIZOS: Yes, you now say that Mr Beneke's entry was by chance. He had
nothing to do with the interrogation. Why did you in your handwriting make an
entry on the 7th saying that he, you and Siebert were to interrogate him?

MR SNYMAN: That would probably have been an oversight on my part when I
made the entry into the occurrences book, your Honour.

MR BIZOS: But why did you say that he was part of the interrogation team?

MR SNYMAN: He was not a member of the interrogation team, but he was
involved in the scuffle or the fight that morning of the 7th.

MR BIZOS: The question, is why do you now say he was not, when you wrote
down on the morning of the 8th that he was? Have you any explanation for that?

MR SNYMAN: No, your Honour.

MR BIZOS: Isn't it because you are trying to assist him by keeping him out of this
as far as you possibly can?

MR SNYMAN: No, your Honour.

MR BIZOS: Now please tell us in your own words what happened after Mr Siebert
had picked him up? What happened then?

MR SNYMAN: Your Honour, when Capt Siebert plucked him from the chair and
when he punched at Capt Siebert, a fight ensued. The noise was heard by Warrant-
Officer Beneke, who then entered the room to assist. He then shouldered the
detainee in his stomach.

MR BIZOS: Let's take it step-by-step. You say that Mr Biko punched Mr Siebert.
Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BOOYENS OBJECTS: With respect, he said he punched at him, M'Lord.
MR BIZOS: No, that's not what he said. I'll put the question again and he repeated it, M'Lord. I will appeal to my learned friend to let the record speak.

CHAIRPERSON: He has on a previous occasion said that he can't say whether the punch landed or not. He attempted to punch.

MR BIZOS: That was the previous evidence. Now he twice said that he punched Capt Siebert, Mr Chairman.

CHAIRPERSON: Ask him to clear that up. What did he mean by that?

MR SNYMAN: He did punch at Mr Biko, your Honour. Capt Siebert then ...
(intervention).

MR BIZOS: Just one moment, please. Did the punch land on Mr Siebert?

MR SNYMAN: I cannot recall whether he in fact managed to hit him.

MR BIZOS: Now, whether he punched him or punched at him with a blow that did not land, how did you feel about the cheek of this Black man towards your White colleague?

MR SNYMAN: Your Honour, it was clear at that time that he was recalcitrant, that he was not willing to co-operate.

CHAIRPERSON: The question is how did you feel about that?

MR SNYMAN: Your Honour, since it had been clear that we were not going to get co-operation from him and that he was not willing
to stand up as instructed.

MR BIZOS: How did you feel about the fact that your security police colleague, a White person, was punched at or punched by a Black man?

MR SNYMAN: Your Honour, at that moment it meant nothing to me. The goal had been to interrogate this man and it was clear that he did not want to co-operate.

MR BIZOS: If you felt that his failure to stand up - I want to use your own words, was "weerbarstig, uitdagend en aggressief", what words would you use to describe your feelings when he had the cheek, on your version, to punch or attempt to punch your colleague? What words would you use, which must obviously be stronger than those that you have already used. What stronger words would you use to describe your feelings?
MR SNYMAN: Your Honour, it was clear that he did not want to co-operate with us.

MR BIZOS: Why don't you try to answer the question?

CHAIRPERSON: Please just answer the question, it's simple. How did you feel about all this?

MR SNYMAN: Your Honour, we felt that we had to obtain the co-operation of the man in order to continue with our interrogation and it was clear that we were not going to obtain this co-operation.

CHAIRPERSON: My question is very directed; whether you were annoyed, whether you were angered by what you saw or whether you were untouched by what you saw? That is the kind of answer that is being asked by Mr Bizos. How did you feel about this?

MR SNYMAN: I felt that we were not obtaining co-operation from the person.

MR BIZOS: You don't want me to ask the question again, I take it?

MR SNYMAN: No, your Honour.

MR BIZOS: I'll accept your non-answer. Now, please tell us that - what happened after that punch was thrown, precisely what happened; who did what?

MR SNYMAN: Capt Siebert was the first person to act.

MR BIZOS: What did he do?

MR SNYMAN: He pulled him up from the chair by his clothes.

MR BIZOS: He had already done that. The question was, what did he do after this punch or attempted punch? What did Mr Siebert do, or anyone else?

MR SNYMAN: Capt Siebert pushed against the chest. At the same time Warrant-Officer Beneke entered the room and shouldered him.

MR BIZOS: Just a moment, please. Where was the chair when the attempt was made to punch? In what part of the room, the small room, was the chair?

MR SNYMAN: The chair had been pushed by the detainee. I cannot recall on what side of him it was standing on the floor.
MR BIZOS: I know that chairs stand on the floor. What part of the room was it on?

MR SNYMAN: It was close to where the detainee was standing.

MR BIZOS: Obviously if he was picked up from the chair, it must have been close. The question is, what part of the room was this chair on when that happened?

MR SNYMAN: Your Honour, I cannot at the moment remember exactly where in the room it was standing. It was in the room.

MR BIZOS: On the southern wall; on the northern wall; on the western wall or the eastern wall? Please give us some idea where this chair was when this attempted punch was made?

MR SNYMAN: It would have been closer to the northern wall.

MR BIZOS: The northern wall, yes. What was the result of Mr Biko being pushed on the chest by Mr Siebert?

MR SNYMAN: He staggered backwards, your Honour.

MR BIZOS: Did he not fall?

MR SNYMAN: The moment when the other man joined in and bumped him with the shoulder, a general melee then happened. There was a scuffle amongst everyone and in that process, there was a pushing around.

MR BIZOS: Let me give you notice that it was easy in 1977 and it may be easy now for you to say that there was a scuffle without giving us any details as to how it may have happened.

I'm going to suggest to you that if you persist of just speaking of a general scuffle, we will submit to his Lordship that you are not telling the truth and that the reason for it is that you have converted a beating-up to a scuffle. If you want your story to be believed that there was a scuffle, you will please tell us details of it and not try and evade the questions. Have I made myself clear?

Now let me try again. What happened to Mr Biko when he was pushed immediately after he tried to punch Mr Siebert?

MR SNYMAN: Your Honour ...

END OF TAPE 1 - DAY 2 - SIDE A

MR BIZOS: ... in your prepared version. I am asking you specifically; what happened to Mr Biko as soon as he was pushed by Mr Siebert?
CHAIRPERSON: He had already told us that he staggered backwards.

MR SNYMAN: That is correct, your Honour. He did stagger backwards.

MR BIZOS: Did he fall?

MR SNYMAN: He would have fallen after he was bumped by the other man.

MR BIZOS: We're not talking about the other man yet. Did he fall when he was pushed by Mr Siebert?

MR SNYMAN: No, I doubt that he had fallen.

-

MR BIZOS: Did he stagger with the chair behind him?

MR SNYMAN: That is possible, your Honour.

MR BIZOS: Well, anything is possible. Where was the chair when he staggered backwards?

MR SNYMAN: I cannot exactly say where the chair had been. It was somewhere on the northern side of the room.

MR BIZOS: Was Mr Biko in front of the chair or behind the chair when Mr Siebert pushed him?

MR SNYMAN: I would say that it was on his side. It was next to him.

MR BIZOS: He was next to the chair, yes. Then you say that Mr Beneke rushed in?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: How many people were in the room before Mr Beneke came in?

MR SNYMAN: Your Honour, it would have been myself, Capt Siebert and I believe also Warrant-Officer Niewoudt.

MR BIZOS: Did you try to do anything before Mr Beneke came in? Did you try to do anything to restrain Mr Biko on his alleged aggressive behaviour before Mr Beneke came in?

MR SNYMAN: No, your Honour.

MR BIZOS: Did Mr Niewoudt try and do anything before Mr Beneke came in?
MR SNYMAN: I cannot exactly recall, your Honour.

MR BIZOS: What did Mr Siebert do after Mr Biko had staggered back?

MR SNYMAN: He made an attempt to restrain him, your Honour.

MR BIZOS: By doing what?

MR SNYMAN: By means of the scuffle that then ensued, your Honour.

MR BIZOS: The scuffle that had ensued is a generalisation that I will not accept, Mr Snyman. Please answer the question. What did Mr Siebert do immediately after he pushed Mr Biko and Mr Biko staggered backward? What did Mr Siebert do?

MR SNYMAN: Your Honour, I am certain that there were punches dealt out at that point.

MR BIZOS: Punches dealt out by whom?

MR SNYMAN: That would have been by Capt Siebert and also Beneke who then joined and at a later point the other two men also joined in.

MR BIZOS: Please, I appeal to you to remember we are going to take this step by step, as painful as it may be to you.

What did Mr Siebert do after Mr Biko staggered back. You say punches were administered. Who administered punches on Mr Biko before Mr Beneke came in?

MR SNYMAN: Your Honour, I cannot recall who hit what when, but there certainly, in the scuffle, there would have been punches administered.

MR BIZOS: Administered by whom at whom?

MR SNYMAN: That would have been by Capt Siebert who took the first action against the man.

MR BIZOS: Against who is the man that he took first action against?

MR SNYMAN: That would have been the detainee.

MR BIZOS: He has a name, Mr Biko.

MR SNYMAN: Mr Biko, that is correct, your Honour.
MR BIZOS: So that we now have established that before Mr Beneke came in, Mr Siebert punched Mr Biko.

MR SNYMAN: That is correct, your Honour.

MR BIZOS: What part of his face or body did he strike him?

MR SNYMAN: I cannot tell you specifically, your Honour.

MR BIZOS: Was it his face that was struck before Mr Beneke came in?

MR SNYMAN: That is possible, your Honour.

MR BIZOS: When we have this shiner above his eye, is that how that injury came about?

MR SNYMAN: No, Your Honour, I cannot answer that, because I do not know.

- 

MR BIZOS: How many punches did Mr Siebert throw?

MR SNYMAN: I would not be able to say, your Honour.

MR BIZOS: Please tell us how many punches Mr Siebert threw before Mr Beneke came into the room?

MR SNYMAN: Your Honour, it is not possible for me to tell you, I do not know, I cannot recall that.

MR BIZOS: Well, you recall that he was punched and you would recall that he was punched by Mr Siebert on a number of occasions.

Please try and remember on how many occasions Mr Siebert punched Mr Biko before Mr Beneke came in?

MR SNYMAN: Your Honour, Mr Beneke entered the room very shortly thereafter, since he had heard the scuffle. It would have been a matter of seconds and he was in the room.

MR BIZOS: Within that period, however long or short it may have been; how many blows did Mr Siebert administered against the body of Mr Biko?

MR SNYMAN: I cannot say, your Honour.

MR BIZOS: You spoke in the plural. It must have been more than one.
MR SNYMAN: That is possible, your Honour.

MR BIZOS: And we know that there was, I can think of the Afrikaans word only, because it's used in the papers, a "geweldige aanval" on his face and there was a cut lip.

Can you say whether those two prominent injuries were administered by Mr Siebert before Mr Beneke came in or as Mr Beneke was coming in?

MR SNYMAN: Your Honour, I would say that that occurred during the scuffle when the other men also joined in.

MR BIZOS: Right. Let us see. Who else threw punches at Mr Biko's body before he fell?

MR SNYMAN: Your Honour, when Mr Beneke joined in, as well as officers Niewoudt and Marx, at that point the fight started, the effort to restrain him.

MR BIZOS: I'm talking about the punches. Who else, besides Mr Siebert, punched Mr Biko before he fell?

MR SNYMAN: Your Honour, there were punches dealt out, administered left and right. I cannot recall where - who hit whom.

MR BIZOS: Did Mr Siebert throw punches at Mr Biko? You have already told us that. Did Mr Niewoudt throw punches at Mr Biko before he fell?

MR SNYMAN: It is possible that in the fight punches were dealt out or administered, your Honour.

MR BIZOS: Before Mr Biko fell, did Mr Niewoudt throw punches at Mr Biko, yes or no?

MR BOOYENS OBJECTS: M'Lord, with respect, the witness have said it's possible. To expect he must say yes or no in the circumstances is hardly fair.

CHAIRPERSON: Mr Bizos, I think you should remember that it has occurred 20 years ago and maybe some allowance must be made for that.

MR BIZOS: Yes.

CHAIRPERSON: If he does not have a detailed ball-by-ball recollection of what happened.
MR BIZOS: I'm not expecting that, Mr Chairman, but I am entitled, with respect, to say when I say to him in that Mr Siebert threw punches and how many and he says there were others that threw punches as well; I am entitled, with respect, to try and determine who were the others that threw punches. I am not going to insist that I should have a precise account, but the identity of the person that threw punches, is of the absolute importance.

CHAIRPERSON: Well, there's no doubt about that.

MR BIZOS: Yes.

CHAIRPERSON: There's no doubt. As long as you don't ask him who threw how many punches and give us an account of each one and where the punch landed ... (intervention).

MR BIZOS: No, I ... (intervention).

CHAIRPERSON: That kind of cross-examination is not really ... (intervention).

MR BIZOS: No, I merely want to know the identity of the persons who threw punches at Mr Biko before he fell. He told as that Mr Siebert did so. When I asked you how many, you said I don't know many he threw, but that there were others as well. I want to know who the others were that threw punches at Mr Biko before he fell. Was it Mr Niewoudt?

MR SNYMAN: Your Honour, in the fight it was Cpt Siebert, Mr Niewoudt, as well as Mr Beneke. It is possible, as I have told you, I cannot recall who hit what. With respect, as your Honour have said, this was 20 years ago. I am not able to recall this.

MR BIZOS: As you stand there, you recall Mr Beneke and Mr Niewoudt throwing punches and that is what you mean that they took part in the fight. Is that correct?

MR SNYMAN: That was part of the fight, your Honour. In the attempt to restrain Mr Biko.

MR BIZOS: Yes, we're going to come to the other parts. We are talking about the throwing of punches. Did Mr Niewoudt and Mr Beneke throw punches at Mr Biko before he fell?

MR SNYMAN: Your Honour, that is possible, but I am not able to say.

MR BIZOS: Are you able to say whether anybody did not punch Mr Biko? Can you recollect of somebody who did not punch Mr Biko?
MR SNYMAN: Your Honour, Mr Marx and myself were in the background. The scuffle were between the other men and Mr Biko in the effort to restrain him.

MR BIZOS: That means that you and Marx as far as you can remember, did not throw punches? Is that what you're saying?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: But the others must have done, once you have made that distinction. Why do you remember, I can understand you yourself that you kept out of it. You can remember Mr Marx not doing it. Does that not mean that the others must have of necessity or highly probably joined in in punching Mr Biko?

CHAIRPERSON: I think it follows, Mr Bizos.

MR BIZOS: Thank you. Thank you, Mr Chairman. I will leave it there. From what door did Mr Beneke come? Did he come from 617 or 621?

MR SNYMAN: Your Honour, I cannot tell from which office he came, but he did hear the - he did hear what happened and then he entered the room.

MR BIZOS: Wasn't, which door was - had a grille on leading to 619? Was the grille, that you've manacled Mr Biko in, between 617 and 619 or 619 and 621? Which one did you manacle him on?

MR SNYMAN: That would have been in room 609.

CHAIRPERSON: It's possible that the witness said 619, but the interpreter could not hear clearly.

MR BIZOS: Yes, 619; was it the door between 619 and 617 or 619 and 621?

MR SNYMAN: Your Honour, it would have been from the passage to room 619.

MR BIZOS: Was that door not - did that door have a grille on? The door between 621 and 619, did that have a ... (intervention).

MR BOOYENS OBJECTS: No, M'Lord, he referred to the - he said the "gang", the passage.

MR BIZOS: Don't you agree that there is no door. I think we have already agreed that there is no door from 619 directly onto the passage.

CHAIRPERSON: In other words, can you enter the room 619 from the passage?
MR BIZOS: Directly from the passage?

CHAIRPERSON: Yes.

MR BIZOS: Without going through either 617 or 621.

MR SNYMAN: I believe that it is possible, your Honour, but I cannot exactly remember.

MR BIZOS: Now, where was Mr Biko when Mr Beneke entered 619?

MR SNYMAN: To the northern side of the room, your Honour.

MR BIZOS: Could I just clarify with the witness from the campus point? Is that north this way? Well, we will make a copy of this for the court during the adjournment? Is that north? Yes, he was, you say, on the northern side of 619. Was he on the western side of the door between 617 and 619 or on the eastern side of the door in 619, between 619 and 617?

