

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

Case no: 2019/445

Original case no: 1982/139

In the matter of:

**THE REOPENED INQUEST INTO THE DEATH
OF NEIL HUDSON AGGETT**

AFFIDAVIT OF ELIZABETH KATHERINE FLOYD

I the undersigned

ELIZABETH KATHRINE FLOYD

Do hereby make oath and say:

1. I am an adult female residing in Johannesburg and I am a retired medical doctor.



2. The facts contained herein are within my own knowledge, unless the context indicates otherwise and are to the best of my belief both true and correct.
3. The purpose of this affidavit is to provide information I believe will assist this court in its investigation of the death in detention of Dr Neil Aggett (**Neil**). The contents of this affidavit should be read together with my evidence at the first inquest into Neil's death in 1982 (**the first inquest**) and I have not repeated all the aspects canvassed therein, save to give clarity or more detail.
4. I was born on 27 April 1954 in Cape Town and graduated with a medical degree from UCT in 1977. I have over the years obtained other medical qualifications and have held several positions in the field. These are outlined in my CV attached hereto marked **EKF1**.
5. Some of my experiences, such as working as a nurse in a cancer ward where one of my duties involved laying out the bodies of deceased patients and my experience in treating victims of detention and torture for Post-Traumatic Stress Disorder (**PTSD**) have informed my view of what happened to Neil in detention. I expand on these aspects below.

NEIL'S BACKGROUND


6. Neil was born in 1953 in Kenya and grew up on the family farm on the slopes of Mount Kenya. His family left Kenya soon after independence in 1960 and settled in Somerset West near Cape Town. Neil and his



Handwritten signature, possibly initials, followed by the number 2 and the text 'S of P'.

siblings went to boarding school in Grahamstown, Kingswood College, one of the oldest Methodist educational institutions in South Africa.

7. In Kenya the family farm was in the area where the *Mau Mau* resistance was active. A state of emergency was imposed, and his father ran a "screening camp" for local Kenyans on the farm.
8. Neil read about the *Mau Mau* and specifically the trial of Dedan Kimati. Kimati was the senior military and spiritual leader of the Mau Mau Uprising. He led the armed struggle against British colonial rule in Kenya in the 1950s until his execution in 1957. This awareness increased the distance and tension between Neil and his father, but he always kept contact with his mother and his sister.
9. In 1976 Neil completed his medical degree at the University of Cape Town. I met him when he was in fourth year while I was in my third year. We were romantically involved. He was interested in philosophy particularly German and French philosophers including Camus and Fanon.
10. Neil was concerned about politics in South Africa but at the time was not involved in any organisations. He planned to leave the country after graduation to avoid military conscription because he was opposed to the National Party led apartheid government and refused to fight against fellow South Africans.


J.P

11. In January 1977 he worked as an intern at Umtata Hospital where he became friends with politically aware African doctors. He returned to Cape Town in July of that year but could not find another internship locally. He found an internship at Tembisa Hospital in the then Transvaal and I visited him there for a time and eventually we lived together in Fox Street, Jeppestown in Johannesburg and remained close until our detention in 1981.
12. He then decided to stay in the country and became a "draft dodger" evading the military police. He could not take a full-time job as a doctor because the military police would be able to trace him. He therefore worked part-time sessions at the Baragwanath Hospital in the casualty after hours section.
13. Neil was a trained medical doctor. The casualty department of Baragwanath treated very serious injuries. Neil took a liking to the work and was interested in studying further in the field of emergency surgery. He worked two evenings a week.
14. When Oscar Mpetha came to Johannesburg to open a branch of the Food and Canning Union, he stayed with Neil who also provided him with transport. Neil assisted Oscar and was mentored by him and recruited him to the union. He attended meetings, ran the office and sought guidance from Emma Mashinini at the Congregated and Allied Workers Union of South Africa (**CAWUSA**) and Thozamile Gweta and Sisa Njikelana from the South African Allied Workers Union (**SAAWU**).

The SAAWU leaders from East London were opening a branch in the Transvaal and stayed with us when they visited Johannesburg.

15. Outside of medicine, Neil worked full-time in the emerging labour movement. I was a member of the Industrial Aid Society in Johannesburg and assisted other unions from time to time. Neil was an organiser of the Transvaal branch of the Food and Canning Workers' Union (**FCWU**). This role was unpaid.
16. Neil and I were ANC sympathizers and supporters but were not members. We chose to work in public organizations and not to work underground for the ANC. We believed that we could be more effective this way. We did not take instruction from nor did we report to the ANC structures. Neil felt that to take orders from an outside organisation not based on the shop floor would be undemocratic.
17. In 1981 the Security Branch (**SB**) of the then South African Police (**SAP**) often followed Neil with several cars when he left the house and parked outside the house on many nights. They tampered with the union vehicle by overinflating some tyres and deflating others in an attempt to cause a serious accident. They raided our union offices and tampered with equipment. They detained Sisa Njikelana from our house.
18. The SB followed me from the house regularly and one night they tried to drive me off the road. We could tell that the SB was increasing the pressure on us but we were unable to predict their next steps.

5
S. P

DETENTION

19. On 22 September 1981, the SB arrested various people we knew, including Gavin Anderson. I later found out that these arrests were the result of the "*Close Comrades*" list prepared by Barbara Hogan.
20. On 6 October 1981, Gavin was released from detention. While I did not know this at the time, I since learned that Gavin briefed Neil about the "*Close Comrades*" list and indicated that the SB would likely arrest Neil and myself in connection with it. However, Neil only relayed this warning to me the night prior to my detention. Prior to this, I did not specifically anticipate that I would be detained, but understood the risk due to the increased pressure by the SB.
21. On 27 November 1981 at 06h00 at a friend's house at Crown Mines, Neil and I were arrested by the SB. They took us to our home in Fox Street and conducted a search. Neil and I did not watch the search but sat on our couch and talked while it was carried out. The SB seized several books, a list of which was disclosed at the first inquest.
22. After the search, we were taken separately to John Vorster Square (**JVS**). Later that same day I was taken to the cells at Bronkhorstspuit police station.
23. I remained detained at Bronkhorstspuit for 4 weeks. During this time, I would be taken for interrogation periodically by officers Olivier and Naude. The interrogations were formulaic. I was instructed to write my

6
S.P

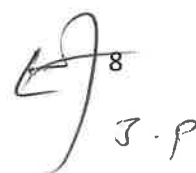
story. When I had done so, I was told that what I had written was insufficient. I was then instructed to rewrite my story again from scratch. The process then repeated itself.

24. My first interrogator, Naude, realised that while I knew of a document containing the names of people that the SB had since detained, I did not specifically know about the Close Comrades list. I could tell that Naude – being a captain – was a more experienced interrogator.
25. A Railway Security official who supported the interrogation team remarked to me that it made no difference whether we were involved in legal or illegal activities – “you are all the same”, he said. What we did not understand was that under interrogation our inability to provide secret information about the ANC underground could put us in danger.
26. Most of my time in detention was spent in solitary confinement – often for weeks without human contact. I was transferred to the Hillbrow police station between Christmas and New Year.
27. On one occasion during January 1982 I was taken to the infamous tenth floor of John Vorster Square for interrogation. A new team of interrogators had been assigned to me, which consisted of Smith and Carr. During this period, I gained information from my police escorts that led me to believe that Neil and I had the same interrogators.

Handwritten signature and initials, possibly 'S.P.', located in the bottom right corner of the page.

4 February 1982

28. On 4 February 1982 I was taken back to the tenth floor of JVS for interrogation. I deduced that Carr's role in the interrogation was to soften me up and intimidate me. He did this by talking about holding people out of the window by their feet and making me stand for increasingly longer periods. The interrogators would also talk about Neil and from what I could gather from the tone and content of the discussion, he was in trouble.
29. Whitehead would also come in and out of the interrogation room but would not actually deal with me directly. He was remarkably aggressive given that he was not present for the full session. Whenever I responded to his queries he would simply not listen. In hindsight, I regard the interrogation style of Whitehead as unsophisticated. If the measure of a successful interrogator was the ease at which they elicited material from a suspect, then Whitehead was unskilled, even incompetent. He adopted a confrontational style that demonstrated his immaturity and lack of experience.
30. I took the new methods adopted by Carr and Whitehead as a sign that the interrogation had changed pace. It was getting more serious. The talk of Neil also made me worry. At that time, I had been in solitary confinement for an extended period and when you have been denied human interaction for so long, it is difficult to resist intimidation and aggression.

 J.P.

31. I was returned to my cell at Hillbrow police station between 17h00 and 18h00. I remember the time because the SAPS members on duty told me they were worried about me and had kept my food in case I returned. At this stage I no longer knew the date and struggled to keep track of time. My concentration had also worsened.
32. The SB told me that I could be kept for interrogation for extended periods. I fell asleep expecting them to collect me in the morning to conduct a further, more intensive interrogation. Instead, my mother and a friend arrived at 10h00. I was called out of my cell and told that Neil had hung himself and died.

