

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION**

Case number: 2019/445

Original case no: 1982/130

In the matter of:

**THE REOPENED INQUEST:
LATE NEIL HUDSON AGGETT**


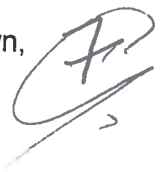
AFFIDAVIT

I, the undersigned,

FRANK CHIKANE

do hereby state under oath and say that:

- 1 I am an adult male pastor of my Church, The Apostolic Faith Mission (AFM) of South Africa residing in Midrand. I served as the international, president of the Church for about 23 years ending in August 2019. I am currently a senior vice president of the South African Council of Churches (SACC). I am also a moderator on the Commission of the Churches on International Affairs (CCIA) of the WCC. In addition, I gave time to the local congregations in Fietown, next to Lenasia South and Soweto.
- 2 The facts contained herein are within my own personal knowledge, save where the context indicates otherwise, and to the best of my belief are both true and correct.



INTRODUCTION

- 3 I was arrested and detained for the fourth time by the security branch (SB) in 1981. I was in John Vorster Square (JVS) at the same time as Dr Neil Aggett (Neil). I provided a statement to the Aggett family legal team in preparing for the first inquest. An unsigned version of my statement appears as exhibit B3.5.1 of the 1982 inquest record that is already before this court. The signed version of my statement appears at exhibit B 3.1.2. The contents of these exhibits should be read as incorporated herein. I did not testify at the first inquest.
- 4 The purpose of this affidavit is to provide more information and clarity regarding the statements at the first inquest.

BACKGROUND

- 5 I was born on 3 January 1951 in Soweto (according to my parents) and grew up and schooled there. I later enrolled at the University of the North where my activism and political stance was shaped.
- 6 In about 1974, a few weeks before my final examinations, students organised a rally called "Frelimo Rally" on campus celebrating Mozambique's independence. The police arrived and told us to disperse because our gathering was unlawful. We dispersed singing struggle songs but were attacked by police with tear gas, *sjamboks* and dogs. Many students were badly injured. This led to a student sit-in which lasted 6 days to protest the

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unwarranted violence against the student body. As a result many students were detained, some were forced into exile, and others were on the run.

- 7 I took responsibility for the welfare of student detainees, their families and the student body in general. I was elected to head the students' legal aid fund and assumed some of the responsibilities of the Student Representative Council (SRC) which had virtually collapsed. I also testified at the Snyman Commission early in the following year, which was set up to investigate the 1974 protest. I gave evidence against the University and consequently the State.
- 8 Due to the pressure of assisting the detained students and their families – travelling in and out of Turfloop overnight to be back in class the following day – as well as my examinations, I had a breakdown in the middle of my exam and was sent to the then Pietersburg hospital. The university refused my application for a certificate saying I was too ill to write my exams so I could be provided an opportunity to do so. The following year I went back to the university to complete my degree. I was told by a sympathetic black lecturer that I would be victimised by the university and possibly even the State, if I returned.
- 9 I therefore abandoned my university education at that University and made the decision to pursue training as a pastor whilst waiting for two years before registering with the University of South Africa (UNISA). I had always been actively involved in the church because my father was also a pastor. I saw my involvement in the student movement as part of my Christian responsibility. At the time there were a number of options for a white aspirant pastor, but for blacks the only option was a theological college in Potgietersrus which had the

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services of only one lecturer offering a certificate course for black pastors. I therefore elected to do the training by correspondence. I completed the curriculum in 1979 and in early 1980 I was ordained. I was of the view that the Church in South Africa had to change its stance to the apartheid regime having experienced working as a pastor in Mabieskraal in the North West of the Transvaal then, and later Kagiso in Krugersdorp.

- 10 I was arrested and detained by the SB for the first time for a period of 7 days between January and February 1977 and held at JVS.
- 11 On 6 June 1977 I was detained again until January 1978. I was arrested in the early hours of the morning at the mission house and by mid-morning my interrogation began at Krugersdorp police station. The view of the SB was that I would not be assisting the students and families of detainees involved in political activity without being involved in political activity myself. I endured 6 weeks of intense interrogation and physical torture.
- 12 I was forced to remain in certain contorted positions for many hours and when I could not keep the positions any longer, I was assaulted with fists and broomsticks, I was hung upside down till I lost consciousness. I was also asked to stand in one spot for 50 hours with no sleep and interrogated around the clock. At some point I was chained against the bars of the heater in the interrogation office, underfed, interrogated and assaulted by teams of SB who took shifts every 8 hours. It was suggested to me by an interrogator that I should commit suicide to speed up my death as I was going to die in any event, but they would do it slowly so that I would experience long periods of pain. I

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was however, in all my periods of detention not subjected to electric shocks or the wet bag treatment. I did not write a statement in the interrogation rooms because I was being subjected to torture. An SB member usually wrote down a statement for me during the torture sessions.

