

INTERVIEWEE	George Bizos
DATE OF INTERVIEW	10 th March 2007
PLACE OF INTERVIEW	Parktown North, Johannesburg



Q: Did you take on cases of political nature from the beginning of your time as a lawyer?
A: I was admitted as an advocate in 1954, within a couple of weeks I did my first political case and I continued doing them for over 50 years.
Q: And do you remember the first case that came to you that dealt with issues around treatment of detainees?
A: Detainees in the true sense of the word of people that were detained indefinitely without trial only came into being in the early 60's when Mr. John Vorster was Minister of Police and Justice under Verwoerd's premiership. John Vorster was appointed Minister of Police and Justice by Verwoerd and that was the time when detention without trial was introduced. The name John Vorster was associated with the introduction of detention without trial and he also had a reputation of being a tough man because he was in a camp during the war for his Nazi sympathies. As soon as he became Minister of Police in the early 60's he changed the personnel of the Security Police. Up to then they really were listening to telephones, watching politicians' homes, taking notes of speeches. When Vorster took over he changed the leadership of the Security Police. He appointed Colonel Van Niekerk from the East Rand who did serious violent crime and interrogation and torture, associated with it really commenced. The name John Vorster actually inspired fear amongst detainees.
Q: Did you have any personal interactions with Vorster when he was Minister of Police?
A: Many, I even had interactions with him whilst he was an advocate. We did a case against one another. He was a member of the bar but he didn't really practice much because he became a Member of Parliament and he only came during Parliamentary recesses. He was the minister when the first person was said to have jumped off the window of the 4 th floor of the Grays where the Security Police were, just off Main Street between the City and Jeppe. And then he made it quite clear that it wasn't going to be a holiday. I represented many families whose loved ones were detained. There was no access. We would apply for permission to see, for a doctor to see them and he was very tough, he wouldn't allow anything. And then of course there was the change of policy in December 1961 when Umhkonto We Sizwe committed the first acts of violence against the symbols of Apartheid and he vowed that he would teach people who were doing that a lesson soon enough. He thought that his methods would be so effective that he would smash the resistance in the country. He didn't succeed but a lot of people suffered.

Q: So did it come as any surprise when you heard that the new police station that they were building in Johannesburg was to be named after John Vorster?

A: I think that from the point of view of the regime it was well chosen. They were not only honouring the man who was a tough guy and also who succeeded unopposed to the premiership when Verwoerd was assassinated. So there was no better person from their point of view in order to instill fear in the people who were going to be detained there than to name it after this tough guy.

Q: And after it was built what do you think that the building came to represent for people in South Africa?

A: The turning point was in the early 70's when it was announced that the body of Ahmed Timol was found in the bushes on the ground near the entrance of John Vorster Square and the story was given that he jumped out of the window in order to escape, which was laughable. Nobody really accepted that. Everybody in the struggle said with confidence that it was no doubt he was either pushed out or so cruelly treated that he had no option but to do it. Soon the uncollaborated story came out that they actually held people by the legs with their tummy on the window and their head out and people out of fear struggled and it may be that the people that were holding their legs didn't hold them well enough in order to prevent the drop.

From then on it was a matter of pride for the police and one after the other of the detainees that were released from detention, and we consulted with them in order to do the trial, they almost invariably told us that when they were taken up to the 9th floor by lift and then walked up to the 10th floor up the stairs they were told that the grill that was between the 9th and the 10th floor against the stairs was there to prevent them from committing suicide like Timol and they reported to us that they never thought of committing suicide until this suggestion was made and they were convinced that it was deliberately made in order to frighten them. They also told people during interrogation that, "We pushed Timol out, the same will happen to you unless you make a statement to our satisfaction, unless you tell us who your friends are and who you work with in the underground," and this of course was not confined to John Vorster Square. The Sanlam building in Port Elizabeth where Steve Biko was smashed up, well if you defended people in Port Elizabeth which I did, not as often as I did here in the Transvaal, they were told, "This is the room that we smashed up Biko, if you don't tell us what we want to know the same will happen." The same happened in Compol in Pretoria, the same happened in Durban and Pietersmaritzburg but my experience in relation to that is limited as the same happened again with limited personal

experience in Cape Town. It was one of the ways in order to break the will of people who would not co-operate with the Security Police.

