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around? That is his recollection of this incident"? --- I don't remember those specific words but then again I won't actually remember everything but I don't remember that.

* Do I understand that you cannot deny this version as opposed to your one? --- There was a lot said on the tenth floor, I would not say that that wasn't said.

So you say that you cannot deny this? --- I cannot deny this."

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At times Lieutenant Whitehead tried to be nice to her. At page 1306 -

"There were people on the tenth floor that I had respect for, who I could communicate with, who I felt if I talked to them they responded as people".

The relationship between her and Sergeant van Schalkwyk was always cordial. There were no problems or arguments or antagonism between them.

When questioned why she did not complain about Prince's shouting at her, her evidence reads inter alia:

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"So we have had a wide spectrum of answers now. First of all it was a minor event. Secondly, you thought it was not worthwhile complaining about and thirdly you thought it was normal on the tenth floor"? --- Yes.

You abide by all three those answers? --- Yes."

Some of the documents mentioned by Warrant Officer Prince as belonging to Dr. Aggett, she said belonged to her.

When questioned about the tenth floor she said -

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"It is not soundproof but I don't think you

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can hear what people are saying next door. I don't remember hearing what people could say next door".

On one occasion when she was on the tenth floor at John Vorster Square she heard somebody screaming, but cannot say where exactly the sound came from. Sergeant van Schalkwyk was present. She did not report this incident to anybody. On another occasion she saw a black woman being taken to an office and after a while she heard crying and a sort of screaming in a sort of fairly high pitched sort of wailing voice. The noise came from the direction of the lifts and on the last occasion from across the corridor. She did not mention these two incidents to the Inspector of Detainees. Her evaluation of the noises coming from the woman was, that it was a woman who was upset. It did not sound like she was being physically assaulted.

Keith Coleman, testified. He made the affidavit, Exhibit NN. He was detained at John Vorster Square Police Station from the 25th October, 1981 until the 26th March, 1982. Dr. Aggett was known to him and he saw him from time to time. They had common interests. One could say they were friends. He had occasion to see Dr. Aggett in detention. It happened during the course of going to shower or in the course of exercises or when they were on their way to the tenth floor. On such occasions they spoke to each other. He believed that Dr. Aggett arrived at John Vorster Square more or less in the middle of December, 1981. At about Christmas time he had a specific conversation with Dr. Aggett about privileges being taken away. At page 1221/2 his evidence reads -

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"I remember one other occasion where I spoke to Neil, Dr. Aggett, and he told me that the Security Police were pressurising him in interrogation and that he was finding it quite intense pressure and that in fact during the course of one interrogation session they had torn his shirt and obviously grabbing hold of it and pulling or pushing, I am not sure.

Why do you say obviously by grabbing hold of it?

--- Well, he gave me that impression.

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Did you see the tear? --- I did not. I did not see the shirt. Well, he told me he had been assaulted and during the course of that assault that the shirt had been torn, so I assumed that it had been ripped off by hand.

I am getting confused by this, I thought he had told you that the shirt had been torn by somebody grabbing him by the front of his shirt?

--- He told me that he had been assaulted and during the course of that assault his shirt had been torn as a result of the assault. And that he was keeping the shirt for when he was released so that he could lay a charge and keep it as evidence for the charge.

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How did he describe the shirt being torn? ---

Well, I do not recall his exact words but he gave me the impression that it had been torn by someone.

A little while ago you demonstrated how it had been torn? Did he demonstrate that? --- I don't recall whether he did or did not.

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Now what brought you under the impression that the shirt had been torn by someone grabbing hold of him in front of his chest? ---

Because he told me that he had been assaulted and that during the course of the assault his shirt had been torn.

Why did you say it was torn, did you indicate the front of your right-hand chest? --- I seem to remember that it was torn in, I don't recall the exact way that Neil articulated or moved. 10
But he gave me the impression that it was on that side.

You indicated the right-hand side of the chest?
--- Yes.

What brought you under the impression that it was the right-hand side of the chest that the shirt had been torn? --- Well, it was probably Neil's actions, Dr. Aggett's actions or the way he articulated it. I cannot say for sure whether it was torn there or not and I did not see the shirt but I am under the impression, I seem to recall. 20

Am I then correct in the statement that you thought he had been assaulted by someone grabbing him in the front of his shirt and tearing it? ---
That during the course of an assault this shirt had been torn. I was under the impression that it was by somebody grabbing it.

Were you under the impression that the assault was by someone grabbing the shirt and tearing it? --- Not that that was the total sum of the 30

/ assault ...

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assault but that was part of it, yes.

Then what was the total sum of the assault?

--- He didn't tell me.

He didn't tell you at all any further details about the assault? --- No.

Then what brings you under the impression that there was something else? --- Because of the way he led me to believe that.

How did he lead you to believe that? --- As I say I do not recall his exact words or his exact actions but I am left with that impression.

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It is purely and simply an impression that you had? --- Yes, it is an impression.

And did you say something about his keeping this shirt? --- Yes.

For what purpose? --- He told me that upon his release he plans to lay a charge of assault against the policeman involved, I assumed that he was keeping the shirt as evidence for such a case.

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Are you aware that shortly before his demise he did make a statement in which he laid a charge against certain police officers? --- I was not aware of that at the time, no.

Are you aware of it now? --- I'm aware of it now through the Press that he made a statement.

Are you also aware that in that statement nowhere is mentioned a torn shirt? --- Well, I did not notice it.

Or any assault that could have torn the shirt in the fashion that you have described? ---

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That is correct, yes.

Could you give any explanation for that? ---

I cannot, no.

What was Dr. Aggett's condition like during the entire period that you knew him and saw him in detention? --- I would say generally he was in good spirits.