- 13 I was also taken out of my cell late at night, around 1:00am, and taken by the SB to point out things in house raids which I had no idea about.
- 14 I was not provided with any medical attention or medication despite asking for it. I was detained in solitary confinement and only received a bible 3 months after making repeated requests for one.
- 15 A day before my court appearance for charges of public violence, which were subsequently withdrawn, I was rearrested in my pyjamas at home and was assaulted and had large clumps of my long hair pulled out by the SB. I was then forced to collect the hair from the floor. They then drove me to Bethal, assaulting me for the duration of the journey and then drove me back to Krugersdorp to appear in court. To this day I have no explanation for why I was driven to Bethal and back.
- 16 In 1980 I was arrested and detained for 3 days. I was released after PW Botha received the Freedom of Krugersdorp, without having been interrogated
- 17 During the latter part of 1981 I was suspended by the District Council of my Church, the AFM, because I was active in politics and making statements to the media, questioning the racial divisions within the church and arguing for



equality before the law. Their case was that I was an embarrassment to the church and could only be reinstated as a Pastor if I had repented.

- 18 My family and I were given 2 months after my suspension to vacate the mission house (manse) in Kagiso, Krugersdorp, where I was a pastor. Before my family and I could find alternative accommodation, I was arrested in November 1981. The church did not give my family a grace period despite my detention and they were forced to vacate our home, with nowhere to go. Through the assistance of community and friends my family found a house in Soweto.

DETENTION: NOVEMBER 1981 TO JULY 1982

- 19 My fourth and longest detention was between November 1981 and July 1982. I was arrested in a raid on my home, with my wife and children in the house at 2:30am. There were loud knocks on the doors and windows. Torches were also flashed on the windows. A male voice shouted, "Open Frank, it's the police". I was calm and the SB told me to pack toiletries and clothing. My family was not told why I was being arrested and where I was being taken to. They spent much of the next day going from police station to police station looking for me.
- 20 I was first taken to Protea police station and was then transferred to John Vorster Square (JVS) in January 1982. I was released without charge in July 1982. I was forced to make an untrue statement about my activities; I signed it but refused to do so under oath. I was interrogated about whether I was an African National Congress (ANC) member and my connections to Cedric



R.S


Mason and Lillian Keagile as well as my work in the liberation movement within the framework of the church.

- 21 I was interrogated and assaulted by Piet Syfert on one occasion during detention and insulted and verbally abused by Warrant Officer Deetlefs. Syfert assaulted me in the presence of Deetlefs
- 22 I made a complaint to Mouton regarding the assault and Sergeant Blom took a statement from me, but nothing came of it as reflected in my statement before the first inquest.
- 23 I was kept in the cells on the second floor with other political detainees, and I was moved at least three times, and I initially occupied cell number 210. I was later moved to another cell at the far end of the second floor and was able to look down the corridor towards the entrance. During this period of detention both Neil Aggett and Ernest Dipale lost their lives while in the care of the SB.
- 24 We were not allowed to have belts, shoelaces or anything with which we could harm ourselves. We were also not allowed blankets or sheets from the outside in our cells, only the blankets that were provided by JVS. It would have been difficult to conceal any prohibited items because the cells were fairly big and the mat to sleep on was all you had. The cell was mostly empty and there were not many places to hide things. Also searches of the cells occurred regularly and any prohibited items would be removed.