NEIL'S DEATH

33. After hearing of Neil's death, I was removed from detention and admitted to the Johannesburg General Hospital under the care of a psychiatrist from Wits University and diagnosed with PTSD. I remained in isolation as a detainee in the hospital with a 24-hour police guard, with an unknown future. I was eventually released 7 weeks later during March 1982.
34. I was denied permission to attend Neil's funeral and therefore insisted that I be allowed to see him. I had not seen him since he had been detained three months before and I was not going to be a part of his funeral. I needed to understand that he had died.

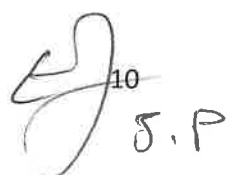
A handwritten signature, possibly 'S.P.', is located in the bottom right corner of the page. The signature is written in dark ink and consists of a large, stylized initial 'S' followed by a smaller 'P'.

35. The drawing attached hereto marked **EKF2** shows what I saw when I viewed him approximately 2 days before his funeral. Neil was lying on a metal trolley in a very brightly lit area behind a big viewing window and I could clearly see the right side of his head and neck down to his shoulder. A few things struck me as strange and have stuck in my memory:

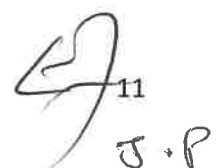
35.1 The way his head had been positioned with his neck fully extended was extremely unusual. His chin was positioned so that it was higher than his nose. I could see more of his neck than his face. I have significant experience as a nurse in previous employment where I was responsible for laying out bodies and knew that bodies were not normally positioned this way.

35.2 There were no visible marks on his neck. There were also no injuries to his face that I could see. His body was covered below his shoulders.

36. Several photographs were presented to the first inquest, but most have since disappeared. I looked at one photograph of Neil after his death during the first inquest but found it too distressing to look at more. The drawing attached hereto marked **EKF3** shows what I remember of the photograph: a thick striped cloth (the kikoi) is wrapped loosely over Neil's neck like a thick winter scarf.

 10
S.P

37. In late 1982 I received a phone call from Doug Hindson to collect Neil's things from their flat. I received his clothes including the ones he was wearing when he died, the kikoi in the drawing and photograph (three pieces), slippers, the formal tan shoes, and some books, some of which he had signed with his name.
38. I remember the clothes, kikoi and shoes very clearly because they distressed me. The drawings attached hereto marked **EKF4 and EKF5** show what I saw in detail: the kikoi cut into three pieces, the slippers and the formal tan shoes. I noted the thin navy sweatshirt and jeans. I provided the legal team with a similar sweatshirt and slippers (known as "stokies") in 2018.
39. The following things stood out and stayed in my memory:
- 39.1 The "stokie" slippers were curled up and looked like they had never been worn. I had not seen them before. In the first inquest the police reported that he died wearing dark slippers.
- 39.2 The formal tan shoes had a double sole which made them very heavy. They were almost new, and I had not seen them before. I concluded that they were the type of shoe that union members wore to work because they walked very long distances.
40. The kikoi cloth consisted of three pieces and was cut strangely:

Handwritten signature and initials. The signature is a stylized 'E' followed by '11'. Below it are the initials 'J.P.'

- 40.1 The centre piece was very crumpled. It appears in the photograph supplied by Erasmus in 2020, which aligns with my memory and subsequent drawing of it.
- 40.2 One piece (on the righthand side of the drawing) was cut straight. It is not crumpled but has a few small folds. It is apparent that a knot was not tied in this end. It appears in the photograph supplied by Erasmus as well.
- 40.3 One piece (on the left-hand side of the drawing) is cut in a very neat long arc as if it was cut by a dressmaker on a table with sharp scissors. The kikoi looks new without a single crease but has neat folds which are large. It had not been tied in a knot. This piece does not appear in the photograph supplied by Erasmus.
- 40.4 The kikoi was an unusual colour: bright blue with bold white stripes in the colours of the Greek flag. The white contrasted strongly with the blue. It is a thick cotton cloth which would be creased if it was tied.
41. I gave Yvette Breytenbach the kikoi because she had given it to Neil. I kept the shoes and the clothes he died in for a few years and then gave them away.
42. At some stage I saw a photograph of the cell with Neil hanging behind the bars which accompanied an article by Max Du Preez in the Sunday Times. I was shocked and distressed to see it. While it showed few

12
J.P.

details, I noted that he was wearing light coloured shoes with a thick sole. His heels were surprisingly close to the ground – estimated at 2.5 cm – and I found this strange.

43. Preparations for this second inquest started in late 2017 and I declined to look at the photographs because I knew it would be distressing. However, I started looking at photographs with the private investigator in early 2018. I was shown a photograph taken by the police in the cell which showed Neil hanging from the bars. The following details stood out for me:

43.1 The cloth was white with a knot on each end. It was too thin to be a kikoi which is bulky. It was tied on the right side of his neck which I had seen in the mortuary with no marks on it.

43.2 He was wearing the formal tan shoes which had a double sole. It looked like the front of his feet were touching the ground. His feet and legs were straight, but I knew his right foot turned in.

43.3 He was dressed in jeans and a loose thin navy sweat-shirt over his shirt – the one I had received. It had folds on the chest which made it look like he had been lifted up.

43.4 I also noted that he had gained weight in detention and that there were no obvious injuries.

43.5 He had no belt or shoelaces. This is standard police procedure for detainees and prisoners. They are removed before people

are put into cells because there is a history of prisoners using them to hang themselves.

44. I observed the following:

44.1 The cloth in the photograph is not the kikoi which I received, and which appears in two photographs which the police took. The kikoi in the photograph supplied by Erasmus has bold stripes with no indication of a knot in the end. My drawing shows a striped cloth with no creases from knots in the two ends.

44.2 The police report to the first inquest says he was wearing slippers. In two photographs he is wearing the formal tan shoes with the double sole. I had never seen Neil wear slippers and he did not own any before detention.

44.3 I remember clearly that the day and night of 4 February 1982 were very hot without rain. I was sitting in my cell worrying about interrogation the next day and it was so hot it was difficult to sleep. Neil would not have worn formal heavy shoes and the sweat shirt in the cell. He looked like he was dressed to leave the cell probably for interrogation during the night.

44.4 His legs and feet were hanging symmetrically and straight whereas his right foot normally turned in, i.e. if his right leg was hanging free the foot should be turned in. He had a fractured femur as a young child, and it healed with the lower part of the leg rotated out. His foot then curved in to compensate for the

external rotation of the leg. The curved foot is shown in the drawing attached hereto marked **EKF6**.

45. After looking at the photograph and recounting what had happened in 1982 to the investigator and the legal team, I experienced a recurrence of features of PTSD due to re-experiencing distressing emotions. I recovered within three months. I have become familiar with the photographs now and no longer experience the same level of distress.
46. At the time of the viewing and at the first inquest, I did not draw any specific conclusions from my observations of Neil's body. I was very traumatised at the time. Moreover, at the first inquest, the court was filled with SB members, including the perpetrators of torture. This created an atmosphere of intimidation that increased the stress on me.

EFFECT OF NEIL'S DEATH IN DETENTION

47. From the time I was informed of Neil's death and throughout the first inquest I was told by multiple sources that he had taken his own life induced by torture and conditions of detention. I did not question the reports.
48. The first inquest uncovered extensive torture of detainees including Neil but was not specific or conclusive on the last hours of his life, including whether he was killed by his interrogators or took his own life. For many people the difference was not significant.

49. However, for myself, his family and people close to him, it has remained distressing for all these years to imagine what he may have experienced in the last hours of his life. Inevitably we worried about what could have been done to prevent him from taking his life, if indeed he took his own life. This concern made the grieving process more distressing and we have not had closure all these years.

50. I was diagnosed with as a result of my detention, Neil's torture and death in detention. My PTSD was moderate to severe and I experienced the following effects:

50.1 Very poor concentration resulted in severe loss of my short-term memory. For example, I had insufficient concentration to brush my teeth and wash normally. I had to re-learn how to read and write and it was extremely difficult.

50.2 Severely disturbed sleep. I did not sleep normally for a full year.

50.3 I had features of depression.

50.4 I did not experience "flash backs" (described below) but have vivid memories of the main traumatic events, which can trigger some recurrence of PTSD symptoms.

51. I struggled to concentrate throughout the first inquest, and I remember only parts of it. I was re-traumatised by the accounts of torture and the heavy presence of the torturers in court when detainees gave evidence of their torture.

52. I recovered from the PTSD over the next few years but have some permanent effects such as:

52.1 Permanent loss of memory function for learning new numbers and new names which is not responsive to training. I am unable to remember numbers and struggle with names of people.

52.2 Before the detention I had a photographic memory. I was able to continue to study with some difficulty and obtained five post-graduate diplomas including three *cum laude* from Wits University.

