

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 445/2019

DATE: 2020-01-23

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FORMAL INQUEST

in terms of section 5 of the Inquest Act 58 of 1999

into the death of the late

DR NEIL HUDSON AGGETT

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**BEFORE THE HONOURABLE MR JUSTICE MAKUME M**

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<u>ON BEHALF OF THE STATE</u>	: ADV J MLOTSHWA
	: ADV S SINGH
<u>ON BEHALF OF THE FAMILY</u>	: ADV H VARNEY
	: ADV SCOTT
	: MS FAKIR
<u>ON BEHALF OF SAPS</u> [Previous SAPS]	: ADV F COETZEE
<u>ON BEHALF OF SAPS</u> [Current SAPS]	: ADV M AMOJEE
<u>INTERPRETERS</u>	: MS X HEGENI



537 KENSON STREET | CONSTANTIA PARK | PRETORIA  
P.O BOX 32917 | GLENSTANTIA | 0100

Tel : 012 993 1335 | Cell: +27784987479 | Fax : 086 601 5996

Email: [transcriptions@inlexsodb.co.za](mailto:transcriptions@inlexsodb.co.za) | [requests@inlexsodb.co.za](mailto:requests@inlexsodb.co.za) Website: [www.veritastranscribing.co.za](http://www.veritastranscribing.co.za)

PROCEEDINGS ON 23 JANUARY 2020

[09:37]

CLERK: Morning. The honourable Judge Makume in court 8 F. 23 January 2020. In the inquest of the late Doctor Neil Hudson Aggett. Case number 2019/445.

COURT: Thank you. Counsel you may proceed.

MR VARNEY: As the court pleases. M'Lord our witness for today is Elizabeth Catherine Floyd. M'Lord before the commence with Doctor Floyds evidence. With your leave I would like to hand up a few affidavits. We did promise that  
10 affidavits that had been completed and signed we would make them available as soon as possible. M'Lord the first affidavit and perhaps I can just take you through them ...[intervenes].

COURT: Yes.

MR VARNEY: The orderly does not have to go up and down five times.

COURT: Alright ja.

MR VARNEY: So the first affidavit in fact of today's is Doctor Elizabeth Katherine Floyd and M'Lord we would like to mark that affidavit as EXHIBIT G(4).

20 COURT: Will you please do it for me there?

MR VARNEY: It is marked.

COURT: Is it already. Yes.

MR VARNEY: M'Lord the second affidavit we would like to hand up is that that of Joseph Mhlupheki. And perhaps I should spell that second name for you. M-h-l-u-p-h-e-k-i and

Nyampule, N-y-a-m-p-u-l-e.

COURT: Yes.

MR VARNEY: M'Lord we would like to mark that affidavit as EXHIBIT G(5).

COURT: Yes.

MR VARNEY: The third affidavit is that of Mohanoe. M-o-h-a-n-o-e Gerden. G-e-r-d-e-n Maketha. M-a-k-h-e-t-h-a. M'Lord we would like to mark that affidavit as G(6).

COURT: Yes.

10 MR VARNEY: The next affidavit is that of Firoz Cachalia. And it is F-i-r-o-z C-a-c-h-a-l-i-a.

COURT: Ja.

MR VARNEY: And we would like to mark that affidavit as G(7).

COURT: Yes.

MR VARNEY: And then finally M'Lord we would like to hand up the affidavit of Parnanathan, P-a-r-n-a-n-a-n-t-h-a-n Naidoo. N-a-i-d-o-o. We would like to mark that affidavit as G(8).

20 COURT: Okay.

MR VARNEY: G(8). And I beg your pardon M'Lord there is one more M'Lord. The affidavit of Maurice, M-a-u-r-i-c-e Smithers. S-m-i-t-h-e-r-s. And we would like to mark that affidavit as G(9).

COURT: Yes. Thank you. M'Lord you will recognise some of

those names. Mr Smithers. Mr Maketha, Mr Nyampule in fact he does accompany the inspection, and I can confirm all our colleagues have received copies as well.

COURT: Yes, thank you. Thank you very much. Documents are handed in.

MR VARNEY: As the court pleases. M'Lord with your leave I would like to call to the stand Doctor Elizabeth Katherine Floyd.

ELIZABETH CATHERINE FLOYD: duly sworn states.

10 COURT: Thank you. You may proceed.

EXAMINATION BY MR VARNEY: As the court pleases. Doctor Floyd can I just check you are comfortable. With the leave of the Court you are entitled to sit down if you so wish. Do you have some water? If there is anything else you need, please just stop and let us know. Can I just confirm that you have a full copy of your affidavit with you?

MS FLOYD: Yes, and I have the annexures.

MR VARNEY: And the annexures as well. So, we can confirm for the Court's benefit that this is your affidavit which you in  
20 fact signed on 22 January 2020.

MS FLOYD: Yes.

MR VARNEY: Thank you. You do not have to stand.

COURT: Yes.

MS FLOYD: I will stand and sit accordingly.

MR VARNEY: As you please. Now Doctor Floyd we certainly

understand that having to testify on this matter is a potentially difficult exercise for you. And we would like to give you as much latitude as possible. We certainly will not rush you in any way, and if you need time out you simply have to indicate to the Court, and the Court I am sure will assist you. We also appreciate your readiness to assist this Court in leading the truth what happened to the late Neil Aggett. Since we are talking about statements. Can I just check? Did you make a statement before the first inquest? The 1982 inquest?

10 MS FLOYD: Yes.

MR VARNEY: Because that – that statement does not appear part of the record of the first inquest, but it is nonetheless referred to in your evidence. I mean you were being cross-examined. M'Lord we are investigating ...[intervenes].

COURT: Yes.

MR VARNEY: But it does seem that Doctor Floyd's first statement might either have been excluded of the evidence or it is part of the missing aspects of the record, and we will revert to you once we have gotten to the bottom of that.

20 COURT: When you say it has been referred to, is it referred to in the judgment or what?

MR VARNEY: It is not referred to in the judgment, but it is referred when she is led by George Bizo ...[intervenes].

COURT: Okay.

MR VARNEY: And occasionally under cross-examination.

COURT: So, she did give evidence.

MR VARNEY: She did give evidence in the first inquest. We do have her testimony M'Lord, and we can give you the page numbers.

COURT: Yes.

MR VARNEY: Doctor Floyd just to give you a sense and to structure the evidence for today. I thought of dividing your evidence up into five sections. And of course we are not going to stick to them strictly to religiously but it may be of  
10 assistance to you as well as the Court if we deal with in in some logical manner because there is quite a lot to get through. So firstly, with your personal details and I will ask you to take the Court through in your *curriculum vitae*. Secondly, we will ask you describe your relationship with the late Neil Aggett, and also to set out your experiences in relation to Neil Aggett pre-detention.

Thirdly we will then turn your experiences in detention, up to the death of Neil Aggett, and then post the death of Neil Aggett. And then fourthly we will turn to what  
20 transpired post-detention after your release. And we will look at your experiences at the first inquest and then we will look at your various endeavours between that inquest all the way up to today. And then lastly, we will seek your views on how Neil died. Now I should point out that you will appreciate that evidence we will not be presenting you as an independent

expert given your close relationship with Neil Aggett. But nonetheless we believe to give your views and opinions. And this is because you had occasioned to inspect the body, and you are highly qualified doctor with a great deal of experience and we believe it is important to hear your opinions on the matters.

So, Doctor Floyd let us then turn to part one. We can perhaps turn to your *curriculum vitae* which is attached to the first annex to your affidavit. And M'Lord that is the annex  
10 marked EKF(1).

COURT: Yes.

MR VARNEY: And perhaps if you can give the Court a highlighted tour of your career. Starting with your date of birth and perhaps turning to your education of qualifications and then dealing with the highlight you work in the labour movements and the health sector and your employment of course.

MS FLOYD: Okay. I was born in Cape Town on 27 April 1954. I went to school and to University in Cape Town. So, I  
20 qualified as a medical doctor in 1977. After that I did six post graduate diplomas. In the fields of public health and primary healthcare. I started working in Soweto clinics after qualifying.

MR VARNEY: And Doctor I will just raise a few things that I spot as we talk, and I notice that at least three degrees and diplomas you graduated *cum laude*. Thank you. Please

proceed. From 1981 I worked part time in the clinics. It would be working from eight to one, and I spent the rest of the time working in the organisations. And I continued that up and until 1986 when I was recruitment into the new Government as a Senior Manager. So, I am just going to list the community and NGO experience. When I was a student, I visited different projects in rural areas. Including two months in a rural hospital. I worked on projects in two informal settlements. I did literacy training and health education. In the Labour  
10 movement I worked in the Industrial Aid Society which was *paralegal* services for ununionised workers, and I was a treasurer.

MR VARNEY: Doctor correct if I am wrong, Mr Neil Aggett was he also involved in some point in the Industrial Aid Society?

MS FLOYD: I think he was before was, but at the time I was there, he was not actually working there.

MR VARNEY: Thank you.

MS FLOYD: Then 1983 to 1989. I first worked at Health  
20 Information Centre and then Workplace Information which were service organisations providing health and safety support and technical support and training for the labour movement. In the health sector, this is still my voluntary work. I worked for the NUMDA Transvaal. NAMDA is a National Medical and Dental Association and it was an Apartheid alternative to the then



Medical Association. Most of my work was in detainee care, including the manager of the office. I was the treasurer for a year. I was the co-ordinator for the emergency services. I did the equipment. I was part of teams that trained youth and I assisted with research. And during that period, I saw myself about three hundred ex detainees.

COURT: How many? Three hundred ex detainees?

MS FLOYD: Yes.

MR VARNEY: Yes M'Lord. Can we just make a small  
10 correction because in your *curriculum vitae* it says 3 000 would that read 300?

MS FLOYD: The service as a whole saw 3000.

COURT: Oh, I see.

MR VARNEY: I see. Okay.

MS FLOYD: 300 refers to the numbers that I saw.

MR VARNEY: To yourself. And when you refer to detainees, would these be individuals who have been detained under security laws?

MS FLOYD: Yes. They would be referred to us from the  
20 DPSC the Detainee Parents Support Committee. So, as people came out of detention and they went through a process of consulting, the organisation, they would come to us and then they would see lawyers. And then our service they would see medical doctors and then they would see a provisional counsel.

MR VARNEY: Thank you.

MS FLOYD: And I will come back later to what we saw in that sense. Then I worked for the National PPHC AIDS programme. PPHC stands for the Progressive Primary Healthcare Network. I was on the National Executive Committee. I was the Treasurer, setting up the national office, developing the organisation and worked on training and media, and this was a national organisation. It was the first community AIDS programme in the Country. Now my formal employment. While  
10 I was a student I worked as a nurse with about a total of nine months full time experience. I did six months full time in my holidays and then I worked nights and apart from the nursing experience I worked four months in a cancer ward. Where we did the hour to hour nursing for patients dying of cancer. There were not hospices at that time, so that ward was doing that work. And that is relevant, because I developed quite a lot of experience in lying out people after they had died. In fact, there were times on night shift I would be called from the ward I was to other wards to help nurses lay out bodies  
20 because of my experience.

Medical doctor. My internships. Three. 1978, 1979, and then from 1980 I worked in the Soweto clinics. I then worked for a year in addicts' clinic and then I went back into the clinics in 1990. In 1995 until in 2009 I was a Senior Manager in the Gauteng Department of Health. And I am

initially with Communicable diseases and then the TB and the setting up of the HIV programme, and I have been the Head of the Secretariat for the Gauteng AIDS Council for more than fifteen years. And the AIDS Council is chaired by the Premier. So, I have been Senior Manager in the Department of Health for twenty-three years, and I formally retired last year when I turned sixty-five. I think I am...

MR VARNEY: Thank Doctor Floyd. So, in fact in total you were with the Gauteng Department of Health for some thirty  
10 years.

MS FLOYD: I have thirty years continued service and a previous five years. So, it is thirty-five years.