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- 25 I do not recall receiving any parcels from the outside or that I was allowed to keep those items in my cell.
- 26 On occasion prisoners would clean the cells. We developed a system where our toothpaste boxes were retained and not thrown away and the prisoners would smuggle us a pen to write messages to our families on the toilet paper which was put in the boxes the boxes. The prisoners would then 'sweep the box away' and the messages reached our families.
- 27 When I was fetched from the cells, I was never told where I was being taken or for how long. When I was taken out of the cells without warning, it was usually for interrogation on the tenth floor. I don't recall using any other route to and from the second floor other than the entrance where the three offices were.
- 28 Outside of detention, I did not know Neil personally but knew about him. Once in detention, because all the political detainees were kept on the same floor, one got to know other people that were also detained there. Moreover, the detainees devised a system of communicating with each other through the toilet. We would empty the water from the toilet and were then able to communicate with each other. This system of communicating was also a way of getting to know who else was at JVS at the time. This usually occurred during night-time. I did not, however, have occasion to speak to Neil this way.
- 29 I also had sight of the other detainees during exercise time and when I was taken to and from interrogation on the tenth floor. In my instance I was never allowed to take exercise in the courtyard with the other detainees but in the

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corridors of the second floor. When the doctor said I had a Vitamin D deficiency the SB would take me to a higher section of the building for sunshine, where there was a view of the city. If memory serves, it was about 3 floors up from the second floor. When this occurred, I saw other detainees. I thought it was a dangerous place to be alone with the police for 30 minutes because they could have, at any time, thrown one off the building. In one of my previous detentions in the 1970s a SB member threatened to throw me out of the interrogation room on the tenth floor by taking me to the window and motioning that he was about to throw me out. He said to me that they would do to me what they did to Timol. I therefore felt vulnerable and fearful when I was taken for sunshine.

30 Additionally, we were not kept in one cell for too long. I got to see other detainees when they were being moved or I was being moved. There was usually no prior notice that you would be moved. The wooden doors would be opened at mealtimes for our food to be passed to us under the grille. Remaining detainees were also moved around if a detainee had died in his cell (although we would only learn later a detainee had died in the cells). This gave a short period of time to catch a glimpse of other detainees in my vicinity.

31 Some black policemen would also assist us by passing on information about other detainees. In this way, I learnt that Firoz Cachalia, Keith Coleman and Neil were also detained on the second floor.

32 We received visits from magistrates from time to time for us to ventilate any complaints. I considered it routine, fulfilling requirements but I had no confidence that they had my best interests at heart.

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LAST TIME I SAW NEIL

- 33 On the Monday before Neil's death, 1 February 1982, I was moved to a different cell, possibly number 10 (B21) on the second floor at the far end of the corridor in the corner. From my cell, through the peephole, I saw Neil.
- 34 He was walking towards the direction of the cells so I could tell he was coming back from interrogation. He was not in a good state. He was walking slower than usual and bending forward, clearly struggling to walk. I had seen Neil on the second floor before, I do not recall how many times, and I had not seen him struggle to walk like that. I suspect he was in pain and he looked very weak. The image is etched in my mind because that was the last time I saw him
- 35 The effect of solitary confinement coupled with the physical torture takes its toll and certainly in my case I noticed that after a few months I became slower in decision-making over every day things, such as when I was detained in Rustenburg prison, I struggled to decide whether to shower or exercise first. At JVS I did not have the option to decide as the SB members would tell us what to do. I am also of the view that because many of the detainees knew and understood they were there for a greater cause, it gave them resolve and made it harder for them to break psychologically. I firmly believe Neil was one of those people that was committed to his cause and I do not think he would have broken easily or was suicidal.

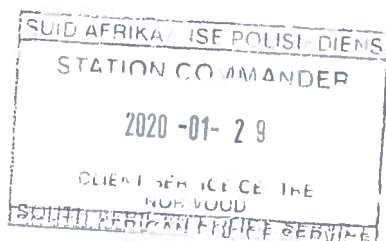
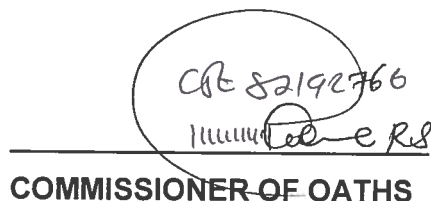



- 36 I do not recall that anything extraordinary occurred in the cells on the night Neil died. I did not hear a commotion or see anything unusual. My memory is vague, but I recall being told of Neil's death
- 37 by a black security policeman. Our conditions of detention changed dramatically after Neil's death. We were allowed visitors within days and the SB arranged for our families to visit us. Previously, I had not had any visitors since my arrest in November 1981.



REV FRANK CHIKANE

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Norwood on this the 29 day of JANUARY 2020, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

CB 82192766
Munira de R. S.

COMMISSIONER OF OATHS