That he was prepared to converse and that he was keen in fact to converse? --- To see a familiar face in detention is quite a nice thing and I would say generally he was in good health.

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How would you describe him except being in good health? --- Mentally he was okay, he was still thinking, he was still responding to myself when I saw him."

During the last week of his detention he saw Dr. Aggett through the window of his cell. He banged on the window and said hullo to him. Dr. Aggett did not respond. He supposed there is a possibility that Dr. Aggett did not hear him although that is very unlikely. Dr. Aggett was under guard at the time. It is very possible that Dr. Aggett did not hear him. On another occasion Dr. Aggett also did not respond. He did not observe anything special as to the manner of walking. He complained almost daily about the food etc., saw the doctor about 18 times and also consulted a specialist. Every time almost that he asked to see a doctor he was allowed to see a doctor. He received numerous food parcels, a radio and reported to the Inspector of Detainees on the 17th March that the Security Police have been treating

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me well physically all along. The last time he saw Dr. Aggett, apart from the fact that he did not respond, there was nothing else that he noticed was unusual. This was within a couple of days before his death. It may have been Thursday before his death. Dr. Aggett did not mention who assaulted him, when and where it happened or that he sustained injuries. Mr. Coleman also added -

"He just told me that he was okay and was handling things".

When questioned about the allegation of assault by Dr. Aggett Mr. Coleman said that this conversation took place in the cell of Dr. Aggett through the bars and later when asked for details about this episode he said -

"May I explain, your Worship, that if I am running and I am expected back at a certain point where the policeman is standing within a certain time period, that I would run to Dr. Aggett, have a conversation with him, a brief conversation and run back again, then again come back to Dr. Aggett and so I had to have that conversation, those series of conversations within a very specified time period.

Was this during one of these exercise sessions?
 --- I do not recall which particular episode it was."

He could not recall mentioning the fact that Dr. Aggett did not respond to his greetings to anybody. It is possible that Dr. Aggett was a little bit scared to say hullo to him in the presence of a policeman. At page 1257 Mr. Coleman stated -

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"As I understand your evidence they, the detainees, tried to put up a front of courage, strength and that they were facing the situation which they found themselves in?

--- That is correct.

So in other words, they were trying to boost each other's morale? --- That is correct, yes.

And as I suppose it was also of importance to you and presumably to other inmates to maintain that same front with the police? ---

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As far as it was possible, yes."

But later on he stated there was no plan for the detainees to have specific attitudes towards the police.

He was asked by Mr. Bizos -

"Now were you treated with patience and consideration during the period of your detention, Mr. Coleman? --- By certain people I was but by others I was not."

Pramanathan Naidoo at present a convict serving a sentence after conviction on a charge of harbouring an escaped prisoner, who had to serve sentences of imprisonment after conviction of inter alia under the Terrorism Act, testified. He made the affidavit, Exhibit RR. He was arrested on the 27th November, 1981, a Friday, and taken to John Vorster Square Police Station where he was detained until the 4th December, 1981, a Friday, and questioned by members of the Security Police on the tenth floor. At John Vorster Square he was assaulted, humiliated, forced to do excessive and unnecessary exercises etc. This happened on several occasions. He was not allowed to sleep. The policemen involved were Major Arbie Warrant Officer

Smith, Prince, a gingerhaired policeman, Captain Venter or Verster, Schalkie, Lieutenant Venter, Warrant Officer Booysen, Warrant Officer van der Merwe, Lieutenant Botha, (Warrant Officer Smith was in charge of these interrogations) and Carr. Major Cronwright was aware of what was going on. On Friday afternoon, the 4th of December, 1981, he was taken to Vereeniging. At Vereeniging he was again ill-treated, made to strip, forced to do things, kept awake, assaulted. The policemen involved are Warrant Officer Booysen, Warrant Officer Smith, the gingerhaired policeman, (10 Lieutenant Botha, Van der Merwe and Schalkie. He had no sleep since the Wednesday/Thursday night. On this night he was sort of talking in his sleep and realised that he was talking into a tape recorder about harbouring the escaped convict, Stephen Lee. He was taken to make a statement to Captain Steyn at Vereeniging Security Police. When he was asked if he was assaulted his reply was "I would rather not answer that question". He was taken in legirons by Carr to the Vaal Dam. Warrant Officer Carr told him that they were taking him to be drowned. (20 They could not find a suitable place for a braaivleis and went to Meyerton Police Station and later he was taken back to Vereeniging. On the 4th March, 1982 he was taken back to John Vorster Square and charged under the Prisons Act. At Vereeniging he was taken to a doctor who asked him whether he had been assaulted. He said no because he was afraid of the Security Police. The Inspector of Detainees visited him from time to time, he thought on three occasions. He was afraid to complain to the Inspector despite the fact that the Inspector told him (30 that he was acting independently. He never was aggressive

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and answered questions to the best of his ability and never provoked any assault, he was never detained before, he never asked to see a doctor and never indicated that he would harm himself in detention. He made a statement to Captain Steyn and implied that he was assaulted and insisted that it be noted it was made to a Security Police officer and that the interrogation had taken place at the Police Headquarters which houses the Security Police. There were no repercussions as a result of all those implications in the statement. He did on occasion 10 tell Lieutenant Steyn that Booysen had assaulted him. He visited the District Surgeon at Vereeniging on three occasions. He never complained to the doctor about assaults or injuries.