MR SNYMAN: Your Honour, I cannot exactly remember at that stage.

MR BIZOS: At that stage, when Mr Beneke came in, there were five people in the room, a desk, a cabinet and a table. Or rather, I beg your pardon, and a chair. Correct? Five people; the detainee, four of you, a cabinet, a desk or table and a chair. Correct?

MR SNYMAN: How many people did you refer to? Could you just repeat the number of people?

MR BIZOS: Five.

CHAIRPERSON: There were five, Mr Biko and four of you, would that be correct?

MR SNYMAN: That would be correct, your Honour.

MR BIZOS: Yes. Now, you would hardly have been able to swing the proverbial cat in a room so small with five people in it, a desk and a chair, could you have?

MR SNYMAN: I would agree with you that this was a very small office.

MR BIZOS: Yes. Now, ... (intervention).
CHAIRPERSON: It's obvious that even if they didn't swing cats, they swung punches.

MR BIZOS: Unhappily that is so, Mr Chairman. Now tell me of necessity, when Mr Beneke came in there must have been at least a couple of you between Mr Biko and him?

INTERPRETER: The interpreter could not hear the speaker.

MR SNYMAN: Your Honour, the people then present were Mr Beneke, Mr Siebert, Mr Niewoudt and Mr Marx, who then joined in.

MR BIZOS: Were punches being thrown when he came in, when he, Beneke, came in?

MR SNYMAN: Your Honour, at that time, at that point, Mr Beneke came in to assist in the restraining of Mr Biko.

MR BIZOS: What was the question? Don't you pay any attention to the questions, Mr Snyman?

When Mr Beneke came in, were punches being thrown at Mr Biko?

MR SNYMAN: In the process of restraining him there would probably have been punches dealt out.

MR BIZOS: Yes. Nobody cleared the way for Mr Beneke to come in as a sort of eighth man for a rugby tackle?

MR SNYMAN: Your Honour, Mr Beneke entered after he heard the scuffle inside.

MR BIZOS: The gravamen of the question, is that nobody would

have had to open the way for Mr Beneke to come in when he decided to do so, because of necessity. Having regard to the smallness of the place and that probably punches were being directed at Mr Biko at that stage, he could not have done this rugby tackle, unless the five - the other four people there, made an opening for him to do this tackle?

Do you agree with that?

MR SNYMAN: Yes, your Honour.
MR BIZOS: Right. Please tell us, I want to go away from the sequence and finish up where you say Mr Biko hit his head against the wall. Which portion of the wall did you say Mr Biko's head hit?

MR SYMAN: It would have been on the northern side of the room, your Honour.

MR BIZOS: Is that where he was originally?

MR SYMAN: That is correct, your Honour.

MR BIZOS: I'll ask you again. On the western side of the door between 617 and 619 or the eastern side?

MR SYMAN: I would say the northern part, your Honour.

MR BIZOS: We know that, but the room as small as it is, has a door leading to 617. Was it on the left-hand side of that door which would have been the west or the right-hand side of that door which would have been the east? Where was he when Mr Beneke charged him with a rugby tackle?

MR SYMAN: I could not say exactly, your Honour.

MR BIZOS: Well, let us assume for the time being that it was either the one or the other. Where was the chair in relation to Mr Biko when this tackle was executed?

MR SYMAN: Your Honour, I would not be able at this stage to tell you.

MR BIZOS: When these punches were being directed at Mr Biko, did he put up his arms or take any defensive action against his attackers?

MR SYMAN: Your Honour, he was a large man and also from his side that would have been the case.

MR BIZOS: The question was whether he took any defensive action by putting up his arms in order to deflect the punches from his attackers?

MR SYMAN: Your Honour, it would not have been clear for me to distinguish from that which exactly occurred.

MR BIZOS: Well, we don't know what that means, but let us proceed. Mr Siebert, Mr Niewoudt were young, properly trained policemen, fit, I take it - correct?

MR SYMAN: That is correct, your Honour.
MR BIZOS: They also had the advantage of having you and Mr Marx as reserves if the need arose?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: You also had a welcome reinforcement in the person of Mr Beneke?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: As soon as Mr Beneke charged him, what happened to Mr Biko?

MR SNYMAN: Your Honour, there was a general fight, an effort to restrain Mr Biko at that point and to be able to handcuff or shackle him again.

MR BIZOS: Was he surrounded at that stage against the northern wall by the five of you?

MR SNYMAN: The people involved in the fight were the persons that I've already mentioned.

MR BIZOS: No. Was he surrounded by the five of you against the northern wall?

MR SNYMAN: Your Honour, we were in the office. However, the men whom I have already mentioned, joined in the fight in an effort to restrain him.

MR BIZOS: Now what did they do in that fight at that stage? What do you mean, the fight? What did they do? What did the men do; that is Siebert, Niewoudt, Marx, Beneke and yourself? What did each one of you do? Let us start off with Mr Siebert. What did Mr Siebert do after Biko was rugby-charged?

MR SNYMAN: Your Honour, the fight then ensued to restrain him. In that process they fell, they bumped against chairs and tables in an effort to restrain him?

MR BIZOS: What did you see Mr Siebert doing in this fight immediately after the rugby tackle? What did Mr Siebert do?

MR SNYMAN: I would not be able to say exactly, but there was a roundabout scuffle. You must remember, Mr Biko was a strong man and in this wrestling scuffle there was an effort to pin him down so that he could be chained or cuffed again.

MR BIZOS: Well, what did Mr Siebert do in this effort? Did he grab his hand and try and twist it perhaps behind his back or did anyone of them try to pin his arms against his body? Did Mr Siebert do that or any of those things?

MR BOOYENS OBJECTS: M'Lord, really, the witness have told my learned friend now he cannot give exact details what was happening. Your Lordship
pointed that out to my learned friend as well that this happened. This is really getting to a stage where I think I must object to this specific line of questioning being unfair at this stage and should be disallowed.

CHAIRPERSON: You're being asked questions on matters of detail about what each of your colleagues did or what you remember them doing. Now if you can remember what each one did, then you must answer the questions, but if you can't, then you must say so.

MR SNYMAN: Your Honour, I want to say that at this point I do not recall every single punch or every single part of the struggling or scuffle. This was very long ago.

MR BIZOS: So as far as Mr Siebert is concerned, you cannot remember whether or not he punched Mr Biko after he was rugby tackled by Mr Beneke?

CHAIRPERSON: He has already given his answer.

MR BIZOS: Is that the answer?

MR SNYMAN: I cannot say exactly, your Honour.

MR BIZOS: You can't tell us whether Mr Beneke or Mr Niewoudt or Mr Marx punched Mr Biko after he was rugby tackled? Is that correct?

MR SNYMAN: It's possible, your Honour, that punches would have been administered to bring him under restraint.

MR BIZOS: Punches on his face?

MR SNYMAN: I cannot say that it was on the face or on what part of the body, your Honour.

MR BIZOS: Although you cannot mention specifically which person may have punched at that stage, you do recall that punches were thrown at Mr Biko by one or other of them? Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: The punches were being thrown for the purposes of restraining him, you say?

MR SNYMAN: That is correct, your Honour.
MR BIZOS: Isn't it a strange way to try and restrain a person when you - to punch him when he is so heavily outnumbered?

MR SNYMAN: Your Honour, he would have offered resistance and in order to restrain him it was necessary for these people in order to shackle or cuff him again ... (intervention).

MR BIZOS: Well, you ...

MR SNYMAN: ... and it's possible that people were pushed around or bumped.

MR BIZOS: You're trying too hard to give an innocent explanation for the serious injuries. Just listen to the question and answer it, please.

MR SNYMAN: Would you not agree that it's a strange way when you have a five against one situation and the objective is to restrain a person, punching him unless you intend to knock him out, is the least effective way of subduing him. Would you not agree with that?

MR SNYMAN: Yes, your Honour.

MR BIZOS: If you want - if you have a person so outnumbered as five to one; the one can take the one arm, the other the other arm, the other the one leg and another the other leg and you've got one to spare and you are in complete control. Not so?

MR SNYMAN: All five did not take part in the fight, your Honour.

MR BIZOS: What I'm saying to you; that to punch a person for the purposes of restraining him when he's outnumbered five to one, is laughable. Do you agree with that?

MR SNYMAN: Yes, your Honour.

MR BIZOS: Well, if it's so laughable, can you explain why your colleagues were punching him if the intention was to restrain him?

MR SNYMAN: Your Honour, Mr Biko was a strong man and force had to be applied to restrain him in order to shackle him again.

CHAIRPERSON: When you say force had to be applied; are you really saying that in addition to punching him, he was kicked. They grappled with him, they held him. Was all that done or was he merely punched?

MR SNYMAN: There was no kicking, your Honour.

MR BIZOS: Now, don't you agree that punching would only add to the fury of a man who was aggressive, unless the punch rendered him unconscious? Then you
would have had an opportunity to subdue him effectively. Do you understand the question.

MR SNYMAN: Yes, your Honour.

MR BIZOS: Do you agree with the proposition; that unless you knock a man out, you do not restrain him by punching him? It's as simple as that.

MR SNYMAN: Your Honour, he was not knocked out. It was in the scuffle that he fell and bumped his head against the wall.

MR BIZOS: The question was, your colleagues that were punching him would only have infuriated him by continuing to punch him and not to subdue him. They would only have subdued him by punching him if they knocked him out?

MR SNYMAN: Your Honour, this was not a continuing fight of several minutes. It was a very brief event. Then everyone fell on top of each other and in that process it is clear that Mr Biko bumped his head against the wall.

MR BIZOS: I won't ask the question again, but we will submit that you do not want to answer it. Now, you told us that he knocked his head on the northern wall. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: He never really moved away from the northern wall?

MR SNYMAN: It is possible that in the scuffle he might have moved away from the wall, but when he fell, he bumped against that wall.

MR BIZOS: If he was against the northern wall when he was being punched and then he was, in some way or another, dropped down, he must have been facing his assailants?

Correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Just to make it doubly clear; he didn't turn to put his head against the northern wall against which he had his back when his assailants were punching him when he fell. He was still facing his assailants?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: So that when he fell, he fell back onto the northern wall?

MR SNYMAN: That is correct, your Honour.
MR BIZOS: If his condition was as a result of a fall and an injury to the head, it must have been an injury to the back of his head?

MR SNYMAN: Your Honour, I cannot say exactly where his head touched the wall, but his head did touch the wall.

MR BIZOS: At the time when he had in front of him his assailants against whom he tried to protect himself? Is that correct?

MR SNYMAN: It was in order to restrain him, your Honour.

MR BIZOS: Yes, but we're only dealing with the positions now. He was facing into the room. He was against the wall and his assailants brought him down against the wall, his head to the back of the wall and facing his assailants. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Therefore, if he did injure his head in this fall, he injured the back of his head?

MR SNYMAN: That is possible, your Honour. I am not able to say.

MR BIZOS: Whether he injured his head or not, but you know that a logic tell us from what, if what you told us, is correct, that he must have knocked the back of his head against the wall.

MR SNYMAN: That is possible, your Honour.

MR BIZOS: But you saw this fight. We're not interested in possibilities. On the basis of the positions that you had given us, he must have knocked the back of his head?

Is that correct?

MR SNYMAN: It is correct that he bumped his head, your Honour.

MR BIZOS: But from the positions that you gave us when that happened, was that he could only have bumped the back of his head.

MR SNYMAN: That might well be the case, your Honour.

MR BIZOS: Yes.

CHAIRPERSON: I have some difficulty in understanding all this. Please help him. We all know there was medical evidence that Mr Biko received an injury to his head. My question to you is, did you actually see Mr Biko's head bump against the wall or is that a conclusion you draw from what you had heard?
MR SNYMAN: Your Honour, I could deduce out of the fight that he bumped his head against the wall.

CHAIRPERSON: In other words you didn't see the head bumping against the wall. It's a conclusion you drew?

MR SNYMAN: I had heard it.

CHAIRPERSON: That's the position. You'd 'hoor' what? The sound of the head bumping against the wall or you had heard that he had hurt his head?

MR SNYMAN: Ek het gehoor dat hy sy - oh sorry - I heard that he bumped his head against the wall.

CHAIRPERSON: You didn't see how the head bumped the wall? That's correct, isn't it?

MR SNYMAN: (Ek sê ook nie dat dit is korrek nie.) That would be correct, your Honour.

CHAIRPERSON: And you won't know whether Mr Biko was standing at the time that he bumped his head or he was kneeling or whether he was on the ground when his head bumped the wall? You wouldn't know that either?

MR SNYMAN: It would be my opinion that he was on the ground when he bumped his head.

CHAIRPERSON: That's an opinion, but you didn't see?

MR SNYMAN: Yes.

CHAIRPERSON: Well now, Mr Bizos, this question of whether the back of the wall hit him; the back of his head hit against the wall or the front or his head hit the wall, is irrelevant, really.

MR BIZOS: I'm indebted to the clarification and I will proceed further, Mr Chairman.

CHAIRPERSON: Thank you. We might consider adjourning at this stage. We'll break for 15 minutes.

MR BIZOS: Thank you.

COMMITTEE ADJOURNS
ON RESUMPTION:

HAROLD SNYMAN: (Still under oath).

CHAIRPERSON: Yes, Mr Bizos.

CROSS-EXAMINATION BY MR BIZOS (cont):

At the inquest in Pretoria, you were shown coloured photographs. Do you recall? Which clearly showed an injury above the eye, do you recall that?

MR SNYMAN: I can't recall, but it’s possible.

MR BIZOS: And also show a cut lip. Do you recall that?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Well, you didn't really need the photographs to remember that there was an injury above the eye and that there was a cut lip. You yourself saw it when it happened?

MR SNYMAN: Your Honour, I didn't see the bang on his head or punch against his head.

MR BIZOS: What about the punch that cut his lip?

MR SNYMAN: I mentioned that in my occurrence book entry.

MR BIZOS: Did you see him bleeding?

MR SNYMAN: There might have been blood on the lip, your Honour.

MR BIZOS: Never mind might, did you see him when you were busy restraining him against the grille and putting the handcuffs on on his arms and the leg-irons, did you see that he was bleeding?

MR SNYMAN: I saw the injury to his lip, your Honour.

MR BIZOS: Did you see him bleeding?

MR SNYMAN: There was blood on the lip, that is correct, your Honour.

MR BIZOS: Was he bleeding?

MR SNYMAN: The blood was not dripping, but there was some blood on his lip due to this injury.
MR BIZOS: Did anybody put any disinfectant or try to attend to this injury of his?

MR SNYMAN: I cannot recall, your Honour.

MR BIZOS: Well, wouldn't you've remembered if a small piece of humanity was shown to him in the circumstances that prevailed in that room? Would you have forgotten if any human behaviour was exhibited towards him?

MR SNYMAN: I might be able to describe this as inhumane, but at that point I reported the matter to my commanding officer.

MR BIZOS: What good does it do to a man with a bleeding lip that you report it to his officer. There were five of you there. Did any of you take any immediate step to give him any disinfectant or a painkiller or to attend to the wound on his lip?

CHAIRPERSON: He said that his behaviour, their behaviour was inhuman and I think implicit in that is the answer that they did nothing to him.

MR BIZOS: Well, I'm going to put to you that a person that beats someone up is not likely to behave in a humane manner, but if the injuries were accidental, you would probably have done so. Do you understand what I mean? Can I put it in a more plain fashion for your comment? If the injuries to his head and his lips were accidental, you and your colleagues would have done the decent thing, because of an accident. But because you hated Mr Biko and what he stood for, you did nothing.

MR SNYMAN: I did not hate him, your Honour. The fact that I reported it to my commanding officer and that he indicated to me that he personally would handle the matter from there onward, I had thought that he would call in a doctor to pay attention to him.

MR BIZOS: Your superior spent all his time to cover up, not to help Biko and you knew it.

MR SNYMAN: I did not know of the deception. I did not know with whom the commanding officer had contact and from whom he obtained information.

MR BIZOS: Mr Chairman, we have handed in a copy of the rough plan. I don't know whether you want to receive it as an exhibit?

CHAIRPERSON: Mr Bizos, has counsel for the applicants seen this diagram?
MR BOOYENS: M'Lord, yes, we have been given this diagram. The plan that - this may be what it looks like now, but we've got another plan and our plan looks different, I should add at this stage. It shows different doors and so on, so my learned friend can obviously make use of it, but we do not accept the correctness of this plan, because on what I am told, this is not what it looked like at the time.