MR VARNEY: In fact, thirty-five years. I see. It is very impressive. And I see you do make reference in your paragraph 5 of your affidavit to your experience as a nursing and cancer ward that you had to lay bodies of deceased patients, and as you have indicated we will be returning to that aspect of it later in your evidence. M'Lord I promise to give you the page numbers for Doctor Floyd's testimony in the first  
20 inquest.

COURT: Yes.

MR VARNEY: Those page numbers are 1267 to 1341. So Doctor Floyd in these proceedings we are going to focus primarily on the affidavit that you have made out for purposes of this inquest rather than traversing your previous evidence

which is as a matter of record is already before this Court. However, from time to time with the leave of the Court I will be going back into that evidence on the odd occasion. By enlarge we will follow your affidavit which you have before you. And we could now turn to the period pre the detention and in fact we want to look close closely at your relationship with Neil Aggett. And we really want you to describe how you got to meet Neil in the first place, and the early days of your life with Neil Aggett. Let us start with how you got to meet Neil.

10 MS FLOYD: We were both medical students at the University of Cape Town. He was a year ahead of me. I met him in third year. He was a fourth-year student and that relationship when I was in third year.

MR VARNEY: I see.

MS FLOYD: We lived together when I was in fourth and fifth year and then he left to do an internship and then he came back and then he came up to the Gauteng to do the second internship.

20 MR VARNEY: I see. So, you set that out in brief in paragraph 9 of your affidavit. You were in third year, he was in fourth year and Neil completed his medical degree at UCT in 1976 and can you confirm that you were romantically involved while at university.

MS FLOYD: Yes.

MR VARNEY: And while in Cape Town you had occasioned to

spent considerable time together and perhaps cohabitated together.

MS FLOYD: We were living together for two and a half years.

MR VARNEY: I see. And we heard from Mrs Gill Burger yesterday that you were staying in rather modest caudation and a cottage on a wine farm.

MS FLOYD: Yes.

MR VARNEY: Do you recall that?

MS FLOYD: Neil had found a place to stay that did not have  
10 electricity and that was the kind of environment that he sought out. So, he had quite a strong anti-materialistic ...[intervenes].

COURT: Sorry, I – I did not get that.

MS FLOYD: Neil had sought out a place on a farm to live which did not have electricity and he had a strong anti-materialistic belief system. He was part of reflecting on where had come from, and what kind of role he wanted to play in this Country.

MR VARNEY: I see. And for approximately how long did you spent time together in those circumstances.

20 MS FLOYD: Two and a half years.

MR VARNEY: Two and a half years. So, Doctor Floyd you have plenty of experience for the load shedding that we have experienced today.

MS FLOYD: It does not worry me.

COURT: So you lived in a farm cottage.

MS FLOYD: Yes.

COURT: For the two and a half years.

MS FLOYD: Yes. I lived there for three, because three and a half years, because he left to do his internship and I continued.

COURT: Okay.

MR VARNEY: So, let us continue with the trajectory of your time with Neil in those early years. And perhaps if we can turn to paragraph 10 in your affidavit. Because you are referring  
10 to Neil's concern about a situation in South-Africa. And you indicate that Neil in fact planned to leave the country in order to avoid military constriction. Can you explain to the Court, I assuming these are discussions you had with Mr Aggett why he came to that decision?

MS FLOYD: A lot of the young men at that time were not prepared to go the army, and obviously by 1976 that escalated, because had been deployed in townships. So, he was opposed to the Government at the time and refused to fight against fellow South African. She he had planned from fairly early on  
20 to leave the country and there were a lot of people around us. So, a lot of mine medical student colleagues left. Most of them left.

COURT: Most of them left?

MS FLOYD: Most of them left the country to avoid going into the army for two years and being potentially put on active

service on the boarder or being deployed into townships.

COURT: Okay.

MS FLOYD: Now what that, shall I continue on what? What the implications were?

MR VARNEY: Yes please.

MS FLOYD: Now the implication was, is after he had finished his internships he was supposed to go to the army and the military police were trying to track him down. He was unable to take a full-time job as a qualified doctor because I think the  
10 “draft dodgers” were sharing information, because they would be able to track him through his tax. And that is why he was not fully employed as a doctor and he was available to do voluntary work for the Union when Oscar Mpheta came to Gauteng to set up the branch. So, he was not able to continue with his full medical profession because he was a “draft dodger”. But he worked part time sessions at the Baragwanath Hospital Casualty. He liked the work. He was committed to being a doctor but it was one of the reasons he became a Unionist. There is another implication. After being detained  
20 the army would not have wanted him. So after the detention he would have been able to pursue his medical career again, and I know that in detail because one of my closest friends at Medical School was detained and then banned and the army did not want him back again

MR VARNEY: Would I be correct in saying that the army

would have regarded people who had detained as potential troublemakers and maybe an undesirable influence in the military.

MS FLOYD: They did not want them. So, it would have actually cleared the way for him to return to his medical profession and his career.

MR VARNEY: And on that theme Doctor Floyd in paragraph 12 that he ultimately decided to stay in the country. Do you recall approximately when that was and why he took  
10 that faithful decision to stay rather than leave?

MS FLOYD: I think he started thinking about in sixth year, and then the internship ceded. Particularly in Umtata where he became friends with political aware Black doctors and then to some extent in Tembisa and getting to know people in Johannesburg. It sort of changed his outlook and his experience and I think he saw he could play in practice rather than just being intellectually involved in anti-apartheid activities.

MR VARNEY: In paragraph 11 you set out his work in turn in  
20 Umtata Hospital. You mentioned his relationship with those doctors. That he eventually found that internship at the Tembisa Hospital and we also heard about that from Mrs Gill Burger. But then you indicate that you were visiting him there from time to time and eventually you lived together again in Fox Street in Jeppestown. Can you talk about your



experiences together during that time period?

MS FLOYD: Okay. I think we were together, living together there for about two years. By then he was quite involved in the Union. He and Oscar Mpheta, initially he was assisting Oscar Mpheta with transport and accommodation and then he started doing some union work. He was mentored by Oscar Mpheta and then Oscar recruited him into the union as an organiser but without a salary. So, he supported himself on the Bara casualty sessions.

10 MR VARNEY: Can you just explain to the Court who Oscar Mpheta was.

MS FLOYD: Oscar Mpheta was a unionist in the 1960's. 1960 and thereafter there was a massive crackdown in the unions. Oscar did not leave the country. And when Gerden came in, it was redeveloped. I guess from the late 1970's or perhaps 1980 Oscar was playing a lead role in redeveloping the union in the Western Cape which is the home of the union. And when they decided to set up a branch up here, Oscar Mpheta was the person who came up to set up the branch, and then he  
20 was travelling between Johannesburg, and then when he came to Johannesburg, he needed place to stay and he stayed with Neil helped him with transport and that is how Neil was recruited.

MR VARNEY: And just for the record, that union is the Food and Canning Workers Union.

MS FLOYD: Yes.

MR VARNEY: You also mentioned that he worked closely with Emma Mashini at the Congregated and Allied Workers of South-African.

MS FLOYD: It is Commercial and Allied.

MR VARNEY: Oh, sorry is it the Commercial.

COURT: So, it should be Commercial, not Congregated *neh*. You can amend it.

MR VARNEY: That is at paragraph 14 your Lordship.

10 COURT: Ja I can see that.

MR VARNEY: As well as Thozamile Gweta and Sisa Njikalane from the South African Allied Workers Union. Am I correct saying that although he was working intensively with the Food and Canning and the other movements, he was doing so unpaid?

MS FLOYD: Yes.

COURT: It was voluntary work?

MS FLOYD: Well it was a full-time job but there was no salary.

20 MR VARNEY: So how did he support himself at that time?

MS FLOYD: He worked two casualty sessions at Baragwanath casualty as a medical doctor.

MR VARNEY: And is that when Neil picked up his interest in emergency medicine and emergency surgery.

MS FLOYD: Well emergency medicine was not a term we

used at that stage. It emerged later, but that was the area he was working in, and he wanted to do surgery. Now not a lot of people knew he wanted to do surgery, but that would, you know if he could evade the army that would have been his choice.

MR VARNEY: So, it does appear that he had infinite plans for the future, an idea of what he wanted to do. Doctor Floyd in paragraph 16 you say that you and Neil were ANC sympathizers and supporters but were not members. Can you  
10 explain to the Court why you, if you are aware why Neil chose not to join the ANC or any other exile organisation?

MS FLOYD: We chose to work in public organisations and not to work underground for the ANC. We believed that we could be more effective this way, and we worked with a lot of people who took the same approach. We did not take instruction, nor did we report to the ANC structures. Neil felt that to take orders from outside the Union not based on the shop floor would be undemocratic. So part it was also that we were not  
20 breaking the then legislation about working for a banned organisation and we predicted that we would be able to work for longer and more effectively if we did that. So, one knew that you get detained, but it was looking at the medium to long term agenda and how to continue working.

MR VARNEY: So, for yourself and Neil it appeared to both a practical but also quite a principal decision that you had taken.

And it is interesting that in your affidavit you point out that Neil appeared very committed to a democratic process and did not want to be taking orders from outside entities which he felt not be democratic.

MS FLOYD: Yes. That when you are in the union, particularly in an organisation like food and canning the elected office bearers take the decisions and then the organiser implements those decisions. And that is how a number of those unions were being run at the time. It was the emerging labour  
10 movement in the early eighties that later was organised into COSATU.

MR VARNEY: Thank you Doctor Floyd. You mentioned in your affidavit that the South African Police, and particular the Security Branch, at least from 1981 were monitoring you and Neil. Can you elaborate on that please?

MS FLOYD: I cannot remember which month it started. But every time he left the house, he was followed by five police vehicles, and he picked it up. You know if you are followed it is quite easy but if it five one would overtake and turn off. It is  
20 quite difficult to track five. I was not followed if I went to work. But if I left the house, if I came back from work and then left the house I would also be followed. And I could not track the five, but one day when I turned and tried to evade them, I could see the five. And then there were ...[intervenes].

COURT: You could see, what you could you see?

MS FLOYD: The five, they would follow us with five vehicles at one time.

COURT: Hmmm.

MS FLOYD: Now that is very intensive monitoring. We did not at the time know why but it was obviously very serious and then there was a vehicle parked down the street, observing us at night. Not every night, but a lot of nights. We were, we were very aware of it. And then we were parking on the streets, and if he brought the Union vehicle back home, the  
10 Security Police would often tamper with the tyres. They would pump up some tyres and deflate others, and it was designed to create an accident. So, we were having to check our tyres very, very regularly. They raided the Union offices. They were just causing problems. They would just come in at night, I remember at one stage they peed in the kettle it was very ...[intervenes].

COURT: Sorry?

MS FLOYD: The Security Police went into the Food and Canning Workers Union and they urinated in the kettle.

20 COURT: Oh.

MS FLOYD: So, it was just harassment and then at one stage they detained Sisa Njikalane from our house. Sisa was detained multiple times. The SAAWU used to, the people used to stay with us in fox street when they came up to Johannesburg. They were also setting up a new branch in the,

in the – it was then then the Southern Transvaal.

COURT: Sorry where was the union offices at that time?

MS FLOYD: They were City Centre. [mechanical failure]  
[recording dragging] [10:13:13-10:13:25]. It was, I was going home on Commissioner Street and they tried to drive me off that highway. What they do is, they swerve in front of you to try and cause you that – to get you to have an accident.

MR VARNEY: Was this approximately around 1981?

MS FLOYD: Yes, it was during that period.

10 COURT: Yes.

MR VARNEY: If we moved with the next section dealing with the actual potential period. Doctor Floyd could you give the Court an assessment of Neil's character and personality as you knew him at that time.

MS FLOYD: Okay. It is not all that easy to describe someone you knew very well objectively. He was relatively quiet but when people got to know them, then he opened up. He was very strong willed in his decisions. And he was very committed to the union work. So, as a student he had not been involved  
20 in organisations. But once he was able to work in that environment, he took it very seriously. And in the union, they worked excessive hours. A lot of the meetings are after hours, because it is a union and he would have to transport people at, if there was a meeting at night we would drive people right across the West Rand and into Soweto. Sorry, right across the

East Rand. So, he took the union work very, very seriously. He also sought advice from people like Emma Mashinini and the SAAWU people. He was not telling them what to do. He was learning from them.