COURT ADJOURNS

THE COURT RESUMES:

Ismael Momoniat, testified. He was detained at John Vorster Square Police Station from the 20th January, 1982. Dr. Aggett was known to him prior to his detention but he also met him while in detention and spoke to him on 20 occasion on others only greeted him. Dr. Aggett told him he did not think that he was going to be charged. He thought that he was going to be used as a State witness. It was in the early part of his second week of detention and it could have been the 25th, the 26th or the 27th January. Initially Dr. Aggett appeared to be in good mood. When he saw him on the 3rd February and greeted him he did not respond and appeared to be oblivious of anything around him and in a daze just staring blankly at the wall in front of him. On his forehead towards 30 the right-hand side there appeared to be a large mark

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which looked to him either to be a scar or a bruise. It was a mark that stood out. He saw Dr. Aggett about three occasions during the last week of his life but cannot remember precisely when. He cannot remember having any impression about his condition. And at page 1240 he states -

"So the Court may assume that as far as you are concerned, Mr. Momoniat, there was, up until the 3rd day of February, 1982, when you encountered him on the first floor, when you saw the bruise, that until that stage you did not notice anything noteworthy as far as his condition was concerned? --- Yes." 10

During further examination on why Dr. Aggett did not respond on the 3rd February, 1982, his evidence reads -

"Another possibility that I would suggest to you in fairness you can't exclude and that is that the deceased may have been lost in thought at that time and simply did not either hear you or did not pay attention to you there; he was carried away in thought, as it happens to all of us? --- Yes, but I think when you are in detention you look out for people who are friendly to you. Just a word of greeting will boost you up for the day." 20

So your attitude is that on this occasion he must have responded to you simply because you said hullo? --- No, I am saying he should have responded. I said I find it strange for a fellow-detainee not to respond to another detainee." 30

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He is 90% certain it was Wednesday morning, the 3rd February, 1982 that he saw Dr. Aggett. And later on he conceded it could have been the 4th in the following words -

"I mean if the times are correct, I mean it could be most probably that it would have been the 4th but that is just based on that time stated".

Shirash Nanabhai, at present a convict serving a sentence for harbouring an escaped prisoner, who was serving a sentence of imprisonment imposed upon conviction for, inter alia, under the Terrorism Act, testified. He was detained on the 5th January, 1982, kept at the Police Station at Norwood, but interrogated on the tenth floor of John Vorster Square Police Station. On the 5th January, 1982 he was on the tenth floor. About 7 to 8 policemen came in and out of the office. He did not answer any of their questions then. On the 8th January, 1982 he was on the tenth floor, a number of policemen attended to him. Schalkie, Lieutenant Venter, Warrant Officer Carr were present. He was questioned. The policemen walked in and out. On the 8th he was assaulted and ill-treated in various ways. Schalkie was present. Venter was also present. Something of the kind used by doctors to take blood pressure was tied around his upper arms. He refused to answer the questions and felt shocks coming through him and he was shaken completely. This was repeated and he gave them certain information. On the 9th January, 1982 he was again taken to John Vorster Square and was subjected to the same type of shock treatment. He cannot tell the names of all the persons present. Venter

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and Carr were the main interrogators. He did not complain to the Security Police but did complain to Sergeant Blom and a District Surgeon. He cannot say who fetched him on the 8th and the 9th. He did say to Sergeant Blom "I will not be able to identify the people who came to fetch me at Norwood". It is possible that Sergeant van Schalkwyk fetched him on the 8th at 8.10 a.m. at Norwood. It is possible that Sergeant van Schalkwyk and Warrant Officer Marx again fetched him on the 9th. Steven Lee, the escaped convict he harboured is a friend of his. On the 9th January he was taken back to Norwood in the late afternoon. His memory is clear on that because "when I got there they would give me the supper there". When it was pointed out to him that the occurrence book shows that he was back at Norwood at 12.55 p.m. he said "I made be mistaken with the time, that is very possible". He was not questioned by the Norwood Police, they did not treat him badly. The Station Commander visited him on a daily basis. If he felt bad or needed something he would complain to the Station Commander. He did not want to complain to the Station Commander about what happened to him on the 8th and the 9th. He continued -

"Why not? -- It is difficult to say why I did not complain.

So you don't have an answer why you did not complain? --- No.

You can't give a reason? --- No, it is difficult to give a reason, maybe I felt I didn't want to complain to him."

It is correct that Major Cronwright told him that he would have his complaint to the doctor investigated and

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it was done by Sergeant Blom. This happened a couple of days before Dr. Aggett's death. At page 1615 -

"You see again I don't understand the affidavit that we were given in this case because paragraph 17 of your affidavit you have said under oath:

'My interview with Major Cronwright' and you refer now to the interview, if I'm not

mistaken, that I have just referred to now when you discussed your complaint to the District Surgeon and you say 'My interview with Major Cronwright took place after the death of Dr.

Aggett'?--- Yes, I was mistaken there because the interview I was referring to was when my wife came to see me after the death of Dr. Aggett.

And that I think is a mistake because he had interviewed me before the death of Dr. Aggett.

So your affidavit is not correct? --- On that aspect sir, ... I was mistaken in that, yes.

The date that I had given there was wrong."

Nobody threatened him about the fact that he made a complaint and nobody asked him to withdraw that complaint. He was examined by Dr. Jacobson and he showed the marks on his arms to the doctor. He made the statement, EXHIBIT SS to Sergeant Blom. When questioned about the marks on the arms he stated -

"So you observed all in all four different circular areas? --- One, two, three and a slightly lighter one, yes."

He made the affidavit, Exhibit SS.1 in connection with the inquest.