CHAIRPERSON: I see. Mr Bizos, is it claimed that the diagram you've got, reflected the position as it was at that time?

MR BIZOS: Yes, Mr Chairman, Mr Jones was there in a similar position as Mr Biko.

CHAIRPERSON: I see. All right. For what it is worth, this is now going to go in as EXHIBIT, I think F. Is it E?

MR MPSHE: E, Mr Chairperson.

CHAIRPERSON: EXHIBIT E, thank you.

EXHIBIT E HANDED IN

MR ERASMUS: Mr Chairman, ... (intervention).

CHAIRPERSON: I should have asked you as well. Have you had a chance of looking at it?

MR ERASMUS: I did look at it and I do want to say that we will inspect the site and on a further occasion, we will indicate whether we agree with or disagree with the exactness of the plan.

CHAIRPERSON: Thank you, Mr Erasmus. I'm sorry, I should have asked you first. Carry on, Mr Bizos.

MR BIZOS: Tell me, what did Mr Biko do with this chair and at what stage?

MR SNYMAN: He pushed the chair away, your Honour.

MR BIZOS: How did he push it?

MR SNYMAN: He rapidly pushed it forward, your Honour.

MR BIZOS: How did he do that?

CHAIRPERSON: What is the meaning of that question; with one hand, with two hands?

MR BIZOS: With his hands or his feet or his body?
CHAIRPERSON: Yes. There's a difficulty sometimes ... (intervention).

MR BIZOS: I can understand. Thank you for giving me an opportunity to clarify it.

CHAIRPERSON: Yes. Yes.

MR BIZOS: How did he move it, with his hands, his foot, his body?

CHAIRPERSON: Will the people in the audience please sit down? This demonstration must not take place while these proceedings are on. You can do that during the adjournment.

Yes, please, do carry on. You asked whether he pushed this chair, whether he kicked it or whether he pushed it with his hands, or how?

MR SNYMAN: He pushed it with his hands, very quickly, your Honour and he pushed it forward.

MR BIZOS: Away from himself?

MR SNYMAN: In the direction of Capt Siebert, your Honour.

MR BIZOS: He didn't throw the chair?

MR SNYMAN: No, your Honour. He pushed it quickly or bumped it.

MR BIZOS: Will you have a look at Exhibit C1, the note that you made at the time? You say:

"The detainee took on a very aggressive attitude. He went beserk. He picked up some of the chairs in the office and threw these at Maj Snyman."

Now, you yourself contradict that version in your evidence, don't you?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Why did you record that chairs were thrown at you by Mr Biko?

MR BOOYENS OBJECTS: With respect, that is not what the entry says. It does not say that chairs were thrown at the witness.
MR BIZOS: I'm sorry. I'm sorry - that one of the chairs in the room was thrown at you.

MR SNYMAN: That was part of the false statement, your Honour.

MR BIZOS: But you told us yesterday that the only falsity in it was the date and also that instead of your name, it should have been Siebert. You didn't tell us about that it was false, that a chair was thrown at one of the security personnel there, did you?

MR SNYMAN: The circumstances are as they are now explicated in our amnesty application, your Honour.

MR BIZOS: That is not the question that I am asking you. The question that I am asking you, is why did you write a lie and why when you were asked whether this report was correct or not, you mentioned the two details in respect of which it was wrong, but you failed to mention that it was wrong to say that there were chairs in the room and that one of them was thrown at either you or you Mr Siebert. Why did you do that?

MR SNYMAN: That was a lapse on my part, your Honour, an oversight.

MR BIZOS: Well, once you were prepared to lie in this manner before the Saturday meeting and it appears that you lied about the number of chairs in the room, whether a chair was thrown at you or Mr Siebert; how can you suggest to the court that why they should believe anything that you may have to say about the correctness of this entry?

MR SNYMAN: Your Honour, it is correct that that matter is false or is wrong.

MR BIZOS: Well, then in yesterday when you pointed out to the two matters which were wrong, you were asked and this was your answer, which was recorded by my learned friend;

"The remainder was as I had observed it."

You recall saying that?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: You've told the Chairman this morning that you didn't see Mr Biko hit his head against the wall? Is that correct?

MR SNYMAN: I said that he did bump his head against the wall, your Honour.

MR BIZOS: No, you said that you did not see it. Don't you remember what you said to the Chairman just shortly before the adjournment?
MR SNYMAN: That is correct, your Honour. It was however clear that during the scuffle his head somehow ended up against the wall.

MR BIZOS: Is there any difference between seeing and "waar te neem"?

MR SNYMAN: There is no difference, your Honour.

MR BIZOS: Of course not, so that when you said yesterday that you saw, when you confirmed C1 wherein it says that he bumped against his head, you were not telling the truth yesterday when you said that. "Die res is wat ek waargeneem het". (The remainder is what I observed.) That was false.

MR SNYMAN: No, your Honour. I said that he had bumped his head in the scuffle or fight.

MR BIZOS: You said you didn't see it in answer to the Chairman. Yesterday you said that "u het dit waargeneem". Both can't be true.

MR SNYMAN: I said heard the sound. I heard his head bump against the wall.

MR BIZOS: Why did you say that to the Chairman before the adjournment?

MR SNYMAN: Your Honour, it is difficult for me after such a long time to put everything into perspective and to recall everything.

MR BIZOS: What is the difference of a sound between an elbow or a knee or any other part of the body, hitting the wall and the head hitting the wall? What is the difference in the sound that it makes? Is there any difference.

MR SNYMAN: I don't know.

MR BIZOS: Because what you have just said after the adjournment shows that you were prepared to tell lies yesterday and that you even made up a lie a few moments ago when you said you heard the sound when you can't distinguish the sound, whether it's the head or any part of the body in order to justify a previous lie. What do you say to that?

MR SNYMAN: Your Honour, his head hit the wall first.

MR BIZOS: Which you didn't see. Anyway, let's leave it at that

for argument.
I want to turn to the basic attempted justification on your part. That is that this was done for a political purpose, because of the National Party politicians' statements and your superiors.

Please remember that we are talking about 1977. Was torture sanctioned to your knowledge by any National Party politician?

MR SNYMAN: There was no pertinent instruction given to us in this regard, but there was pressure placed on us at all times to bring the situation under control and this did occur by means of the detention of persons.

MR BIZOS: Do you recall that the Minister of Justice, the Minister of Police, the Prime Minister even when he became a President, that the politicians were expressly saying that detainees were ill-treated, was untrue and that it was the false propaganda of the enemies of South Africa, the ANC, the Communist Party and more particularly the Press.

Do you recall that that was the gravamen of their public statements?

MR SNYMAN: I cannot recall, but this might well be the case.

MR BIZOS: Yes, well if need be, we will put newspaper cuttings before the Committee as to how strongly and publicly they protested that no-one was authorised to ill-treat detainees. Are you able to deny that?

MR SNYMAN: I am not able to deny it.

MR BIZOS: Furthermore, do you recall that after Mr Biko's death, there was a commission of inquiry headed by the chief Justice, Mr Justice Rabe? Do you recall that?

MR SNYMAN: I do recall something like that, your Honour.

MR BIZOS: Yes, and the police and more particularly the security police were very anxious to persuade the chief justice and the members of the committee that detainees were not ill-treated, but this was merely false propaganda to besmudge the good name of the security police and South Africa. Do you remember that that was the gravamen of the police submissions?

MR SNYMAN: Your Honour, I can no longer recall all of those things.

MR BIZOS: Yes. Now, if we show to the Committee that those in authority disclaimed any instruction or authority given to anyone to ill-treat detainees, will you accept that?
MR SNYMAN: I don't understand the question entirely.

MR BIZOS: Yes. If in fact, the public record shows that torture was considered a lawful, unjustifiable and frowned upon by the leaders of the National Party, you can hardly be heard to say that you believed that you were furthering the objectives of the National Party in 1977 by ill-treating detainees and particularly Mr Biko?

MR SNYMAN: Your Honour, if they stated it in that way then I would suppose that it is such, but pressure was placed on us from both the Government and our own head office to rescue the situation, to solve the situation with regard to the unrest.

MR BIZOS: Yes, but you could have done that by being good policemen and being efficient and working overtime and using scientific methods in order to detect or possibly get more informers. Where was there the authority to torture people?

MR SNYMAN: That is correct. We did have to work very long hours to bring the situation to good order.

MR BIZOS: Why don't you want to admit the obvious; that there was no directive at that time from any politician that you should use torture, because their public statements were completely to the contrary?

MR SNYMAN: That might be the case, your Honour. However, pressure was exercised or exerted on us that when we did an interrogation like this we had to break down the person in order to obtain the information from the person with regard to his activities.

MR BIZOS: By using torture, do you say, or by using legitimate means?

MR SNYMAN: By legal means, but irregularities might well have occurred or might possibly have occurred.

MR BIZOS: So that you admit that you had no instruction or any encouragement from any politician to torture detainees?

MR SNYMAN: Your Honour, the instructions were that when a person was in detention, these instructions were received from the commanding officer who gave directives with regard to how the interrogation should be managed.

MR BIZOS: We'll come to your superiors in the police force. Let's finish with the politicians. Do you admit that no politician, either privately or publicly ever told you that torturing detainees was to be used?
MR SNYMAN: Your Honour, they did not state this pertinently, but from their speeches it was clear that they exerted pressure on us to bring the situation under control.

CHAIRPERSON: Are you really saying that what politicians said publicly for public consumption and what they allowed to happen, were two different things?

MR SNYMAN: Yes, your Honour.

MR BIZOS: Which politicians do you say knew that this chamber at Sanlam Buildings was used as a torture chamber?

MR SNYMAN: Your Honour, no politician to the best of my knowledge ever entered that office. I cannot recall anything like that.

MR BIZOS: By the way, what was the filing cabinet in this little chamber for; what was in it?

MR SNYMAN: Your Honour, it was an office that was also used by staff. It was not continuously or continually used for interrogation. It was also used by members of the branch as an office.

MR BIZOS: Where was the hosepipe used then by Mr Niewoudt, kept?

MR SNYMAN: I don't know, your Honour.

MR BIZOS: How did it appear on the day in question?

MR SNYMAN: I have said that I cannot recall it. It might have been there and it might have been used to administer lashes, but I cannot recall it.

MR BIZOS: Let us deal with your supposed orders from your superior. Did Col Goosen ever tell you that you were entitled to beat up people or to allow people to be beaten up by your juniors?

MR SNYMAN: No, your Honour, the instruction from my commanding officer was or had been that Mr Biko had to be interrogated intensely and that his resistance had to be broken down. In other words, he was not to be allowed to sleep and so forth.

MR BIZOS: Yes. The question was: he never told you that people could be beaten up. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Did he ever tell you that you were authorised to inflict injuries such as those we'll submit were inflicted by you and your
colleagues, in common purpose, to Mr Biko's head and lips? Did anybody - did your superior officer tell you that you can punch up a person if in fact you could have done it by less violent means by subduing him when he was outnumbered? Were you ever told that you had the right to beat people up?

MR SNYMAN: No, your Honour, these circumstances were of such a nature that the person who resisted us, that we had to restrain him and in that process violence was used to restrain him, since he offered resistance. It was necessary in order to restrain him.

MR BIZOS: Did Mr Goosen tell you that you were entitled to restrain a person with handcuffs and leg-irons against a grille door in the manner in which you described yesterday?

MR SNYMAN: Your Honour, he was not shackled during the scuffle.

MR BIZOS: No, I didn't say during the scuffle. I said did he ever authorise you to restrain a person with his arms outstretched and his legs in leg-irons with a chain shortened, in the manner in which you described, you did to Mr Biko, yesterday?

MR SNYMAN: That was the instruction, your Honour, that he should be chained like that after this fight.

MR BIZOS: Now did you get specific instructions to do that from Mr Goosen before you actually did it, or did you do it and did Mr Goosen come in thereafter?

MR SNYMAN: This was done after we restrained him, since we thought that he would created further difficulties and that he would offer continued resistance. That is why he was shackled.

MR BIZOS: That he was shackled before Mr Goosen came in?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: Now, Mr Snyman, I respect your rights that not to refer to the other applications for amnesty that you have made, except to the extent that they are necessary in order to test your bona fides in relation to this application.

You have made an application for amnesty in relation to the killing of Matthew Goniwe and his three passengers in the car. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BIZOS: You also made an application for amnesty for the killing of the persons known as the Pebcio three? Is that correct?
MR SNYMAN: That is correct, your Honour.

MR BIZOS: Now I only want to deal with one point for the purposes of comparison. You used the same form and you are asked to describe the political objective which you wanted to achieve. Do you recall that?

MR SNYMAN: Would this have been this morning or when, your Honour?

MR BIZOS: No, when you filled in the forms or the forms were filled in for you for amnesty for the killing of Mr Goniwe and for the amnesty for the killing of the Pebco Three, you were asked to describe the political objective that you wanted to achieve? Do you recall that?

MR SNYMAN: Yes, your Honour. These applications were drafted in the presence and with the assistance of my attorney.

MR BIZOS: Yes. Well, in each one of these cases you give substantially the same, if not the same reasons that prompted you to kill Mr Goniwe and three others and the Pebco Three. You give the same reasons for killing them as you give for whatever may have happened to Mr Biko?

Do you accept that? I see your attorney shaking his head, but will you please have a look at page 7 of this application, page 8 of the application for amnesty ... (intervention).

MR SNYMAN: Watter aansoek is dit nou? (Which application is this now).

MR BIZOS: ... for the killing of Mr Goniwe and page 8 for the killing of the Pebco Three.

MR SNYMAN: Ek het nie daardie ding voor my nie. (I haven't got that thing in front of me).

MR BIZOS: Well, let me get it - please ask your attorney who shook his head to put those three documents in front of you.

MR BOOYENS OBJECTS: We haven't got them available here, M'Lord. We are dealing with the Biko application, not with the Goniwe application or the Pebco Three.

CHAIRPERSON: I think you must just try and confine yourself as far as possible to this case and if you are going to tell him that you're advancing the same reasons in those applications as you have done in this and if he says, yes, that's the end of the matter.
MR BIZOS: That's the end of the - that's all I want, Mr Chairman.

CHAIRPERSON: No, well, perhaps it's the way you put it, I think. Please understand me, we're trying to clear matters up.

MR SNYMAN: Ek kan nie hoor nie. (I can't hear).

CHAIRPERSON: The reasons you have given, your political objectives for what you did in the Biko case, is it correct that you're advancing the same objectives in respect of your applications in the other matters? Is that so?

MR SNYMAN: Your Honour, it might be so. I don't have the applications in front of me, but I believe that it is in fact the same.

CHAIRPERSON: You believe that it is in fact the same?

MR SNYMAN: Yes.

CHAIRPERSON: Yes?

MR BIZOS: It's a matter of record. I will not take up time reading them, we have checked them and they are substantially similar.

CHAIRPERSON: Yes, granted.

MR BIZOS: Now, wasn't there a fundamental change in relation to the Government's policy between 1977 and 1985, 1986 when Goniwe and the Pebco Three were murdered?

MR SNYMAN: No, your Honour.

MR BIZOS: Did you ever hear of a Security Council resolution passed in 1986 in relation to the elimination of activists?

MR SNYMAN: Your Honour, that is possible.

MR BIZOS: You served in a committee in Port Elizabeth in relation to - it was called GOS, wasn't it - G-O-S. What did that stand for?

MR SNYMAN: I served on the GBS (Gesamentlike Bestuursentrum) JMC, the Joint Management Centre. In Afrikaans that would be GBS.

MR BIZOS: GBS? When was that formed? Well, you don't need to give us a precise date. That was after 1977, was it not?

MR SNYMAN: That is correct, your Honour.
MR BIZOS: The total onslaught policy of President - of PW Botha was unheard of in 1977, isn't that so?

MR SNYMAN: At that time he was not the Prime Minister, your Honour.

MR BIZOS: I want to cut this short, because I don't want to deal with your applications for amnesty in relation to Goniwe or Pebco Three, but I want to put to you that your reasons for the death of Mr Biko, in your mind were the same? Is that correct? Otherwise you wouldn't have signed the application?

MR SNYMAN: That is correct, your Honour. In 1977 there was also a struggle. There was also general unrest.

MR BIZOS: Once you gave the same reasons, if you are in good faith in the matter, you must have believed that in 1977 you were entitled to beat Mr Biko to death as you killed the other seven?