MR VARNEY: So you are painting a picture of a young man who was delegated, committed, a word that was sometimes used in the proceedings in the first inquest was, headstrong. Would you describe him as headstrong?

MS FLOYD: I used the term "strong willed."

10 MR VARNEY: Strong willed. Okay.

COURT: Oh

MR VARNEY: There was an attempt in the 1982 inquest to suggest that Neil perhaps was impulsive and prone to be hat rash. What is your response to that?

MS FLOYD: Not at all.

MR VARNEY: There was also an attempt to describe him as emotional.

MS FLOYD: No.

20 MR VARNEY: Perhaps then we move to the period of detention. But before I do, is there anything you wish to add in relation to the pre detention period.

MS FLOYD: No.

MR VARNEY: Alright. So, before you and Neil were detained, it did seem as if kind of crackdown was on the way. Perhaps you can describe to the Court what you were aware of, of this

particular crackdown and the period before you and Neil were detained.

MS FLOYD: We were under intensive Security Police surveillance and harassment and did not really know why. And then it was clearly trying to intimidate us in what we were doing, and specifically him. But we – we did not know what the background was. Looking back, I think they already had the *Close Comrades* document, and they were watching him to see exactly who he met and what he was doing. In September  
10 ...[intervenes].

MR VARNEY: Doctor Floyd before you proceed. You mentioned the *Close Comrades* document, or Close Comrade list. Can you indicate to the Court or describe to the Court what that document was?

MS FLOYD: I had not seen the document; I did not know about it. But it featured in the trial, in the treason trial of Barbara Hogan who was an ANC underground member. And I do not know the story in detail, but she was sending information to the ANC in exile through underground couriers.  
20 But the Security Police intercepted that courier route and she in fact was sending information to the Security Police unknown. They then asked her to list the people she worked with, and she did. And she handed over a piece of paper and the first couple of names were people who were working underground for the ANC and taking instructions from the ANC.



The next section was us and it was specifically these people are working above ground, and then there was a third section where she talked about people that she was working and with, and you know working with developing. So, she made a big differentiation between ANC members working underground. On instructions of the ANC and reporting to them, and people like us who were supporters, but were working above ground.

MR VARNEY: Thank you, Doctor Floyd. Your Lordship just to inform the Court that we will be putting up an affidavit from  
10 Barbara Hogan and calling her as a witness in due course.

COURT: Very well then.

MR VARNEY: Thank you Doctor Floyd. So if we can then turn to paragraph 19, because you indicate the crackdown that had commenced, at least from 22 September 1981 and that you became aware that various people including people you knew like Gavin Anderson were then arrested. Although you only found out later that these people had been mentioned on the so-called *Close Comrades* list. So, when and how did you get to find out about that list.

20 MS FLOYD: I found out about it the night before we were detained. Now with these rounds of arrests in September some people came after two weeks and some people were kept. And I was, I was not specifically connected to the people who were detained, but I could see it was people around me. So, I thought there was a risk of detention, but I did not know I

was on the list, and I only find out the night before. So, the night before I realised no, it is not a maybe. It is a definite.

MR VARNEY: And the night before, who told you the night before?

MS FLOYD: Neil.

MR VARNEY: And indeed, you indeed at paragraph 20 that following the release of Gavin Anderson in the October, that is when Gavin informed Neil of the possibility of impending arrest. Perhaps we can then turn to 27 November, the early  
10 morning of 27 November 1981, and you can describe the circumstances of your own arrest and that of Neil.

MS FLOYD: On the early morning of 27 November 1981 we were together. We had slept at a friend's house, and we were arrested together, and they then took us to our home in Fox Street and conducted a search. You were supposed to watch the search, because they can plant things on you, but we were just talking. They took a number of books and there was a list of what they took from the house.

MR VARNEY: Right. So, in the affidavit you mentioned that  
20 you and Neil decided to sit on a couch and talk. Can you explain why you and Neil decided to do that.

MS FLOYD: Because we knew we had limited time together, and that we were going into detention and that we would not be able to communicate after that. So, the time was better used to spending time together. But we did not have a couch.

COURT: But tell me, before you proceed. How many police officers were involved during that arrest and the search, and do you know who they are?

MS FLOYD: I do not remember specifically, but there was probably six. Because we were transported in different cars with escorts.

MR VARNEY: But you, later on you know who the names were?

MS FLOYD: No. Just on that issue. By the time we were  
10 detained there were a very large number of detainees. And the team at John Vorster Square had to deploy in people from other units. So, some of the people that I – that were escorting me were from Railways police. When I was under police guard there were people from prisons and SONOP and different units. And one of the problems they had, is that they had not had so many female detainees before. So, they were having trouble finding enough female escorts and female cells. It was a very large number of people in detention.

MR VARNEY: Doctor Floyd was that in fact you saw Neil back  
20 at ...[intervenes].

MS FLOYD: Yes.

MR VARNEY: So perhaps then you can indicate to the Court what transpired following the arrest.

MS FLOYD: So, after we left Fox Street in separate cars, I did not see him again. We were processed separately. There

was no communication, I did not know where he was. I was taken to the Bronkhorstspuit police station, and put into the cells for four weeks, and during that time there was Captain Naude and Olivier from the Eastern Cape who would come, it was not major interrogation. The way they work is you must write your statement. Start from the day you were born, and they would come back and look at your statement. It is not good enough. The things you have not told us. They do not tell us; they do not tell you what you have left out. You  
10 must re-write the statement.

MR VARNEY: Just before, in case you are moving away from the first four weeks at Bronkhorstspuit police station, can you let us have indication of how many time Captain's Naude and Olivier came to see you there.

MS FLOYD: It was least twice. It was probably three times.

MR VARNEY: Oh.

MS FLOYD: And then, should I go onto their reaction?

MR VARNEY: Just, just a few questions and then we can proceed. So, these interrogations, I am getting the impression  
20 that they were quite light in nature and did not last that long. Approximately how long would you be interrogated on those occasions?

MS FLOYD: Maybe an hour or two.

MR VARNEY: Please proceed.

MS FLOYD: Okay. At one point I noticed that Naude, who

was a quite an experience Security Policeman, and was not using a very aggressive interrogation style. He realised that I knew there was a list of people who were going to be detained but I had not, did not know the details if the *Close Comrades* document, and I did not - had not seen it, and I did not know the details. And he seemed to note that, that I did not know very much. And they were letting on why I had been detained. There was no idea of what the investigation was, who might be involved or what the issues were.

10 MR VARNEY: I am interested in the fact that you described Captain Naude as a more experienced interrogator. How did you reach that conclusion?

MS FLOYD: I think it the style of interrogation. Maybe I should come back to it.

MR VARNEY: Okay. Yes, I think it is an interesting fact that you have raised that Captain Naude appeared to be somewhat, perhaps more professional than some of the other interrogators. But we can return to that later – later today. So, in paragraph 25 you make reference to a Railway Security  
20 official who supported the interrogation team. Can you elaborate on this official and why you believe it is significant that the Court should be aware?

MS FLOYD: As I have mentioned they had deployed a number of people to this investigation. From outside. And these people played the role of escorts and guards. They were part

of the interrogation team. They did, they were in on the interrogations, but the interrogators were not full time in the rooms. So, they were the people who would fetch from the cell and return me to the cell, and they would be in the office a hundred percent of the time. And I was not interrogated when I was John Vorster Square it was not many days, but I was able to pick that they knew Neil and that they were in on his interrogations and I was very cautious of them. They were not hostile, but I did know that under those circumstance where  
10 you have been interrogated, they are likely to tell you lies.

MR VARNEY: But you – you – you do make, you recall that this particular official made a remark. You have set out in paragraph 25 in your affidavit. Which he says,

“It makes no makes no difference whether we were involved in legal or illegal activities — “you are all the same.”

MS FLOYD: Yes.

MR VARNEY: And what did you make of that statement?

MS FLOYD: Well his – his comment was, you think if you  
20 keep to the law you will be okay, but in fact we treat you the same. Whether you are working underground or above ground. And then my next comment in the statement is,

“What we did not understand at that time is that under interrogation with extreme pressure our inability to provide secret information about the ANC underground

could put us in danger.”

So, if you are being interrogated and tortured and you have nothing to say, it is actually very dangerous. If they believe that you have, that you are an underground member and you have secrets, and you cannot cough up the secrets, you are actually in danger.

MR VARNEY: Just to make an opponent ...[indistinct] is that because they would suspect of with withholding information?

MS FLOYD: And they do that, that you are safe if you can  
10 give information. And just to note there, we did not know it at the time, but in November Morfe died in Venda.

COURT: Who? Morfe? Morfe.

MS FLOYD: Ja Morfe. I forget his first name. From being beaten up the Security Police and he died because he did not have secrets. They had believed he had some military operation, and under severe assault he could not reveal secrets. So that is what I am talking about, that if you do not have secrets to reveal, you are in fact in danger. We thought because we did not have secrets to reveal we would be safer.

20 COURT: It was the opposite? Ja.

MR VARNEY: M'Lord that particular case is not part of the evidence but we will endeavour to find out more about it, and if we can provide the Court with the necessary information. The fact that you were told clearly that it did not matter whether you were acting unlawfully or lawfully, that you were all the

same. That strike some fear or foreboding in you?

MS FLOYD: Not specifically, but I mean it was made clear that we, I mean you – in the interrogation and with the arrest you are threatened. Section 6 of the Terrorism Act is indefinite detention under solidarity confinement with interrogation. And they spell that out to you, and then the interrogators would say,

“You are going to be here for a long time.”

So, the first set of detainees came for two weeks. A lot  
10 of detainees are out within a couple of weeks. But they were making, I mean they do not tell you everything. They partly tell you; you are going to be here for a long time now. Much more than six months. So, it is part of the softening up process.

MR VARNEY: So in the four weeks at Bronkhorstspuit police station, there were a few occasions where you were interactive with the likes of Captains’ Naude and Olivier and the Railway Security officials, but by enlarge you were – you were on your own.

20 MS FLOYD: Ja I was in solidarity.

MR VARNEY: So, in relation to that, could you describe a typical day that you would endure at Bronkhorstspuit, when you went there you were interrogated.

MS FLOYD: Well I was in ordinary police cell. So, it is biggish, and it has a yard. And they would give you breakfast



and lunch and supper and there would be two checks a day. Otherwise you are on your own. And you do not have contact. You can other prisoners talking. You can hear what is happening around you. And I was not keeping track of the dates very well. And by the time I was transferred to Hillbrow, I did not know the dates. I could tell whether it was a weekend or a weekday. But I did not, you know they train you as a detainee is keep a record of what they did is, because if there are court cases, you need to know the dates. But I lost track  
10 of the dates.

MR VARNEY: I see. And perhaps since you have mentioned that you were effectively in solidarity confinement, how did it impact upon you?

MS FLOYD: Well I mean you are spending all your time with yourself, with your own issues. I mean I was not under enormous pressure; I did not know what was happening. I did not know what would happen in future. I think by the time I went to Hillbrow I noticed well I was getting a bit disoriented for time. But I did not notice it so much at Bronkhorstspuit.

20 MR VARNEY: Would you define solitary confinement in your case as a form of abuse?

MS FLOYD: It definitely is. I, it was not too difficult at that point. And just to point out that when you are in solitary and you have no, or very, very little human contact. When you are then faced with an interrogation, it is very difficult to defend

yourself, because you automatically want to interact with people. So, the very little interaction that you have is when you are interrogated.

MR VARNEY: So, in a bizarre sense, human contact even with the interrogators was something was useful for you and welcomed?

MS FLOYD: No. It is just you had no defences against you.

MR VARNEY: I see. Okay.

COURT: So, you were you weakened by the detention?

10 MS FLOYD: Sorry?

COURT: You were weakened by the detention?

MS FLOYD: Yes. Yes.

COURT: Okay.

MR VARNEY: In paragraph 26 of your affidavit you mention that you were transferred to Hillbrow police station and you think that would have been between Christmas and New Year of 1981.

