

You be the Judge: The Death of Stephen Biko

If you have not done so already, read the essay about the death of Stephen Biko in detention and the consideration of this event by the Truth and Reconciliation Commission.

After reading the excerpts below from the Truth and Reconciliation Commission amnesty hearing transcripts, answer the following questions and support your answers with evidence from the transcripts.

1. In their amnesty hearings, the five policemen who interrogated Steve Biko were asked about their use of hosepipes to beat Biko and what impact this had on him. After reading the excerpts, do you believe that Mr. Niewoudt frequently used hosepipes as an “interrogation” tool?
2. Name the different kinds of evidence used in TRC hearings as shown in these excerpts. Which type of evidence seems the most reliable? Why?

Excerpt #1: Mr. Bizos (lawyer for the Biko family) questions Policeman Harold Snyman after Snyman denies any knowledge of a hosepipe in the interrogation room

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 it's [sic] importance, a passage from Mr Siebert's application in paragraph, the second last paragraph on page 13(f). ...

...You have it before you. Please read it out...

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."

Excerpt #2: Policeman Daniel Siebert describes the physical struggle between Biko and the policemen

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.

Excerpt #3: Policeman Rubin Marx comments on Policeman Gideon Niewoudt's use of the hosepipe

MR MARX: Well, I can recollect one thing. It is not in my statement, because it has nothing to do with me, but I saw that Niewoudt hit him with a hose-pipe, but this is not in my statement. He must be responsible for his own deeds, but I saw him hitting the man with a hose-pipe.

MR BIZOS: At what stage did you see Mr Niewoudt hitting Mr Biko with the hose-pipe?

MR MARX: When Beneke and Siebert were scuffling with him, Niewoudt hit him across the back with the hose-pipe.

MR BIZOS: How many times?

MR MARX: It happened so quickly, I really would not know. From the door to where the scuffle was taking place, I do not know whether he could have hit him more than twice. The room is [sic] very small. When I came in I saw him hit him, but how many times he hit him, I would not know, because it is a matter of two to three metres. Now, how many times can one hit a person in such a small room?

Excerpt #4: Bizos asks Niewoudt about the impact of the hosepipe

ADV BIZOS: You never felt that the half a dozen or so blows with your hosepipe had anything to do with contributing to Mr Biko's death?

MR NIEWOUDT: No. If I recall the inquest report by Dr Laubscher or the post-mortem report by Dr Laubscher, there were not there [sic] many blows from the hosepipe. I may be wrong, but those blows would not have caused any damage. That is according to my opinion.

Excerpt #5: Peter Jones testifies about his interrogation experiences while questioned by Mr. Booyens, lawyer for the policemen. Peter Jones' testified at these amnesty hearings because he was detained at the same time as Biko and interrogated by the same policemen, in the same room.

ADV BOOYENS: Okay. Now let us deal with Siebert's other assaults on you, if any.

MR JONES: Yes, on the night before when I arrived there, on the 24th, prior to him leaving, he had attacked me with a green hose pipe which was laying on the desk which I presume is the same hose pipe which was used the next day.

He hit me on my head and on my back and across my chest....

MR JONES: On the 25th it was Niewoudt, that started hitting me with the green hose pipe, he was on my left and walking, moving around the back and within a very short while, there was general pandemonium and someone shouted give him both, green power and black power.

And a black hose pipe was removed from the top drawer of the filing cabinet in the room. Similar in length and I was assaulted by Beneke who was now on my right towards the back...

Excerpt #6: Bizos asks about Niewoudt's use of hosepipes during interrogations in general

ADV BIZOS: Yes. This hosepipe, it seems to have had the tendency to appear on the basis that it was just there, when needed. How did it happen to be there when you assaulted Mr Jones?

MR NIEWOUDT: As I have explained, the office which was used was used [sic] by Mr Coetzee, he was on coastal patrol, that was his job, and he used this hosepipe to syphon off fuel, and it was there, and I used it.

ADV BIZOS: Where was it in the room?

MR NIEWOUDT: It was on the window sill at the entrance to the office.

CHAIRPERSON: Mr Niewoudt, this instruction to use all means at your disposal in order to protect the political order of the day, you testified that that included illegal activities such as assault, etc? I am assuming that Mr Biko and Mr Jones were not the only people who were assaulted in that office in the name of insuring the survival of the State?

MR NIEWOUDT: I did assault another person, and I applied for amnesty for that case.

CHAIRPERSON: That is not what I am referring to. I am not going to ask you at all who the other people were that you assaulted. What I want to find out, the procedure at the offices of the Security Branch at the time, in the exercise of their duty to protect the State, did they bring in certain instruments to hit people with and beat them with?

MR NIEWOUDT: Not as far as I am aware, I didn't use any such instruments.

ADV BIZOS: Did it occur to you or your senior officers, that seeing a piece of hosepipe on the window sill at the Headquarters of the Security Police may have possibly been misinterpreted, not to be used to fill motor cars, but rather intended for their backs?

MR NIEWOUDT: It is possible, I don't know whether anybody...

ADV BIZOS: Didn't anybody say you know, we are going to give people the wrong impression here, what is this piece of decoration doing in this room?

MR NIEWOUDT: I don't know. Nobody ...

ADV BIZOS: Why didn't you think about it?

MR NIEWOUDT: I did not.

ADV BIZOS: I mean you would react very badly if anyone had a piece of hosepipe on the table here, wouldn't you?

MR NIEWOUDT: That is so Mr Chairperson.

ADV BIZOS: Well, may I suggest to you that what we are going to submit to the Committee has substance, that this was an instrument of choice for beating up people, prominently kept in this room.