Norman Jacobson, a District Surgeon at Johannes-

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burg testified. He made the affidavit, Exhibit KKK. On the 13th January, 1982, he examined Shirash Nanabhai. On the medial aspect of each upper arm he found wounds. Each wound was similar in size, shape and in appearance to each other and was the size of a 10 cent piece. One wound consisted of a multiple punctate little scabs and each the size of a pen's head. The wound could be compared to the appearance, of the result given by multiple needle syringe used in the BCG or heath tests. The age of the wounds was difficult to assess, possibly five to ten days. There were no obvious burn-marks in or around the wounds. He could not say with hundred percent certainty that the wounds were caused by electric shocks or another object. He also compiled the reports, Exhibits AA.5, AA.6 and AA.7. He sent Gabriel Jabulani Ngwenya to hospital for X-rays and also for psychiatric opinion. Exhibit KKK.1 shows that he made an appointment for the X-rays on the 22nd January, 1982. He does not view himself an expert in the pathology of electrical injuries. The size of the wounds would be roughly the size of the button electrode used for physiotherapy. In appearance the electrode is a little bit more punctate than the wounds he found on Mr. Nanabhay. There is a distinct possibility that the wounds were caused by such an object. He never used these electrode buttons-

Thabo Lerumo, an awaiting-trial prisoner at the time of giving evidence, testified: He was taken to John Vorster Square Police Station on the 20th or the 21st of October, he cannot clearly remember. He was questioned by the Security Police at Protea and Sandton Police Stations. He did not know Dr. Aggett prior to his detention

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but met him in the cells during November, 1981 and became very friendly with him. Dr. Aggett lent him some books and sometimes gave him food and allowed him to take sweets from his belongings. He found Dr. Aggett to be fond of jokes. During the second half of January, 1982 he noticed a change in Dr. Aggett. He no longer looked happy. His manner of walking had changed. He was walking with some difficulty and did not look healthy and was no longer laughing easily, no longer as talkative as he was. He saw Dr. Aggett the day before his death in the company of Constable Chauke and another policeman. It could have been 3.00, 3.30, something to 4. Dr. Aggett was not walking normally and there were tears running down from his eyes. He spoke to Dr. Aggett, Dr. Aggett did not respond. Dr. Aggett responded but was stopped by the policemen. He also saw a spot of blood on his forehead above the left eye. He saw no injury. The blood was not running down his face, it was not dry blood, the blood could have come from the nose or an injury elsewhere on the body. It was a drop of blood, not a smear of blood. He read his affidavit before he signed it, in his affidavit is written a clot of blood. If there was an injury above the right eye of Dr. Aggett he would have seen it.

The second half of January, as far as he was concerned, is from the 25th, the 26th onwards at page 1374 he said -

"I did not see him from the 25th, the 26th, I did not see him after the 26th, I saw him the 25th and the 26th but until the 4th I did not see him because he was taken away. I saw him on the 4th, I did not see him before the 4th

/ after ...

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after the 26th because he was taken away early and brought back late."

He did not notice blood on the clothes of Dr. Aggett on the 4th. At page 1387 he stated -

"I saw it was blood and thought to myself that somebody else might have been injured and that blood could have dropped onto his forehead. I thought it a possibility that it could have been injured or could have perhaps been bleeding from his nose".

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He also got to know others in detention including Keith Coleman whom he saw for the last time when he left either in January or February. When he saw Dr. Aggett on the 4th February in the company of the two policemen only McPherson was in the corridor. He is sure about that.

Sisa Njikelane testified. He was detained on the 8th December, 1981 at East London and brought to Johannesburg on the 13th December and thereafter detained at John Vorster Square until the 5th May, 1982. He was interrogated by Lieutenant Booysen and Steyn. Major Cronwright came into the office where he was interrogated. He was not satisfied with the statement he was writing, put him against the wall and punched him and made him stand and slapped his face. It happened three or four times. He was also shocked by Lieutenant Booysen. Sometime thereafter whilst he was washing in the bathroom he saw scabs peeling off inside his forearm. He finished his statement at the end of the first week of January, 1982. After that he was kept in the cell until the 5th of May, 1982. He knew Dr. Aggett prior to his detention and saw him in detention on the second floor of John Vorster Square.

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The first occasion was late in December. His condition was then fairly normal. In late January Dr. Aggett appeared to be very depressed and morose as if he was somebody that was bereaved. He did not notice anything in particular in his walking. The last time he saw Dr. Aggett was round about a week before his death. He did not speak to Dr. Aggett. During the first week of January whilst in the room where medicines were kept, Dr. Aggett came in and pointed out his right arm where he saw a red mark which was almost triangular in shape. It was not an open wound. Dr. Aggett did not say anything about the wound. He never complained to anybody about his treatment at John Vorster Square, because one gets in a state of apprehension and helplessness, you don't know what to do and where to go to, you feel lost. He had contact with the Inspector of Detainees, Mr. Mouton. He prepared the statement in connection with this inquest with the assistance of an attorney. When questioned about the slaps in the face at page 1547 -

"Have you ever had doubt about the fact that he slapped you in the face? --- No.

It was always very clear in your mind, wasn't it?

--- It was indelible.

It was? --- Yes.

Indelible? --- Yes.

Because I do find it strange that you haven't mentioned that in your statement? --- What is that I have not mentioned?

That he struck you through your face? --- It is contained in there.

Is it in your statement? --- Yes, it is.

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The fact that he slapped you is contained in your statement, you say? --- Yes, it is.

Is that because you mentioned it to the lawyer who took your statement as well, did you mention that fact to the lawyer? --- Yes, I did.

That he slapped you? --- Yes, I did.

Well, I must disappoint you because you don't say that in your statement, you see. What you do say in your statement was that he punched you, he put you against the wall and he punched you and he threatened you. Now could there be any reason why you would not have mentioned the fact of the slapping seeing as it was so indelible imprinted in your mind? --- Well, your Worship, on that point during stating my statement I might not have been as accurate relating to what happened to me.