52.3 I developed arthritis (ankylosing spondylitis) as a teenager but the PTSD appears to have increased the severity of the arthritis long term.

53. I know people and have heard about many others who continue to suffer from PTSD including intrusive and distressing flashbacks after being traumatised by the police in the 1980s. The PTSD affects their daily lives, their relationships and their ability to work effectively. It also affects their families and children. Children who lost their parents through assassination and murder by the security police are severely affected.

54. For years I felt severely stigmatised by my public profile which represented death from torture, although I understood that the response was well meaning. I withdrew socially to spend time with old friends. I have received extensive social support and solidarity from friends,

comrades, associates, the media and the public, including many people I did not know personally. This support has been generous, and it assisted my recovery. It also protected me from more serious security police actions in the 1980s, so I was able to remain in the country and continue working in organizations although I had to keep a low profile. I would like to take this opportunity to thank people for their support for myself and others affected by severe repression.

55. The security police continued to harass me throughout the 1980s, led by Paul Erasmus from *StratCom*. Harassment included visible surveillance, monitoring with interference of phone calls and post, abusive phone calls in the middle of the night, and home invasion. I evaded detention in June 1986 by leaving home for a few days.
56. I feared Whitehead's response to the second inquest and was concerned about my physical safety, until I learned of his death in 2019. I considered him a dangerous individual who had the ability and means to harm me. Whitehead joined the private security industry after he left the South African Police Service. One of his areas of expertise was technology and surveillance. I regularly switched off my cell-phone when I discussed the second inquest and Whitehead because I feared that he could monitor my movements, what I said and hack into any electronic communication.
57. I have personal knowledge of people that Whitehead had threatened. Before his death, Brian Sandberg who co-ordinated the Neil Aggett Support Committee. In or around 2012 he laid a charge of murder

against Whitehead at JVS. Soon thereafter Whitehead phoned Sandberg and told him to "*let sleeping dogs lie*". I interpreted Whitehead's remark as a threat.

State Organised Violence

58. The system of detention with assault and torture was used to terrorize not only the detainees but also their families, comrades, friends and colleagues. It was a key part of a broader system of state sponsored organised violence against leaders, organizations, students and community groups which resisted the apartheid policy with its systems of implementation.

59. This organised violence escalated throughout the 1980s as resistance increased and police methods failed to stop mobilization and organisation. In my experience it included the following:

59.1 Indefinite detention with solitary confinement, interrogation, threats, physical duress, assault and torture, show trials as well as repeated detentions.

59.2 Security police harassment of leaders included surveillance, raids and "dirty tricks" by *StratCom* such as death threats, poisoning, abusive phone calls, false allegations of spying, false rumours, interference in communication (phones, post and parcels), home invasions, tampering with vehicles, driving people off roads and damage to property.

- 59.3 Police assaults on communities, meetings and protests including live bullets, massacres, and crowd control methods used at short range (teargas, rubber bullets and birdshot).
- 59.4 Assassination of leaders carried out by the Vlakplaas death squad and other covert units. People were kidnapped, killed and "disappeared".
- 59.5 Bombings included letter bombs used for assassination, fire-bombing of homes and buildings, and explosives which damaged key buildings, such as COSATU House and Khotso House.
- 59.6 Police and military occupation of communities with roadblocks, patrols and large-scale searches (block to block, corner to corner and "stop and search").
- 59.7 The government resorted to mass violence with many killings and massacres from the mid-1980s which were largely instigated by a "third force" of state security agents and involved apartheid aligned groups, such as Inkatha. Local people organised to defend themselves.
60. The exposure of the system of detention with torture by the DPSC (Detainees Parents Support Committee) and other organizations as well as the publicity around the first inquest in 1982 damaged the image of the Nationalist led government within South Africa and internationally.

The Public Response

61. Neil's death was a turning point for many people around him – comrades, friends, his community and even people who did not know him. People realised the full personal implications of political activity. A very wide range of people responded and people who attended the funeral reported dramatic changes in their world view. Some left the country while many more committed themselves to build effective organization and resist the apartheid regime.
62. Organisation against detentions was sustained and supported the growth of community, youth, faith-based and labour led organizations around the country. The UDF and COSATU were established to coordinate and develop extensive organization.
63. White South Africans learned about the system of detention with torture through organization by DPSC with media coverage and the first Aggett inquest exposed the details. This process opened many people's eyes to the level of violence organized by the government to repress legitimate opposition to apartheid. It raised questions about the credibility and legitimacy of the Nationalist Party government. This had ripple effects.

Organisation Around Detention

64. The 1981/ 82 detentions and the first inquest elicited considerable public mobilisation against detention without trial. It was led by the Detainee Parents Support Committee (DPSC) and involved Descom (Detainee

Support Committee), faith based and community organisations, the media and organized labour.


65. NAMDA (the National Medical and Dental Association) and OASSA (Organisation for Alternative Social Services of South Africa) set up the Emergency Services Group (ESG) to provide health care and legal support, while progressive journalists ensured effective media coverage.

66. NAMDA / ESG provided a range of services from Johannesburg with decentralization across most of the then Transvaal, into the Free State and parts of the Northern Cape. ESG services were also established in Durban, Cape Town and the Eastern Cape with outreach. Services included:

66.1 Detainee health care, both medical care and counselling by psychologists, counsellors and social workers. A clinic ran in Johannesburg and doctors saw detainees in their private rooms and local hospitals. It included medico-legal services which documented the injuries. I provided medical services in this space during 1985 and 1986 and consulted with many detainees, including children.

66.2 Call outs for injuries after police assaults and medical care at demonstrations, marches and events. Injured people were scared to attend the public health services where they could be arrested, and some died as a result. This evolved into the provision of health services for mass events.

- 66.3 Training camps to train youth teams from highly affected communities to provide first aid and basic counselling in their local communities. The first aid activities included rescue, first aid and referral to local doctors.
- 66.4 Equipment and supplies were supplied to local NAMDA branches, trained first aiders and large events, donated by the International Red Cross. SAHW and St Johns also contributed equipment.
67. These services boosted morale and resilience and earned health workers a respected role in the local anti-apartheid struggle. Detainees and support groups learned about the mental health effects of trauma and how to support affected people.
68. DPSC and NAMDA exposed torture of children with electric shocks in 1985 and 1986 bringing an end to child torture. After exposing child torture in a BBC documentary, Dr Fabian Ribeiro was assassinated in 1986 and Dr Paul Davis was subpoenaed to provide the names of the detainees who reported the torture by the security police. Thereafter detainee files were arranged without names to maintain confidentiality. NAMDA also documented assault and torture of detainees in 1986. The research report was presented locally but the British Medical Journal declined to publish it.
69. From 1985 to 1991, I was part of the ESG team providing health services including documentation on the injuries of detainees. Over this

 23
S. B

period, I consulted and provided clinical support to at least 300 patients in the clinic, including children.

70. The long-term mental health effects of PTSD are still visible in South Africa today. Many people have long term PTSD which affects their daily lives, relationships and effectiveness at work. Some continue to experience distressing “flash backs” (explained below) and others self-medicate with alcohol.

TRUTH AND RECONCILIATION COMMISSION (TRC)

71. The hearings commenced in 1996 and I gave evidence at the TRC on Neil’s death in detention. The transcript is attached hereto marked **EKF7**.
72. I did not motivate for further investigation of Neil’s death by the TRC because the first inquest had done extensive work although it was not conclusive. The SB members who were most involved, such as Whitehead and Carr, should have come forward to explain truthfully what exactly happened in the days and hours leading up to Neil’s death.
73. Former Warrant Officer Disre Carr applied for amnesty for “torturing a detainee”, which involved the death of an apparently unidentified person (AM 5008/97). Whitehead and his seniors decided not to provide information or apply for amnesty which opened them to criminal charges. Erasmus applied for amnesty and gave related but non-specific information. Carr and Erasmus were granted amnesty.

74. The TRC investigated and reported on many deaths and disappearances which had not been investigated previously. The TRC report with recommendations was submitted to the head of government but it was ignored. The TRC recommended to the National Prosecuting Authority (**NPA**) that several hundred cases, including the Aggett case, be investigated further with a view to prosecution (**the TRC cases**). This was particularly in cases where amnesty was not applied for or was refused.
75. I understand that few cases were taken forward. I have since learned through media reports, and the admission made by the NPA in the Rodrigues court case, that political interference suppressed virtually all the TRC cases. During the long delays many of the most serious perpetrators have died including Whitehead, who tortured Neil. Indeed, Whitehead died in the very week that the Minister of Justice announced the reopening of the inquest in April 2019.
76. The political interference that stopped hundreds of murder and torture cases from the Apartheid era from going forward cries out for a comprehensive commission of inquiry. It is astonishing that to date no inquiry has taken place, even though the families and the former TRC Commissioners have repeatedly called for one.