MR SNYMAN: No, your Honour, I did not kill him.

MR BIZOS: Well, then why did you give the same reasons for trying to justify whatever you may or may not have done to Mr Biko? Can you explain?

MR SNYMAN: Your Honour, the drafting of this amnesty application was done, as I have said, in co-operation with my attorney.

MR BIZOS: Well, that only means that neither you nor your attorney really gave any attention as to why you did what you did to Mr Biko, but you signed it, on oath.

CHAIRPERSON: That's a matter for legal argument, I think.

MR BIZOS: Thank you, Mr Chairman, I have no further questions.

NO FURTHER QUESTIONS BY MR BIZOS

CHAIRPERSON: Mr Mpshe, are there any questions you wish to put to this witness?

MR MPSHE: Yes, Mr Chairman. Mr Chairman, with respect, I think it should be Mr Burmeister first.
CHAIRPERSON: Thank you, Mr Mpshe. Do you have any questions to put to this witness?

MR BURMEISTER: Yes, I do, Mr Chairman.

CHAIRPERSON: Yes, please do.

EXAMINATION BY MR BURMEISTER:

Thank you. Mr Snyman, you have given us an oversight as to the role that Col Goosen played in the whole scenario.

Would I be correct if, from what you've told the hearing, that he was persuasive and prepared to lie in order to protect the security police and their actions and misdeeds. Would that be a correct summing up of Col Goosen?

MR SNYMAN: That would be correct, your Honour.

MR BURMEISTER: Would you also agree if, it is apparent from what you've placed before us at, Col Goosen was prepared to mislead anybody who he possibly could in endeavouring to protect the reputation of the security police.

MR SNYMAN: That is correct, your Honour.

MR BURMEISTER: Amongst the persons who he misled was the magistrate and the assessors who sat at the inquest during 1977, November. Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BURMEISTER: Did you know Dr Laing who was a district surgeon at the time of this incident?

MR SNYMAN: I did know him, your Honour.

MR BURMEISTER: Did you know him personally or did you know of him?

MR SNYMAN: I knew him personally, your Honour.

MR BURMEISTER: Now we're speaking about the situation prior to 1977 when this particular incident occurred. Did you know him or did you get to know him afterwards?

MR SNYMAN: Your Honour, he was the district surgeon. We, as policemen received medical attention from the district surgeons in earlier times and I became acquainted with him in that capacity. As district surgeon, I became acquainted with him as his patient.
MR BURMEISTER: But as far as the treatment of prisoners and detainees were concerned, there was in fact a difference between ordinary prisoners and detainees? Is that correct? As far as the medical treatment was concerned and who treated them in 1977?

CHAIRPERSON: I don't understand that question. What is the difference?

MR BURMEISTER: Yes, may I just put it to you possibly - now may I make the statement to you that at that point in time Dr Laing looked after prison prisoners, in other words those who were confined to a prison, in other words ordinary prisoners and another district surgeon attended to section 6 detainees. Is that correct?

MR SNYMAN: I will not be able to say, your Honour, which doctor performed which function, but it was the function of the district surgeon to visit prisoners, if necessary.

MR BURMEISTER: Yes, but what I am saying and evidence was led to this effect at the inquest that it was Dr Laing's duty at that point in time to deal with ordinary prisoners and another doctor attended to section 6 detainees? Can you dispute that or can you throw any light on that?

MR SNYMAN: Your Honour, all that I can recall is that subsequently I was informed that Dr Laing was called in by Col Goosen to attend to Mr Biko.

MR BURMEISTER: Yes, were you aware of the fact that the reason why Dr Laing was called in on this particular day was because the district surgeon who normally attended to section 6 detainees, was out of town and it was purely by chance that Dr Laing was called in? Were you aware of that?

MR SNYMAN: No, your Honour, I was not aware of that. I had no contact with the doctors whatsoever. This was done by Col Goosen.

MR BURMEISTER: On the 7th of September 1977, you came back to office. That was after Mr Biko had spent the night at your offices? Is that correct?

MR SNYMAN: That is correct, your Honour.

MR BURMEISTER: Can you recall at what time you returned on that morning? Would it have been your normal office hours; half past seven or seven o'clock or whatever?

MR SNYMAN: That is correct, your Honour.

MR BURMEISTER: Did you, when you came to office, make any enquiries as to the condition in the situation relating to Mr Biko?
MR SNYMAN: As I have said earlier, I was informed by my colleagues what his situation was.

MR BURMEISTER: So you did not actually go and inspect or examine him personally on the morning of the 7th of September?

MR SNYMAN: Your Honour, Col Goosen then informed me that he was going to take the matter from there onwards and I presumed that should a doctor be called in, which of course should have been done, that he would have attended to that.

CHAIRPERSON: The question was, on the morning of the 7th you yourself did not go and see the state in which Mr Biko was? That's the question. Did you or did you not?

MR SNYMAN: I am not able to recall exactly, but it is possible that I went to look and I might have seen that his state had not changed.

MR BURMEISTER: During your cross-examination I understood you to say that you had in fact gone to see him and you also described his state at that point in time on the 7th of September. Was that conjecture on your part? Are you not sure at this point in time?

MR SNYMAN: No, it is possible that I went to see.

MR BURMEISTER: But you can't specifically recall?

MR SNYMAN: Your Honour, I might have been there that morning and what would have interested me, would have been whether we could continue with the interrogation or not.

MR BURMEISTER: You mentioned to Col Goosen that it was your assumption that Mr Biko had suffered a blow to the head. When I say a blow I mean his head was bumped against the wall. Did you?

MR SNYMAN: That is correct, your Honour.

MR BURMEISTER: Col Goosen mentioned that he was going to call in medical assistance. Is that correct?

MR SNYMAN: That is correct. I requested him to obtain medical assistance.

MR BURMEISTER: Was there any discussion between yourself and Col Goosen as to what you would tell the district surgeon as to the reason for Mr Biko's condition and what could possibly have caused it?

MR SNYMAN: No, your Honour. That was exclusively handled by Col Goosen.
MR BURMEISTER: Did Col Goosen not advise you what to say if Dr Laing possibly asked you or anybody else how the state, the medical state of the detainee had arisen? What your answer was to be at that stage?

MR SNYMAN: No, your Honour, he did not discuss this with me.

MR BURMEISTER: You're no doubt well aware that at the inquest it was mentioned that Dr Laing was told by Col Goosen that it was suspected that Mr Biko had suffered a stroke. Are you aware of that evidence having been led at the inquest?

MR SNYMAN: I am not aware of it. That was a conversation between Col Goosen and the medical doctor.

MR BURMEISTER: Was there ever any discussion between yourself and Goosen as to what you were going to tell Dr Laing?

MR SNYMAN: No, your Honour.

MR BURMEISTER: Was the question of a stroke ever raised between yourself and Goosen?

MR SNYMAN: No, your Honour, not to the best of my memory.

MR BURMEISTER: Bearing in mind what you've told us about Col Goosen's character and his objectives, would it have been in keeping with what you knew of him to try and mislead Dr Laing as to - as far as the condition of Mr Biko was concerned?

MR SNYMAN: That would be the case, your Honour.

MR BURMEISTER: Are you aware of the fact that on the 8th of July 1977, Dr Hirsch, a physician, was called in to examine Mr Biko?

MR SNYMAN: I was informed of this subsequently, but this was all still dealt with by Col Goosen.

MR BURMEISTER: So did it also come to your attention at a certain stage that Dr Keyle, a neurologist's opinion had also been gained in the matter. Did you hear about that at a later stage?

MR SNYMAN: I heard of this at a later stage, your Honour.

MR BURMEISTER: Thank you, Mr Chairman.

NO FURTHER QUESTIONS BY MR BURMEISTER
CHAIRPERSON: Mr Mpshe.

EXAMINATION BY MR MPSHE: Thank you, Mr Chairman. Mr Snyman, the reason for the interrogation of Mr Biko, was that only due to the pamphlets which he would have authored?

MR SNYMAN: Your Honour, it had to do with the breach of his restricting orders - restraining orders, his travel or trip to Cape Town, the pamphlet as well as other information available to the security branch at that time.

MR MPSHE: You've given testimony on a question of the Chair that you did not see when Mr Biko's head knocked against the wall, but however that you were informed thereof. Can you recall this?

MR SNYMAN: I do not exactly understand your question, what you mean by saying that I was informed thereof?

MR MPSHE: You said that you heard of it.

MR SNYMAN: No, I heard the knock against the wall.

MR MPSHE: So, you heard the knock against the wall?

MR SNYMAN: Yes.

MR MPSHE: You gave testimony in addition that subsequent to the fall of Mr Biko, Niewoudt and Marx came to assist. Is that correct?

MR SNYMAN: That is correct.

MR MPSHE: Can you tell us exactly what you did at that point?

MR SNYMAN: Your Honour, I was present in the office, but I was not involved in the scuffle or the fight.

MR MPSHE: So you stood on the side and you watched the events?

MR SNYMAN: As allowed by the space in the office, yes, I was standing there.

MR MPSHE: You made no effort to bring assistance to your colleagues to restrain Mr Biko?

MR SNYMAN: No, your Honour, the younger members took part in this fight.

MR MPSHE: In addition in your testimony you gave testimony and I will quote:
"The body was on the ground, the head against the wall."

And then you said:

"It appeared like a person who was knocked out in a boxing match."

**MR SNYMAN**: That is correct, your Honour.

**MR MPSHE**: Would you agree with me that if this is the case; if he looked like a person knocked out in a boxing match, that this would indicate that there had been an assault on him?

**MR SNYMAN**: No, your Honour.

**MR MPSHE**: What then would it mean if you're saying that he's knocked out as if in a boxing match?

**MR SNYMAN**: Your Honour, that was as a result of the struggle, the fight to restrain him. In the process his head knocked against the wall and he was temporarily dazed and confused.

**MR MPSHE**: With regard to the so-called Goosen statement; at that time what would your rank have been, when you made the statement?

**MR SNYMAN**: I was a major, your Honour.

**MR MPSHE**: So you were a major?

**MR SNYMAN**: That is correct.

**MR MPSHE**: You also knew, as a major, that it was wrong to act in this manner?

**MR SNYMAN**: That is correct, your Honour.

**MR MPSHE**: According to testimony and according to my learned friend, Mr Bizos' questions to you; this would imply that you were not responsible for the death of Mr Biko. Would that be the case?

**MR SNYMAN**: That is correct, your Honour.

**MR MPSHE**: However, at that time, in the year 1977, you did make false statements. In addition you come to us today and you remain silent. You fail to inform this Committee what exactly you said?
MR SNYMAN: Your Honour, we have - of course we've said that that was a false statement. The statement at the judicial inquest.

MR MPSHE: If it is the case that you did not - were not responsible for the death of Mr Biko, why then lie; why make false statements?

MR SNYMAN: The false statement, your Honour, was made under the instructions of the commanding officer who put the words in our mouths, in a manner of speaking, with regard to what we had to say in our statements.

MR MPSHE: But you could have said to Col Goosen that you were not willing to lie, because you were not responsible for the death of the man?

MR SNYMAN: Your Honour, that would have been the correct procedure, but we just fell in with the plan of the Colonel. He might well have had more information than we did at that time.

MR MPSHE: According to your application; you were promoted to the rank of sergeant in the year 1955; from sergeant to a colonel in the year 1985 - that would be on page 2 of your application. 1955 - sergeant?

MR SNYMAN: That is correct.

-  

MR MPSHE: And then at the end of it, 1985 - colonel?


MR MPSHE: From the rank of colonel to the - sorry - from the rank of Sergeant to the rank of colonel; how did you obtain these promotions?

MR SNYMAN: I studied very hard to obtain these promotions.

MR MPSHE: So this was because of your studies; not because of your efforts to restrain unrest and so on?

MR SNYMAN: No, I did not receive any of these promotions for free, I worked very hard to achieve them.

MR MPSHE: With reference to your application on page 7, the first paragraph thereof, the second last sentence, I will read it;

"Many of the real facts were concealed or kept silent with regard to it, during the drafting of our statements in that matter."

Page 153 of 202
MR SNYMAN: Would that be on page 7, your Honour.

MR MPSHE: Yes, page 7, right at the bottom. My question to you, is what would the other facts be with regard to which you remained silent?

MR SNYMAN: In the first place, I do not believe that the knock of his head against the wall had been mentioned. In my folly, I did not know why we had to colour in the statements in this way, but in honesty I must say to you that this was under the instructions of Col Goosen, who put the words, as in a manner of speaking, in our mouths with regard to what we had to say in the statements.

MR MPSHE: Would that be all? Then on page 8 of your statement, with reference to paragraph 2.2 and I read:

"Information had to be obtained at all costs in order to combat the revolutionary struggle by means of the arrest of people, the detention of people and the criminal prosecution of people."

Do you see that?

MR SNYMAN: I see that.

MR MPSHE: Does that include assault or murder?

MR SNYMAN: No, your Honour.

MR MPSHE: Then paragraph 2.4 on the same page, somewhat lower;

"Steven Bantu Biko was personally involved and in addition had access to valuable information which would have allowed the security branch to effectively neutralise the BMC and the BPC to restrain them and in this way, to stabilise the unrest situation."

Did you read this, did you see this?

MR SNYMAN: Yes, I saw it or I see it.
MR MPSHE: This person, of such importance, this person with such important or valuable information has now been arrested and assaulted. How did you now intend to obtain this valuable information from this person?

MR SNYMAN: Your Honour, I have said in my testimony - my statement or my testimony that Mr Biko did not want to offer us his co-operation.

MR MPSHE: So the best method was to kill this valuable information.

MR SNYMAN: No, your Honour. After the events of that morning it was no longer possible to obtain information from this man.

MR MPSHE: Just one moment, Mr Chairman. Could you explain to the Committee why are you applying for amnesty in this matter?

MR SNYMAN: Your Honour, because during those years I was involved in this struggle that was being fought by the South African Police and since certain members of our branch at that time applied for amnesty, since the opportunity had been offered by the State to apply for such amnesty, I then decided to apply for amnesty.

MR MPSHE: Sir, you know, I'm asking this particularly because of your testimony that you did nothing. You simply stood on the side and watched.

MR SNYMAN: Your Honour, I was in command of the investigative team and I think that as such it was necessary for me to apply for amnesty.

MR MPSHE: Would I be correct in concluding or deducing that you made this application for this reason; you identified yourself with the assault or the attack on Steve Biko, because you were involved in the investigative team. Not because you identify yourself with the actual incident.

MR SNYMAN: I don't exactly understand what you mean by your question?

MR MPSHE: You see, you stood there. You gave testimony that you did nothing. You were just watching?

MR SNYMAN: That is correct.

MR MPSHE: My question is now; why this application?

MR SNYMAN: Because I took part in the events of that morning.

MR MPSHE: And because you identify yourself with the incident in that office?

INTERPRETER: The interpreter could not hear the response of the applicant.
MR MPSHE: Was it a practice by the security police to conceal information, or correct information pertaining to detainees who die whilst in their custody?

MR SNYMAN: No, Your Honour. This was done under the instructions of our commanding officer.

MR MPSHE: It was done under the instruction of your commanding officer and can I accept it that it was not done only once in this instance?

MR SNYMAN: I could not comment on that, Your Honour, but that is possible.

MR MPSHE: That is possible, yes. If that is possible; do you remember one of the detainees who died in custody, one George Botha, who died in 1977 as well?

MR SNYMAN: I recall the incident, Your Honour.

MR MPSHE: And you recall your involvement in that incident as well in 1977?

MR SNYMAN: Yes, Your Honour. I lived in a place that morning where Mr Botha was held in detention and it was my duties, with another person who drove with me, to pick him up every morning at the cells in Despatch and to bring him to the Sanlam Building.

MR MPSHE: And you recall that also in the case of Mr George Botha, he died as a result of a head injury, whilst in custody?

MR SNYMAN: Your Honour, he died as a result of head injuries during his detention. On the 6th floor of the Sanlam Building, while we were unlocking the gate, the metal gate, he jumped over, off the stairs, landed on the ground and as a result he died.

MR MPSHE: Finally on this aspect. Do you remember that an inquest was held, presided over by magistrate Mr J A Coetzee and the police were absolved. Do you remember that?

MR SNYMAN: That is correct, Your Honour.

