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Mr Aggett's Case
BELL, DEWAR & HALL

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INQUEST - LATE N H AGGETT

NOTE ON PSYCHOLOGICAL ASPECTS AS AT 25 JUNE 1982

1. Present state of the inquest
 - (a) After various initial problems, the inquest has at last got under way and will be running until 30 June 1982 when it will probably be postponed until the second week of September 1982.
 - (b) The pathologist evidence about the hanging has been dealt with. We have heard the policemen who guarded the cells who say that Dr Aggett was quite normal up to the time when he was last seen. We have heard the woman police sergeant who took the affidavit from him 14 hours before he died in which he complained of having been assaulted. We believe that she has laid a foundation for our argument that the investigation into the assault was very nearly a sham. We have heard the evidence of one Smithers who testifies to having seen Dr Aggett being assaulted while under interrogation. We have also heard the various policemen called to discredit Mr Smithers and who, we believe, failed in their task.

- (c) The security police warrant officer in charge of the cells has testified how chirpy Dr Aggett was up to the date of his death. He has justified Dr Aggett's not having seen the inspector and the magistrate, when these people called, on the grounds that these men were always too busy to wait.

- (d) We have heard the inspector of detainees who has said that he had all the time in the world and that he would have gone upstairs to see Dr Aggett if he had been told that Dr Aggett was upstairs.

- (e) At the time of dictating this note, the head of the security police in Johannesburg is under cross-examination. His general approach appears to that he is absolved from blame. It is the duty of the inspectors and of the magistrates to see that they get to the detainees. When assaults are reported, they are handed over to the criminal investigation department and it is the responsibility of that department to take matters further. He trusts his men and relies on their reports. It was not necessarily inhuman to keep Dr Aggett in the interrogation room for 60 hours at a stretch because sleeping conditions in the interrogation room are possibly more comfortable than in the cell. And Dr Aggett may have been so keen to make his statement that he elected to stay up for two successive nights.

- (f) We have collected a number of affidavits from fellow detainees who saw Dr Aggett in the cells prior to his death. These affidavits present a reasonably clear picture of a person who at times complained of having had a hard time, had had privileges in the way of books and food taken away from him on one occasion, appeared to be increasingly dejected and eventually, during the last few days, did not respond to greetings, appeared to be in a daze and looked like one bereaved. A witness, who saw him being returned to his cell on the night before he died, says that he was in tears.
- (g) The magistrate has ruled that these further witnesses of ours must be called in due course.
- (h) As regards the psychological evidence, the magistrate's view, initially, appeared to be that it was irrelevant. He has, however, now made rulings which, interestingly enough, are different in the case of each of our expert psychological witnesses.
- (i) Dr West's affidavit, he has ruled, may be admitted as evidence upon approval of Dr West's curriculum vitae. He will, therefore, not call Dr West to testify.
- (j) Dr Wolf's report, now confirmed on affidavit, is also admitted as evidence but any of the parties have the right to ask that he be

called upon to testify.

- (k) Professor Vorster is to be called upon to testify. This, presumably, means that the status of his affidavit remains undetermined until he has confirmed its contents in the witness box.

2. Professor J A Plomp's affidavit

- (a) From the commencement of the hearing, the police have had a Professor Plomp in attendance. He sits closer to senior counsel for the police than does the State Attorney and the casual observer would think of him as very much part of the legal team. Obviously the financial resources of the Ministry of Law and Order are greater than those of the Aggett family.
- (b) Only within the last two days, about two months after we had filed the affidavits of our experts, and some days after the magistrate had given his ruling described above, counsel for the police handed in the affidavit from Professor Plomp dated 22 June 1982.
- (c) I have, mainly for the benefit of Dr West, tried my hand at translating this affidavit. I hope that he finds my effort reasonably adequate. If there are any glaring errors, I

hope that Professor Vorster will point them out to me.

3. Comment on Professor Plomp's affidavit

Pages 1 to 10 - predisposing factors. What the professor says here appears to be in accordance with what we have been told and my impression is that we could well accept it. But comment will be appreciated.

Pages 10 to 13 - Dr Aggett's position prior to his arrest. We cannot but agree with his conclusion on page 13 that Dr Aggett could, before his arrest, hardly have been evaluated as a case of suicide risk. Perhaps we could argue that the position should be stated more strongly to the effect that Dr Aggett was definitely not a suicide risk. His friends and associates would probably not categorise his place of residence as predisposing towards suicide. Coming from Pretoria, the professor may well see as social isolation a life style which does not accord with his own. That the professor has this limited view of life may appear from the fact that he says, at the top of page 13 of his affidavit, that association with the trade union movement is also a sign of social isolation simply because it is viewed by many in South Africa with political distrust. Also at the top of page 13, the professor appears to accept as the gospel truth the statement that

Dr Aggett supported Marxism and described himself as a communist, with the same results in the way of social isolation. Whatever our advisers may say, there is quite a lot of material for cross-examination of the professor in what has been discussed above.

Pages 13 to 18 - Dr Aggett during detention.

What the professor says here may well be of assistance to us and much of it sounds like common sense.