CONCLUSION

77. In the absence of state investigations, families assisted by legal teams and private investigators have driven the process. This has resulted in

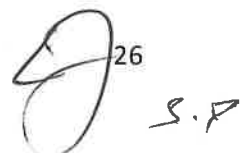
some limited progress in the cases of Nokuthula Simelane, Ahmed Timol and Neil Aggett. However, hundreds of other cases need to be taken forward. This must be done as a matter of urgency since family members, suspects and witnesses are getting old and dying.

78. Meanwhile those most affected by apartheid era violence rely on government services for housing, municipal services, education and training, health care, and access to land and employment. The reparations recommended by the TRC to redress harm suffered have not materialised. These lapses have serious consequences for the affected families, their communities and South Africa in general. So long as the state continues to protect perpetrators at the expense of victims the project of national reconciliation will remain incomplete. We must not forget the ultimate sacrifices made by people like Neil for our freedom and we should always remember that 'freedom is not free'.



ELIZABETH KATHRINE FLOYD

The Deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and affirmed before me at Jeppe on this the 22 day of JANUARY 2020, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
22 JAN 2020
658
JEFFRE
SUID-AFRIKAANSE POLISIEDIENS

7086 Q31 A
S.P. a gweny
COMMISSIONER OF OATHS

27
S.P.

CURRICULUM VITAE – DR ELIZABETH FLOYD 2019

1. PERSONAL DETAILS

Surname : Floyd
First names : Elizabeth Katherine
Nationality : South African
Date of birth : 27 April 1954

2. QUALIFICATIONS

QUALIFICATIONS	INSTITUTION	DATE
1. MBChB	UCT	1977
2. Diploma in Occupational Health cum laude	Wits	1981
3. Diploma in Child Health	College of Medicine	1982
4. Diploma in Tropical Medicine & Health cum laude	Wits	1984
5. Diploma in Public Health cum laude and epidemiology prize	Wits	1985
6. Diploma in Primary Emergency Care	College of Medicine	1986
7. Diploma in Health Services Management cum laude	Wits	1992
Masters in Family Medicine	Registered Wits 1990 to 1992, 2005.	Not completed due to illness

Notes:

- The four diplomas in Occupational Health, Tropical Medicine, Public Health and Health Services Management make up the course work for the Masters in Community Medicine.*
- Completed three years part time of the Masters in Family Medicine. Unable to complete the degree due to illness (severe arthritis in 1992 and 2005)*

3. NGO AND COMMUNITY EXPERIENCE

3.1 STUDENT PROJECTS 1972 TO 1977

Organization	Dates	Activities	Scope	
1. Rural health services	1973 - 75	2 visits in Eastern Cape Worked at mission hospital 2 months (NC) Trained nurses (GZN)	Understanding of primary health care (PHC) including the role of PHC nurses.	V
2. Informal settlements	1975-77	Education Clinical care for children	Understanding of social conditions Clinic started in Crossroads	V
3. Other community services	1972 1975/6	Literacy training Health education for domestic workers	Skills for working in communities	V



CURRICULUM VITAE – DR ELIZABETH FLOYD 2019

3.2 LABOUR MOVEMENT 1980 TO 1989

Organization	Dates	Activities	Scope	
1. Industrial Aid Society advice centre	1980 - 85	Treasurer Labour law paralegal service for unemployed. WCA	Paralegal service Management systems Financial system. Training	V
2. Health Information Centre	1983-86	Board member Research	Health and safety for the labour movement Maternity leave negotiations	V
3. Workplace Information Group	1987 - 89 full time	Research, technical advice and training	Health and safety for the labour movement Trained NUM with manual	FT

3.3 HEALTH SECTOR 1985 TO 1995

Organization	Dates	Activities	Scope	
1. NAMDA Transvaal	1985 - 91	Detainee care Office management committee ESG Treasurer (1) ESG service coordinator Emergency services with equipment Train youth Assisted with research	Clinical care of detainees Service for 3 000 ex-detainees Set up books De-centralized service for detainees, injuries and events. Medico-legal service Local youth first aiders in highly affected communities	V
2. National PPHC AIDS programme	1990 - 94	NEC Treasurer Set up and managed national office Organizational development Develop regions Training system Media campaign	National organization with management and financial systems. Plans, budgets, reports. 12 regions set up in 18 months Community awareness on HIV prevention and support	V

4. HEALTH EMPLOYMENT

Organization	Dates	Roles	Scope	
1. Nursing in Cape Town while studying	1972 - 75	Auxiliary nurse in hospitals Total of 9 months full time (FT)	General nursing High care nursing part time Terminal care for cancer (4 months full time)	FT
2. Medical doctor	1978 - 79	Intern in hospitals	Medical care of patients: surgical, medical and	FT

CURRICULUM VITAE – DR ELIZABETH FLOYD 2019

			paediatrics.	
3. Primary health care (PHC) in Soweto and Alex clinics	1980 – 87 1990 – 95 (13 years)	Medical officer (MO & PMO) Train nurses Set up support services in Alex clinic 1986/7. Set up HIV service in Soweto 1990 - 94	Clinical care Doctors manual. X-Ray, laboratory, pharmacy, and casualty. PHC services for HIV: clinical, counselling, and education.	PT (5/8)
4. Director in Gauteng Department of Health	1995 – 2019 (23 years)	Senior manager in government Communicable diseases with outbreaks. Mass immunization campaigns. STI, HIV and TB policy and program AIDS policy and program for health, all departments, workplace, community sectors, and municipalities. Head of Secretariat for the Gauteng AIDS Council 2001 – 2018. Includes home based care, OVC, ART, TB, HIV testing, PHC service, life-skills training, peer education, community models, and communication. Global Fund committee National AIDS Council (SANAC) planning. Project manager	Set up and ran the Gauteng Health and Multi sector AIDS programs with coordinated plans and reports: 13 departments, workplaces, 15 sectors and 5 municipalities. Support for EXCO and the Gauteng AIDS Council. Technical support on plans and effective implementation models Government management and financial systems: HR, policy, plans, costing, budget, grant management, guidelines, procurement, reports, monitoring and evaluation, research and reviews. Managed a multi sector program Mass campaigns with media supplies, communication, advertising and events. NGO funding system. Funding Managed outbreak responses from 1995 to 1999.	FT

I retired from the Gauteng Department of Health at 65 years of age in 2019 after 30 years of continuous service, including 23 years as a director.

5. REFERENCES

- 5.1 Dr Nikki Padayachee
Previous Chief Director for Corporate Services in Gauteng Department of Health
- 5.2 Dr Hugh Gosnell
Previous PPHC National Coordinator
Previous Head of Department for Gauteng Department of Health
- 5.3 Reverend Gift Moerane
Member of the Gauteng AIDS Council: Deputy Chair to 2018



CURRICULUM VITAE – DR ELIZABETH FLOYD 2019

SACC Gauteng Secretary

5.4 Bishop Siphonia Tsekedi

Member of the Gauteng AIDS Council

All African Federation of Churches national President

5.5 Manene Thabane

Previous member of the Gauteng AIDS Council

CONTRALESA Gauteng Chairperson

5.6 Premiers of Gauteng government who chair the Gauteng AIDS Council

Premier Mbhazima Shilowa

Premier David Makhura

Previous MEC for Health Dr Gwen Ramokgopa

5.7 NAMDA Transvaal and ESG service

Dr Fazel Randera

Dr Mvuyo Tom

Mpelegeng Helen Lebelloane and Ntjantja Ned

Frankie Connel

Dr Peter Barron

EKF2

At the mortuary
February ~~1892~~
1982
Bright white light

EJG/1/12/2019



White suture

EJG S.P.4

CLOTH 2

From photograph
at inquest 1982.

Striped kikoi cloth.
wrapped loosely
around neck.
like a big scarf.



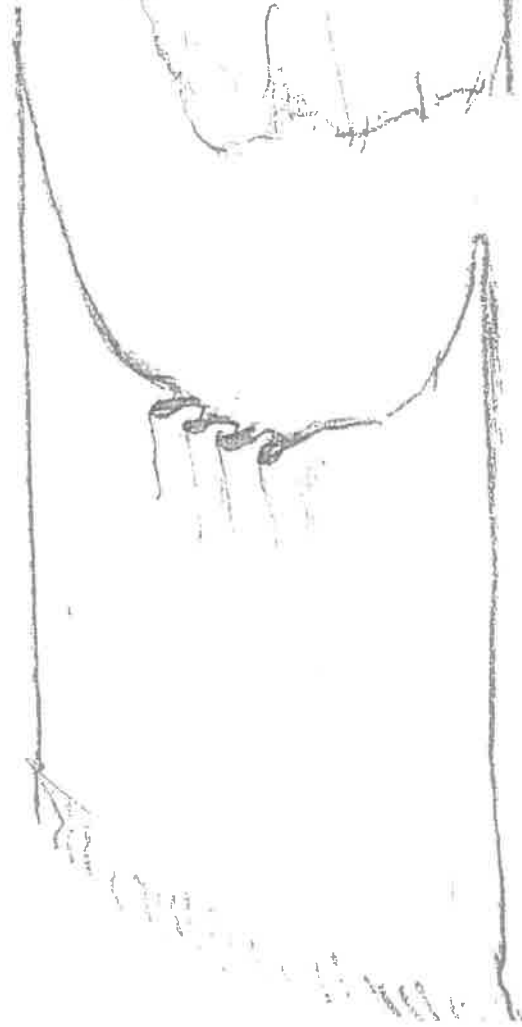
EKF3


D.P. 3

Three pieces of a. Kikoi cloth,
Bright blue and white checked.
Thick cotton. New (unwashed).