MS FLOYD: I can tell you it is definitely between Christmas and New Year, but I cannot tell you which date it was.

20 MR VARNEY: Did – was it indicated to you why you were being transferred to Hillbrow.

MS FLOYD: No, the whole system is they do not tell where you are going. They do not tell you why. They just arrive and say “pack your things” and then they do not tell you where you are going. You just land up somewhere.

MR VARNEY: Alright. If we can then move to the fact that there were occasions when you were taken to John Vorster Square. Firstly, could you recall how many times you were taken John Vorster Square and where in John Vorster Square.

MS FLOYD: I was taken to the tenth floor which is where the rooms where the interrogations are done, and from what I remember, this is thirty-eight years ago.

MR VARNEY: Yes of course.

MS FLOYD: And my first statement, in my statement to the  
10 first inquest obviously that information is more solid. But from what I remember it was twice. So, when I was there on 4 February it was the second day of interrogation. So, they do not tell you they are coming. They just arrive, and then you go back, and you do not know what is going to happen and then they come and collect you again. So, there was quite a period between the first day. It was in January and the second day was 4 February.

MR VARNEY: So, let us then deal with the first experience you endured at John Vorster Square which would have been  
20 sometime in January of 1982. Perhaps to start from the beginning and let us know how that experience unfolded.

MS FLOYD: That was the first time that I came across Whitehead as the chief interrogator. And with the support team from the Railways police and Carr.

COURT: And who?

MS FLOYD: Carr. C-a-r-r.

MR VARNEY: T-a-r-r?

MS FLOYD: He was a Security Policeman from Kwa Zulu Natal. So, the main interrogators were Whitehead and Carr. On that day Whitehead was not nearly as aggressive as he was on 4 February. But he was hostile. I cannot remember all the details.

MR VARNEY: Okay.

MS FLOYD: He was aggressive, but it was early stage of the  
10 interrogation.

MR VARNEY: Your Lordship just to assist. The information that gleamed on Carr, and I am not sure if this in fact is his first name, because it is spell Desire, as in D-e-s, or Desiré rather, as oppose to, and he was a Detective Warrant Officer in the SAP. We will just have to investigate it of whether he in fact was also a Security Branch member or not. Do you recall he was a Security Branch or not?

MS FLOYD: Well they do not explain who they are.

MR VARNEY: Alright we will revert to the Court on that  
20 aspect. In your affidavit you also mentioned there was another interrogator by the name of Smith.

MS FLOYD: Not in this. I think that is an error. It is Whitehead and ...[intervenes].

MR VARNEY: Okay so we would say ...[intervenes].

COURT: It was Whitehead.

MR VARNEY: That first Whitehead and Carr. Okay. But you indicate you cannot recall much from that first interrogation.

MS FLOYD: You know I remember Carr and I remember and I remember Whitehead, and I can remember what Carr did, but I cannot necessarily be exactly sure what was the first day and what was the second day. The second day they were very aggressive, and they were intimidating and threatening me. I just cannot remember if some of it was happening on the first day. But my statement and my evidence to the first inquest  
10 will be much, much clearer.

MR VARNEY: Yes. And we will endeavour to locate that statement which is currently missing. In terms of the intimidation and the kind of threats they made. Can you recall any of those?

MS FLOYD: What I remember about Carr, Whitehead was in out of the room. We talk about 4 February.

MR VARNEY: Oh no we are still in January of 1982.

MS FLOYD: I remember clearly 4 February. As I say I cannot remember all the details of the previous day. It was the same  
20 team.

MR VARNEY: Alright. Well ...[intervenes].

MS FLOYD: The first day was the – the day that I heard a man scream very, very loud.

MR VARNEY: Right.

MS FLOYD: And I ...[intervenes].

MR VARNEY: Before we move into that detail, just so that the Court is with us. We are now moving to your interrogation on 4 February 1982. Would you do that from ...[intervenes].

COURT: So is that the day when you have heard a man scream.

MS FLOYD: Well apparently it was on the first day ...[intervenes].

COURT: It was the first day.

MS FLOYD: I think the court record show it was the first day I  
10 was up there.

COURT: Ja, and not 4 February.

MS FLOYD: Not the fourth.

COURT: You heard a man scream on the tenth floor?

MS FLOYD: Yes. And when I heard the scream. It is very rare to hear a man scream. I have never heard somebody screaming like that. My conclusion was that somebody was being tortured. And everyone on that floor could hear that.

COURT: It was loud?

MS FLOYD: Very, very loud. And long.

20 COURT: Yes.

MR VARNEY: Alright so dealing now with 4 February. In your affidavit you give some detail on that particular interrogation. Can I assume that during the course of the morning of the fourth you were taken to the tenth floor of John Vorster Square for interrogation, and in your affidavit you speak about the role

that Warrant Officer Carr play in that interrogation. Can you elaborate on that?

MS FLOYD: Carr spent a lot of time in the room. I would come back to Whitehead, and it was really a softening up intimidation process. I remember he specifically talking about hanging a detainee out of the window and holding them their feet and it was very easy to drop them. He threatened to keep me there until Saturday. It was a Thursday and he made me stand. And the impression I was given is that I would be kept  
10 standing until Saturday. Whitehead would come into the room. He would talk to me; he was extremely aggressive. And during that day somebody else came in, and I cannot remember exactly who it was, and they were telling them that organised a nightshift. And I thought the nightshift was for me. So, I was quite surprised when I was taken back to the cells between five and six p.m. So, it was a very, very aggressive. When I looked at the court record, it was just straight abusive. Very severe abuse.

MR VARNEY: If we can just go back to Carr saying that  
20 people have been held outside of windows by their feet. How did you take that? Did you see that perhaps an implied kind of threat?

MS FLOYD: It was definitely a threat. I mean he did not say we are going to do that you, but we can do it. We have done it before, and it is very easy to die if we do that. You know, if

our hands slip you would fall. That it was very clear implication.

MR VARNEY: Right and you would have been aware that historically there were detainees who had met their deaths through apparent falls from ...[intervenes].

MS FLOYD: Yes.

MR VARNEY: John Vorster Square and elsewhere.

COURT: So, before you go there. He issued this thread, is it because you were not telling him what he wanted to know, or  
10 he asked you questions and you do not answer. What – what led for him to say that.

MS FLOYD: It was because – it was kind of, if you do not tell us what you know, they do not tell you what they want from you, and they are saying you must confess to the things that you have done.

COURT: Being what?

MS FLOYD: You do not know. That is the way interrogation is done. So, you must confess to things that are not put to you. And then, and that is where the things like lying can come in.  
20 I mean I do not think I reached that stage in the interrogation. They will tell you so-and-so said this. Now you must confess. So then, you are treated as guilty, but you do not necessarily know what you are guilty of.

COURT: Oh. Okay. Sorry. Sorry about that.

MR VARNEY: As the court pleases. Just a point of



information. The, Doctor Floyds testimony in the first inquest on the screaming can be found at page 1325. One, three, two, five of the record in the first inquest. And Doctor Floyd is correct it was the first week.

COURT: Ja.

MR VARNEY: [Mechanical failure].[10:46:48 – 10:47:00]. [Recording dragging]. On the building you can see the roofs of the buildings below John Vorster Square. And I remember watching people who lived down there.

10 MR VARNEY: And can your evidence in the first inquest you mentioned that interrogation took place on the Thursday, so the threat was standing to a Saturday was a potentially serious threat.

MS FLOYD: It would have been more; it would have been forty-eight hours.

MR VARNEY: Ja. So, in paragraph 29 you give your views on Stephan Whitehead as an interrogator. And you mentioned that his style was somewhat unsophisticated. Even incompetent. Can you elaborate as to why you reached such a  
20 conclusion.

MS FLOYD: He was threatening me. He was very aggressive. He threatens to hit me. he was not interested in what I had to say. He did – he did – he did deal with me directly. I think there is an error here.

“But would not actually deal with me directly.”

He was extremely aggressive, and he seemed to be physically angry. And I think that I have since learned you know with top interrogators; you do not get what you want by dealing with people like that. You need people to talk.

MR VARNEY: So are you saying that he had an inability to engage in a conversation. Or to elicit information.

MS FLOYD: He was just simply bullying and aggressive. Very, very aggressive. Sorry I also, I mean I could see that he was immature. He was relatively young, and he looked  
10 immature.

MR VARNEY: He looked immature or he behaved immature.

MS FLOYD: He behaved.

MR VARNEY: So you also indicate that these methods that were adopted by Carr and Whitehead at that time, indicated in your words interrogation was changing pace, it was getting more serious. Why did you come to the view that things were changing so dramatically?

MS FLOYD: It was a complete change. Very, very aggressive. Threats and Whitehead threatening to hit me. He  
20 was – he was physically angry.

MR VARNEY: So are you saying there was a quite a big contrast between the approach of Captains Naude and Olivier to that of Carr and Whitehead.

MS FLOYD: It was completely different. And even compared with the first day, it was a much, much more escalated level of

aggression.

MR VARNEY: So, if you had to sort of sum and describe the difference in approach between antagonism Naude and Whitehead, how would you describe the contrast or difference.

MS FLOYD: At this stage?

MR VARNEY: At this stage. Looking back.

MS FLOYD: Ja Naude was an experienced, Naude and Olivier knew what they were doing, and Whitehead did not know what he was doing.

10 MR VARNEY: And Naude and Whitehead, at least Naude and Olivier were not making the kind of threats that Whitehead had been at you.

MS FLOYD: No. I mean there was pressure, but it was not this crazy behaviour.

COURT: Sorry I missed that. There was pressure?

MS FLOYD: There was pressure but there was not this crazy behaviour.

COURT: Oh okay. By Naude and Olivier.

20 MS FLOYD: Ja with – with Naude and Olivier there was pressure, but it was quite professional.

COURT: Okay.

MS FLOYD: Whereas Whitehead's behaviour was a bit out of control.

COURT: Ja.

MR VARNEY: And you go onto to say that in those

circumstances it is really difficult or tough to resist this kind of intimidation and aggression.

MS FLOYD: Well I had been, by then I had I been in solitary for just over two months, maybe two months and a week. So when you have been in solitary and you are faced with human aggression it has more impact. If I walked out here, and somebody shouted at me like that, I would be able to defend myself. Psychologically. But by 4 February I was – I was definitely disorientated. I mean for time. Not for place or  
10 person. I knew who I was, and I knew where I was, but timewise and my concentration was down.

MR VARNEY: I see. Then you were returned to your cells later that afternoon at Hillbrow police station. You indicated between 17:00 and 18:00 and how were you able to remember or recall that it was in that hour?

MS FLOYD: I have got a visual memory of being driven from John Vorster Square to Hillbrow, and there was no traffic, but it was still very light. It was February. So, it was well that the rush hour had cleared, and when I got back to the cell the  
20 SAPS had kept food for me. And I think supper had been served at about five. Maybe even earlier.

MR VARNEY: Indeed, in your affidavit you say the members on duty were worried about you.

MS FLOYD: Yes, they said they were worried about me.

MR VARNEY: So, in fact there were some SAPS members

who displayed some care and compassion.

MS FLOYD: The uniformed police were not, well most of them, were not happy with the behaviour of the Security Police. The Security Police were very condescending. They regarded themselves as very special. And the uniformed police did not like them.

MR VARNEY: So, would you say there was a measure of tension between the uniformed police and the Security Branch.

MS FLOYD: Yes sometimes, I mean it did not always show.  
10 Sometimes it was explicit.

MR VARNEY: Did you have any interaction with Major Cronwright?

MS FLOYD: They would refer to Cronwright. But he did not interrogate me, and I do not remember him coming into the room. So, I knew Cronwright. They would say Cronwright this or Cronwright that, and his office was further down the passage, but I never went there, and I never had personal interaction with him.

COURT: Okay because there is evidence of a brief interaction  
20 ...[intervenes].

MS FLOYD: Oh.

MR VARNEY: In your first statement to the tenth-floor office, and in your evidence before the first inquest, the interaction did not last long. He simply said to you your statement it was inadequate.

MS FLOYD: Perhaps I can just comment on that. I started working with this team. With the investigator and then the legal team two years ago. It was a huge effort to remember details from 1982. And some have come back very clearly. But some, you know there are details that are not accessible in my memory.