MR MPSHE: Was also in that inquest, was the message told, untruth as well, same as in Biko?

MR SNYMAN: No, your Honour. Those were the true facts.

MR MPSHE: I see. Mr Chairman, that would be all.
NO FURTHER QUESTIONS BY MR MPSHE

CHAIRPERSON: Thank you. Mr Booyens, re-examination?

RE-EXAMINATION BY MR BOOYENS: Only briefly on a few aspects, your Honour.

Colonel, my learned friend, Mr Bizos had asked you questions with regard to the attitude of Col Goosen. The deceased was shackled to the metal gate as you've illustrated and then you went to Col Goosen. Is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Col Goosen then returned with you?

MR SNYMAN: That is correct.

MR BOOYENS: Col Goosen saw the deceased in that position, is that correct?

MR SNYMAN: That is correct.

MR BOOYENS: Did he give any instructions that he should be untied or unshackled? Did he give any instructions?

MR SNYMAN: No, your Honour.

MR BOOYENS: Did he indicate that the actions which he saw or that which he saw, was in any way not allowed?

MR SNYMAN: No, your Honour.

MR BOOYENS: Thank you, your Honour.

CHAIRPERSON: Is that all? Are you finished? Thank you.

MR BOOYENS: Yes, thank you, your Honour.

NO FURTHER QUESTIONS BY MR BOOYENS

ADV SANDI: Mr Snyman, did you make any attempt to have the family of Mr Biko informed about the condition Mr Biko was in whilst he was in custody?

MR SNYMAN: No, your Honour. I presumed that after the matter was reported to the commanding officer and after I was instructed that I may withdraw, I presumed that he would do so?

ADV SANDI: Why did you presume that he would do so?
MR SNYMAN: I did not presume that he would do it. I did, however, report the matter to him. He then indicated very clearly to me that I should withdraw at that point and resume my normal activities.

ADV SANDI: Did you personally have any contact with Mr Biko before the scuffle you have referred to?

MR SNYMAN: Your Honour, if I recall correctly, because this is many years ago, I would along with Col Goosen, prior to the interrogation, we went to the cell at Walmer.

ADV SANDI: I understand from your evidence that at some stage it was necessary for a number of members of the security police to guard Mr Biko whilst he was handcuffed and shackled. Why was it necessary to have these members guarding a man who was handcuffed and shackled?

MR SNYMAN: Your Honour, it was the practice that guards would be present with any detainee. There would be a police watch.

ADV SANDI: What were they doing there? Did they just stand around and look at him?

MR SNYMAN: I would not be able to tell you what they were doing, but their instructions were to guard the man through the course of the night.

ADV SANDI: All in all, who would you say in your knowledge, killed Mr Biko?

MR SNYMAN: Your Honour, as we have described with regard to the scuffle that took place that morning, we would have to ascribe this that it would have been the possible consequence thereof.

ADV SANDI: Did you personally do anything that would have caused the injuries on the head of Mr Biko? You personally, did you do anything?

MR SNYMAN: Your Honour, what I did at that time was immediately to report the matter to my commanding officer.

ADV SANDI: Perhaps to conclude I can just put all my questions together. Are you saying you are somehow and somewhat to blame for what happened to Mr Biko? Is that the gist of your testimony?

MR SNYMAN: That is correct, your Honour.
ADV SANDI: Can you explain that very briefly?

MR SNYMAN: What exactly would you like me to explain, your Honour?

MR SANDI: How are you personally to be blamed for what happened to Mr Biko?

ADV SNYMAN: I would say that the fact that I took part or was a part of the investigating team.

ADV SANDI: Thank you, Mr Snyman. Thank you, Mr Chairman.

CHAIRPERSON: Mr Snyman, thank you very much. You are excused.

WITNESS EXCUSED

MR BOOYENS: Mr Chairman, may I suggest that this is an appropriate time for taking the long adjournment.

CHAIRPERSON: Yes.

MR BOOYENS: It's only five minutes and there are some other matters that we would like to deal with in the chambers.

CHAIRPERSON: Yes. We'll now adjourn and resume at 14:00 o'clock.

COMMITTEE ADJOINS

------------------------
CHAIRPERSON: Mr Booyens?

MR BOOYENS: Thank you Mr Chairman. Mr Chairman, the next witness I intend calling will be Mr, the applicant, Mr Daniel Petrus Siebert. He will be testifying in Afrikaans.

MR POTGIETER: Mr Siebert, please provide your full names for the record.

MR SIEBERT: Daniel Petrus Siebert.

MR POTGIETER: Do you have any objection to taking the oath?

MR SIEBERT: No.

DANIEL PETRUS SIEBERT: (Duly sworn, states).

MR POTGIETER: You may take your seat.

EXAMINATION BY MR BOOYENS: Mr Siebert, before we come or start with your amnesty application, I want to show you a sketch plan of Strand Street, 24, the sixth floor. Could you tell his Honour as what you identify this?

MR SIEBERT: Your Honour, this is a ground plan of the offices at the Sanlam Building.

MR BOOYENS: At what time?

MR SIEBERT: During the interrogation of the deceased.

MR BOOYENS: So, that would be during 1977?
MR SIEBERT: That is correct.

MR BOOYENS: Your Honour, with your permission, I want to ask permission to provide copies of this plan. This would be attached to Exhibit E. Could we mark this as Exhibit E?

CHAIRPERSON: Well, just hold it. We have Exhibit E, which was a drawing prepared by ... (intervention).

MR BOOYENS: Oh, yes, that is correct.

CHAIRPERSON: ... the objectors. Now, your document can go in, hand in as EXHIBIT F.

MR BOOYENS: Certainly, Mr Chairman. Your Honour, that would be Exhibit F. I am handing it to you with the necessary copies and also providing a copy to my learned friend.

CHAIRPERSON: Thank you.

MR BOOYENS: In the top third of this plan there is an office marked by an "X". Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What office would this be?

MR SIEBERT: That is the office in which the interrogation took place.

MR BIZOS: Mr Chairman, my learned friend thought that we had a copy. In fact, we sent it back. We have not got a copy of it.

MR BOOYENS: I thought somebody - if you were to look at the top of the sketch, there has been reference to a metal gate, in testimony we have heard this testimony.

MR SIEBERT: Yes, I did hear that.

MR BOOYENS: This grille or metal gate is not indicated on the plan. Could you, perhaps, indicate it by means of a drawn line to indicate to the Commission where this metal gate or grille would have been?

MR SIEBERT: I will do so, your Honour.

MR BOOYENS: You have marked it with a red block on Exhibit F. Your Honour, perhaps, we should show this to the Commission. On the original plan it would appear as if there had been a door. Was this grille or gate in front of the door?
MR SIEBERT: Yes, your Honour, in front of the gate on the inside of the office.

MR BOOYENS: So, that door was not used?

MR SIEBERT: Yes, the metal grille or gate was permanently closed.

MR BOOYENS: Let us now move to your application. We will refer to the sketch plan at a later stage if necessary. Your identity number is as indicated on the application. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: And you were born on the 20th of September 1945 in Bloemfontein.

MR SIEBERT: Yes, your Honour.

MR BOOYENS: With regard to support of political organisations, you were a supporter of the National Party?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Were you a member or merely a supporter of the thinking of the party?

MR SIEBERT: I had been a member as well as a supporter.

MR BOOYENS: At the time of the incident, with regard to which you have applied for amnesty, you were a member of the South African Police, Security Branch in Port Elizabeth?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You were attested in the police on the 25th of January 1962?

MR SIEBERT: That is correct.

MR BOOYENS: At Uitenhage?

MR SIEBERT: That is also correct.

MR BOOYENS: You then provide, on page two of your application, that would be 13B of the bundle, an explanation of your career in the police?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: According to this, you joined the Security Branch in 1967?
MR SIEBERT: Yes, your Honour.

MR BOOYENS: What would your rank have been at that time?

MR SIEBERT: Sergeant.

MR BOOYENS: In what section of the Security Branch did you initially work?

MR SIEBERT: I worked in the section that dealt with White, Coloured and Asian affairs.

MR BOOYENS: As what?

MR SIEBERT: As a field worker.

MR BOOYENS: That would have been right from the beginning?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: I note, in addition, or rather, until when were you a member of the Security Branch?


MR BOOYENS: In 1989 what occurred? You became Regional Head of Crime Combating and Investigation which would previously have been the Detective Branch in the Eastern Transvaal?

MR SIEBERT: That is correct.

MR BOOYENS: And in 1992 you retired with the rank of Brigadier or rather 1995, my apologies? In addition, you mention the various courses that you did while in service of the police?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Let us pay attention, now, to the personal overview and personal circumstances. You mention or rather, maybe, you can read from personal overview or "persoonlike oorsig".

MR SIEBERT: "I am currently 51 years in age, I was born on the 20th of September 1945 in Bloemfontein. I am the youngest of four children. I grew up in a conservative and Christian home. I am a member of the Dutch Reformed Church and had been actively involved in the Dutch Reformed Church since my childhood and have, for the past 26 years, served on the local Church Council."
I grew up, during my formative years, in the apartheid era. The apartheid policy would, as a consequence, have been acceptable and justifiable to me since I was of the opinion, at that time, that this policy was necessary for the continued survival of the White and South African at the southern end of Africa.

This point of view, in subsequent years, was additionally influenced and strengthened by the policy expressions or statements of political leaders as well as cultural and church leaders.

As a result of these statements and rhetoric, I was convinced that the White Afrikaans-speaking person would have to fight for the right of survival and for the right to continue to live as our ancestors did, with particular reference to our heritage, background, culture and political way of life."

MR BOOYENS: Please first stop there, and to expand somewhat more comprehensively on your background. During the years in which you served in the Security Branch, in Port Elizabeth and also, particularly, during the time when the deceased, in this particular matter, died, would you also have dealt with VIP security?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would you have, personally, met with and become familiar with certain political leaders?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Whom?

MR SIEBERT: The then Prime Minister, John Vorster, as well as the then State President of the Republic, Mr C R Swart.

MR BOOYENS: How regularly did you have contact with Mr Vorster?

MR SIEBERT: Very regularly, your Honour, since he had a holiday house at Oubos and, as the occasion allowed, he would visit that holiday house.

MR BOOYENS: Would it then have been your responsibility to provide for his security at that house?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you have many personal conversations with the then Prime Minister?
MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you, in addition, discuss politics?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you discuss the security situation in the country?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: And I want to ask you not to give us or repeat to us any political speeches, but in a nutshell, what did Mr Vorster communicate to you with regard to his beliefs regarding the security situation and so forth?

MR SIEBERT: That the security situation was becoming far more intense and that serious attention would have to be paid to it to control it and, perhaps, entirely to eliminate it, since this damaged the image of the Republic, particularly with the view to sanctions, which was operative at that time, with regard to development and foreign investment.

MR BOOYENS: Were you influenced by your contact with Mr Vorster? Did you believe what he said to you, did it have any influence on you?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would you have considered yourself a very loyal supporter?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: With a view to your role as a VIP security organiser, would you also have often heard political speeches by the then political leaders of the country?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would the theme of security, and I am referring here, particularly, about the time from 1976 and the problems in Soweto, and after that, also in 1976, the problems in the Eastern Cape, would these issues have been addressed by them in public?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: And also in private conversations?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: With a view to the value that one might attach to the public rhetoric of politicians, what would, generally, have been proclaimed with regard to the security situation and the methods to be used by Government?

MR SIEBERT: It was said that the security situation during that time damaged the image of the country and that, therefore, the necessary actions would have to be taken in terms of legislation available to us, to restrain the situation.

MR BOOYENS: Would you have heard or experienced similar pressure from your own police hierarchy with regard to the restraint and inhibition of these, of the situation?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What would the nature have been of this pressure and of the information conveyed to you?

MR SIEBERT: The regular national overviews of the situation in the country, which we received on a weekly basis, indicated, also in terms of instructions from head office, circular letters that we received, that very serious efforts had to be made to get to the core of the unrest and to control it.

MR BOOYENS: I am referring, particularly, to those days, was it ever pertinently put or pertinently authorised, let us put it like that, that it was allowable to assault people during detention?

MR SIEBERT: No, your Honour.

MR BOOYENS: However, we do know that this did occur. What would your impression have been with regard to your direct Commanding Officer and so forth? Was such assault condoned or was there objection against it when it did occur?

MR SIEBERT: I would admit that such events did occur and the statement would then have been, if this was not damaging or to the disadvantage of the State and the Security Branch, then this would not be acted against.

MR BOOYENS: One of the popular methods of interrogation would have been to keep people awake for long periods of time. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would this have been a method to break down the resistance of people?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: This would have been contrary to police regulations?

MR SIEBERT: Yes.

MR BOOYENS: In terms of these regulations, detainees had to be given adequate time for rest and sleep?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Were these specific police regulations blatantly ignored with regard to security matters?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Colonel Goosen, your then Commanding Officer, at the time of the incident with regard to Mr Biko, what would your rank have been?

MR SIEBERT: Captain.

MR BOOYENS: You were in your early 30's, in terms of age?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Colonel Goosen, as we have heard, was the Commanding Officer of the branch, and had been the Commanding Officer since 1969?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: Could you describe, for us, or give us a thumbnail sketch of the man, Colonel Goosen, his approach, his attitude towards his work and so forth?

MR SIEBERT: Your Honour, he was a very dedicated person with regard to his work circumstances. He believed in the politics of the day, with regard to the apartheid policy. At all times he would take the lead, even in very serious unrest and rioting situations. He would never stay back at the office and he was an example to us in this regard. In addition, he was a father figure for us, as younger people, particularly because we could see that he was willing to put himself in the firing line. In addition, he did not allow anyone to act in an undisciplined manner. He would deal with such a person and he would remove such a person from the Security Branch.

MR BOOYENS: Would you have considered him to have been a strong leader?

MR SIEBERT: Yes, he was a strong leader.

MR BOOYENS: Did he have any or did he allow any latitude to, for younger officers to oppose him with regard to his viewpoints?
MR SIEBERT: No.

MR BOOYENS: And did he enforce these viewpoints?

MR SIEBERT: Yes.

MR BOOYENS: The second paragraph, then, of your personal overview.

MR SIEBERT: "During my period of service in the South African Police, I, at all times, acted in good faith in the service of the South African or in the interest of the South African Police and the Government of the day. I served on the border in Ovamboland during 1976 during which time I was exposed to guerrilla warfare and terrorism.

During my service on the border I visited a variety of scenes and did investigations where members of the local population were robbed, kidnapped, murdered or mutilated by members of the Swapo Liberation Movement. These persons also experienced the loss or destruction of their property and I visited several scenes where members of the security forces were shot and killed or injured in traps. I was present when the bodies of these people had to be removed and I was also present in a particular incident when five members of the defence force were shot dead and another incident where seven members of the defence force were seriously injured and mutilated in similar incidents in ambushes.

These experiences created in me, a very deep horror of the so-called freedom fighters and persons who pretended that they were fighting against an unjust Government system. At the same time I was of the opinion that the situation required of us that I would be the first to act, otherwise I would experience the same fate."

MR BOOYENS: Let us just stop there. Now, while you were doing border duty, were you ever, personally, in a contact situation, in other words, involved in gunfight?

MR SIEBERT: No, your Honour.

INTERPRETER: The interpreter did not hear the question.

MR BOOYENS: Were you there as a security branch officer?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: What would the nature have been of the propaganda? What propaganda atmosphere existed on the border during 1976? What kind of propaganda was given through to you, what information did you receive as police officers?

MR SIEBERT: The propaganda had been that Swapo, supported by the ANC, the then South West and now Namibia, would be used as a base from which to penetrate or attack South Africa and that the war there had to be countered to prevent it from spreading to the, to South Africa.

MR BOOYENS: So, in your view, even a warfare outside the borders of this country was fought in order to maintain a White Government in South Africa?

MR SIEBERT: Yes, your Honour. When the South African Police also acted in Rhodesia to provide support there, that would have been the case.

MR BOOYENS: Subsequent to your service on the border or rather, for how long did you serve on the border?

MR SIEBERT: For about four months, your Honour.

MR BOOYENS: After that border service did you return to Port Elizabeth?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: At the time of your return, which would have been during 1976.

MR SIEBERT: That is the case, your Honour.

MR BOOYENS: What would the situation have been upon your return to Port Elizabeth?