Cloth I
Cut into 3 pieces
Oct/Nov 1982

Clear cut edge
Flat

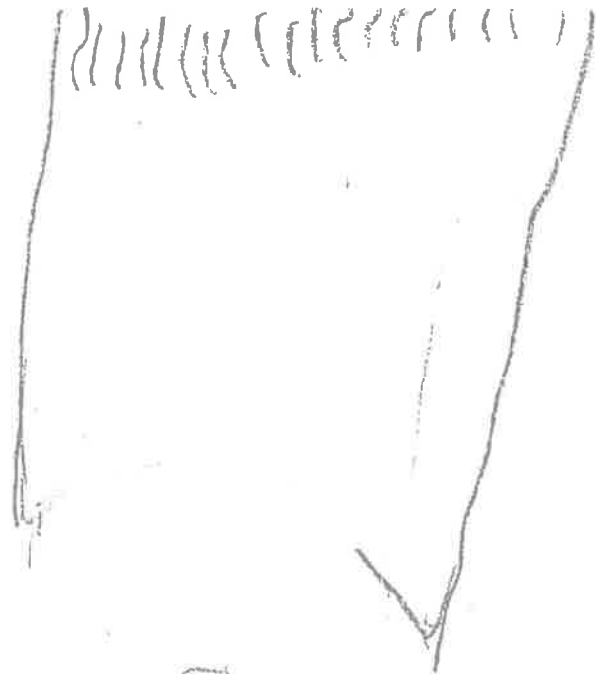


Crumpled up

a.

b.

c.



c.

J.S.P.

EKF4

Ekyo 1/12/2019

Shoes from cell
Oct/Nov 1982

Tan men's shoes
with double sole.
No laces
New
light tan color

EKF5

Unused travelling
slippers (stokids)
Navy blue

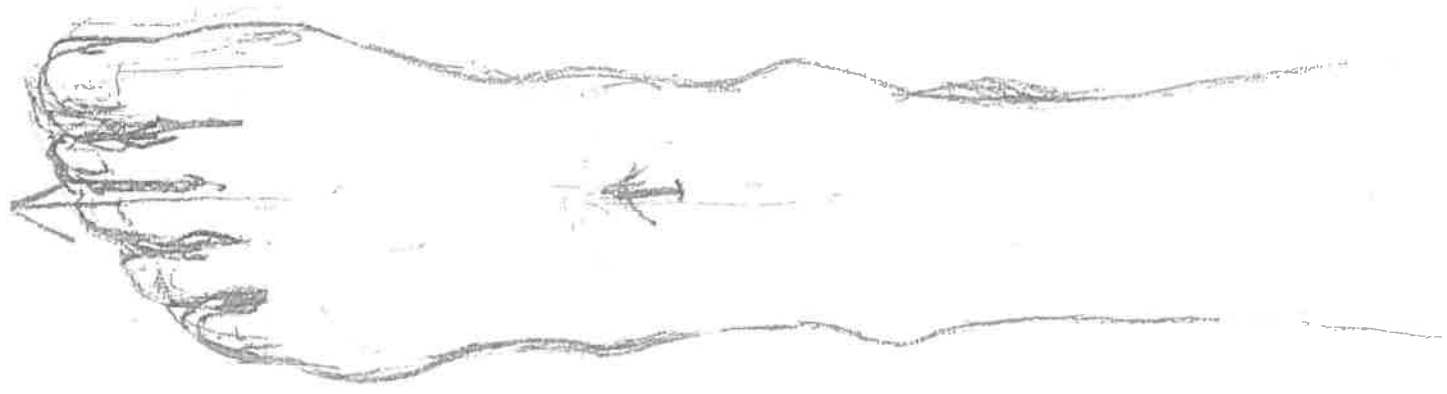
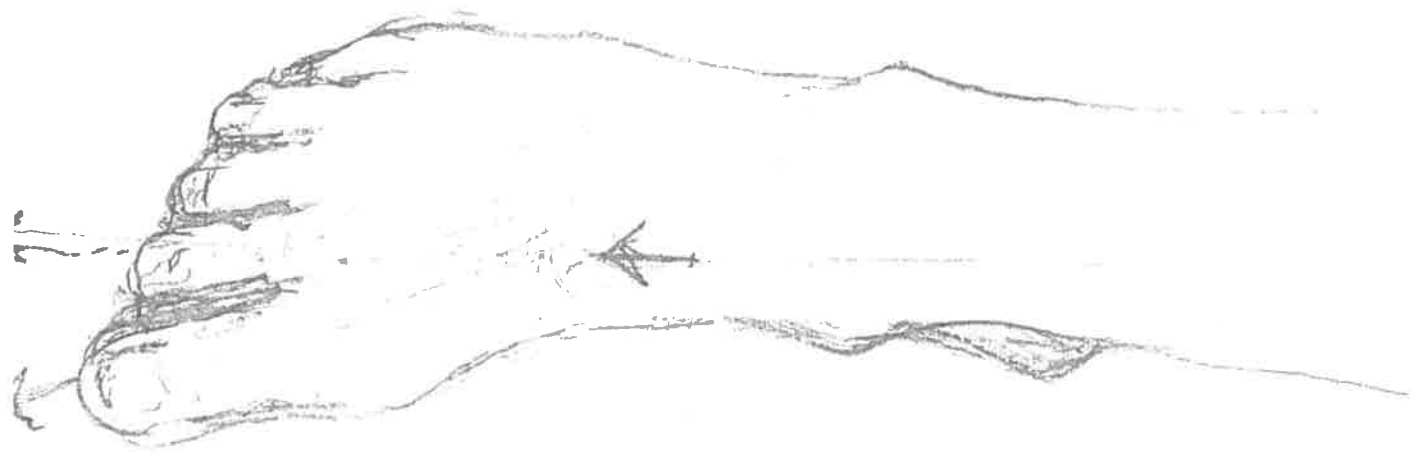
1/12/82 E. Ford



S.P.T

R foot
Turned in at metatarsals -
Dorsal -
tarsals. Due to # femur
of a small child

EFK6



EFK6
T.P. 5

TRUTH AND RECONCILIATION COMMISSION

EKF7

HUMAN RIGHTS VIOLATIONS

SUBMISSIONS - QUESTIONS AND ANSWERS

DATE: 02.05.96 NAME: ELIZABETH FLOYD

CASE: GO\ - JOHANNESBURG

DAY 3

CHAIRPERSON: I would like to welcome the Premier of this Province, the Honourable Tokyo Sexwale. It's sometimes very difficult to remember that these are now are Premiers when you think of where they come from and where we come from, but he is our Premier and it gives considerable hope that someone as young as himself should be Premier of the premier province of our country and be doing such an outstanding job of work. It gives very great hope for our country and shows the depth of quality leadership that we do have. I will allow you to clap him as he comes up.

MR SEXWALE: We thought we should break out of our schedules. It is correct to come and humble ourselves here, to recognise the work that is being done by this Commission. ...(tape ends) ...with the reality of the pain of the past and of course, in welcoming the Commission here to this province, having seen part of the work done in Eastern Cape and Western Cape last week, we also came therefore to humble ourselves under the tears of the mothers whom we know, the friends, the children, many of the people who felt the brunt of the pain as we were hunted and they had to answer, **waar is hy?** We thought it should be their turn to speak first and not ourselves, we thought is correct for us to come and hear in silence this time the screams, the begging for mercy as electricity, sjambok, knobkierrie was tearing both the human body and soul. All these things in exile and underground in prison we did experience, but the question is, are we prepared to come to terms with our pain with the past? Are we prepared not just to hear the truth but to forgive, to reconcile?