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I see, so you might have forgotten it, is that right? --- Forgotten what?

The fact that he had slapped you through your face when you made your statement? (There was no reply.)

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Could we have an answer, Mr. Njikelane please?

--- Well, I might have forgotten it."

He also forgot to tell the lawyer about the crouching position he was placed in by the use of leg-irons. He also did not say in his statement that the handcuffs were attached to the leg-irons as he testified in Court.

The Inspector of Detainees did explain "to us" that he reported to the Minister. He did complain to the Inspector about reading material and food, but thought

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complaints about assaults would have repercussions. At page 1556 he said that he feared to complain about the food but felt compelled to complain because it could adversely affect his health. He did report to the Inspector on the 17th February, 1982.

"I have no complaints. The Security Police treated me well so far".

He saw the doctors on numerous occasions but did not report ill-treatment to them. He never had a conversation with Dr. Aggett while in detention. The red mark he saw on Dr. Aggett's arm could have been paint. He cannot say what might have caused it, whether it was recent or old. It did not look like a cut made by a sharp object. He did not see Dr. Aggett in February. He could have seen Dr. Aggett during the second week of January. About this he stated "his condition during then was alarming, your Worship, it caused concern to me because he appeared as depressed and a morose somebody." In mid-February he received a radio in the cell. There are no longer any marks on the body where he removed the scabs. Dr. Aggett was a friend of his.

Gabriel Jabulane Ngwenya, testified. He was detained by the Security Police from the 9th November, 1981, first at Protea Police Station, but was transferred to John Vorster Square on the 12th, January. Dr. Aggett was known to him prior to his detention. He saw him at John Vorster Square on numerous occasions but cannot say when the first occasion was. When he first saw him there Dr. Aggett looked depressed, it could be after a few days or a week that he had arrived at John Vorster Square. When he last saw Dr. Aggett on the 3rd February he looked

/ depressed ...

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depressed and could not walk normally. He saw Dr. Aggett on the 25th January in the company of policeman Chauke in the office of Lieutenant Makhoro and Dladla. It was after 9 a.m. After Dr. Aggett had entered this office two white policemen came into the office where he, Ngwenya, was. Their eyes looked wild like those of hunters and they kept on saying "waar is hy, waar is hy". They rushed into the office where he had seen Dr. Aggett being taken into. One of the policemen is tall and a person had interrogated him and even slapped him. He does not know the names of the men. He could not see or hear what happened inside that office. He remained there for about 15 minutes. He did mention in his statement that this incident took place on the 22nd January but when he spoke to the advocate for the family they pointed out to him that he was taken to a doctor on the 25th. On the 3rd February Dr. Aggett was walking wide-legged. Dr. Aggett tried to show him his arms but McPherson came in and prevented it. When he was brought to John Vorster Square on the 12th of January, Major Cronwright swore at him and threatened him with death if he did not speak. The next day he was taken to the office. Major Cronwright and three men, one he later saw going into the office of Dr. Aggett, and the other one, Captain Visser, another Captain Visser from Thabazimbi and another came in. He was questioned. They swore at him and grabbed him by the clothes and slapped him. He was ordered to stand and threatened with death. Major Cronwright left them. Captain Visser grabbed him by the shirt. He was also taken to the tenth floor for questioning and writing a statement on the following days. He was represented by an advocate and attorney when his affidavit

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was obtained. He read in the newspapers that it is alleged that Dr. Aggett was assaulted in the office of Lieutenant Makhoro on the 25th of January, 1982. When he saw Dr. Aggett on the 3rd February he did not notice any bruises on his face. Dr. Aggett was pale. The Inspector of Detainees did visit him. In his affidavit he described the two men who went into the office where Dr. Aggett was on the 25th January in the following words -

"Immediately thereafter two white Security policemen, one of whom had previously interrogated me, a tall man approximately 6,4 feet tall, very well built, fat, blondish hair, reddish complexion. The other little shorter, older in age than the first, also reddish complexion whom I did not know but had seen around the building, came into the room I was sitting in like men hunting someone. They clearly looked as though they were searching for someone and they meant business. They left the office I was in leaving the door open and entered the office into which Dr. Aggett had been taken. The older man was about the same age of Major Cronwright. His hair colour was blond, balding on top, medium build."

He later pointed out Warrant Officer Carr and Warrant Officer de Bruin in Court as the two persons concerned. It is obvious that Mr. de Bruin cannot be described as a blond. He visited the doctor on a number of occasions but only remembers the 19th and the 25th January.

Auret Dennis van Heerden, testified. He was detained

/ from ...

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from the 24th September, 1981 until the 9th July, 1982. He made the statement, the affidavit, Exhibit JJJ. Dr. Aggett was well-known to him as a friend and a Trade Unionist prior to his detention and he had discussions with him on labour affairs. When Dr. Aggett was brought to John Vorster Square on the 11th December, 1981, he was detained in cell No. 209, across the cell where he was kept. He established a form of communication with Dr. Aggett and had conversations with him. They discussed subjects such as his treatment, methods used, the interrogation of Dr. Aggett and his interrogation. His interrogation was largely completed, but Dr. Aggett's was still in progress. During December and until the middle of January Dr. Aggett was in fit mental and physical state. Early in January he noticed that Dr. Aggett was limping he explained at 2661/2:

"He was limping and I immediately became concerned and asked him what had happened.