MR VARNEY: Yes, and I should say Doctor Floyd we do not expect you to remember everything with absolute clarity. That is simply not possible after all these years. Do you recall an  
10 interaction which apparently took place with Whitehead in which made a very strange remark? You said,

“Liz are you pregnant.”

MS FLOYD: Yes. That was on the first day.

MR VARNEY: And do you have a recollection as to why he would - he would have said such a thing?

MS FLOYD: I think he was trying to be friendly. But it was very creepy.

COURT: It was what?

MS FLOYD: Creepy.

20 COURT: Okay.

MS FLOYD: You know, one of the difficulties is, you are a female in a cell and enter into an interrogation which is run by men, and very particular kind of men. I men were bodybuilding; they were clearly on steroids. To an extreme sort of macho environment. So being a woman in that situation

is pretty awkward.

MR VARNEY: Did you see parcels from families and friends while you were in detention?

MS FLOYD: Yes. In detention we did not know about DPSC. We did not about DSCOM. But I could see from the parcels that I would get; people would maybe put a card or a book with their name in it. And I knew most of them. They were not automatically close friends. Some were close friends. I think we would get one parcel a week, but when there was  
10 interrogation, everything would be withdrawn, and you just be left a bible. So, the parcels were food, a few books, and maybe some clothing and toiletries. So, this was, system was put in place for all detainees. Not just our group and it was sustained by the support groups from then onwards throughout the eighties.

MR VARNEY: And do you recall the name of the officer you would receive the parcels and inspect them?

COURT: Where? At John Vorster Square, or where?

MR VARNEY: Well as I understand it your Lordship all the  
20 parcels were first inspected at John Vorster Square. Were you aware of that Doctor Floyd?

MS FLOYD: No.

MR VARNEY: Were you aware, does the name Lloyd ring a bell with you?

MS FLOYD: No.

MR VARNEY: Okay.

MS FLOYD: I would have remembered it because my name is Floyd.

MR VARNEY: Alright. No need to pursue that line further. Did you end up completing a statement for the Security Branch.

MS FLOYD: No.

MR VARNEY: We are going to be moving to the next part of the evidence, but before we get there. Is it correct that you  
10 were restraint the morning of 4 February when you were taken to John Vorster Square as in handcuffs?

MS FLOYD: No, I do not remember being handcuffed.

MR VARNEY: Okay. So, you do not recall being handcuffed at all. Okay. So, in the first inquest there is one point in time Railway police came to your cell and did handcuff you. And of course you had question as to why they were handcuffing when you had never been handcuffed before. But again, your Lordship I do not believe that we need to pursue line of questioning.

20 MS FLOYD: Can I comment on that?

MR VARNEY: Yes please.

MS FLOYD: I think that is just part of the intimidation. I do not remember it. But if I had said that in the inquest, the first inquest was 1982. I obviously had very good recollection at that stage and I would regard what I said there as very



accurate.

MR VARNEY: Yes indeed. And also in your evidence before the first inquest it appeared that the police, in particular Whitehead, and now I am referring to your second interrogation at John Vorster Square on 4 February 1982. He insisted, he accused you of writing a particular document.

MS FLOYD: Yes, now I remember. And he would not tell me what the document was.

MR VARNEY: Although he did mention, you mentioned in your  
10 evidence they showed a photostat copy but not the last page.

MS FLOYD: Well if I had put it in the first statement that is true.

MR VARNEY: Right. So, there is in fact and perhaps during the course of today we will retrieve a document. We are not saying it is the document that was put to you, but in that document, there is something peculiar about the last page. And if you recognise you can indicate that to the Court. But I will deal with that at a later stage. Your Lordship you mentioned that you take tea at eleven fifteen.

20 COURT: Ja it is eleven fifteen. Ja, you can proceed. You can proceed.

MR VARNEY: I can continue a little bit.

COURT: Ja.

MR VARNEY: It appeared that this issue around the document was causing Mr Whitehead some consternation

because he took the view that you had something to do with it. And that he was insisting that you had written, do you recall your response to him insisted that it was your document.

MS FLOYD: Well I did not know what he was talking about. And I said there is no document, and even when I tried later to remember it, there was no document. So, these false accusations and the bullying, you know trying to force you to admit to something you do not know about.

MR VARNEY: Yes. And in your evidence in the first inquest.  
10 Counsel for the Police ensured a swear word that you had used in relation to Mr Whitehead, or it was put before the Court and he wanted to make something of that. You conceded that you had sworn to Mr Whitehead because he was inferring that you were a liar. And that was an exchange. If I may quote it to you and ask for your response.

“If you hit me, I will hit you back.”

MS FLOYD: Ja I remember that.

MR VARNEY: You do recall that.

COURT: You did say that to him.

20 MS FLOYD: Yes.

COURT: To – to Whitehead.

MS FLOYD: Ja, he is much taller than me.

MR VARNEY: Doctor Floyd may I comment you to the standing of those points. Well done. Just a few more questions on your detention. Did you have any visits from

family or other persons while you were in detention?

MS FLOYD: I had one visit from my mother before Christmas. I think the DPSC put a lot of pressure on the Security Police and I think all the detainees got a family member visit around Christmas.

MR VARNEY: I see. Okay. You do indicate in your evidence before the first inquest your father came to see you the Monday after you had been detained.

MS FLOYD: I do not remember my father visiting.

10 MR VARNEY: Okay. And you recall any visits by the inspector of detainees or a magistrate?

MS FLOYD: No. Oh, I think a magistrate came, and I complained about being detained.

MR VARNEY: Yes.

MS FLOYD: And he says that is not a complaint.

MR VARNEY: Right ...[intervenes].

COURT: Was it – was it at Bronkhorstspuit.

MS FLOYD: I would have to dig deep.

COURT: Okay.

20 MS FLOYD: To remember.

MR VARNEY: And in fact, the issue of complaints became quite a bone of contention in the first inquest. Those Counsel for the Police wanted to know why you had not made a more specific complaint to the Magistrate, and perhaps you can indicate to the Court why you saw fit not to make various

complaints to the Magistrate at that time.

MS FLOYD: Well I think complaining about being detained was it. You know. I mean there is an Act. The Act allowed them to keep us in solidarity and to interrogate us and allowed them to put people into indefinite detention.

MR VARNEY: Yes.

MS FLOYD: So, when I said I complained being detained, and he said that was not a complaint. These issues were covered.

MR VARNEY: Right and in the first inquest you elaborated.

10 You said there will little point in making complaints solitary confinement and the like because that was not going to change and the Magistrate had no power to intervene in those sort of matters. You mentioned to your Lordship that while on the tenth floor you heard screaming.

MS FLOYD: Yes.

MR VARNEY: And you mentioned that you heard a man screaming. Did you hear anybody screaming besides a man?

MS FLOYD: Oh, someone was, a woman was crying.

20 MR VARNEY: A woman was crying. Exactly. So, there is some detail in the first inquest of you observing that woman taken into the office. Close to you or opposite you and that you heard her crying not long afterwards. M'Lord I have concluded my questioning of Doctor Floyd in relation to her experiences in detention up until she was notified of Neil Aggett's death. Unless the witness has anything more to add,

we could perhaps take the adjournment. Doctor Floyd after tea we will be dealing with the news of Neil Aggett's death reaching you and then your experiences post at the death. Is there anything you wish to add what you recall that maybe significant for the Court pre Neil's death?

MS FLOYD: Okay the first day where I heard the scream, and my interpretation that a man was being tortured. I did not think it was Neil. I mean it was not possible to tell who it was. And the woman crying, it was obviously you know, it was a  
10 completely different scenario from being at Bronkhorstspuit. And thinking about the scream, and what could make a man scream like that. I remembered vividly. It was coming from the direction of the lifts, which is also what they use to call the *waarheid kamer*.

COURT: The what?

MS FLOYD: Die *waarheid kamer*. The truth chamber.

MR VARNEY: Oh the *waarheid kamer*.

MR VARNEY: *Waarheid kamer*.

COURT: Okay.

20 MS FLOYD: Ja *waar* ...[intervenes].

COURT: Next to the lifts.

MS FLOYD: And it was coming through the wall and down the sidewalls of the floor. And it was long. And thinking about it in the last year or two, I think it is very clear that person was being subjected to electric shocks. Now Neil and I did not

think that that we would be tortured. Because we were not involved in underground and illegal things and we did not have secrets. And I was aware that I was not being subjected to those kind of things. You know I was aware that I was not going through the full, the extreme of what detention is.

MR VARNEY: There was a moment in your interrogation that you got the impression that Neil was in trouble.

MS FLOYD: Yes.

MR VARNEY: And what led you to that feeling or conclusion?

10 MS FLOYD: It was a combination of Whitehead and the escorts. Now because we had the same interrogation team an even before detention, I knew from other people experiences that the would interrogate us against each other. I understood that. But I also understood that they would lie. Because I was very, very cautious about anything, they told me about Neil. And they did not say much. I think the escorts were kind of leaking some things that he was in trouble.

COURT: The escorts?

20 MS FLOYD: Ja, and I cannot pin, I mean I cannot quote. And I think it was part of, I think Whitehead was probably using that as a thing against me.

MR VARNEY: Because you also say in your affidavit that you got the impression that were some overlap of interrogators and that some of your interrogators were interrogating Neil.

MS FLOYD: It was clear throughout. That we had the same

team of interrogators and the same escorts.

MR VARNEY: And why was that clear to you?

MS FLOYD: The escorts would talk about it, and Whitehead would be referring to what Neil was saying. You know, not details.

MR VARNEY: Right. You mentioned in your evidence that there was this danger of not being able to provide information and being accused of withholding information. Were you particularly threatened for something for not providing  
10 information. For withholding information to the police.

MS FLOYD: Well all the threats were around, if you do not tell the truth, but they were not telling us what the truth was. You know. What they were looking for apart from this document. So, they were making you stand until Saturday or holding detainees out the window or whatever. That was threats if you do not tell us. If you do not tell your story and tell us. We know everything. So that is the way interrogation works.

MR VARNEY: And were you ever threatened with a jail  
20 sentence?

MS FLOYD: Yes. The treat was you will be here for years.

MR VARNEY: Right.

MS FLOYD: And that you could be convicted. I mean I was fairly sure; I was fairly confident I could not be convicted. But they were saying you are facing conviction.

MR VARNEY: They actually mentioned in the face of five-year jail penalty for not disclosing information. M'Lord may this be an appropriate time to take the adjournment.

COURT: Yes, it think so. Thank you very much. We adjourn for tea.

COURT ADJOURNS [11:12]

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COURT RESUMES [11:39]

CLERK: And our witness is reminded that she is still under  
10 oath.

ELIZABETH KATHERINE FLOYD: s.u.o.

COURT: Yes. You may proceed Mr Varney.

MR VARNEY: As the court pleases. Doctor Floyd are you feeling okay and comfortable?

MS FLOYD: Yes.

MR VARNEY: Thank you. Doctor Floyd we now have to turn to the moment in time that you heard of Neil's passing away. Just to recap from before tea. We had concluded your experiences in the detention period pre-Neil's death. You also  
20 testified that on 4 February in the early evening around 17:00, between 17:00 and 18:00 you were returned to Hillbrow police station. In paragraph 32 of your affidavit you said that evening you fell asleep. Expected to be collected in the morning for further interrogation, and perhaps you can pick up the story from there.



MS FLOYD: They did not collect me the next morning. And about, at ten o'clock in the morning my mother and a friend arrived. I was called out of my cell that Neil had hung himself and died. And then from there I was taken, admitted to the Johannesburg Hospital under the care of a psychiatrist who was on the staff of the Wits University. And within a couple of days I was diagnosed with Post-Traumatic Stress Disorder which is known as PTSD. I remained in isolation as a detainee in the hospital with a 24-hour police guard, with an unknown  
10 future. So there was no, there was no apparent in date to the detention. And then I was eventually released after seven weeks later in the hospital. I was released with the, with a whole group of people from that investigation.

MR VARNEY: Right. Thank you Doctor Floyd so ...[intervenes].