MR SIEBERT: While we were in Ovamboland the Soweto unrest broke out and in the middle of July I returned back here in The Bay in Port Elizabeth and then in August of 1976, the unrest broke out in Port Elizabeth and Uitenhage on a very large scale.

MR BOOYENS: Could you summarise for us the nature of this unrest, what happened, what was done?

MR SIEBERT: Your Honour, the schools, I am referring here to the Black communities, the townships, in New Brighton, in Kwasekela, in Uitenhage, but particularly in The Bay, the schools were burnt down, school children did not attend school, businesses were burnt down, prominent business people of these communities had their houses burnt down, vehicles were burnt out, buses, delivery vehicles were burnt out. There was murder and a murderous situation in the area.
MR BOOYENS: Would there have been strikes and marches and intimidation?

MR SIEBERT: Naturally, there would have been strikes, marches. In many cases marches were planned to the City Hall in Port Elizabeth. In every case this was prevented by early information provided and police counter-action.

MR BOOYENS: Would some of your colleagues, and if I refer to colleagues, not only security branch, but all the South African Police members, would any of these colleagues of yours have been killed during the unrest?

MR SIEBERT: Yes, your Honour. Often the policemen had their houses burnt down. Some of them were robbed or their firearms, some of them were murdered. Members of the security branch were also attacked, their houses were burnt down. Some of them were shot and wounded.

MR BOOYENS: What would the response of the security branch have been? How did you react to this unrest situation?

MR SIEBERT: Your Honour, with respect to the then riot squad of the police, they were not entirely up to the task of dealing with this situation on their own, also because of a lack of staff and vehicles and so forth. As a result, the security branch, who knew the area well and who worked with the information of the area, could obtain information to prevent and control further unrest. Security branch members, therefore, became fully involved in the unrest situation in order to control it.

MR BOOYENS: So, you were directly involved in riot control?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Also, the powers of security legislation at that time, to the security branch, for instance, detention without trial and so forth, did you make use of these means?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would there have been many detentions? Would many people have been interrogated?

MR SIEBERT: Yes, many people were detained and interrogated, your Honour.

MR BOOYENS: Particularly during the years 1976, 77, up unto the death of Mr Biko, the rioting continued?

MR SIEBERT: Yes, your Honour, until December of 1978.
MR BOOYENS: Out of these interrogations, out of police information available to you, which organisations would, in your view, have played a prominent role in fomulgating this unrest?

MR SIEBERT: Your Honour, the black power movements in that time would have been the most active since the ANC and the PAC would have been banned organisations, they would have been in exile and their front organisations, at that time, had not yet been well organised, not as well organised as the Black power movements. In addition, the deceased was a leader, a prominent figure in the Black power movements and his position as President of the Black Consciousness Movement, he would, in addition, he would also have had a tremendous influence on the Black youth and he was idolised as a leader. He was a very prominent leader, not only in the Eastern Cape, but nationally and also outside the country.

MR BOOYENS: I have asked a question to one of your colleagues, but if you were to place Mr Biko, if you were to place Mr Biko on a level, not taking into account those political leaders that were, at that time, in prison, where would you rank Mr Biko in the country?

MR SIEBERT: I would rank him as number one, as one of the most prominent leaders.

MR BOOYENS: During the interrogations, and I suppose you also received information and study material on the Black power movements?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What would your impression have been, what would the eventual goal or purpose of organisations such as the BPC had been, the organisation of which Mr Biko was the President?

MR SIEBERT: It was opposed to White people. If I understand the approach of the Black power movements, it was intended to combat the apartheid policy and, as such, White people, White power, White domination.

MR BOOYENS: What would their eventual goal have been? Were they able to, successfully, combat the apartheid Government?

MR SIEBERT: To bring about a Black power controlled Government.

MR BOOYENS: In your perception and in the perception of the security branch, as then described in study documents and so forth, did you consider this to be a threat?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: Would you have considered it to have been a serious threat?

MR SIEBERT: Yes, your Honour. The entire White population would be touched by this, would be affected by this. Also, the established western Government structure, which was then the status quo, and also the perception which would have, that a, the established capitalist system would be lost as a consequence. In comparison with other African countries, which had been under colonial Government and had, subsequently, obtained Black independent Governments and which, at that time, were deteriorating into poverty, that would have been our perception.

MR BOOYENS: Would these have been only your personal perceptions or would these perceptions have been brought about by information from your head office, documents on which, documents to which you had access or on what would you have based your perceptions?

MR SIEBERT: Your Honour, this was also part of the political statements and speeches by the political leaders of the day, the head office during security training courses also presented this to us, the security reports, the motivation by seniors and, also, ones own personal perceptions.

MR BOOYENS: Did you, therefore, believe that the Black power organisations had to be combated?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you have instructions in this regard?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would some of the supporters of the Black power organisations have been arrested and detained in terms of the then security legislation?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Prior to the arrest of Mr Biko and Mr Jones, were any other persons arrested?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: And were they interrogated in terms of the determinations of Article 6 of the then Act against terrorism?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You made mention of the struggle between the security forces and, particularly, the security branch on the one hand and the Black power
liberation organisations on the other hand. Of course, there were other organisations also, but less important in the struggle?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What would the perceptions have been concerning the situation at that time?

MR SIEBERT: Your Honour, the general conception and interpretation, at that time, had been with reference already to the total onslaught against South Africa, at that time.

MR BOOYENS: You know this was the rhetoric of P W Botha at a later time, was that specific term used?

MR SIEBERT: Yes, in the intelligence community it was mentioned by name. We must remember that before this, the South African Police performed border service in Rhodesia, the now Zimbabwe, in order to support them as one of the last colonial powers adjoining South Africa, bordering on South Africa. I think of the support offered to or by liberation or freedom fighters from South Africa in that situation. The efforts of the South African Defence Force in Namibia into Angola at that time, the combating of terrorism by the South African Police in the then South West, now Namibia, since already 1962, the then attacks, terror, acts of terror of 1966, particularly during the month of November at the border gate when two MK members of the ANC were arrested and two police officers were injured. I believe they died but I am not sure whether they in fact died in consequence of that event. I think of the explosion at the Carlton Centre in Johannesburg, also during November and then in December, the Solomon Mahlangu attack in Johannesburg where people were, in fact, shot dead.

With this in the background and in view of the unrest, the foreign opposition already growing at that time, this would be considered to have been a total onslaught at that time and it was referred to as such from head office and in our ranks.

MR BOOYENS: Later on this became a little piece of political rhetoric?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: If you could look at the last two paragraphs of your personal overview and place this on record.

MR SIEBERT: "At that time I was of the opinion that the continued survival of White people in South Africa could be directly linked to the then Government
remaining in power. I was of the opinion that should the organisations such as the ANC "

and I would like to add to this the PAC and the Black power organisations,

"... should they become the Government in South Africa, that this would lead to total anarchy and chaos which would no longer allow me to maintain my way of life that I had become use to. I was, as a consequence of the opinion that the security branch had the responsibility to assist in ensuring that the then Government order could be maintained in order to help maintain the common civilised Western standards to which people in South Africa had become use.

In view of the fact that we were engaged in an undeclared war with the so-called liberation movements or organisations and in view of the support offered to the security branch from both political, church and cultural circles, I was convinced that the then Government status quo had to be maintained at all costs."

MR BOOYENS: You used the phrase "undeclared war". Is this your own term or was this a term that was bandied about and generally and commonly used at the time.

MR SIEBERT: Your Honour, this was a term which was often used in language in the intelligence community.

MR BOOYENS: This would also have been the language of your head office or would this have been only in the ranks?

MR SIEBERT: No, also from the head office and also during training courses and in information documents.

MR BOOYENS: Would you confirm the correctness as added to of your statement in the application of your own convictions and circumstances?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: This political background of yours, did this make you feel at home in the security community?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: Did this play any role in your actions as a security policeman? Did you experience coherence between your convictions and actions?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Was your personal convictions or faith also coherent with the instructions you received as a security police officer?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Okay, then you are applying for amnesty with view to the assault on and death of Steven Bantu Biko, is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: The date, sixth September, this was the date of assault. We know that he died at a slightly later date?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Namely on the 12th. The events occurred in Port Elizabeth. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: If we look at the particulars of the event, let us work through this. This is on page four of the application. During 1977 you had the rank of Captain. In which section of the South African Police did you then serve?

MR SIEBERT: I was then involved in the unit that dealt with Coloured and Asian affairs.

MR BOOYENS: As what?

MR SIEBERT: As a field worker and as the second-in-command of the unit.

MR BOOYENS: Major Snyman would have been your direct Commanding Officer?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: We are aware of the fact that Mr Biko was, in fact, a Black power man. He would have been dealt with, with the desk that dealt with Black affairs. Is that correct?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: How did it come about that you, as members of the so-called Coloured and Asian desk, became involved in the interrogation of Mr Biko?

MR SIEBERT: This was due to the fact that Mr Jones, who was a Coloured person, was arrested with Mr Biko and we had to deal with his arrest, detention and interrogation.

MR BOOYENS: Prior to this date, did you have any personal contact with Mr Biko?

MR SIEBERT: No, your Honour.

MR BOOYENS: Did you, to the best of your memory, ever meet with him before you collected him at New Brighton?

MR SIEBERT: No, your Honour.

MR BOOYENS: Did you have anything to do, my apologies, this was Walmer Police Station where you collected him.

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you have anything to do with his detention or the manner of his detention?

MR SIEBERT: No, your Honour.

MR BOOYENS: Just as a matter of interest, did you have anything to do with the detention of Mr Jones and the manner in which he was detained?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you give any instructions? We have heard that he was kept awake, that he did not have the opportunity to sleep well whilst at the police station.

MR SIEBERT: No, your Honour.

MR BOOYENS: Did you take part in any interrogation of Mr Jones?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Was he interrogated before Mr Biko?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: Did you, for the first time, meet the deceased on the sixth of September?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: As you have already said to us, you were well aware of his stature?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Briefly then, you had information available that Mr Biko had been arrested with Mr Jones at a roadblock during August. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: At the time when you all began to interrogate Mr Biko on the sixth of September, did you have any particular information available with regard to the activities of Mr Jones and Mr Biko?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: In particular, were you in possession of the statement of a certain Mandibi Patrick Titi?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: As a consequence of what had Mr Titi been detained? Why was he detained?

MR SIEBERT: A pamphlet had been distributed in the neighbourhoods of Kwasikele and New Brighton, in these townships, which celebrated or commemorated the unrest of 1976, the call to commemoration was by means of continued unrest, arson and from the information available or obtained, it was indicated that Mr Titi was or would have been involved in the drafting and, probably, the distribution of this pamphlet.

MR BOOYENS: You referred to a document. I want to show you a copy of Exhibit B which has already been handed in to the Commission. Was this the document?

MR SIEBERT: This was the pamphlet that was distributed, yes, your Honour.

MR BOOYENS: Mr Titi would have been an Article 6 detainee. Is that correct?

MR SIEBERT: That is correct.

MR BOOYENS: Had he been interrogated?
MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did he eventually make a statement in terms of Article 6?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would you have a copy of that document in front of you?

MR SIEBERT: I have a photocopy of the original document in front of me, your Honour.

MR BOOYENS: Whose handwriting would that be?

MR SIEBERT: That would have been, that would be Mr Titi's own handwriting.

MR BOOYENS: Do you know where the original can be found?

MR SIEBERT: No, I do not know where the original would now be available.

MR BOOYENS: When was this statement made?

MR SIEBERT: On 26 of August 1977, your Honour.

MR BOOYENS: Could you identify this document as the statement of Mr Titi?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: This would then be EXHIBIT G. We do not want to burden the record, but in the document as written out by Mr Titi, would it have appeared from that, that Mr Biko played some role in the drafting of Exhibit B?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You, therefore, had this information available to you when you confronted Mr Biko?

MR SIEBERT: Mr Jones.

MR BOOYENS: Oh, already when you confronted Mr Jones?

MR SIEBERT: Yes.

MR BOOYENS: Did Mr Jones also draft a document in which, to some extent, he confirmed the statement by Mr Titi?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: I show you a photocopy, whose handwriting would this be?

MR SIEBERT: This is the handwriting of Mr Jones.

MR BOOYENS: This document appears incomplete, it ends halfway on page ten and it is not signed. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would you, however, confirm that this is the document and that it is in the handwriting of Mr Jones?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: And that in broad terms, without going into the detail, that it did appear that Mr Biko played a certain role?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Roughly speaking, this would indicate that Mr Jones knew of the pamphlet that he overheard or heard a discussion between Mr Titi and Mr Biko?

MR SIEBERT: Yes.

MR BOOYENS: And did you also see the documents?

MR SIEBERT: Yes, at the offices in King William's Town.

MR BOOYENS: Would these have been the offices where Mr Biko found himself?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Is it a copy of this document in front of you?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: It is dated at the top, 25 August 1977. In whose handwriting would that be?

MR SIEBERT: In the handwriting of Mr Jones.

MR BOOYENS: Could you identify the document as the document drafted by Mr Jones?

MR SIEBERT: Yes, your Honour.
MR BOOYENS: This would EXHIBIT H, my Lord.

MR BIZOS: Mr Chairman, (speaker's microphone not switched on) pre-trial conference for the purposes of handing over and receiving relevant documents for the purpose of this, these proceedings. We are entitled, with respect, to an explanation why our documents were received, but we were not handed over the documents that the applicants intended to use in support of their application and, whilst I am addressing the court, may we ask our learned friend to please produce all the documents that they have which are relevant to these matters so that we may be on an even playing field in a relation to preparation.

MR BOOYENS: As far as the explanation is concerned, M'Lord, that was simply a situation, these are documents that became, I obtained subsequent to Sunday, Rule 37, during consultations.

CHAIRPERSON: You obtained it where?

MR BOOYENS: Subsequent to Sunday. We had the pre-trial on Sunday and during consultations subsequently, when we consulted in-depth about certain of the applications, it became available.

CHAIRPERSON: Yes, are there other documents you intend using?

MR BOOYENS: M'Lord, as presently advised, no. I can just make sure. Oh, yes, there is another, there was a, in so far as it may be worth, I will make it available to my learned friend. It is a warning statement of the said, Patrick Titi, as well, which he made to a police officer.

CHAIRPERSON: Well, I do not want you to burden the documents unless they are worth putting in.

MR BOOYENS: In essence, it is the same as the other one.

CHAIRPERSON: Yes and there might be documents relating to your other clients too.

MR BOOYENS: Yes.

CHAIRPERSON: If you propose using those.

MR BOOYENS: M'Lord, as ... (intervention).

CHAIRPERSON: If they are in your possession ... (intervention).

MR BOOYENS: Yes.

CHAIRPERSON: ... you should make them available.
MR BOOYENS: As I have been advised by my client, Mr Niewoudt, those documents he wish to rely upon, has been attached to his amnesty application and, if I recall, I do not recall him handing me any other further documents during consultations and as far as my other client is concerned, he handed me nothing, M'Lord. I apologise if I embarrassed my learned, but, however, due to the fact that we will, obviously, be postponing this matter after today, I would submit that the, there is not really substantial prejudice as far as this is concerned. I will make a copy of the so-called warning statement of Mr Titi available to Mr Bizos as well, if he wants to make use of it.

CHAIRPERSON: Very well, carry on.

MR BOOYENS: You have said that the statements which you have now handed in have been in your possession when you interrogated Mr Biko on the sixth?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: Who would have been the commanding, in command of the investigation or interrogation team?

MR SIEBERT: Mr Snyman.

MR BOOYENS: The team consisted, in addition, of Marx and Detective Sergeant Niewoudt?

MR SIEBERT: That is the case.

MR BOOYENS: Would that have been the interrogation team?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Were you aware, and this is on page four of your application, were you aware of the arrest of Mr Biko?

MR SIEBERT: Yes, your Honour.

INTERPRETER: The speaker's mike is not activated.

CHAIRPERSON: What page of the record is that? Page 13D, is it?

MR BOOYENS: Yes, M'Lord, it is at the fourth page. Unfortunately, my papers have not been paginated, but it is on paragraph four.

CHAIRPERSON: Paragraph four?

MR BOOYENS: Page four of his application ... (intervention).
CHAIRPERSON: Oh, sorry, page four.

MR BOOYENS: ... paragraph four. For what reason did you interrogate Mr Jones first?

MR SIEBERT: Your honour, from the information obtained from Titi, from Mr Titi, that Mr Jones would have been aware of this, it was appropriate first to interrogate Mr Jones.