And he described to me that he had been

taken during the course of that day to a general office on tenth floor, John Vorster

Square and that a desk had been placed

across the doorway to prevent anyone coming

into the office. That he had been stripped

naked and had been forced to do exercise for

number of hours. These included press-ups

and running on the spot until there was a pool

of sweat beneath his body and during this time

a Railway policeman who had been seconded to

his investigation by the name of Van Schalkwyk,

I am not sure of his rank, wrapped an item of

/ clothing ...

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clothing around his forearm and clubbed him on his chest, his shoulders and back and during the course of one of these blows it left a scar on his forearm which Neil showed me through the grill of his cell door.

Where as this scar? --- It was midway up his right forearm and it was a linear scar of possibly 2 cm which still had blood covering it that evening. 10

When you say a linear scar what do you mean by that? --- A straight line.

What else did he say? --- He said that he had been asked questions during this exercise session, but it had been primarily aimed at giving him a taste of what would happen to him if he did not give the Security Police the answers which they were looking for.

Can you remember more or less when in January this was? --- To the best of my recollection it was the 4th of January." 20

Dr. Aggett hoped that the pants he was wearing which had some blood stains on them would be kept by his care-group and not washed so that he would be able to use them as evidence in any later action. On the 29th January, 1982 he noticed that Dr. Aggett was not in his cell. On the Sunday morning he realised that Dr. Aggett was back in his cell. Meals were put in but Dr. Aggett did not take it. The Monday afternoon he saw him again. Since early in January he studied in the Office of Lieutenant Pitout on the tenth floor. He was in this office on the 29th January 30

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when Captain Swanepoel came in and told Lieutenant Pitout, that he had to work on shift beginning 6 a.m. on Sunday until 6 p.m. When Lieutenant Pitout mentioned that he had other arrangements Captain Swanepoel remarks "kyk ek glo nie hy sal so lank hou nie". He took this to be a reference to Dr. Aggett's interrogation. When he noticed that Dr. Aggett did not take his food on the Sunday he asked the guard who told him that Dr. Aggett was sleeping. He saw Dr. Aggett on the Monday evening, that is the 1st February. When Dr. Aggett saw him he hesitated and looked frightened and indicated that he did not want to talk. Dr. Aggett made a motion with his hands as if he was breaking a twig and said "I have broken." Dr. Aggett was frightened to talk, but did say something and remarked "they must not ask me any more questions" and then burst into tears. The conversation stopped shortly after that.

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On Wednesday, the 3rd February, the Security Police went out for a braaivleis and the detainees went back to the cells, early. About 4 to 4.15 p.m. Dr. Aggett came to the door of his cell and indicated that he was still writing his statement, but he was frightened about noting that they had brought him down in order to begin interrogating other people and he was particularly concerned that they might be interrogating Dr. Elizabeth Floyd. He felt that those things which he had said at that stage in his statement they might want to question others about. Thursday, the 4th February, during the morning he saw Dr. Aggett in a very slumped over, very listless fashion, and there was virtually no acknowledgement in his eyes when he looked at him. Dr. Aggett looked to him like a zombi.

He explained at page 2671 -

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"Did you see him again later that day? ---

When they opened the door for meals on

Thursday evening my door was again opened

before his and when I saw him walking towards

his grill he looked so depressed that I

decided that any attempt on my part to reach

out to him and to try and give him some

strength or to pick up his spirits a little

bit in effect only make him feel worse and

I therefore decided to move away from my

door so that he couldn't see me and waited

until my door had been closed and then watch

him through the peephole receiving his meal

until his door was closed.

In what kind of condition was he at that stage?

--- Physically he looked depressed, his

shoulders were slumped, he walked with very

little purpose he walked, his feet dragged,

he shuffled along and his response to things

going around him, to me in particular, was very

removed. I found difficulty getting through to

him. When I spoke to him I did not feel that

I was actually connecting with him."

That night after 7.30 p.m. while he was listening to the radio he thought about Dr. Aggett's condition and said -

"For the first time I felt that Neil might

in fact be suicidal, it was at the time that

I considered this possibility".

He decided to see Major Cronwright the next morning and to inform him of his fears and that extra precaution

should be taken to guard against anything happening to Dr.

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Aggett. Later that night Sergeant Agenbagh arrived, opened the door and just shouted a greeting at him. He, van Heerden, raised his hand to indicate that he was all-right. Later that night he woke, heard a commotion and realised what he had feared had happened. The next morning he learnt about the suicide. He made a statement which he handed in to Lieutenant Pitout, telling what he knew about Dr. Aggett's death and that was handed over the following Monday. Later Major Cronwright told him he would not submit this statement to the Inquest Court. He is a close friend to 10 Barbara Hogen, Cedric Mason, Cedric de Beer and Gavin Henderson. When he was asked about the circumstances under which he made the statement to be used in the Inquest proceedings he said -

"When they compiled the affidavit Mr. Dyson was in fact working in the evening at the time that we did compile the affidavit."

He did not discuss with Dr. Aggett how to keep information from the police. Dr. Aggett did not tell him that he had been grabbed by the scrotum and squeezed by the testicles 20 on the 4th January. This is a serious allegation, he would have remembered it if he was told. Dr. Aggett did tell him at the end of January that he had been given electrical shocks on his testicles. Dr. Aggett did not show him blood stains on the shirt. He said nothing about a shirt. He does not know when Dr. Aggett was taken out of the cell the Thursday, the 28th January. If he recalls Dr. Aggett was walking normally when he saw him on Monday, the 1st February, and on Wednesday, the 3rd February. He made a note on a piece of toilet paper handed in, 30
Exhibit JJJ.1: One of the notes reads "I am worried that others

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may be admitting too much too soon". He was asked -

"was that more or less the kind of fear that you have just now expressed when I asked you about your communications with the deceased?

--- That is correct".