COURT: When you say you were, you were discharged from hospital, and then released to go home.

MS FLOYD: I was released directly from the hospital on the same day that the other detainees were released from their  
20 cells and there were a few other detainees who were also in the hospital.

COURT: Okay.

MR VARNEY: So, Doctor Floyd this was clearly a most traumatic news for you, and you mentioned you were diagnosed with PTSD. Are you able to describe to the Court

the impact of that news on you as a person?

MS FLOYD: I just want to go to the pages where I have described it.

MR VARNEY: That would be paragraph 33. Unfortunately, the affidavit is not numbered.

MS FLOYD: It is paragraph 50. The Post-Traumatic Stress Disorder was moderate to severe. And I experienced the following effects. I had very poor concentration, which meant that I had severe loss of short-term memory. My long-term  
10 memory was okay. And in the hospital, I had insufficient concentration to brush my teeth and wash normally. And during that seven weeks I had to re-learn how to read and write again. It was very, very difficult. My sleep was very disturbed, and I did not have a normal night for a for full year. I was not eating, and I had features of depression. I did not experience full flash backs. But I have very vivid memories of the main traumatic events. So, I have got like, almost like a photograph in my mind of some of the key activities. And with time obviously some of the details are not as vivid. So, it is  
20 the main events that are – remained vivid.

MR VARNEY: Right. But it is clear that the severity of your condition was sufficient to cause the police to transfer you to the Johannesburg General Hospital.

MS FLOYD: From what I know, my family motivated it. They were obviously very, very worried and distressed and the

police were – did not want another death. I mean it was a complete crisis for them. So, I was put suicide watch.

MR VARNEY: Right. And it was in fact your mother who informed of Neil's passing. Not the police.

MS FLOYD: My friend ja.

MR VARNEY: Okay. And in terms of details of his passing, did they mention that to you.

MS FLOYD: That he had hanged himself. And that was very consistent. I mean I was told you know consistently that he  
10 had hanged himself.

MR VARNEY: Right.

COURT: Is there any police officer who told you that he had hanged himself?

MS FLOYD: No, they did not inform me, it was my close friend with my mother. But my interactions say, it was fairly consistent over that period, that people would say he had hanged himself.

COURT: No, I want to know whether any police officer ever mentioned that to you.

20 MS FLOYD: I think only in the inquest.

COURT: Okay. Whilst you were in hospital no police, the police who were guarding you, never told you that he hanged himself.

MS FLOYD: The police, the twenty-four guard, a policewomen was from different units. They were not Security Police. They

were supervised by Paul Erasmus who as a Security policeman and he did not interact with me. So, I was not interrogated in hospital. But I was still a detainee and isolated and not allowed to see newspapers or get information of what was happening outside.

COURT: Okay.

MR VARNEY: Were you informed about Neil's funeral.

MS FLOYD: Yes, and in fact was able, she had one visit where she told me a bit about the plans for the funeral and I  
10 was able to give input on flowers and I think would officiate the funeral. So, it was visit. I presume it was organised by the lawyers.

MR VARNEY: I assume that was some desire on your part to attend to the funeral.

MS FLOYD: An application was made to get permission for me to attend the funeral and it was refused.

MR VARNEY: Do you recall if they gave any reasons for their refusal? So, you made a request and in your affidavit you indicate that because you were denied permission to attend  
20 the funeral that you be allowed to see him. Can you elaborate as to why you made that request?

MS FLOYD: When they refused permission to go the funeral I insisted on seeing him, and the reason for that is that is that I had not seen him for two months and I was not going to the funeral, and some way of really understanding that he had

died. Because he disappeared into detention. He was not going to come out again and it was going to be quite difficult to understand it. So, it was really for my piece in a way to see him.

MR VARNEY: So, was that request granted?

MS FLOYD: It was. I was taken by these escorts to the mortuary and I think it is the viewing room.

MR VARNEY: Do you recall which mortuary it was?

MS FLOYD: It is the Hillbrow.

10 MR VARNEY: It was the Hillbrow. And since you say it was two days before the funeral our calculation is that that would have been 11 February 1982.

MS FLOYD: I cannot say that it was exactly two days, but it was at least two days. It would have been. I think the funeral was two weeks after he has died so it would have been the second week.

MR VARNEY: Okay.

MS FLOYD: But as I say at that stage, I did not know that.

20 MR VARNEY: You can now describe the environment in which you took place.

MS FLOYD: Okay. I think they call this, a viewing room. It is specially designed so family can look at deceased. We came in straight from the pavement. We did not go through the mortuary and you stand in quite a dark space, quite low, much lower than the mortuary floor. And it is a big window. About

this big, and behind that is a very, very bright light. A white light and the room is completely white, so you can see perfectly. And he was lying on a trolley. And I could see him quite easily and I could see it was him.

MR VARNEY: Thank you.

COURT: How far were you standing from where he was?

MS FLOYD: It was probably closer than this.

COURT: Oh, so it was very close.

MS FLOYD: Yes.

10 COURT: Very well.

MS FLOYD: It was you standing here, there is a window and a person behind, and it is very, very clear with this very bright light. Much brighter than these lights.

MR VARNEY: Now Doctor Floyd at paragraph 35 in your affidavit you give some detailed description as to what you were able to see and the position that head was in at that time, and you also refer the Court to a drawing that you have made. M'Lord that is at annexure EKF(2) attached to Doctor Floyd's affidavit. Firstly, Doctor Floyd when did you prepare this  
20 sketch of late Neil Aggett. Approximately.

MS FLOYD: I have drawn it completely from memory. I did the first draft in last year, and then waited until the date was set, and I prepared it last year and I finalised in December. And I have dated it 1 December 2019. So, this is, when I say our vivid memories of some of the incidents, I mean I can

remember visually. It is like a photograph in my mind, and I have drawn from that. The drawing comes from that. Perhaps you can explain to his Lordship what – what you saw.

MS FLOYD: The first thing I could see it was him. He had a post-mortem. I knew that he had. So, there were some incisions that had been sutured. It had been stitched up.

MR VARNEY: Am I correct in saying that the obvious ones, the scar incisions, at least on the neck and perhaps on the head ...[intervenes].

10 MS FLOYD: Ja, across the hairline.

MR VARNEY: Would it have been a result of the post-mortem interventions?

MS FLOYD: Yes, that is from the post-mortem. As a doctor I have seen post-mortem's it is standard that they do an incision so that they can inspect the brain.

COURT: Okay.

MR VARNEY: And can you talk about the position of the head as you saw it?

20 MS FLOYD: He was not positioned in the kind of position we normally position a body. You know when somebody has died and you are laying them out, whether they be taken to the mortuary or in the mortuary people are normal – you are normally lying on their backs with their head in a normal position. He was positioned quite awkwardly. His neck was tipped upped very high. You would never do that normally.

That is why I was talking about being a nurse and handling people who had died and lying them out. And in fact, his skull had slipped a couple of centimetres. He was in the position that an anaesthetist would use to get a tube down your throat. And it must have taken a lot of effort to put him in that position, and that obviously, you know to get him in that position and to stay in that position took some effort. So, somebody in mortuary had positioned him that way for my visit. There is no way that that position was normal. And what they  
10 were doing, is they were showing me the neck. I could see more of his neck than his face. And I remember that, because I would have preferred to see his face. And he was lying on his back, so I have seen the whole of the right-hand side of his face and his neck with the neck very prominent. And with this bright light I could see him very, very clearly.

MR VARNEY: I see. So just to be clear. There were parts of Neil's body that you would not have been able to see. For example, the other side of his face and neck and you were saying that the neck was more clearly visible than his face.  
20 And you could you draw any significance or some conclusion of the positioning of the body in that way?

MS FLOYD: I clearly somebody, I mean at the time I did not focus on these things. I just found it very strange and I have<sup>3</sup> got this clear memory. I was saying to Howard that his chin was higher than his nose. So, I did not reflect at the time, I



just found it strange. From here down I could not see. He had a sheet over him, and I mean his legs were not opposite the window. I think what was very significant, is that there were no marks of any kind on his neck.

COURT: On his neck.

MS FLOYD: Ja. I could see in profile and I could see the neck from here right up. And it was prominently displayed and there was not any mark of any kind. Even under the very bright light. And there was no swelling either. If it had been  
10 swollen here, I would see it, and I could not see injuries either on his face. So, he looked apart from the post-mortem incisions he looked very normal.

MR VARNEY: Can I ask, were you accompanied by anybody else?

MS FLOYD: Just the police.

MR VARNEY: Just the police. And turning now turning paragraph 36 of your affidavit you speak of several photos being presented in the first inquest as you note we had already submit to this Court that most have since disappeared. You do  
20 mention that you had occasioned to see one photograph of Neil at the first inquest but you found it to depressing to study it at that time however you have attached a drawing which I understand is a recollection of that particular photograph. Is that the drawing that is annexed as EKF(3) ...[intervenes].

MS FLOYD: Yes.

MR VARNEY: Onto your affidavit. And again can you indicate to the Court when you drew or prepared a drawing reflected in the EKF(3).

MS FLOYD: It was done in 2019. Again, with a different drafts and it was finished in November or 1 December. The drawing is in pencil and charcoal. It has not photocopied ideally. Should I describe what it shows?

MR VARNEY: Please describe the drawing.

MS FLOYD: Okay in the inquest some photographs were  
10 distributed to the lawyers and I was asked to look at them, and I managed to look at one. I was not able to look at the photographs. These are the missing photographs. I found it very distressing even to look at one. And in this one it is Neil after he died, and the kikoi cloth is wrapped around from here to here. And it just looks like a thick winter scarf. But there is no, you know you could not see any more detail. It was just from here to here, and a bit folded up.

MR VARNEY: Was the photograph colour or black and white?

MS FLOYD: I think it was black and white. I do not remember  
20 colour.

MR VARNEY: So, can you describe how the cloth looked? Any pattern perhaps.

MS FLOYD: There was some patterning on it, but I do not remember enough to draw it in detail.

MR VARNEY: Okay.

MS FLOYD: It was clearly the kikoi.

MR VARNEY: Right. In your affidavit you described as a thick striped cloth. You have been handed a better-quality drawing, photocopies, I am hoping that, because your Lordship has the original that ...[intervenes].

COURT: Yes.

MR VARNEY: I see. Perhaps then with your Lordship's leave I could hand up the better-quality drawings to the witness. Thereafter it might be useful if these were then placed into the  
10 court file in place of the copies attached to the original affidavit.

COURT: Okay.

MS FLOYD: Yes, this copy is a very good copy.

MR VARNEY: If you can perhaps can turn to EKF(3).

MS FLOYD: Oh ja.

MR VARNEY: If you have anything to add to the description you had already given?

MS FLOYD: No.

MR VARNEY: And before we move, do you perhaps want to  
20 take a quick look at EKF(2) and just indicate if there is anything further you wish to add.

MS FLOYD: Not on, no but I mean if there is any questions from the Judge.

MR VARNEY: Then maybe and I have one or two. We can now focus back on EF(3). To the best of your recollection,

that photograph which sadly is no longer part of the record, was then an indication as to where it was taken?

MS FLOYD: No. That it was clearly after he had died.

MR VARNEY: It was after he had died, but would you be able to recall perhaps from your recollection of the photo whether it was taken in the cell or perhaps in the autopsy.

MS FLOYD: He was lying on his back and there was no detail in the background. So, it was not when he was hanging.

MR VARNEY: I see. If he is lying on the back, then the  
10 probabilities that it was taken in the autopsy. And since we have now focused on the striped cloth which, your Lordship we will be referring to as the Kikoi.

COURT: Yes.

MR VARNEY: Doctor Floyd you mentioned that in late 1982 you received a phone call from one Doug Hindson. And can you explain to the Court what that phone call was about. It is at paragraph 37 of your affidavit.

MS FLOYD: They, the phone call was asking me to come and collect Neil's things from their flat, and I went and received his  
20 clothes, including the ones he was wearing when he died. The kikoi that they said he be hanged with, which was in three pieces. Slippers, a pair of formal tan shoes, so they were light colour man's formal shoes, and some books. And then there were some were some other clothes.