In many ways I was a victim, physically we went through heavy torture, we saw people falling, we could not pick them up and we had to go. Some are still in unmarked graves. Maybe everything is exemplified by the blood and the pool running from the head of a Chris Hani lying on a pavement, maybe that's the time when you are called upon to come to terms with your country. So we have come here to humble ourselves and to hear other people coming to terms with that horror of the past, so that when you meet it in the future you recognise it and you can say **hold, hold**, as Macbeth says. I therefore as Premier of the province would like to welcome the Commission here and to say a last word. I was an underground fighter, a soldier for freedom. There was a time we thought that by now we'd be sitting and cutting necks and putting people on the firing line. There was a time when we thought we're going to solve what you are doing here with a lot of gunfire and punishment, in seeking vengeance, in avenging, but we have come here to be disciplined that it's not gunfire, it's not retribution, it's not hatred that will solve it. It is ordinary people coming forward and saying, **I am prepared to hear the truth in its full ugliness but nevertheless I am prepared to forgive.** Perhaps our country in the next century will go down as a leader because I don't remember anywhere in the world where such a Commission was commissioned.

I therefore want to welcome the effort that has begun and to sit back quietly amongst the people and to listen to the pain. I felt it but I want to see how others felt it. You are welcome and we congratulate you and hope you do a good job out of it and trust and understand that the courage involved here is one that brings you very close to the border sometimes of hopelessness, but we have hope.

Thank you. I hope that was two minutes.



DR BORAINÉ: Well can we come to order please, there are a number of people that we would like to welcome very specially, we have representatives from a number of embassies that I haven't referred to thus far, that includes the Netherlands Embassy, the Norwegian Embassy and the Swedish Embassy, and I'm quite sure there are others, but as I am alerted to that I will mention you. If you are amongst the ones I have just mentioned plus representatives from the YWCA and the World Conference on Religion and Peace, I think Reverend Mrs Matham, could you just stand for a moment please so that we can identify you and that the cameras can also identify you and the radio service that is covering these commissions. Will you just stand for a moment? Thank you very much indeed, thank you.

I understand also that Mrs Sparks is here, if you could please stand just for a second, upstairs downstairs? There we go, nice to see you, thank you.

Also and this is a particular pleasure to welcome George Bizos here, could he please stand if he's in the audience? There we go, thank you very much.

Chairperson we continue with the work of the Commission and we would like to call Elizabeth Floyd to the witness stand please.

Could I just remind people that are attending the hearing that if you don't require a head set, please hand it on to someone else who may need it more than you. And if I could say to the staff, if there are additional head sets available, would you please make them available as widely as possible so that the maximum number of people can participate in a relaxed way and in an informed way as possible?

Elizabeth Floyd, it's very nice to welcome you here to the Commission. You won't require the headphones, I don't think, so let me say immediately that we know and recognise that this is not an easy matter and that you must have thought very carefully about whether or not you wanted to do this, we are very grateful that your decision was to come. You will be talking to us about someone whose name is a household name in South Africa, Neil Agget, many of us knew him, certainly a number in this audience and a number on the Commission itself and remember in vivid detail his own death. You will know it much better than anyone, so we are extremely grateful and we would invite you to relax as much as you can and to tell us your story.

Before you do so I must ask you if you will stand for the oath please.

ELIZABETH FLOYD: (sworn states)

DR BORAINÉ: My colleague Russel Ally will take over from me now. Thank you.

DR ALLY: Welcome Liz and thanks for coming. In 1981 trade unions were black members were eventually allowed to be recognised under the Labour Relations Amendment Act. Although they were given this legislative recognition between September of 1981 and 1982 there was an intensive period of repression against Trade Unions and trade unionists for alleged involvement in political activities. A number of them were detained, especially under the Terrorism Act of 1967. Neil Hudson Agget was a medical doctor in Johannesburg and secretary of the Transvaal Branch of the African Food and Canning Workers Union. On the 27th of November 1981, he was detained under the General Law Amendment Act and the Terrorism Act.

After a period in Pretoria Prison Neil Agget was taken to John Vorster Square on the 11th of December where he remained until his death in the early hours of the 5th of February 1981. He was found hanging from the bars of a steel grill in his cell tied by a ...(indistinct) coil. I'm going to ask you now Liz to relate these events to the Commission?

MRS FLOYD: The story that I'll be telling, as you mentioned is a very well known story and for that reason I'll try and be fairly brief about it. However this story was well known to those who wanted to



hear it at the time and there were people who didn't want to hear and there's now a younger generation who don't know about it. So I'm going to be fairly brief and then make some comments about what happened in the context of what came afterwards, and also some of my experience in working with detainees extensively through the 80's as part of a team of health workers who cared for detainees on their release.

As you said, Neil was a trade unionist, a medical doctor and he was also a conscientious objector who had been called up for the army and refused to go. The investigation that we were involved with really came out of the union movement's precursor to what is now COSATU. During the 70's the unions were incredibly depleted by repression and towards the end of the 70's unions were building up, not in the way that we know them now and around 1980/81 the concern of the security police was that the unions were identifying themselves with political issues and the political history of our country, and they were fairly paranoid about that. And that was really what the investigation was about, it was trying to link up the broad, more left end of the union movements, in with the ANC and construct a Treason Trial. However when they started with their detentions they had very little information available to them and their strategy was in fact to construct the charges out of interrogation. So it was certainly an investigation where there was very extensive interrogation where they tried to create their case and there were several ways of interrogation. We went in on the second ways. So the case was actually being established on interrogation.

Before detention Neil had received very intensive security police attention and for around six months before he was detained he was being followed a hundred percent of the time, and followed regularly by five cars at a time. So he was well aware of the pressures building up and one of the possibilities at that stage was to leave the country, although that was not really an option for him, and we were well aware of what we were up against. A cruel, a dirty and an unjust system and that is partly we were involved in it.

In terms of what happened, you mentioned the basic outlines. In February Neil was found hanging from his cell and the question really for everyone was, was he killed in interrogation and hung up or did he in fact take his own life? In terms of his death there was very intensive coverage in the news about him as a person, the nature of detention and what were the issues that the security police were trying to tackle there, the union movement as it was then. The investigation involved large numbers of unionists and people involved in the labour movement. When Neil died the investigation kind of came to an end, well not an end but they tried to wind it up and produce a series of trials. Only one person received a lengthy sentence and the others were either minor sentences or most people came out. Of that group of people, people were pretty damaged by the experience, there were few that continued normally after that. Some people subsequently died, Eric Ntongo also died in detention, others died through accidents and the concern out of my experience is how many of the accidents were genuine?

Even before Neil's detention we were exposed to situations where unionists would find one tyre of a union vehicle had been pumped up and the other had been deflated, and the personal damage to people was very extensive.

I think with Neil's death, peoples' worst fears about detention were confirmed. Everyone knew this could happen but I think it still very shattering when it does happen, and what was a little bit unusual about Neil was that he was the first white person to die in detention.

For the black people involved in our struggle, that was particularly significant, that there was a white person who had not held back when things got really tough and has payed the ultimate price. And the response from people was quite dramatic specifically on that issue. And I think for me it demonstrates how deep racism in our country goes, that when a white person demonstrates that level of commitment, how much it means to people.

When I was released from detention two months later, I found the people around us quite shattered by the experience, it was really a watershed for the community that we lived in and people were never

quite the same again. I think with David Webster's death there was another watershed, and yet the events of that period now for me are part of history because they so much has happened since then.

The inquest then followed and brought to light quite a lot of what had happened in detention. Now obviously the nature of detention means you don't know exactly what happened. In a way Neil went into detention and never came out and it was difficult to piece together what had happened, but a lot was actually presented to the inquest.

More than five detainees out of the same investigation in parallel detention talked about torture and the kind of torture that people were exposed to was solitary confinement, sleep deprivation, electric shock and suffocation with electric shock and I'm going to comment on that sort briefly, partly from our experience beyond that. Firstly when it comes to solitary confinement combined with interrogation, and particularly combined with the hard torture method when you're in solitary confinement and you have either no or extremely limited contact with other people, when you do come in contact with people you have very few defences left. If I come up to you here and now and start swearing at you and threatening you, you can ignore it and it can kind of run off your back, you might be a bit disturbed. But when you've come out of solitary you can't keep it out because you're so desperate for that human stimulation and certainly our experience in the detainee service, that combination of solitary and electric shock really was noticeably devastating to people.

We know that sleep deprivation completely disorganises people and if it continues for long enough it produces a really psychologically deranged person.

The people who have been through torture with electric shocks and particularly with the wet bag, as somebody described earlier, what you get is suffocation as you are shocked. In the description of those people and one of those people did give evidence at the inquest, is it basically makes you feel like you're dying, so it takes you very much to the brink of death and I think that is a lot of what detention is about in all its kinds of form, whether you're threatened with death or whether you experience that torture. The fine line between life and death in those situations becomes a very fine line and death is clearly behind the detention system and it's not by chance that we regularly have death in detention.

In terms of the inquest, a lot of evidence was brought the torture of other detainees, and in addition at one stage I think he would have been visited by a magistrate and reported his torture of receiving electric shock. A statement was then taken by a policewoman and from what we see it was then given back to the security police and it was shortly after that he in fact was found dead.