MR BOOYENS: From the information obtained from Mr Jones were you satisfied that there had been a certain amount of agreement between his statements and that of Mr Titi?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: I believe the pamphlet distributed is self-explanatory, this is Exhibit B. I do not believe that it is necessary to discuss that, but as you explain on the last paragraph of your application on page four, it requested the masses to show solidarity with exiles and so forth?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: By the sixth of September you were satisfied or were you satisfied that adequate and good information was available to start with the confrontation with Mr Biko?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Prior to your confrontation of Mr Biko, had there been any facts with regard to him personally made available to you. I am not talking about his personal background, but with regard to his character, his physical strength and so on?

MR SIEBERT: Yes, your Honour. On the morning before the interrogation we had final consultations with Colonel Goosen. He made, he brought it to our attention that Mr Biko would be a difficult chap, that from experience with prior detentions, apparently in Natal, he mentioned that during those periods of detention he offered no co-operation, that he would ignore one and that on a different occasion in King William's Town, he had beaten a security officer, a certain Mr Hattingh with a fist.

MR BOOYENS: Was this during detention in terms of security legislation?

MR SIEBERT: Yes, I believe so.

MR BOOYENS: How seriously did he beat Hattingh?
MR SIEBERT: From what we had heard, from what we were told, he broke his teeth with a fist.

MR BOOYENS: Were you given instruction, then, by Major Snyman on the morning of the sixth of September to collect him?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You, yourself, Marx and Niewoudt would then have gone to Walmer Police Station. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You collected him there?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Would that have been the first occasion on which you met Mr Biko, personally?

MR SIEBERT: Yes, it was the first occasion on which I saw him.

MR BOOYENS: In the flesh?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you see photos of him before that?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Was he a large and strong man?

MR SIEBERT: He was tall and was big in posture, large in posture.

MR BOOYENS: Did he appear strong to you?

MR SIEBERT: Yes, he appeared like a physically strong man to me.

MR BOOYENS: You then collected him at Walmer Police Station and brought him to the security branch in the Sanlam Building?

MR SIEBERT: That is correct.

MR BOOYENS: At the security branch offices you took him to the sixth floor?

MR SIEBERT: That is correct, your Honour.
MR BOOYENS: And he was taken to the office marked with an "X", by yourself, on Exhibit F?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: On what floor did you have your own office?

MR SIEBERT: My office had been on the fifth floor, your Honour.

MR BOOYENS: To the best of your knowledge, was this particular office used only and exclusively for the purpose of interrogations?

MR SIEBERT: Your Honour, it was also the normal daily working office of certain other field workers. During detentions and interrogations this office was used as an interrogation office. Due to a lack of space or insufficient accommodation, there was no other place to use.

MR BOOYENS: So, you did not have a particular interrogation room?

MR SIEBERT: No, your Honour.

MR BOOYENS: Was this office sufficiently secured?

MR SIEBERT: Yes, it was sufficiently secured.

MR BOOYENS: So, you had bars in front of the window to prevent people from jumping out?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did you have any conversation with Mr Biko from Walmer on route to the Sanlam Building?

MR SIEBERT: No, your Honour.

MR BOOYENS: Was he shackled and cuffed?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Hand-cuffs and leg chains?

MR SIEBERT: To the best of my memory he had hand-cuffs or his hands were cuffed.

MR BOOYENS: When you brought him to the interrogation room, were all the members of the team present?
MR SIEBERT: Yes, your Honour.

MR BOOYENS: Was the fifth applicant, Mr Beneke, a part of your team?

MR SIEBERT: No, your Honour.

MR BOOYENS: Was he present?

MR SIEBERT: He was in one of the adjoining offices which would have been his normal place of work.

MR BOOYENS: With reference to Exhibit F, could you mention which office this would have been?

MR SIEBERT: It is the office marked "29m2".

MR BOOYENS: So, that would have been the large office as indicated to the left below on the map, on the left below the marked interrogation office?

MR SIEBERT: Yes, your Honour, we had to walk through his office to get to the interrogation office.

MR BOOYENS: Has your Lordship got it, M'Lord? Perhaps I could just ask the witness to mark it quickly with a "Y". The witness is marking the particular room with a "Y" on the plan. When you walked into the interrogation office was Major Snyman with you?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Did the interrogation start immediately?

MR SIEBERT: We first removed the hand-cuffs, Sergeant Niewoudt.

MR BOOYENS: Yes and who started with the interrogation?

MR SIEBERT: Major Snyman introduced us to him as the interrogation team that would deal with his case and that of Peter Jones.

MR BOOYENS: I would prefer without my guiding or leading evidence from you, after you were introduced just tell us what happened next. Discuss the interrogation and then what happened subsequently.

MR SIEBERT: Upon our arrival in the office the hand-cuffs were removed from the deceased. We were all standing at that time. Mr Snyman introduced us to him as the interrogation team. The deceased, without any invitation, slammed himself down on a chair. I instructed to rise, I told him that this was our office, that we
were in control of this office and that we would tell him when he was allowed to sit down.

**MR BOOYENS**: I apologise for interrupting you, but why this? Why was it so important that he had to sit when you were sitting and that he had to do what you told him and so forth?

**MR SIEBERT**: The general principle was that we were in control of the interrogation. As the interrogator you must maintain control. The person being interrogated could not decide on his own what he wanted to do.

**MR BOOYENS**: So he sat down and you then told him that you will instruct him to, with regard to his sitting and his standing?

**MR SIEBERT**: He then stood up. I then explained to him what the general course of the interrogation would be. Amongst others, why he breached his restraining order, what the purpose of his visit to the Cape would have been and, in addition, that we were investigating his part in the drafting and distribution or possible distribution of the pamphlet which would have commemorated the unrest and which would have formulated and instigated in additional unrest or incited people to riot and that we would attempt to determine, through the course of this interrogation, what part he played in the broader unrest in the Eastern Cape.

**MR BOOYENS**: That would have been a conversation coming from you?

**MR SIEBERT**: Yes.

**MR BOOYENS**: What response did you have from the deceased?

**MR SIEBERT**: Initially, very little, your Honour, but at a certain point he did mention that because of marital problems he was on his way to Cape Town and this was the pretended explanation for his visit to the Cape. We told him that this was not satisfactory, that this was not a sufficient excuse and that we, in fact, had different information with regard to this.

**MR BOOYENS**: When you refer to "us" and "we", who would this have been?

**MR SIEBERT**: The interrogation team.

**MR BOOYENS**: All of you or only one or two of you?

**MR SIEBERT**: I kept up the conversation in the main. Then at a certain stage when I saw that he kept to this version of the marital problems, I am convinced that he eventually saw that we were about to believe him. I then told him that we were aware of the fact that he was on his way to visit with Alexander of the non-European movement.
MR BOOYENS: This would be his visit to Cape Town?

MR SIEBERT: Yes, his visit to Cape Town.

MR BOOYENS: Who, exactly, would Mr Neville Alexander have been?

MR SIEBERT: Mr Neville Alexander was a member of the non-European unity movement. He was also a person who served ten years of prison, of a prison sentence as a consequence of the training of persons for military purposes internally in the Western Cape.

MR BOOYENS: What was the Non-European unity movement?

MR SIEBERT: The non-European unity movement was a marxist movement amongst the Coloured people. That was Mr Alexander's grouping as I understood it.

MR BOOYENS: Could you tell us some more about Mr Biko's behaviour or actions?

MR SIEBERT: As I interpreted it, it appeared to me that he knew or realised that we had information, that we knew something. I could see from his eyes that he was becoming disturbed, concerned, that he had been shocked, to an extent, that we had this information available to us. I then told him that we were aware of the distribution of the pamphlet and that we knew of his part in that. I then told him that we had already interrogated Peter Jones as well as other detainees and that they had indicated that he was responsible for authoring or drafting this pamphlet and, possibly, for its distribution. I could see that this increased his concern.

MR BOOYENS: Did he answer your claims or your statements?

MR SIEBERT: Your Honour, he was silent at that time. He remained silent and then he began to deny in his answers these claims. I could see that this was not with conviction and then the document drafted by Peter Jones, now handed to the Commission, I showed it to him. I said to him, you know the handwriting of Peter Jones, here it is. I paged to the particular page where Peter Jones discussed the commemoration pamphlet, I showed this paragraph to him. I could then see that he had become very upset and, in fact, became angry.

The same chair on which he sat down earlier standing there, he then slammed himself down on this chair again. I lost my temper at him. I went towards him, I grabbed his clothes, his shirt, I pulled him up by these clothes and when I approached him I could see that he was already rising, partly rising.

MR BOOYENS: So, you were not lifting dead weight?
MR SIEBERT: I could not lift his dead-weight. He was too heavy and too large. He then stood up. The chair was partly to his side, to the right of him. He then took the chair and pushed it or shoved it away from himself, partly towards me and to where Major Snyman was standing, to my side.

MR BOOYENS: You are saying he threw away or shot away the chair? Could you describe this more clearly for us?

MR SIEBERT: This chair was one of the old steel State chairs, it was an office chair with artificial leather or vinyl.

MR BOOYENS: Did this chair go through the air or how did it move?

MR SIEBERT: If I say through the air, he slightly lifted it and slung it in front of me. It would have been about this high from the ground.

MR BOOYENS: You indicate that it might have been about 15cm from the ground, the movement ... (intervention).

CHAIRPERSON: He had to lift the chair ... (intervention).

MR BOOYENS: Yes.

CHAIRPERSON: ... in order to push it forward.

MR SIEBERT: Yes, your Honour, he lifted the chair by its back and then he threw it as indicated.

MR BOOYENS: Yes.

MR SIEBERT: I then, with my hands, prevented the chair from falling on my legs. I was crouched forward towards him. I saw a movement above my head. I blocked with my hand at, I blocked his, him and pushed it away.

MR BOOYENS: What kind of movement was it? You say a movement.

MR SIEBERT: It appeared to me that he might be slapping at me or aiming a punch at me.

MR BOOYENS: He did not manage to hit you, did he?

MR SIEBERT: No, he did not, your Honour.

MR BOOYENS: What did you do next?

MR SIEBERT: The next moment I noted that Mr Beneke came in from the side and bumped him with the shoulder into the wall.
MR BOOYENS: Sorry, let us just go a bit slower there. Mr Biko slapped at you and you pushed him or you bumped him. You bumped him away.

MR SIEBERT: I bumped away, him away, but in a movement of blocking, of defence.

MR BOOYENS: This push or shove, did it have any impact on him? Did anything happen as a consequence of your shoving motion?

MR SIEBERT: No, your Honour, my defensive shove had very little impact on his weight. He was a larger and heavier person than myself.

MR BOOYENS: Then Beneke entered the picture?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: Apart from the throw of the chair, the slap above your head and your shoving his chest, did anything happen between yourself and the deceased before Beneke entered?

MR SIEBERT: No, your Honour.

MR BOOYENS: What did Beneke do next?

MR SIEBERT: He stormed into him, into his, the middle of his body with his shoulder, probably in an attempt to push him away from myself. At that point it was clear to me that we would be having a problem with the deceased and that he was becoming rebellious.

MR BOOYENS: So, you are saying that he shouldered him? Is that in rugby terms that he shouldered him in the middle of the torso with his shoulder?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What happened as a consequence of this shouldering?

MR SIEBERT: As a consequence he started aiming fist punches at us, he started shoving towards us to push us away from him. We attempted to take a hold of him and in that process we also hit punches towards him.

MR BOOYENS: Do you know if he managed to hit him?

MR SIEBERT: In the scuffle and the struggling we were so close together, so in each others way, that I do not believe, and this is my opinion, that anyone really could have hit him with a hard punch that would have had real impact.

MR BOOYENS: Not a hard fist punch, maybe other punches?
MR SIEBERT: Yes, there were punches to the body and the arms, necessarily.

MR BOOYENS: Could you slowly describe the picture for us? What happened next? At this point you, yourself, and Beneke were involved. What would Snyman have done?

MR SIEBERT: I could not see what Snyman did, but he did not take part. My attention was entirely focused on this scuffle and wrestling that was taking place.

MR BOOYENS: Could you just tell me whether Beneke was present in the office before this incident?

MR SIEBERT: No, your Honour, I did not see him.

MR BOOYENS: Could you describe for us what occurred next?

MR SIEBERT: At that stage I noticed that Sergeant Niewoudt had joined us and that he was assisting in attempting to restrain the man. I also saw that he had something in his hand with which to hit. Subsequently, I saw that this was a piece of hosepipe that had been cut off and I could see him hitting the accused and give him a couple of lashes with this in order to restrain him. I believe that one of the hosepipe lashes, this might have taken the attention of the deceased away from myself and Beneke, this allowed us to grab him by the body and arms, but it was still a wrestling match which, at that point, and at a, at the beginning of this wrestling, of this scuffle, I know we bumped against the table which was standing in the office.

From there we moved more towards the middle of the office floor and then when Mr Niewoudt joined in with the piece of hosepipe and started hitting him with the hosepipe, we were some distance from the wall.

MR BOOYENS: If you are saying "some distance"?

MR SIEBERT: I think we were in the middle of the floor of the office.

MR BOOYENS: It is a very small office?

MR SIEBERT: Yes, it is a small office.

MR BOOYENS: Would this be a meter, two meters?

MR SIEBERT: Possible a meter and a half, two meters away from the wall.

MR BOOYENS: And then?

MR SIEBERT: Our momentum then caused us to move in the direction of the wall.
MR BOOYENS: Who would "we" be?

MR SIEBERT: It would be myself, the deceased, Beneke and Niewoudt.

We then fell over one another's feet and in this process we hit the wall with Mr Biko, the deceased, who then fell against the wall and we fell on top of him and against him.

MR BOOYENS: Referring to paragraph six, on page six of your statement, the second paragraph from the bottom. Could you read the paragraph starting,

"Tydens hierdie gestooiry en bakleiry ..."

You make the statement in that paragraph,

"... all three of us then took a hold of Biko and moved with him in the direction of the corner of the office and ran into the wall with him ..."

What are you trying to say with this statement?

MR SIEBERT: What I mean with the statement, your Honour, is that the momentum of this wrestling and the fact that we lost our balance brought about that we ran into the wall. It is not that we took the man, took a hold of him, said to each other, let us run into the wall with him. That is not what I intend with this statement.

MR BOOYENS: When you hit the wall, what do you know of that?

MR SIEBERT: Your Honour, his head definitely, in my opinion, bumped against the wall.

MR BOOYENS: On what grounds would you make this claim?

MR SIEBERT: I saw this happen, also his body? With the fall onto the ground, I feel that he or might well have also bumped his head against the ground.

MR BOOYENS: There were four of you, who all fell? We know the deceased fell.

MR SIEBERT: If I recall correctly, your Honour, all four of us fell down and were lying on the ground.

MR BOOYENS: Were you on top of each other or apart from each other?

MR SIEBERT: I cannot recall exactly. Some of us were on top of each other, some of us were apart. I cannot recall where we all were. I, myself, had fallen on the ground.
MR BOOYENS: After you had fallen what did you see?

MR SIEBERT: I noticed that the deceased was in a state of unconsciousness. He was disorientated, his eyes look confused.

MR BOOYENS: Did he stand up or what did he do?

MR SIEBERT: No, your Honour, he was lying on his side with his back and shoulders against the wall.

MR BOOYENS: Did the other three of you, the police officers, did you stand up?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: What did you do next?

MR SIEBERT: We then waited to see how seriously or how serious his state was. After a while it appeared to me as if he was regaining his consciousness or regaining consciousness, that he achieved greater orientation, that he knew where he was again.

MR BOOYENS: And then what happened?

MR SIEBERT: After a short while I was of the opinion that he should be fully conscious again. I then told Sergeant Niewoudt that he should cuff him again.

MR BOOYENS: You say a little while, a short while after his fall and after you got up, could you just continue. You have instructed him to put the hand-cuffs again. How did he do this? What did he, exactly, do?

MR SIEBERT: He took the hand-cuffs and he cuffed him in the front.

MR BOOYENS: So he cuffed him in front of his body? Was the deceased still lying on the ground at that time?

MR SIEBERT: Yes.

MR BOOYENS: Was he lying or was he sitting?

MR SIEBERT: He also put the ankle chains on again. Then after, possible, five minutes, maybe a little longer, I thought or believed that he had regained full consciousness. I told Sergeant Niewoudt to chain him to the security gate in that office in a standing position.