Q: During the Timol inquest what kind of difficulties did you have in terms of trying to understand or be given information about the actual layout and goings on inside John Vorster Square itself?

A: We did not ask for an inspection in loco in the Timol case, I don't know why but I did the Aggett inquest more than ten years later and when I asked the magistrate that we wanted to go up to the 10th floor, the magistrate was shocked. He said, "Well you know I can't really allow you to go there without giving an opportunity to the police to really prepare themselves for your visit." Nobody could go up to the 10th floor in the lift; you had to get off on the 9th floor. The reason was, I think, that if any body did go to the 10th floor on legitimate business allowed by the police they would have to stop interrogating and torturing people in the other rooms and so this was a safety valve for them.

Q: So during the whole period of the apartheid regime you were never allowed access to the building itself?

A: We were allowed to go during the Aggett case. I was given permission and I saw the room in which Timol was interrogated. I saw the room that Aggett was admittedly interrogated for 78 hours before he was said to have hanged himself.

The Aggett inquest was an interesting one from the point of view of lawyers because Mr. Aggett, the father allowed us to assume that his son did in fact hanged himself because we said that he was induced to commit suicide by continuous torture we were allowed to lead other detainees that had suffered a similar fate as Aggett had described in a statement he had made to a policewoman that he was in fact shocked by electricity and he was tortured but nobody took it seriously, nobody took any steps and a few days later he was found dead.

I also saw their library in which all the books that they seized from Leftists from Karl Marx to Bertrand Russell, you name it, Koestler and others. All these books were in their library, I don't know whether they read them but they seized them. The books were there, never returned.

I was also during the course of a case that I did for a man called Jacobson, a professional photographer who was charged with terrorism and was also accused of photographing bridges and the gasworks and the Union Buildings for the purposes of handing them to terrorists and

also to give them to embassies that were not friendly and the case was adjourned and there was a lot of photographic equipment in the courtroom and I asked that I should be allowed during the adjournment to consult with Jacobson, the accused, he was a foreigner from the U.K, because he had to explain to me this photographic equipment because he was alleged to have had, well he did have a book called "The Anarchist's Cookbook" and he was going to copy it and he said no that was false, he was not going to do that. He just had it because it was a "with it" thing for young people to read that sort of book but Colonel Coetzee who was eventually a Commissioner and also head of the Security Police, very politely and very generously offered that he would take the equipment to his offices in John Vorster Square and that I was at liberty to come and consult there and I said, "Thank you very much but I don't think we will take this offer," and I said, "You know because there are privileges involved." He said "No, don't protest too much Mr. Bizos I understand why you don't want to come there", and that's a visit that I didn't make.

Q: Do you think that the Timol inquest had any kind of effect on people's understanding of what was going on in detention in a significant way?

A: Yes. There was, what judge Margo described as "public disquiet" because after Timol's death, a young medical student, Essop, was found comatose in the Verwoerd Hospital in Pretoria and his father was telephoned by a nurse to say his son was there. He went there, he had been given a ward number and he found the bed across the row at the door. He went onto the bed and looked through the fan light and he saw his son comatose on the bed and we made an application to have access and the judge was very worried. In fact, the council for the police Frik Eloff, who became Judge President, was requested by the judge whether such access would be given and wouldn't he consent to do it he didn't want to make an order and the police told Eloff that only the prime minister could give such an undertaking and Eloff went to Union Buildings and came back, said that he was not prepared to interfere because if he interfered he would have to explain why he did it and if the judge wanted to make an order he could make an order and such an order was made.

