

SOUTH Africa's system of indefinite detention by Security Police, widely known as detention without trial, continued to come under intense scrutiny yesterday at the inquest into the death of Dr Neil Aggett.

Dr Aggett, 29, a medical doctor and Transvaal secretary of the Food and Canning Workers' Union, was found hanged in his cell at John Vorster Square at about 1.30am on February 5.

After two postponements, the inquest resumed in the Johannesburg Regional Court on Monday before the magistrate, Mr P A J Kotze, and an assessor.

The court heard district surgeons depended on "the good will" of the SP to see detainees, although they could take the initiative at any time in terms of the Prisons Act and the Public Health Act.

The court also heard that a police sergeant in charge of the John Vorster Square cells at the time of Dr Aggett's death, had not heard of an Inspector of Detainees before appearing in court yesterday.

Medical evidence concluded at lunch yesterday, with all four medical witnesses agreeing that Dr Aggett died by hanging. All added it was medically impossible to tell if Dr Aggett had taken his own life or if he was strangled.

The evidence, which was lengthy and technical, began when Dr Vernon Kemp, Johannesburg's Chief District Surgeon, answered questions referring to a disputed statement made by Dr Aggett 14 hours before he died and alleging police abuse.

Dr Kemp, who performed the autopsy, believed a scar on Dr Aggett's right forearm about 5cm above the wrist was the only injury consistent with Dr Aggett's claim that he was assaulted by the SP.

In the witness box most of the day, Dr Kemp regarded as "abnormal" Dr Aggett's interrogation session, which lasted 62 hours — from January 28 to February 1. He added he was not aware of SP interrogation methods, and they had never sought his advice on the matter.

Aggett probe looks at life in SP cells

ANNE SACKS reports on the Aggett inquest.

Mr George Bizos, SC, counsel for the Aggett family, then asked Dr Kemp about the role of district surgeons. Kemp: We take the initiative when we see something wrong with a detainee. Then the SP carry out our instructions.

Bizos: That is only when the police bring you a detainee. If a detainee is bleeding and the SP decide they are responsible for the bleeding, they won't bring the detainee to you?

Kemp: Yes. Bizos: If the law was complied with and inspections took place at the initiative of district surgeons, would there be evidence of maltreatment?

Kemp: Yes, if district surgeons were allowed to inspect the cells.

Bizos: A person in the service of the State is not required to get permission to see detainees?

Kemp: Yes.

Bizos: But in your experience

you are not welcome on the 10th floor of John Vorster Square?

Kemp: Yes, you can't go barging into someone else's department.

Bizos: Why could you not select a day to see detainees?

Kemp: If I had the staff...

Bizos: Surely, to prevent deaths in detention, you need more staff?

Kemp: I wish I did have. (It emerged previously that 50% of the 20 Johannesburg medical posts were vacant.)

Bizos: If you had seen Dr Aggett, what would your response have been?

Kemp: I would have told them they were overdoing things.

Dr Kemp said "it was a possibility, but not a probability" Dr Aggett would still be alive if visited by a district surgeon during his detention.

Mr Bizos read from a banned book, "Inside BOSS", by former BOSS agent Gordon Winter, who wrote that

"victims" who died in detention owing to "a miscalculation by a torturer" who pulled a wet towel wrapped around a detainee's neck too tightly were said to have committed suicide by hanging.

Mr Bizos suggested Dr Aggett might have died before he was found hanging in his cell, and the fact that he was facing into the cell might indicate that had happened.

Dr Kemp agreed it would have been more natural for Dr Aggett to have been facing outwards, but it was not difficult "to go up with your back".

He and another medical witness, Dr N J Scheepers, the Chief State Pathologist, Department of Health, Johannesburg, agreed it would be medically impossible to tell if Dr Aggett had taken his own life or if he had been strangled by someone else.

Dr Scheepers said he found a sample of Dr Aggett's brain to be bloodless, which indicated he committed suicide by hanging or he was hanged when unconscious.

Dr Aggett's face, he said, was pale. If there had been a struggle, his face would have

been blue and the rush of blood would have ruptured the capillaries in the eyes. There were no indications of this.

Dr Jan Botha, a consultant pathologist who conducted the post mortem for the Aggett family, said the cause of death by hanging was consistent with the autopsy findings.

He was unable to say if Dr Aggett "voluntarily elevated himself with the cloth around his neck or whether he was elevated by others while in a semi-conscious or unconscious state".

It was unlikely Dr Aggett was a victim of the Adam's Apple method described by Gordon Winter because the victim would have to be suspended within minutes before regaining consciousness.

He agreed with Mr Bizos that the technique might be successful, depending on circumstances such as the length of time the victim was unconscious and the experience of the interrogators applying the technique.

The last medical witness, Professor Johann Loubser, Chief State Pathologist, Pretoria, and head of the depart-

ment of forensic medicine at the University of Pretoria, after reading reports, agreed death was caused by hanging.

He said laymen would at times confuse death with unconsciousness. It was possible for about five people to suspend a limp body in a hanging position without damaging the skin.

After lunch yesterday, Sergeant James Achenbach, who discovered Dr Aggett hanging in his cell while he was on night shift, entered the witness box.

In charge of three floors of cells at John Vorster Square, he was instructed to visit security detainees on the second floor every hour, to give them water, see they had had food, and not to talk to them.

He came on duty in the late afternoon, and when he visited Dr Aggett and asked him if he was alright, Dr Aggett, who was lying on his right side on the mat reading a book, "blinked his eyes". He did not talk to the sergeant.

At about 1.15am, he remembered there were certain cells he had forgotten to visit. He had been "very busy" until then, and it frequently happened that the po-

lice in charge of cells were too busy to visit detainees every hour.

"When I opened the door of Dr Aggett's cell," he said, "I automatically looked at the mat. My attention was attracted to the right side of the cell, and I saw Dr Aggett hanging from the grille, which is on the right of the door."

"I took his pulse on his right hand. There was no heartbeat. I put my hand under his jersey to feel breathing. There was none. It seemed to me Dr Aggett was dead. It was about 1.30am."

"It's hard to say if the body was still warm. I got such a fright that I can't remember all the details."

"I went back to the charge office and called my colleague, Constable Marais."

He said he had been in charge of the cells for a month when Dr Aggett died. In that time, he had never seen a magistrate or a district surgeon visiting detainees. As far as he knew, district surgeons came when they were telephoned by the police.

The hearing continues today.



Mr Aubrey Aggett, father of Dr Neil Aggett, has attended every day of the inquest into the death of his son