MR BOOYENS: I just want to be clear about this, of the lapse of time then. You fell and then at a certain stage while he was still lying on the ground, Niewoudt
cuffed his hands. From when he fell on the ground until he was cuffed while he was lying on the ground, what would the lapse of time have been?

MR SIEBERT: From when he fell on the ground until we put on the foot chains or ankle chains, I believe that could have been a minute or less.

MR BOOYENS: So, it was shortly thereafter?

MR SIEBERT: Yes.

MR BOOYENS: And then you said that it could have been five minutes or longer. Would that have been at that point when you gave instruction that he should be chained to the metal gate, the security gate?

MR SIEBERT: Yes, it could be five or ten minutes, but I did not keep or take note of the time.

MR BOOYENS: Your colleague, Snyman, has already given testimony that the manner in which he was chained was to spread his arms?

MR SIEBERT: Yes, at about the height indicated, he was chained to the security gate and also by his feet by means of a chain through the security gate.

MR BOOYENS: What was the length of the chain, roughly?

MR SIEBERT: Your Honour, it would be the normal length of foot or chains.

MR BOOYENS: Yes, but I am no expert on this.

MR SIEBERT: I have not seen these in a long time, but if I can recall correctly, they would have been of a considerable length. If a person walks with this, the person would normally hold the chain at their, at the middle of their body, at the middle. So, it was a long chain.

MR BOOYENS: The deceased was chained or is, now in your narrative, chained to the gate. What happened next?

MR SIEBERT: We then attempted to speak to him again, but there was no reaction and no co-operation on his part.

MR BOOYENS: Just let us get this clearly. Did he speak back to you or when you say there was no reaction, what do you mean?

MR SIEBERT: No, he did not speak to us. No, he simply did not speak to us. He just stared in front of him. To me it appeared as if he had completely switched off and was no longer at all willing to co-operate.
MR BOOYENS: Snyman said that he then went to Goosen?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: In order to explain the incident or at least report the incident to him. At that stage while Snyman was with or on his way to Goosen, what did the remaining three of you do?

MR SIEBERT: We stayed in the office.

MR BOOYENS: What, where was Beneke? Was he still in the office or he had left it already?

MR SIEBERT: I cannot remember where Sergeant Beneke was at that stage.

MR BOOYENS: Did Snyman return?

MR SIEBERT: Yes, your Honour, he returned with Colonel Goosen. Colonel Goosen attempted to communicate with him.

MR BOOYENS: With whom, with the deceased?

MR SIEBERT: Yes, with the deceased. My apologies. And the results were the same as I have indicated previously.

MR BOOYENS: Did Goosen have any comment on the fact and manner in which Mr Biko was chained to the gate?

MR SIEBERT: I do want to say, yes, he said that the man must stay standing like this in order to break down his resistance and to obtain his co-operation.

MR BOOYENS: What instructions did you then receive?

MR SIEBERT: Myself and Major Snyman, who served in a different unit, were excused. We were instructed to continue with our other activities and he was left in the care of Sergeant Niewoudt and them and as soon as the situation would change, we would be informed and then we had to resume the interrogation.

MR BOOYENS: Did you then leave the office?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: Where did you go?

MR SIEBERT: I returned to my office on the fifth floor.
MR BOOYENS: And did you have anything to do with Mr Biko at any stage subsequently? I know that you, while he was at the security, I mean while he was at the security police offices?

MR SIEBERT: No, your Honour.

MR BOOYENS: So, you did not have anything to do with continued interrogation?

MR SIEBERT: No, we did not continue with any interrogation.

MR BOOYENS: And when did you next have anything to do with him?

MR SIEBERT: It was on the eighth, on the Wednesday. You will note, your Honour, that I did not include this in my application. This was an oversight. When I was at the office in the afternoon on the eighth, Colonel Goosen informed me that the deceased was to be transferred to a Noordeinde prison for continued attention, medical attention and I was then present when he was transported by two Black members in a motor vehicle.

MR BOOYENS: Wait a moment, you are going too fast. Where did you find Mr Biko at that time?

MR SIEBERT: Later in the course of that afternoon in that office.

MR BOOYENS: Was this in the same office where you interrogated him?

MR SIEBERT: Yes.

MR BOOYENS: What was his state?

MR SIEBERT: At that time he was already chained again or cuffed again. When I arrived there he was being accompanied out towards the lift down the passage. He was slowly moving between the two Black members.

MR BOOYENS: Did he have foot chains on?

MR SIEBERT: Yes, if I can recall correctly.

MR BOOYENS: You say he was walking inbetween the two members. Did he walk independently or did they support him or hold him or what?

MR SIEBERT: He walked on his own. They were walking next to him on his sides, but without holding onto him physically. Which could indicate that they were not supporting him.

MR BOOYENS: And then they went down the lift into a police vehicle?
MR SIEBERT: That is correct.

MR BOOYENS: He then went to Noordeinde?

MR SIEBERT: We went to the Noordeinde Prison.

MR BOOYENS: What time of day was this?

MR SIEBERT: This would have been about half past eight in the evening.

MR BOOYENS: Why in the evening?

MR SIEBERT: This was under the instructions of Colonel Goosen so as not to draw attention to the transport of the deceased to the prison.

MR BOOYENS: Why did you not want to draw attention?

MR SIEBERT: Because of his prominence and because information might have leaked that he was being transferred to the prison or people might have seen him move or walk very slowly.

MR BOOYENS: Did you accompany them to the prison?

MR SIEBERT: I rode in a different car, I did not drive with them.

MR BOOYENS: Upon arrival did you hand him over to the members of the prison service?

MR SIEBERT: I handed him to the members of the prison, Colonel Goosen and Colonel Fisher, the interpreter believes, was also present.

MR BOOYENS: Did you accompany him into the prison?

MR SIEBERT: Only to the reception area, if I can recall correctly. I did not move with them through into the cell.

MR BOOYENS: The reception would be at the entrance, at the gate?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: Did you see Mr Biko get out of the car or were you not present?

MR SIEBERT: Your Honour, I held the door open for him. I assisted him by the elbow. He got out of the car and in a similar manner walked to the prison.

MR BOOYENS: Reception would be at the door. You then turned around and left?
MR SIEBERT: We entered through the prison door, the reception area is on the inside of the prison.

MR BOOYENS: Who accompanied him?

MR SIEBERT: Colonel Goosen and them then dealt with the prison authorities from then on.

MR BOOYENS: And the Black security branch members?

MR SIEBERT: I think they walked with him, they walked with him.

MR BOOYENS: So, they went into the prison with him?

MR SIEBERT: That is correct.

MR BOOYENS: Did you have anything to do with Mr Biko subsequent to that?

MR SIEBERT: On the Sunday morning of the 11th, I was phoned by Colonel Goosen who told me that Mr Biko would be discharged, that he would be discharged from the hospital section of the prison at the Noordeinde Prison and that I had to arrange that he would be collected.

MR BOOYENS: Were you present at his collection from Noordeinde Prison?

MR SIEBERT: Yes, your Honour, myself and Sergeant Niewoudt as well as Lieutenant Wilken were present. This is not mentioned in my application.

MR BOOYENS: On page seven, the second paragraph from the bottom of the page, midway through,

"... I and ...

... (intervention).

MR SIEBERT: Niewoudt.

MR BOOYENS: Yes, it should read that,

"... the current applicant, Detective-Sergeant Niewoudt and Sergeant Wilken went to Port Elizabeth Prison."

Could you tell us something about his state at that time?

MR SIEBERT: Your Honour, it was clear to me that there had been some regression, some deterioration, he was no longer in the same state as he had been when, on the Wednesday evening, we handed him over at the prison.
MR BOOYENS: Could you explain this?

MR SIEBERT: The or on this occasion we had to support him by the elbows. He was shuffling and it was clear from his speech that it was affected. He appeared clumsy to me.

MR BOOYENS: If you say his speech was affected, what do you mean?

MR SIEBERT: When one spoke to him he mumbled. I could not hear what he was saying.

MR BOOYENS: Did it appear to you that he would have been able to walk on his own on at that time or was it necessary to support him?

MR SIEBERT: I believe he might have been able to walk on his own, but we feared that he might fall and, as a result, we supported him. I do not believe that he could have walked the entire distance on his own.

MR BOOYENS: You were then supporting him into the police vehicle down to or back to Walmer Police Station?

MR SIEBERT: That is correct.

MR BOOYENS: At what time would this have been about?

MR SIEBERT: Your Honour, this was on the 11th. It was during the course of the morning. I would estimate that it might have been around ten o’clock, half past ten.

MR BOOYENS: Through the course of the afternoon of the 11th of September you had another phone call from Colonel Goosen. Is that correct?

MR SIEBERT: Yes, your Honour, he called me to Walmer Police Station. There he instructed me to be on standby, that he was making arrangements to send the deceased to Pretoria Prison, which had better medical facilities.

MR BOOYENS: Was there any mention of him flying, of being sent by aeroplane?

MR SIEBERT: He said, amongst others, that he was arranging that the deceased would be transported with an aircraft to Pretoria. Should he fail, then I had to prepare myself to take him with a motor vehicle.

MR BOOYENS: Later that afternoon while at Walmer Police Station, apart from police officers, did you note or meet with anyone else? Did you make any enquiries with regard to his health?
MR SIEBERT: I met Dr Tucker there in the cell with Mr Biko. He was attending to Mr or inspecting Mr Biko. I noted that there was foam at the corners of Mr Biko's mouth, spit, saliva, if I can, and he was being inspected or attended to by Dr Tucker. I asked Dr Tucker what was wrong with the deceased and he told me that he did not know, that he could not determine what was wrong with him. From the conversation that ensued between myself and Dr Tucker, I was satisfied that he was aware that the deceased were to be transported to Pretoria. The conversation had to do, in addition, with a request from his part and on my part, that the medical doctor who were going to attend to him the next day, would have to have the opportunity to phone Dr Tucker so that the medical report, as he, Dr Tucker, and the other medical doctors had seen in Port Elizabeth, could be communicated to the medical doctors in Pretoria.

MR BOOYENS: At the time, when you and Mr or Dr Tucker were negotiating, did it then appear that he would be transported by road if not by air?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: Did you make any enquiries to determine or did the doctor say anything about this?

MR SIEBERT: He was aware that we would now transport him by road. Colonel Goosen had already, at that time, indicated that he failed to obtain an aircraft and that we would have to transport him by road.

MR BOOYENS: Did Dr Tucker say anything about this?

MR SIEBERT: No, your Honour.

MR BOOYENS: What vehicle did you use?

MR SIEBERT: The only vehicle available to the security branch in which a person could lie down was a Land Rover station wagon. This was not an open Land Rover, it had a cab on it, it was covered, and one of its seats had been removed. I requested Lieutenant Wilken to prepare this particular vehicle for us and to phone other members to accompany us.

MR BOOYENS: Who accompanied you in the end?

MR SIEBERT: It was Lieutenant Wilken, Warrant Officer Fouche and Sergeant Niewoudt as well as myself.

MR BOOYENS: When did you leave Port Elizabeth?

MR SIEBERT: Your Honour, it was about six o'clock in the evening.
CHAIRPERSON: Just, please, just mention those names again. I am sorry, I did not, please, I could not hear.

MR SIEBERT: Your Honour, the persons who accompanied us was myself, Lieutenant Wilken, Warrant Officer Fouche and Sergeant Niewoudt.

MR BOOYENS: You would say that that was about six o' clock?

MR SIEBERT: About six o' clock, your Honour, it was already dusk.

MR BOOYENS: At what time did you arrive in Pretoria?

MR SIEBERT: The next morning at about nine o' clock.

MR BOOYENS: That would be Pretoria Central Prison. Is that correct?

MR SIEBERT: Yes, your Honour.

MR BOOYENS: You then handed the deceased over to the prison service officials?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: What was his state of health at that point?

MR SIEBERT: Your Honour, we had to assist him out of the vehicle. We had to use a stretcher which was made available to us.

MR BOOYENS: So you had to carry him?

MR SIEBERT: That is correct.

MR BOOYENS: Something that is relevant in this matter, was Mr Biko dressed in the back of the Land Rover?

MR SIEBERT: Your Honour, he was wearing only a pair of underpants. I asked the members who accompanied me, those members whom I had asked to prepare the vehicle and obtain the vehicle had also received instructions from me to process Mr Biko at the police station and to collect him. I joined them at a later stage since I had some other arrangements, personal arrangements to make. I had to collect clothes for myself, I had to purchase food for the road and just outside Blouwater Baai, outside Port Elizabeth we stopped to eat. When I got out of the car and looked back in the vehicle to see whether the deceased had any interest in food I noticed his right leg, I noticed that it was open and naked. I then determined that he was only wearing underpants.
I asked the members why this was the case, why he was not fully dressed and they informed me that it was very difficult to dress him since he was clumsy and stiff. I then realised that it would be even more difficult to dress him in the back of the Land Rover. I accept that I made no effort to dress him. I also accept that this was inhumane. However, I do want to mention at the same time, that there were a number of cell mats on which he was lying as well as a number of blankets and a pillow, that he was fully covered. It was not as if he was publicly naked or anything like that.

MR BOOYENS: Did you have any conversation with any of the prison staff with regard to Mr Biko when he was taken in?

MR SIEBERT: Yes, your Honour. If I recall correctly, it would have been a Colonel Dorflan, I believe that was his surname, he received us at the prison and informed us, I informed him that this was the person. I informed him that he had fallen during an incident at our offices and also that he had been attended to by a number of medical doctors, including two district surgeons and a specialist. I told him, as Colonel Goosen had instructed me to bring to their attention, that at a previous occasion he faked this and that, in fact, he practised yoga. This is what I told them.

MR BOOYENS: When you say that he "faked", what do you mean? That he faked illness?

MR SIEBERT: Yes, on a prior occasion of detention, according to Colonel Goosen.

MR BOOYENS: This is not your personal knowledge, this is information from Goosen which he instructed you to give to them?

MR SIEBERT: Yes. I then provided the particulars, including the telephone number of Dr Tucker, to Colonel Dorflan. At that time there was also a medical ordinance of the prison present or, sorry, a medical orderly. I requested them to phone Dr Tucker immediately since he was waiting for their call. That was our arrangement since from, his side, he had to give a medical narrative with regard to Mr Biko's state of health. In addition, I told them what the importance of this person was, that he was a very prominent figure in the Black power movement, that he had national and internationally a high profile.

MR BOOYENS: What was the intention of your intimation of his prominence to them?

MR SIEBERT: The reason was that it was necessary for them to give very real attention to him and that he had to receive the necessary treatment. His state of health and his person, I sketched it for them, broadly.
MR BOOYENS: Did you then return? Did you turn around and drive back to Port Elizabeth?

MR SIEBERT: That is correct, your Honour.

MR BOOYENS: On the 13th of September you heard that Mr Biko had died. Is that correct?

MR SIEBERT: That is correct.

MR BOOYENS: M'Lord, I intend now dealing with the false statements and the false evidence and so. I do not think it is conceivable, because I have still got to deal with his, with the political aim that they were looking for. I do not think it is conceivable that I will be able to finish this before about, subject to your Lordship, I would suggest, approval, I would suggest that we adjourn now, because I am at a point where it will be convenient to do so.

CHAIRPERSON: Very well. This may be a convenient time to bring these proceedings to an end for the day. The resumed date or rather the date for the resumed hearing, as I understand, been agreed by counsel on both sides, to be the eighth of December?

MR BOOYENS: That is correct, M'Lord, Mr Chairman.

CHAIRPERSON: Can we arrange it in such a way that once we commence on the eighth of December, we will carry on until it is finalised? Mr Booyens.

MR BOOYENS: Just a moment, M'Lord. M'Lord, Monday the eighth, yes. Yes, M'Lord, Monday the eighth, that date suits us and I understand the arrangement that we will proceed until the conclusion of evidence and, I presume, argument as well. Mr Erasmus.

MR ERASMUS: I confirm this was arranged with me in this manner.

CHAIRPERSON: Thank you.

MR BIZOS: I confirm as well, your Honour, thank you.

CHAIRPERSON: Sorry. The date.

MR BOOYENS: Yes, it suits us, thank you, and I confirm. CHAIRPERSON: Okay, thank you very much. These proceedings have now come to an end and the Committee will now adjourn and rise.

COMMITTEE ADJOURNS

-------------------------------