He discussed the problems of involving and implicating others and others implicating him. It was his impression that the deceased, Dr. Aggett, he might have involved and implicated others. He noticed no marks of any kind or bruises or blood spots on Dr. Aggett's face on the 1st, 2nd, 3rd or 4th of February. During December, 1981 to January, 1982 he was taken out for exercise jogging with a police officer. Mr. van Heerden explained -

"Mr. Schabort, at that stage the fact that my situation had been improved was precisely the reason. I did not want to complain about Neil because out of fear of jeopardizing my own situation."

The morning of the 4th February he realised that Dr. Aggett was seriously ill, either mentally or physically or both.

When asked -

"Yes, because of your own safety? --- That is correct.

Now can it really be true, Mr. van Heerden, can it really be true that a simple report to the police about the fact that a man who was opposite you on the second floor was ill as I have describe, that that could bring the heavens down on you? --- I felt so, yes."

According to what he saw of Dr. Aggett on the morning of the 4th February he was hardly fit to write, to make or

/ dictate ...

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dictate or to make a statement. Mr. van Heerden further explained -

"So the mere fact that you had decided that evening to speak to the police on something which was at that stage no longer an issue in your mind, on your own mind? --- That is correct. Right, now if that is so, how do you explain the fact that when you had an opportunity that evening, that night before 12 to make a report to the police, you simply did not make one? 10

--- Mr. Schabort, that is something I have asked myself a million of times since Neil died. At the time I was not banking on Neil dying the Thursday night, I felt that Major Cronwright was the appropriate person which to relay my feelings to.

Yes, but look here, this was an emergency, Mr. van Heerden? --- I did not see Neil committing suicide on that evening, Mr. Schabort.

Why not? --- Because I considered his position to be such that suicide was a possibility. I had no indication that it would happen so soon. 20

Well, is that not bad enough if it was a possibility, all the signs and symptoms were there according to you and you believed that this was a possibility? --- Mr. Schabort standing in Court now yes.

Yes, you see Sergeant Agenbagh came around on his visit to the second floor at about.. later that evening? --- That is correct." 30

He did Army service and that placed him in some embarrass-

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ment with the people he associated with. His friends and associates regarded him as perhaps a police spy, a sell-out, anti-A.N.C. It embarrassed him and he was at pains to try and dispel this notion from the minds of the people.

He had to give evidence in the Hogan-Treason trial and still has to give evidence against Cedric Mason charged with High Treason. This is another embarrassment. Once when they were on the tenth floor, Major Cronwright told Lieutenant Whitehead that he should get the idea that Dr. Aggett was involved in SATU out of his mind. 10

Adriaan Gerhardus Hermanus Wessels, a Senior Magistrate of Johannesburg, declared in an affidavit admitted as Exhibit UUU: On the 6th January, 1982 he visited the cells at John Vorster Square. Dr. Aggett was not available and he was informed that he was out with the investigating officer. On the 18th January, 1982 he visited the cells at John Vorster Square. He interviewed Dr. Aggett. He told him that he had been injured, that he injured his back and left ribs as a result of an assault and that he also cut his right arm. 20 He did not show any marks. He alleged that he was assaulted by a Sergeant of the Railway Security Police by the name of Schalk on the 4th January, 1982 on the tenth floor at John Vorster Square. This allegation was forwarded to the authorities concerned. On the 1st February, 1982, he visited the cells at John Vorster Square. He was informed by Warrant Officer McPherson that Dr. Aggett was not available, that he was out with the Security Police.

Pieter Carl van der Merwe, an additional Magistrate, 30 in an affidavit admitted as Exhibit VVV, declared: On the

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29th December, 1981 he visited the cells at John Vorster Square to see the detainees. Dr. Aggett was not available. On the 17th December, 1981 he visited Dr. Aggett at the cells. Dr. Aggett had the following to say:

"I was told that I had been detained under Section 22 and if I did not answer questions correctly then I would be transferred to Section 6. I was only asked about three questions about someone I did not even know. Thereafter I was transferred to Section 6".

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Aletta Gertruida Blom, a Detective Sergeant in the South African Police, testified. A complaint was conveyed to her, she went to the tenth floor to investigate. It was on the 4th February, 1982, at 9.45 a.m. She submitted the affidavits, Exhibit DD.1 and DD.2 in connection with the matter. She found Dr. Aggett busy writing, there was another person with him. He left and she and Dr. Aggett were then alone. She explained to him that she was there to investigate his complaint and to obtain a statement from him, she obtained the statement, Exhibit E. Dr. Aggett read the statement, corrected it, he was satisfied and signed it. Dr. Aggett showed her a scar on the forearm. She asked him whether he had any other marks but he could show none. In her affidavit, Exhibit DD.2 she explained how the complaint was brought to her attention.

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During cross-examination by Mr. Bizos she stated that she did say in her affidavit that Dr. Aggett was not taken to the District Surgeon because the Security Police was busy with him, but that was not the only reason. Dr.

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Aggett also told her that he did not want to see a doctor. She did not search the offices of the Security Police or the motor cars of any of them. About seven cases of allegations of assault against members of the Force have been investigated by her. She did arrange with Major Cronwright, the officer in charge of the Security Police, to see the detainees to take statements. The statements were taken on the tenth floor of John Vorster Square. She investigated complaints by a Mr. Momoniat after the Security Police had informed them that there were a 10 complaint. It is possible that Mr. Momoniat said his assailants were known to him but he was not prepared to name them. She also investigated a complaint by Mr. Nanabhai but could not recall the details of the circumstances of the investigation. Usually she spoke to the persons when they are alone. When she obtained a statement from Dr. Aggett he dictated and she wrote down verbatim.