He also indicated to one of his co-detainees that he had received electric shocks. So at the end of the day, while we don't know that he was killed in detention, or whether he actually took his own life, I think for myself the difference is not particularly substantial. What we do know is that if he hadn't been detained he wouldn't have died, and in inquest the lawyers said that it was induced suicide, but the conditions of the interrogation and the detention pushed him to that stage, and I think that the experience with Neil really taught the public that the psychological effects of torture are very very significant and I think that over the years the security police would find their methods to become more strongly focused on the psychological effects and not just the physical beating up and the dramatic physical assaults.

In the inquest the outcome of the inquest was that no one was found to be blamed for Neil's death. What we saw was the security police under tremendous pressure and they had quite a strong legal team, funded by government and out of our taxpayers' money, and in my own view in patching together the lives of the security police. Really it's very difficult for a detainee to prove that they were tortured when the witnesses are the security police and they consistently denied that there was any such thing.



If you look at the outcome of that inquest in terms of the legal system, that was the outcome, that nobody was to blame. For the public the inquest was a fairly successful situation, normally accounts of torture in detention do not get into the press because of the legal system, but because the evidence was presented in court it was extensively reported in the press and the public who wanted to hear, the view was that in fact there was detention in torture, and that the people that were subjected to it were in fact people who they themselves respected and could identify with, and that the system was rotten.

If you look at the reaction of the security police under those circumstances, their reaction was not so much to kind of feel bad about what they had done but to being very angry at being caught out on it and what we've seen since then is that deaths in detention have been consistently hidden, they couldn't have pulled another Neil Aggett. So one of the people who knew him, Eric Ntongo subsequently died. It was made to look as if he had been assaulted but his interrogator admitted that he had died in detention and they then stabbed him to make it look like a murder. Certainly from my own point of view like Stanza Bopape, where you had a disappearance out of detention, that's what is behind it because you'll notice that we didn't have another Neil Aggett.

Just to come to the people involved and in terms of perhaps why I'm here or what the Commission can do, I think firstly there is an enormous difference that was certainly obvious in detention between security police and the SAP, the uniformed police and the SAP frequently indicated that they were uncomfortable being associated with the security police and sometimes did it quite blatantly in front of them. I think the SAP have been entangled and I think they have been discredited. The woman who took Neil's statement about being tortured was an ordinary SAP policewoman and she was obviously disturbed by the situation she had been put in.

When it comes to the interrogation team, we had the same interrogation team, and there were a range of people on that team, I think within those security police circles there is some room for some of those people to feel unhappy either at that time or at a later stage about what they were involved with and I've recently been exposed to one of them who is now in quite a severe state of distress over that and I think would be coming forward to the Truth Commission.

But there are also some extraordinary peculiar people in that system, people who in general society would be regarded as psychopaths, who are professional interrogators and so on and it would be extremely difficult, I think for those people to be rehabilitated and I think society needs protection from them. They are professionals, they haven't disappeared, some of them have gone into other jobs, there are some other dirty units in the police that collect them.

The head of our interrogation team, Lieutenant Whitehead, had been part of the murder and robbery unit and they certainly shared their technology, so I think that there are different groups within the police with different kinds of functions, and certainly in terms of the responsibility it was very clear that there was a major responsibility particularly from Whitehead who had driven the interrogation team as had Senior Major Conwright. And then there are professional interrogators and torturers and then because the investigation was huge, they'd pulled in a whole lot of recruits to learn how it was done, who were the less comfortable members of the team.

I think with the legal team, they were also issues. That legal team was paid for by government, it was quite a high powered team. One of the senior members of that team is now a judge and he presided over a new, I can't even remember specifically what it was, but one of the functions of the new government last year.

Obviously with a magistrate, the security police could be fairly confident that they had support within the legal system, to look after them under those circumstances.

And just in terms of those people, well, kind of what these stories I think can achieve, is that firstly I think there were people who genuinely did not know what had happened and there were also people who didn't want to know. I think it's critical that at this stage of our society in terms of our transition that

A handwritten signature in blue ink, consisting of a stylized, cursive letter 'G' or 'J' followed by the initials 'J.P.' written in a smaller, simpler font below it.

people do know what happened and get a feel what was happening to people, and I'm not just talking about '81/'82 but right throughout the '80's, the very very large numbers of people who were detained, thousands upon thousands but not just those people, the other people who were affected in so many many ways, and I hope that your Commission will be hearing more and more about that.

In some ways a civil war was fought over peoples' personal lives. There are those people who implicated. who have very specific responsibilities and there's a range of ways that I think you need to deal with them, but there certainly are those institutions in society where I think there are questions about their history, for example the judiciary, and the magistrates and those sorts of systems.

I think it's particularly important that people who currently behave as if there was no problem, and I'm thinking particularly of quite a lot of white people in this country, who have taken on into the new political period as if there was no problem, those people need to understand that there is a problem and while they may not have taken specific responsibility, they can't pretend that it didn't happen.

One of the things that I notice is that there's a lack of acknowledgement from exiles about what happened in the country. There has been quite an effort to deal with the problems of exiles dealt with but there hasn't been a joining of history, of acknowledgement that everyone had problems and maybe they were different, but they're equivalent.

And then lastly, I think the detainees themselves and those affected, We don't easily talk about these issues. There's almost a culture of silence, we weren't allowed to talk about them, if you talked about them you got hammered. You got brought into court and kind of charged for making those kinds of statements. The legislation didn't allow it, the press weren't allowed to publish things, but in addition to that, I think a lot of us took these things on as part of the struggle and felt we must take it upon our shoulders, it's part of what we committed ourselves to. And that's why you also find that in some ways the damage to families is more dramatic. So for example for Neil's parents and his sister, they bear this full personal impact of that loss without having made a personal commitment to what he was involved in.

The other thing that happens with a lot of the detainees is they say it's part of the struggle. Part of the struggle was to destroy you and admitting that the struggle had damaged you or admitting that the security police had got the better of you, so one tends not to talk about those problems. And part of the struggle really was to survive, and we have a lot of survivors, we also have(end of side A of tape 14)

(side B starts after some gap in the recording)

DR ALLY: ... although it might have been well known to certain people I think this is an opportunity to become well known to the country as a whole and part of the task of the Truth Commission, a very important task is to try and establish as detailed a picture as possible, as comprehensive a picture as possible of what happened in the past, and it's testimony like this which I think will greatly assist us in achieving that particular objective, so I think it was a very important testimony.

Just a few questions, the first is, could you just tell us a bit about Neil, the type of person he was and about his involvement?

MRS FLOYD: Neil actually grew up in Kenya and his parents left Kenya at the time when the new government came into place and came to South Africa, and he went through a fairly standard middle class upbringing. I think when he came to university initially he was not exposed to explicitly a political environment, but certainly was a kind of young intellectual who was looking at other realities than the ones that he had been brought up in.

He was at medical school in Cape Town but it was when he came to Jo'burg that he met up with people who were more directly involved in issues, particularly the Labour Movement. Initially in

Johannesburg he was a doctor working at Tembisa Hospital. He then had the problems with the Army. His initial plan was to leave the country when he faced a call-up but by the time that that came he was involved enough to decide to stay, but it was quite difficult because as a draft dodger, he couldn't take a conventional job.

He then was involved in setting up the Johannesburg Branch of the Food and Canning Worker's Union. In the '60's food and canning had been very extensive, it had then kind of lost ground under the repression and they were reexpanding. Food and Canning was part of a range of unions at that time which were going in similar directions. SAWU people came up here and he assisted them in getting going, and he linked up with people like CAWUSA and The Municipal Workers Union. Through that experience he became more and more exposed to the realities that people faced and more responsive to that kind of organisation, and very committed to the union movement. And when the pressures and the dangers built up, I think felt so involved in that that he didn't really think about extricating himself from it.

But the dual problems of being in the union movement at that particular point and being a draft dodger, put him under tremendous pressure, and his life really was completely involved in the union.

DR ALLY: Thank you, in your statement you say, and I'm quoting,

"We do not know whether he was killed or was driven to a situation where he saw no option but to take his life".

what do you feel about that particular statement and how do you think the Commission can assist in perhaps clarifying that situation?

MRS FLOYD: I think for some people that's an enormous issue and particularly if you hear some of the evidence given today and the history of people who were quite obviously extremely badly physically assaulted and were alleged to have committed suicide. Everyone's very sceptical about the so-called suicides out in detention. I think with Neil I don't rule it out but I'm saying that that's a huge issue for debate, I think it's a technicality. For me it's fifteen years ago, it's not really an unresolved issue for myself. I don't know if that answers your question. It may be more so for his family and my feeling is, if there are interrogators on the team who know about it and they want to come forward, let them do so willingly, and I think the issue there is that those people should be protected from intimidation by their peer group, if that's what they want to do.