It seems that we must accept the statement at the foot of page 16 to the effect that the various studies show that the suicide risk for a prisoner is considerably greater than in the general population and that the highest suicide figures are to be found among prisoners who have not yet been sentenced.

The legal team must consider in what respect detention situations are not, in fact, worse than ordinary awaiting trial situations. Differences which immediately come to mind are:

- (a) Far greater separation and isolation.
NB Effects of solitary confinement
- (b) Greater uncertainty about the duration of the imprisonment.
- (c) No way of ascertaining the duration of the imprisonment.

- (d) Possible threats about the duration of the imprisonment.
- (e) Uncertainty about the legal position and inability to consult lawyers and advisers.
- (f) Possible mishandling and threats. NE
- (g) Conflicts of conscience on whether to talk or not to talk or how much to talk.
For well understanding the Scale of the investigation
- (h) Concern for family, friends and fellow detainees with whom communication is impossible.
- (i) Concern about the possible consequences of being charged on the information provided to the police or that others may be charged on the information.

(j) NB: Lies & manipulation of personal relationships specialised by interrogators.
On this analysis of mine, it seems as if the learned professor may well be playing down the degree of suicide risk during detention. We should be advised on whether the tests of Schneidman are valid and, if so, whether the degree of lethality and perturbation was not, in fact, much greater.

Pages 18 to end - Dr Aggett shortly before his death. This part of the affidavit should be looked at most carefully by the lawyers and by the expert advisers. It causes me some worry. I wonder whether it is not an

indication that complete surprise evidence may be led to show that Dr Aggett made, towards the end, some particularly damaging admission which he had cause to regret. And do paragraphs (b) and (c) on page 19 perhaps suggest that evidence is going to be produced of some event or communication which the police now, in retrospect, see as being the precipitating cause of the suicide?

But I imagine we must proceed on the basis that the situations dealt with by the professor are completely hypothetical. Certainly we should be able, in the course of cross-examination, to put to the professor that the long period of interrogation the weekend before his death and the desultory way in which his complaint was investigated may have been strong precipitating factors towards suicide.

The various observable signs of impending suicide which are listed by the professor at the bottom of page 19 were, indeed, present and, if they have not been mentioned in our affidavits, they have certainly been mentioned to us by co-detainees, more particularly:

- (i) Withdrawnness. This is exactly what our witnesses say. When they tried to greet Dr Aggett during the last few days, he showed no sign of response. Whereas previously he

was prepared to communicate to such extent as was permissible, he no longer did so and seemed frightened to speak.

- (ii) Contemplative attitudes. This has not been described exactly as such by our witnesses.
- (iii) Loss of appetite. It is on record that Dr Aggett took no meals during the last three days and, after his death, a lot of food was found in his cell.
- (iv) Avoidance of company. This is what is described under (i) above.
- (v) Changing of sleeping pattern. Witnesses have mentioned, although it is not on our affidavits, that they were concerned by the fact that Dr Aggett was sleeping excessively long periods.
- (vi) Increase in correspondence or insistence on visits by special people. This does not appear to be applicable.
- (vii) Signs of a long journey. Not applicable.
ex for Col Mulvey's statement

- (viii) Division of possessions. No signs of this.

There seems a fair amount of common sense in what the professor says on page 21.

As regards the conclusion on page 22, there abounds to be a complete clash between the police evidence and the evidence of the fellow detainees. It seems unlikely that our expert advisers will be able to assist us in resolving this. But, if the evidence of our witnesses is accepted, then the conclusions of the professor are in our favour.

4. Action required

- (a) It does not seem that anything need be done as a matter of urgency. The magistrate appears to agree with our view that psychological questions should be dealt with at the end of the whole case. But time runs out and it would be as well to deal now with any comments and advice.
- (b) I would be glad, therefore, to hear from Dr West whether he has any comment to offer and, in particular, whether work which he has already done on the case has a bearing on what Professor Plomp has to say.
- (c) In the case of Dr Wolf and Professor Vorster, it is easier to discuss matters with them. I

look forward to receiving from them such comments as they may wish to offer in writing, over the telephone or in their offices.

- (d) As we know that Professor Vorster is to be called as a witness and as we know that Dr Wolf may be called as a witness, it is probably essential that each of them briefs himself to be able to answer any questions which may be put on the basis of the Plomp affidavit.

- (e) If one or other of the doctors could let me have the text of the Schneidman scale of perturbation and lethality, this would be useful.

W LANE
BELL DEWAR & HALL
25 June 1982

Post Script

Since the above was dictated, there has been an interesting turn in the inquest. Although the affidavits have been completely silent on the point, the police have now come to light with the interesting piece of information that, on about 3 February, Dr

Aggett wrote down four names of co-conspirators. They are refusing to produce the piece of paper on the grounds of privilege. They say that he probably overheard them compiling a telex to the head office in Pretoria requesting permission to make further arrests. This permission was refused and they will also not produce the telex. The suggestion is, presumably, going to be that it was this act of betrayal of his associates and hearing that he was landing them in trouble that triggered off the final act of destruction on the part of Dr Aggett.

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