During examination by Mr. Schabert she stated Dr. Aggett was busy writing on folios when she approached him to obtain a statement. Dr. Aggett read and 20 corrected the statement after it was written down. Dr. Aggett appeared to be normal, spoke fluently without hesitation. If Dr. Aggett wanted to see a doctor she would have arranged that he be taken to a doctor. The statement, Exhibit E, obtained from Dr. Aggett reads:

"On the 4th January, 1982, a black member of the Force called Chauke came to fetch me at the cells and took me to the tenth floor, room 1012. In the room was Lieut. Whitehead, the black policeman Chauke and a Railway 30 Police Security Sergeant called Schalk present.

/ I was ...

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I was interrogated by Lieut. Whitehead and every time that he had asked me a question and I denied it he accused me of calling me a liar. Then this Schalk would assault me, hit me with his open hands through my face and I fell against a table with my back and I could feel a stab in my back later. He also assaulted me with his fist by nitting me on the side of my temple and my chest. He also kicked me with his knee on the side of my thigh. This Schalk wore a watch which cut me on my right forearm and it was bleeding. Later this Schalk went to wash off the blood that was on him. Whilst I was assaulted by him he grabbed me by the scrotum and squeezed my testicles. I was kept awake since the morning of the 28th January, 1982 to the 30th January, 1982. During the night of the 29th January, 1982 Lieut. Whitehead and another Security Sergeant whose name I don't know and another black male, also a policeman, were present when Lieut. Whitehead blindfolded me with a towel. They made me sit down and handcuffed me behind my back. I was shocked through the handcuffs. I don't know what they used to shock me with. I was shocked a few times. I have a scratch on my left pulse (radial nerve) where I was injured while being handcuffed. The scab on my back and the scar on my pulse as well as the scar on my forearm were the only injuries that

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Judgment.

I received as a result of this assault.

I complained in the cells to Warrant Officer McPherson who is working at the cells about my back, I was not seen by a doctor. I was visited by Magistrate Wessels on the 18th January, 1982 and I reported to him that I was assaulted by the Security Police".

Abraham Johannes Mouton, the Inspector of Detainees testified. According to information Dr. Aggett was detained in Pretoria Prison up to the 10th December, 1981. He went to Pretoria Prison to see Dr. Aggett, but was informed that he was transferred to Johannesburg. He made the affidavit, Exhibit KK. On the 4th January, 1982, he visited John Vorster Square to see the detainees. He met Warrant Officer McPherson there who told him that Dr. Aggett was not available because he is out on investigation. It was not mentioned where he was taken to and when he would be back. On the 22nd January, 1982, he again visited John Vorster Square. He saw Dr. Aggett at about 9.45 a.m. and had an interview of ten minutes with him. He explained to Dr. Aggett that if he was not feeling well he would arrange that he be taken to a doctor for examination and treatment. He would see that Dr. Aggett gets sufficient food, be treated properly and not be ill-treated. If he needs anything he would request the Security Police to get it for him. Dr. Aggett replied that he understood everything, he was doing well and did not need a doctor; that the food was good and that he had no complaints about the treatment, that he had no complaints about anything else. Dr. Aggett did not mention any assault or ill-treatment. He did not tell

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Warrant Officer McPherson that he was in a hurry and that he could not wait. Warrant Officer McPherson told him that Dr. Aggett was not available because he was out on investigation. If he had known that Dr. Aggett was on the tenth floor he would have visited him there as he had done in other cases.

During cross-examination by Mr. Bizos he stated inter alia it happens that detainees complain to him and not to the Magistrate or vice versa. On the 17th February, 1982, he interviewed Ismael Momoniat at John Vorster Square who told him; "the John Vorster Square Security Police intimidated me already and had given me a few smacks during interrogation but I was not seriously assaulted." He did not ask Mr. Momoniat for the names of the persons. Mr. Momoniat was visited by him on three occasions. There were no other complaints. Mr. Lerumo complained to him when he visited him at Sandton Police Station. The complaint was -

"On the 4th December, 1981, I was taken to Sandton Police Station where a chain was put around my neck by Security policeman Malherbe. I was threatened that if I do not speak the truth I will be killed. I do not want Malherbe to be charged, I forgave him".

He saw Mr. Lerumo again on the 7th February at John Vorster Square who then told me -

"Except for the incident at Sandton on the 4th of December, 1981, the Security Police had not done anything to me".

He saw Mr. Naidoo at the Vereeniging Police Station on the 25th February, 1982, who then told him -

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"The treatment is good here. The Security Police have not been good to me when I was detained the first week, but I do not want to talk about it".

He visited Gabriel Ngwenya five times. On the 11th December when Ngwenya said -

"I was beaten up on the 17th November, 1981 but I do not want to lay a charge or say anything about it".

He visited Sisa Njikelana six times, he never had any complaints but remarked -

"Die veiligheidspolisie behandel my goed".

During cross-examination by Mr. Schabert, Mr. Mouton stated further he is Inspector of Detainees for the last four years. The South African Police is always co-operative. A member of the South African Police is never present when he interviews a detainee. His interview with Dr. Aggett was satisfactory and he took steps to gain his confidence. He did not gain the impression that Dr. Aggett was afraid to mention any complaint.

Dr. Aggett appeared to be quite normal, was friendly and he conversed with him. He noticed no marks on him. It is possible that he created the impression that he was in a hurry but he did not say that to McPherson. Referring to his interviews with detainees he explained -

"Ek verduidelik aan elkeen met my eerste besoek wat my funksies is en daarom sê ek aan elkeen ek stel belang in hoe hulle behandel word en as julle mishandel word dan stel ek belang, dan wil ek weet daarvan.

/ Ek ...

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