MR VARNEY: Right. And you had cared to be saying that the

kikoi that was returned in the condition that you have described, appeared to be same as the kikoi in the photograph.

MS FLOYD: Yes, but the photograph was not colour. But it was definitely a kikoi.

MR VARNEY: Right. And now that you are able to see the, the, the actual alleged kikoi that had been returned. Could you recall now the colour of it?

MS FLOYD: It was an unusual colour. It was very bright blue  
10 and it had very bold white stripes on it. Most of them have a mix of colours. So this was a slightly unusual colour and I noted that, and there was a lot contrast between the blue and white, and what I remembered it was the colours of the Greek flag.

MR VARNEY: So before we talk a bit more about the items that were returned, am I correct in saying that you are no longer in possession of those items, and if so, what happened to them.

MS FLOYD: I kept them for a while. I gave away his other  
20 things and I did not really want to give away clothes that he died in, but after many years I did give them away.

MR VARNEY: Yes.

MS FLOYD: I think the kikoi I gave to Yvette and she says she threw it away.

MR VARNEY: Yes, in paragraph 41 you do indicate you gave

the kikoi to Yvette Breytenbach because she was the one who had given it to Neil. Your Lordship for the record, our investigator did attempt to make contact with Yvette Breytenbach who is now residing in Australia, and she indicated to our investigator that she was not willing to engage in this matter. We have not taken it further with Ms Breytenbach. Alright then returning to these different items. You then decided to put together further drawings which you have attached as EKF(4) and EKF(5) to your affidavit.

10 Perhaps let us start with EKF(4). It is dated 1 December 2019, so I presume that on or about that time you prepared this particular drawing, and can you explain what this drawing depicts and why you believe it was important to draw for purposes of these proceedings.

MS FLOYD: When I got the cloth, it was cut into three pieces. And again, I got a very visual memory of what the, particularly the left hand piece because it was strange. It was bright blue and white checked cloth. It is a thick cotton. The centre piece was very crumbled. I did not draw the stripes very specifically  
20 because I could not remember exactly where they were, but the original drawing, there is some indication of stripes which is not showing up on the copies. The right-hand side I did not focus on. It was cut fairly smoothly. It was not crumbled, but the left hand in the drawing, the other end of the cloth was extraordinary. The way it had been cut, it looked like a skilled

dressmaker had cut it on a table. It was a very, very smooth cut in an arc and it shows on the drawing. So, it was cut in an arc like this, and again the cloth was not crumbled. There were a few folds in it. So, the centrepiece was very crumbled and the other two were not crumbled. So, in fact that piece, the cloth looked new. And the cutting of that cloth looked far too neat to have been, when I reflect on it now, when they say they cut him down, they would have cut, it would have come out very jacquard. There is no ways you could have had such  
10 a clean cut.

MR VARNEY: Just be clear, while it would have come out jacquard and not straight.

MS FLOYD: Because you have got a weight. If you got weight on a cloth and you cut it, I mean this is having made, having work with cloth and cutting it. If there is weight it is going to be very jacquard.

MR VARNEY: Would that be because the cloth is tightly folded so you are cutting through different folds.

MS FLOYD: Well as you cut the weight is pulling and the  
20 weight changes. And from the cut to the next it is going to change.

MR VARNEY: Right.

COURT: Yes.

MR VARNEY: M'Lord for the record Doctor Floyd has set out and described in some detail her observations in the sub

paragraphs to paragraph 40. Doctor Floyd you mentioned that you had occasioned to look at a photograph supplied by a witness who will be testifying in these proceedings. Perhaps in a week or two, and that is former Sergeant Paul Erasmus. He has supplied the investigating officer with a photograph. M'Lord that photograph, the copy of the photograph has been handed up [mechanical failure] [12:09 02– 12:09.11]. [Recording dragging]. And perhaps Doctor Floyd if you can return to the descriptions you have provided. And of course,  
10 here we are returning your drawing, but we can keep the photograph in mind as we inserting your descriptions. So, in paragraph 40.2. You say,

“On the right-hand side of the drawing one piece was cut straight.”

And as you have mentioned

“But has a few small folds.”

You then go on to say

“It is apparent that a knot was not tied at this end.”

And you say

20 “This also appears in the photograph supplied by former Sergeant Paul Erasmus.”

So Doctor Floyd what – what conclusion if any do you draw from that observation? Paragraph 40.2.

MS FLOYD: 402.

MR VARNEY: Page 12.



MS FLOYD: Okay. Just to note that I finalised the drawings and submitted them on 1 December last year. And I received this photograph that comes from Paul Erasmus this year. So, I finalised the drawings before I saw the photographs. And I was doing it purely from memory. The photograph shows two parts of the cloth.

COURT: Two parts.

MS FLOYD: And not three. So, there is one piece of the cloth that is not showing in Erasmus' photo. So, the middle  
10 piece is there. Cut on both edges. And in Erasmus' picture it looks like it has been tied in a knot and that correlates well with what I was saying about the middle piece that was very crumbled. The photograph demonstrates the details of the stripes which did not draw in great detail because I could not remember exactly how the stripes looked. The cloth that is folded out in the Erasmus photographs correlates to the right hand side of what I drew. And I think you will see it looks quite similar. So, what is missing from the Erasmus photograph is the left-hand side of the cloth with that  
20 unusually well cut section of it. So, the Erasmus photographs are matches for what I have drawn, but for two out of the three pieces.

MR VARNEY: That in fact, you then go on to describe the manner in which it was cut, that is paragraph 40.3 of your affidavit.

MS FLOYD: Okay that is the very neat long arc, as if it was cut by a dressmaker on a table with sharp scissors. It is very, very neat.

MR VARNEY: Right, and you have already testified that cut would give you inconsistent with the cut we know took place when police cut the kikoi in order to release late Neil Aggett from the – from the grill.

MS FLOYD: And – and clearly whether it is the left hand or the right-hand piece of the cloth, they had not been tied in a  
10 knot. The knot in the in Erasmus photograph where it is tied up, and the piece that I got that was very crumpled is right in the middle of the cloth. It is not at the ends.

MR VARNEY: Yes. And I think Doctor Floyd we have to consider carefully the implications of that. Observation, so you say in 40.3

“The kikoi in the Erasmus photograph looks new without a single crease. It has neat folds and you describe them as large folds that had not been tied in a knot. This piece does not appear in the  
20 photograph supplied by Erasmus.”

What – what conclusion, if any do you draw from that observation.

MS FLOYD: That there were not knots in the ends of the material. If there was a knot it was right in the middle.

MR VARNEY: I see. And if you look at the Erasmus

photograph, the piece on the left-hand section, it seems to be tied to the main section but it is a strand.

MS FLOYD: That was not there when I received it.

MR VARNEY: That was not there. Although in that picture does it look as there might have been in knot in the left hand portion?

MS FLOYD: At the moment, I just want to check I am looking the same way, ja the left-hand portion is tied in a knot.

COURT: Is it tied in a knot?

10 MS FLOYD: Ja, if you look at this carefully. This piece here, it is actually tied in a knot. It is not just the crumbled up.

COURT: Okay. The small piece.

MS FLOYD: Yes.

MR VARNEY: And your final observation is that the kikoi was an unusual colour, and you mentioned blue with bold white stripes and the colours of the Greek flag. I presume that the dark portions of the cloth are blue, and the light portions are the white.

20 MS FLOYD: And the colours contrasted it strongly and this – this I wrote before I saw the Erasmus photograph, and the Erasmus photograph shows the contrast. That the stripes are quite bold and visible.

MR VARNEY: And indeed, the last comment you make is that  
“It is a thick cotton cloth which would be creased if  
it was tied.”

MS FLOYD: Yes.

MR VARNEY: And Doctor Floyd you make that comment and is there some significance that you want to bring to the attention of the Court.

MS FLOYD: Well when we look at the photographs that we do have, which are not fantastic quality. There is photographs of him hanging in the cell, and the one from the front, the cloth has knots in the ends, and is either white or a very, very light colour and there are no stripes. So, it does not look like the  
10 same cloth.

MR VARNEY: I see.

MS FLOYD: And also the cloth that you see in the photograph is, it is kind of, it folds up to about that size whereas the kikoi is bulky and on the previous drawing of the photograph where it was around the neck it is very bulky. It does not look like the same cloth.

MR VARNEY: I see. Which of course if that is the case then that has some implications from the version that was put up in the first inquest. Before you return to your evidence on the  
20 kikoi, you mention at paragraph 42 that in some point you saw a photograph [mechanical failure][12:18:02 – 12:18:14]. [Recording dragging].

MS FLOYD: It was not soon after the inquest. It would have been late nineties, maybe early 2000's I have no way of remembering that date.

MR VARNEY: So, it could have been around the time of the Truth Commission when that journalist was involved. Whom reporting on the Truth Commission.

MS FLOYD: Could have been. I do not remember the details.

MR VARNEY: So we do have two photos here of Neil Aggett hanging from the grill in his cell and he indeed your Lordship, the only two photos of the scene ...[intervenes].

COURT: Ja.

MR VARNEY: With your Lordship's leave I would like to hand  
10 them up.

COURT: Yes.

MR VARNEY: For the Court's information. These two copies of photographs has already been handed up on the first day by the investigating officer. FGK(7)(1) and FGK(7)(2). And we will hand up copies for the witness as well as the Court. And just to our colleagues also hand them copies.

COURT: Were these the photos that were taken by the photos or what.

MR VARNEY: We – we assume that these are photographs  
20 that must have been taken by the police at the scene your Lordship.

COURT: Okay.

MR VARNEY: So, Doctor Floyd is one of the photographs the photograph you are referring to in your, in paragraph 42 of your affidavit. You say you saw a photograph of the cell, Neil

hanging behind the bars.

MS FLOYD: Okay. One of the photographs is very similar to that photograph. So, this photograph is very similar to that photograph that I saw in the Sunday Times. I was very shocked.

COURT: Just a moment. FGK(7)(2).

MR VARNEY: That is correct.

MS FLOYD: Yes, and I believe it is a police photograph. The one that I saw in the Sunday Times was very similar to this,  
10 but the angle was slightly different.

COURT: Similar to what? Oh, the same one. Okay.

MS FLOYD: Ja. So the angle of the photograph in the Sunday Times was slightly different, and what does not show in this one, but showed in the Sunday Times version, is that he had shoes with very, pale colour shoes with very prominent heels. And will come back to describing the shoes. But the shoes had a double sole on them.

COURT: A double fill.

MS FLOYD: A double sole.

20 COURT: Okay.

MS FLOYD: Very heavy with the extra sole. ...[intervenes].

MR VARNEY: Doctor Floyd just assist the Court. I see you had given some description of shoes and the slippers at paragraph 39 of your affidavit.

MS FLOYD: Okay shall I go back to it. Okay. I received the

shoes in late 1982. And there were two. There was slippers that are known as "stokies" which were curled up. They were a navy blue, like towelling material. I think everyone was wearing "stokies". And I have got a set that I can show you if you are not sure. They looked, when they are new, they are curled up like this. When you wear them they get a bit flatter? And they looked they had either not been worn or they if they had been worn it would have been very little wear, and I had not seen before. But I remembered in the first inquest. I did  
10 not remember everything but one of the things I remember is the police said he died with those slippers on.

MR VARNEY: If you do have sample just for the Court you can show him.

MS FLOYD: They are not exact, but they show the kind of slipper.

COURT: Okay. Proceed.

MS FLOYD: Now the formal tan shoes had a double sole which made them very heavy. They were almost new, and I had not seen them before. And I concluded that they were the  
20 type of shoes that union members wore to work. Because they walk such long distances. Because the average shoe does not have the double sole. And they were a very, I do not know if I have got the colour tan correct. But they were very light in colour. So going back to this photograph, the one that I saw in the Sunday Times it looks like there was a set of photographs

and the angle was a bit different. And in the photograph the light had caught his heels. They were very prominent.

COURT: What is that?

MS FLOYD: The heels of the shoes, were very visible at the bottom here.

COURT: I see.

