

**Leading human rights lawyer George Bizos**  
*has written an account of inquests into the deaths*  
*of people who died in detention under apartheid.*  
*This is an edited extract from the book*

**A**fter its passage through Parliament in 1963, the detention without trial law soon claimed its first victim. On August 20 1963, two months after the arrest of Walter Sisulu and others at a Rivonia farm, the police detained a 35-year-old Umkhonto to wesizwe commander, Looksmart Solwandle Ngudle, on suspicion of ANC activities. During the night of September 4/5 1963, he was found hanged in the Pretoria North police cells, hundreds of miles away from his home in Cape Town. His widow, Beauty, heard of his death some 10 days later, by then her husband had already been buried.

Wanting answers, Beauty Nomulelo Ngudle went to attorney Joel Carlson. In his investigations, Carlson ran up against a wall of official silence. The prisons department could not supply information unless they knew when Ngudle was detained and where he had died. When Carlson tried to obtain this information from the security police, they denied all knowledge of the matter. And so it went on, as every state department referred Carlson back to the security police, and silence.

It was only when the inquest was scheduled that information eventually became available. In the interim, Carlson had interviewed a number of political prisoners who told him how detainees were tortured. Some of the prisoners told Carlson the security police had shown them Ngudle's lifeless body as a warning.

In the mid-1990s, Govan Mbeki, then deputy president of the South African Senate, appeared before the Truth and Reconciliation Commission (TRC). A Rivonia trialist, Mbeki had been in Pretoria Central Prison while Ngudle was being held there and the two would occasionally pass each other on the exercise terrain. One day Ngudle dropped a note for Mbeki in which the detainee said that he was being tortured. A fellow senator of Mbeki's, Christmas Tinto, who had

been arrested a week before Ngudle, told the TRC that he saw Ngudle being beaten by policemen. "They were kicking and beating him as they went up the stairs." Among those he saw beating Ngudle, Tinto named Sergeant "Spyker" van Wyk and Sergeant Greeff.

Evidence of torture was led at the inquest, but the magistrate was not interested. Counsel for the family was George Lowen, QC, a refugee from Nazi Germany, and a senior advocate at the Johannesburg Bar. The flamboyant, suave Lowen brooked no nonsense and often informed magistrates of this, quite directly. His junior was Ernie Wentzel, a leading liberal who had himself been detained.

It was a difficult inquest, the security police doing their utmost to frustrate any possibility of the truth emerging. They brought Ngudle's widow from the Cape and induced her to sign an affidavit that she had never briefed Carlson. Fearing this, Carlson had obtained a power of attorney from the widow and Ngudle's elder brother, who was, according to African indigenous law, her legal guardian.

Not to be discouraged by the failure of this ploy, the government took the unprecedented step of banning a dead person. It was now illegal to quote the late Looksmart Ngudle. Lowen was outraged and decided to withdraw in protest.

Ernie later related the story of how Lowen couldn't himself formally withdraw because he was busy arguing the invalidity of the indictment in the Rivonia Trial on behalf of James Kantor. When Ernie suggested that it wasn't really necessary for Lowen to come to court and that he would withdraw instead, the older man responded, "Ernie, you don't know how to withdraw properly." Ernie spent the morning pacing the corridors of the Pretoria Magistrates' Court, making all sorts of excuses to the magistrate for the absence of his senior and pleading with him to wait.

Lowen arrived at 2 o'clock, properly attired with hat and umbrella, with a prepared speech arguing that he could not do justice to the case if he could not quote. The next day photographs appeared in the newspapers of Lowen leaving the court, bristling with anger.

Perhaps embarrassed by this even cruder ploy, the government relented and permitted the use of statements by Ngudle at the inquest. But Lowen was not to continue. He suffered a heart attack and on his doctor's orders withdrew from the matter. Vernon Berrangé took charge of the case. Although he enjoyed the highest possible reputation as a trial lawyer in criminal cases, Berrangé had never taken silk. The minister of justice would probably not have granted him the honour: he had been named as a communist. But Berrangé would also have never given the minister the pleasure of refusing his application. All the same Berrangé always behaved as a senior member of the Bar, insisting that a junior should be briefed with him.

The state prosecutor, one V Marinus, favoured by the security police for their cases, argued that Ngudle would have been charged with sabotage and his statements had incriminated his former comrades. Since he was facing death by hanging or revenge, suicide was his only way out.

Berrangé took a different tack. He argued, on behalf of the family, that solitary confinement led to mental breakdown. There was nothing in Ngudle's cell apart from a sleeping mat. He had had no reading materials, and was separated from other prisoners. His interrogators, who took him to their head office, were virtually the only people with whom he had had any contact. Detention was a sure way of breaking a person, Berrangé argued. Thus, he concluded, if Ngudle did hang himself, he was driven to it by the police and the detention laws.

The district surgeon, Dr CJN Laubser, said he was satisfied Ngudle had died by hanging; he had found no other