But later when the inquest was held Dr Jonathan Gluckman who was the foremost pathologist in private practice helped with the post mortem on Timol's body and you can actually date the injuries. There were fresh injuries because of the fall naturally, but there is a method by measuring the link of, with what we call macrofacures, long cells because the curing process apparently takes place by the tail of healthy

cells eating up the dead cells and in that way you can say whether the injury was 2 days old, or 4 days old, or 6 days old or 8, or 10, or 12 days old and the histology showed very clearly that Timol had been assaulted on various occasions, periodically, from the date of his detention and that those injuries were not as a result of the fall. The magistrate didn't take any notice of that evidence and he exonerated the police which led to my writing up these inquests in which justice was treated and titled it "No one to blame." Because you could write the verdict beforehand but it didn't matter how much proof there was, no one would be found to blame.

There was a tremendous public concern. The editorial comment particularly in the Rand Daily Mail and the Sunday Times, The Sunday Express, The Star, was very, very harsh and calls upon Vorster and the government to make sure that this does not happen again. I think it was after that inquest that Die Burger actually said that this sort of behavior has made South Africa the polecat of the world. So there was strong reaction against that.

The effect of that outcry was that there was some resentment of the Security Police by the uniformed police because a Sergeant in the Security Police could tell a Captain or even a Major of the ordinary police what to do and the cells were not in the high rise building on the left as you look north but the cells were in the lower building, where the charge office is, the cells were beneath and to the side of that.

That had a very important significance and was very important evidence in the Aggett inquest. The ordinary policemen were properly trained from time immemorial that what happens to the police station you write down in what they call the occurrence book and because the uniformed people did not want to take the blame for any injuries or any torture that may have been committed or anything else, they would book out and they would get the Security Policeman to sign when he brought a detainee in and if he took him out for interrogation or for so called inspections in loco he had to note the time and he had to sign and when he brought the detainee back he would have to sign again. This enabled us in the Aggett inquest to show that for just under 80 hours, over one weekend, the previous weekend from his suicide, if it was a suicide, induced or otherwise, for almost 80 hours he was not in the cell and he was in a room on the 10th floor. We were able to show that he was outside the cell, there was no bedding on the 10th floor, there were no proper facilities for him to exercise. So we were able to establish beyond any doubt whatsoever that

there was this continuous period and they had to excuse it. They had what we derisively called the night nurses that the policemen that were there would say no, no they were just looking after him, they did not torture him, they didn't make him stand, they let him rest and they actually shared food with him. None of which really would be believed and they usually chose people who hardly knew anything about the investigation or the case who were of low rank and not experienced interrogators but were able to establish that they must have been there merely to keep them standing in order to exhaust them and threaten them and push them around.

Q: Do you think that any of these inquests initiate any changes in policy in terms of detentions?

A: The Timol inquest led to a circular being sent out by headquarters from Compol in order to try and remedy some of the glaring irregularities that happened but we were able to show in the Biko inquest that they were ignored. After the Biko inquest the Rabie Commission was appointed in order to put an end to this. Chief Justice Rabie didn't recall any detainees, didn't call any of us as lawyers about our experiences. He confined himself to police evidence and a couple of magistrates who were the chosen ones to do political trials and some recommendations were made about the duties of the magistrate and about medical attention and what did happen is that by the time we had the Aggett inquest none of those had really been taken seriously. The letter of complaint by Aggett, that he had been shocked with electricity, for which there was collaboration, Dr. Gluckman found that there were injuries on the arms from the cathodes that are used by the physiotherapist but having take the rubber off because they were sieve-like injuries of a two-shilling piece. But these recommendations were not really taken seriously.

The effect of course of the publicity, the books and the films that were made about torture, the revelations in the inquest, had an unhappy result. It was after the Aggett inquest I think, that although there were hit squads before, their number and their effectiveness increased because the idea of having to have an inquest and having people charged and if they are giving evidence were giving the country a bad name. They copied the doings of the Argentinean and other South American dictatorships and they just abducted people, killed them and say that either, "We released them, they must have gone out for military training, this is why you don't know anything about them," or they would bury them, or they would burn their bodies as we learnt after the fact when they started applying for amnesty. So in a sense although there was some value of the exposure that we were able to make in the inquests,

which was bad enough, things became worse, people were killed and they didn't have to have inquests or magistrates or counsel cross examining them.