DR ALLY: Thanks that does help. In your testimony you actually spoke quite a bit about the methods which were used, the alleged torture methods by the Security Police. In Neil's case there was a particular period according to the inquest in which there was allegedly an intensive period of interrogation referred to as the so-called **Long Weekend** which stretched from the 28th of January until the 31st of January where Neil allegedly never left the 10th floor, never changed his clothing, never washed or never had any exercise, for 62 hours he had no contact with anyone save his interrogators. Do you want to tell the Commission a little bit about that so-called long weekend.

MRS FLOYD: Given the situation where Neil was in detention and people didn't have contact, it's quite difficult for me really to comment on that, but I think when people are exposed to that, you really get a disintegration, everyone has their limits, and that came after a two month period of solitary. Everyone has their limits, and the descriptions of people who've been through that deprivation is that they disintegrate and certainly that kind of interrogation is accompanied by extensive threats, and as I mentioned, when you've been in solitary, you don't have the mechanisms to defend yourself against that onslaught. I don't know if I can give any more kinds of insight.

DR ALLY: Thanks that was very helpful, I'm done.



MEMBER OF PANEL: Thanks very much. You've spoken at great length about the situation in the '80's through your own personal experience and also studies that you've done subsequently also on conditions in detention. I wondered you could comment on an earlier stage which in fact comes within the brief of the Commission. We begin in March 1960, now through my own experience and what we heard from Charlie just this morning, there seems to have been a quantitative leap in what you call the professional interrogation, between say the time of Sharpeville when it seemed that quite a number of the people who were taken in detention that time had a fairly bumbling experience of how they were handled. There was a quantitative leap between 1960 and certainly by the end of '63, beginning of '64 that would suggest as well that the sophistication of interrogation, of handling, the sophistication from the police and particularly the Special Branch side, came from a period of training, a very rapid period of training that must have taken place in those few years. Do you have any comment or in fact any suggestions for the Commission about where the South African Police would have got that training from, they obviously went out of the country?

MRS FLOYD: I don't, but what I think what we do know is that, if you talk about the systems of organised violence and interrogation and detention is one of them, is that there are international patterns and that that expertise is shared internationally. There's no question about that. I can't shed any more light, I was quite young then.

MS MKHIZE: Liz I would also like to thank you for sharing openly about your understanding of our victims' experiences in detention, partly as you are aware, as a Commission, we are expected to assist in making sure what people like Neil went through doesn't happen again. I would like to hear from you, and I know on the basis of what you've been saying, you might have some ideas as to what needs to be put in place. A related question is about possible reparations, you have mentioned that there are quite a number of people who went through a similar experience that you have worked with and as a Commission we have to come out with a policy guide line pertaining to reparations. I don't know whether you can share with us just briefly on those two points.

MRS FLOYD: Can you just remind me of the first point?

MS MKHIZE: The first one was really as to how or what do we need to think about as a Commission or what advise can we give to policy makers to make sure that what you are describing to us doesn't happen again?

MRS FLOYD: If you look at the system of detention as it existed then compared with 1990, in fact the system as they used it then had been destroyed and it had been destroyed by an organisation or process. Now our period of detention was a period that sparked off the whole detainee support movement, DPSC, DESCOM, a range of legal support, the health-care component of it, and we went through many many phases in that and in the end it was really detainees themselves who took over and through the hunger strike brought that system of detention to an end. So I think with Steve Biko's trial, the issue of beating up prisoners became something where, even if you did do it, you better not let anyone find the results of it.

I think with Neil there was the issue of torture with electric shocks and also the psychological effects. In fact what happened is the mechanisms have shifted, so there was a period when people came out of detention and were under extensive house arrests and a risk for assassination. Now they shifted the system into another form, because the one form lost its effect, so they used another one, and certainly I think that the Third Force violence is in fact our last stage, and I believe that some of the same individuals are involved in that. I mean if you look at some of the professionals, some of them have technically come out of security or CCB or whatever and they're employed elsewhere, but there is suggestion that they are utilised on that system. So I think it's a shifting system and if you look at the key component that was really political organisation that brought that about.

So I'm not sure exactly what you put in the future, obviously democracy is the key safe guard and I think in terms of reparations i would suggest that you need to talk to people individually, I think there

are different meanings for different people, and it's probably per the individual and again I think people like ourselves, the political stage that we've reached now, means quit a lot in terms of what we were there for, but that's really different for a mother or a child, it's a different kind of loss.

DR RANDERA: Liz earlier on when the Chairperson was introducing the Premier of our region he made a point of noting what remarkable people have come out of the struggle and where they are today, and I note that you are now a director in the Gauteng Health Department and I congratulate you on that position. My question is more related to what you said earlier on in terms of looking after people who were in detention as a doctor and as a health worker, and the question I'd like to ask is, are those files available, is the information available that will have or add meaning to the work that the Commission is doing?

MRS FLOYD: There is some collated information for '95 and '96. After December '96 we find it extremely difficult to publish any information because of the legislation and even the '96 one we had to go to great length, we used legal advice in the study design and we destroyed files afterwards to protect ourselves against subpoenas to people who'd given those statements being taken into a court and being charged with statements that they couldn't prove. A lot of the information is supposed to be somewhere, I think we had to do like our records without names and I think they were archives to protect them, and the people involved are beginning to discuss looking at those, but it would be quite a big task. The study from '95 is Paul Davis'es and the '96 one is from Nando and those could be easily submitted to the Truth Commission. With the latest stuff, it's a question of finding the files and collating them or getting the people involved to actually verbally report on what they saw.

DR BORAINÉ: Liz I want to take you back to the inquest if I may, I just want some clarity so that we have the fullest information possible. First, the police woman who took the statement from Neil concerning electrical torture that he relayed to her, did she appear at the inquest when she gave that information?

MRS FLOYD: Yes she did appear in inquest and the statement was presented to the inquest. I think in terms of the inquest there's very extensive documentation.

DR BORAINÉ: Thank you ,notwithstanding that statement and many others, the decision was that no one could be blamed for ...(indistinct) under duress?

MRS FLOYD: That's true.

DR BORAINÉ: Following that same line, the fact that she also gave a statement of alleged torture to a visiting magistrate which was only investigated three weeks later, was that information also given at the inquest?

MRS FLOYD: I believe so, I can't remember everything that happened in the inquest, it would be useful for you to review the record.

DR BORAINÉ: But we will obviously be able to find out the name of that magistrate from the inquest records. A final question, was it also made clear in the inquest that Neil Agget was subjected to 60 hours of interrogation between the 28th and the 31st of January?

MRS FLOYD: That's my understanding, I'm sure that's right.

DR BORAINÉ: Thank you that's all.

Ms SOOKA: Liz it seems quite clear from what you've said that you've got quite a few strong opinions on the role of different professions in this whole saga, and one of the things that we're becoming increasingly aware of is the fact that both the medical and the legal professions have come under quite strong scrutiny. You've in fact said that the legal system was in support, and I would like you to

clarify that firstly, because on the other side you also have people who were actively supporting detainees and people who were in that situation, but in addition to that you made mention of the fact that one of the persons in the legal team is now a judge. This Commission has to make recommendations about future human rights abuses can be avoided, have you given any thought to the role of the different professions in the whole exercise, and how if they do their job properly, things like this can be avoided in the future?

MRS FLOYD: Off the cuff I'm don't think I can give you anything very well thought out. Now obviously in the legal profession people defend people, you would know more about that. In terms of the health profession I would say we've made enormous steps towards a situation where on the whole the legal profession understands that if it deals with a detainee by about 1998 even, when a detainee went in to a provincial hospital they were treated quite well as a detainee. We then had the problem of the people with gunshot wounds who were being reported through the administration to the police and being arrested. So I think we have made progress and professional ethics are difficult, they're not apolitical.

Ms SOOKA: You also sounded quite upset about this fact that the legal team for the security police was paid by in fact, what is our tax money. Do you want to express an opinion about that because it's become quite a sore issue today given the huge amounts that were used to defend people who have committed violations?

MRS FLOYD: I think it's really in that context that the security police could rely on a wide range of support systems, they were not operating in complete isolation and that included a range of the institutions.

ARCHBISHOP TUTU: Any other? Thank you very much for the succinct testimony. One comment that I want to make which relates a little bit to what I said after Mr Jassat, I remember the funeral which you referred to and what struck me as giving such great hope for this country was that the overwhelming majority of those who attended the funeral which was at St Mary's Cathedral were what were called actually young blacks from the townships, that the cockles of your heart were warmed even at that time to see that there was a commitment, it seemed, which went beyond sloganeering to non-racialism, because here was a white doctor and you referred to the depth of racism but may be taking it more positively, I mean here were many of these young people who had often had unfortunate experiences with their compatriots who were not black coming out in quite huge numbers and doing the salute for him, which was the toytoy. Even in those dark days you felt there was this tremendous light that it was going to be alright, that people really didn't want to look at skin colour, they would say, were you for or against the struggle and that determined whether you were accepted or not accepted.

So thank you very much, and God bless you!

A handwritten signature in black ink, appearing to be 'A. J. P.' or similar, written in a cursive style.