Q: Were you ever the target of attention by the Security Police as a result of your work on cases such as the Timol and Aggett cases?

A: And many other cases. I was refused citizenship as not been worthy of becoming a South African citizen. I didn't have a passport for 32 years. Oddly enough John Vorster was persuaded by the judges that I should have a travel document, after 31 years and he also, as a result of intervention of Judge Galgut in consultation with other judges, said that I could apply for citizenship and it would be granted this time.

I was watched. I got a message from John Vorster through Renee Kruger, his advocate, that my rope was getting short after I defended Braam Fischer. Our neighbours would tell us, not so much us, but the children of the neighbours would tell our children, using an uncomplimentary word for policemen, were parked there the whole day and very early in the morning and at night, watching the house. They would phone the house and tell my wife that, "Where is your husband?" and she says "He's not here yet", "Well he better come and when he comes you better go to such and such police station because your son has been detained." They wouldn't be policeman, they would purport to be friends of our son, but sometimes it was quite crude because particularly the calls very early in the morning and the person that they said was detained was still asleep in a house. You know it was just a crude type of thing.

I was not welcome in the small towns that I went to defend people. I got tickets for wrongly parking on the streets because there were untarred roads in those days, that there was mud on my number plates.

Q: Were your offices ever bugged?

A: Oh yes! It appeared during the Aggett inquest, one of their number that applied for amnesty said that they were bugging my office and having rehearsals as a result of the information that they received as to how to answer my questions in court the next day, which a lot of people said it was scandalous and a breach of the ethical rules relating to our profession. But Arthur Chaskalson who became Chief Justice, a close friend said at the time that it couldn't really had done them any good because I never kept to the text, so I don't know how good it was for them. They didn't finish up giving good evidence any way.

Q: Looking back at all the cases that you were involved with that related to issues of detention, how would you

describe the attitude of the courts?

A: It was most unfortunate. Taking a person, detaining him for about 9 months, taking a statement from him or her, getting them to take the oath that it was the truth when it was obtained under torture or coercion or threats, and putting them in the witness box with a warning that, "If you depart from your statement or if you say that you have been ill treated, you are going to pay dearly, you won't be released, and if you change your statement you are going to get 5 years in prison," this made our tasks very, very difficult. Attempts were made by some of the lawyers particularly in Natal, doing political cases that that sort of evidence shouldn't be admissible, that the court shouldn't convict people on that evidence. Professor van Niekerk who was in the forefront of that research was convicted of contempt of court for his trouble. So there was nothing much that we could do.

We did evolve the techniques however in terms of which we did get quite a bit of the truth out. The obvious technique was that we would consult with the family or we would be approached by the family of the witness, they would give us personal details and we would start not shouting at him for giving evidence against our client, there had been enough of that during his period of detention, we tried to get across to him from the questions that we put that we had consulted with members of his family, or her boyfriend or girlfriend and having giving him that message and taking him out of the restrictive mode that he had lived in for a number of months with fear and dependency on the security police. This would give them an indication that we were on their side. They might even had known of the person who was cross examining them that they were on his side and they would come out but it took a lot of courage and a lot of them did it and many their prosecution failed as a result of these programmed people telling the truth instead of repeating parrot-like what the security police had told them to say.

Q: When you see Johannesburg central today, What does it represent to you personally?

A: Well your mind goes back to the symbolism that was but I have adjusted. I know that the police are not perfect. There are quite a number of them that do not have much respect for the fundamental rights that are in the Constitution but nevertheless I can't say that I have a general negative attitude to police stations, no, they are doing their job and they are trying their best.

You would be mistaken to think that I didn't defend policemen during their apartheid regime. There were policemen whose senior officers wanted to do them in so to

speaking, who would insist that I and others like me should defend them when they were in trouble either departmentally or with the courts and I had no qualms about defending them.

END OF INTERVIEW