MS FLOYD: The light had fallen on them, and I mean you cannot see a lot behind the bars, but the shoes were very prominent. And I think you can just see them here, but they  
10 are not prominent, and it was clearly these light tan shoes with the double soles, because in the photograph you can see the back of the shoes, the heel is, sorry the sole is extra thick.

MR VARNEY: Perhaps Doctor Floyd and I am sorry to interrupt you, but it might be an appropriate to draw the attention of the Court to another drawing that you have prepared. In fact, of the shoes.

MS FLOYD: Yes.

MR VARNEY: And it is annexure DKF(5).

MS FLOYD: Again I have a very clear memory of the shoes,  
20 and I have drawn them. So, the bottom one is the "stokie" and the top one is the formal tan shoe and I am showing the double sole on that heel.

COURT: Yes.

MS FLOYD: The double sole went right through. I do not – I do not know exactly what you call this shoe. I think men you



have a name for this.

MR VARNEY: Well I am a man, but to say I have no way to describe that pattern on that shoe.

MS FLOYD: Now what really struck me when I saw the photograph in the Sunday Times and which is stuck in my memory, was that the heels was very close to the ground.

COURT: Heels close to the ground.

MS FLOYD: They, I measured them the other day. It is about 2.5 centimetres that I saw in the photographs, and it has just  
10 struck me that those heels are very close to the ground. If somebody is going to be hung, you would expect their feet to be well above the ground. So about that much above the ground. And you can see the ground because the bars, the bottom part of the bar, the bottom level of the bar is against the floor. It is on the floor.

COURT: Yes.

MS FLOYD: It is flush with this floor. Or it sticks a millimetre, or a couple of millimetres. So, I had, there had been difficulty tracing this other photograph which illustrate  
20 the heel as well. But I am sure we can continue trying to trace them.

MR VARNEY: But to be clear. The 2.5 centimetres is your estimation.

MS FLOYD: Yes, it is not measurement.

MR VARNEY: Looking at the photograph and obviously you

did not have the original photograph to look at these photographs.

MS FLOYD: It was a photograph reproduced in the newspaper.

MR VARNEY: Alright I just think we need to be clear as to when you did the estimation that it could have been 2.5 centimetres of the ground.

MS FLOYD: I did that recently. I could remember the distance and then I took the distance I could remember and  
10 then I put it against a ruler.

MR VARNEY: Right. So, in other words you were making the calculation from memory as opposed to making the calculation of one of these photographs.

MS FLOYD: Yes.

MR VARNEY: Thank you for that clarification. So that is at paragraph 42 of your affidavit, but I do not want to interrupt your train of thoughts, so please proceed.

MS FLOYD: Okay. I think you can guide me on the next step. I think I have covered this one.

20 MR VARNEY: If I may ask one question on the 2.5 centimetres that you have estimated. You said you found this strange, and you also testified that you would have expected to see the body hanging somewhat higher. Perhaps you can elaborate as to why you were having that expectation.

MS FLOYD: I do not think I have thought it through in any

detail. I just thought it was strange.

MR VARNEY: Al right. And then Doctor Floyd you set out in your affidavit some of the preparations on the second inquest that you did in late 2017. Or rather to be clear, you point out that late 2017 you decided not to look at photographs because it was too depressing. However, in early 2018 with a private investigator, am I right in say that was Mr Frank Dutton.

MS FLOYD: Yes.

MR VARNEY: Perhaps you can indicate your observations  
10 that you did in early in 2018 in the company of Mr Frank Dutton.

MS FLOYD: Okay. He showed me this photograph. But I must say the quality of the photograph was slightly better, so I could see a bit more detail than it is visible here. And while looking at the photograph there were some things that stood out for me. Firstly, as mentioned the cloth was a very white, was white or a very light colour cloth and it had a knot on each end. It was too thin to be a kikoi because the kikoi is very bulky. It was on the right side of his neck, which is the same  
20 as his neck that I could see so clearly in the mortuary.

MR VARNEY: A cloth with white. And on each end and you further say it was too thin to be a kikoi, it was bulky and it had a tie on the right side of his neck and there were no marks on it. Now from those observations, again I have to ask you what conclusions, if any did you draw from that that you alleging

that the cloth was white ...[intervenes].

MS FLOYD: Well very light or very light.

MR VARNEY: It was too thin to be a kokoi.

MS FLOYD: That the kikoi I have received and which I have drawn and shows in Erasmus' photographs. Does not look like the cloth which is shown in the photograph of him hanging from the bars.

MR VARNEY: So are you suggesting that a cloth depicted in FGK(7.1) as well as FK(7)(2) might be different to the cloth  
10 depicted in the Erasmus photograph.

MR COETZEE: M'Lord ...[intervenes].

MS FLOYD: It looks to me.

COURT: Just a moment.

MR COETZEE: M'Lord I do not wish to object or necessarily even, because obviously the evidence of the witness must flow. But I just want to stress that the witness is giving quite of expert evidence in relation to her, to these cloths and to the ties and to the nature of the cloth and things and the height and things like that. I am not objecting to the evidence, but I  
20 just want reiterate that it must be borne in mind that this is her observations and she is not an expert in this relation. I respect her observations and her memory, but I just want to bring it to the Court's attention that – that it is not expert evidence to the issues to which she is currently, the conclusions that she making. As a rule, a conclusion is an

opinion that a person speaks of. It is an opinion she has. From what I saw it is not the same. It is an opinion, and I just want to stress the fact that it is a lay's person in regard to these observations. And as I say, I clearly – I do not object to the evidence. I just want to put it in the context as to where it stands where it stands in the evidence - the rules of evidence and I am also aware of the fact that the Court has a very wide discretion to allow evidence much wider than in a normal criminal trial for example. I just want it to be noted as to what  
10 it is. And to the probative value, eventually that would have to be attached to this evidence as the opinion of a lay person. Based on her observations thirty-eight years ago.

COURT: Well I thought that Adv Varney when introducing the witness saying that she is not an expert witness.

MR COETZEE: Yes M'Lord. No but I say that we are getting here to opinions that she says and conclusions that she makes. I just want to stress that it must be seen in the light of conclusions and opinions of a lay person. In this regard.

COURT: Okay. Adv Varney.

20 MR VARNEY: Thank you your Lordship. Your Lordship I do not really have any comments to make on the intervention. My learned friend is free to make his submissions at the appropriate time, and yes, we are not claiming that the witness is an expert on cloths or anything else for that matter. We have set out her expertise in her *curriculum vitae* and that is

before the Court ...[intervenes].

COURT: Yes, that is how I understood it.

MR VARNEY: And of course, we conceded that she is in special within her relationship with the deceased and her own experiences. So, at the appropriate time my learned friend is free to make those submissions. Nonetheless we do think it is useful for the Court to hear the opinions and views of Doctor Floyd.

COURT: It is what she observed.

10 MR VARNEY: It is what she observed. Exactly.

COURT: Thank you.

MR VARNEY: Alright if the Court has nothing further to probe in relation to the observations, perhaps we can move to the observations of the formal tan shoes. It is then set out in paragraph 43.2.

MS FLOYD: As I have mentioned one of the things, I did remember from the first inquest is that police report said that he was wearing slippers when he died. Now if you look at this photograph and you look at the colour of this slippers, he is  
20 actually wearing the formal tan shoes. Again, just to note that the photograph that I looked at, was slightly better quality. And it was a little bit more obvious than this one, but these are clearly not dark slippers. The shoes come up higher the foot, and it is definitely not a navy-blue slipper.

COURT: Does ...[intervenes].

MR VARNEY: M'Lord ...[intervenes].

COURT: Does it look like, sorry does it look like he had his socks on.

MS FLOYD: No. He was not wearing socks when I saw the photograph for the first time. It was a little bit clearer.

COURT: Okay.

MR VARNEY: Indeed, on the question of socks M'Lord in due course we will lead evidence to demonstrate that socks are not permitted in cells.

10 COURT: Were not permitted. Okay.

MR VARNEY: M'Lord I was saying I have asked my team if they can track down the better-quality photos Doctor Floyd says she observed in the early 2018. And if we find them and then of course we will submit them in evidence.

COURT: So, I just want to clear this issue up. If you look at photo(7)(1). Unless we look on the shoe of the left, I do not know where it ends and where the legs start. But between where the trouser, the end of the trouser and what looks like the end of a shoe, there is a colour which is not the colour of  
20 the skin of the hand. Look at the hand and look at the bottom where the shoe under the trouser ends. Is that not a sock?

MS FLOYD: I do not remember it that way, but ...[intervenes].

COURT: It was not there?

MS FLOYD: Well I – I – I do not – I do not have something that sticks in my mind that he was wearing socks.

COURT: So, he was not wearing socks.

MS FLOYD: I cannot guarantee.

COURT: Okay. Maybe it is the colouring, as time went on this colours do fade.

MR VARNEY: And unfortunately M'Lord we have to concede that the quality of these photos are not the clearest possible quality.

COURT: Yes. Okay.

MS FLOYD: Could I just make a comment.

10 MR VARNEY: Of course, Doctor Floyd.

MS FLOYD: If you look at the other photograph through the bars, I think you can also see the colour of the cloth.

COURT: The colour of the cloth.

MS FLOYD: Yes, you could just see it, and it is pale.

COURT: So, it is almost as pale as a trouser.

MS FLOYD: Yes.

MR VARNEY: So, Doctor Floyd you then go onto to describe clothing. He was dressed in jeans and what you say is a navy sweatshirt over his shirt. You say that is indeed the one that  
20 you have received. But you do make an observation and say that this navy sweatshirt had folds on the chest. And can you indicate to the Court why you made that observation and if there is any significance to draw a comment.

MS FLOYD: You can just see in this photograph. The midlevel of his chest on his left-hand side, your right hand side



when you are looking at it, you can see there is a fold. Which does not quite make sense. And it looks it could have been where he was lifted.

MR VARNEY: You also say that it appears that he gained weight in detention and there were obvious injuries.

MS FLOYD: Yes.

MR VARNEY: And nothing further to say about that. You make the observation that he had no belt or shoelaces. What is the significance of that.

10 MS FLOYD: It is standard police procedure for detainees and prisoners to remove the belt and the laces. So, it is not a surprising finding. But just to note. And they remove – all people that are put into the cells because there is a history of prisoners using them to hang themselves. So, it is done as a pre-caution.

MR VARNEY: All right then you sort of conclude that section by making certain observations. I think we have in fact dealt with most of them. Let us see whether there is anything that is fresh. You make the point as you have made previously that in  
20 your view the cloth and the photograph is not the kikoi that you received and it appears in the two photos the police took. You make the same observation in relation to the knots and the same view in relation to the slippers and shoes. There is something fresh that you perhaps want to draw to the attention of the Court. You say on the night of 4 February and here I am

looking paragraph 44.3. You said

“It was very hot without rain.”

MR VARNEY: What is the significance of that recollection?

MS FLOYD: I remembered very clearing because I was preparing for myself of what was a heavy down of interrogation coming up. And then it was so hot it was difficult to sleep. So it is very very clear memory. I have got that memory of being driven from John Vorster Square to Hillbrow and then in the cell. But now he is wearing shoes and he is wearing a track  
10 suit top. Not a very thick one. So, I would say you know it was like the hot days we have now. So why was he wearing shoes and why was he wearing a track suit to if the police saying he was in the cell.

COURT: The police saying what?

MS FLOYD: Why was he wearing warm clothes in the cell if it was such a hot night. So, when they said he had died in slippers I thought that was a bit strange, because he never wore slippers. I have not checked with the other detainees, but I was always barefoot in the cell. I would put shoes when  
20 they fetched me to take me out. So, for me putting on shoes meant I was being collected and taken out. So, I thought he had looked he was dressed to go out of the cell.

MR VARNEY: And you speculate that possibly from interrogation. In paragraph 44.4 you make a specific observation in relation His legs and feet were hanging

symmetrically and straight whereas his right foot normally turned in. Can you explain to the Court in your view his right foot normally turned in.

MS FLOYD: I have shown it in the photograph, I mean in the drawing. His right foot turned in.

MR VARNEY: Before we proceed, for the Court's benefit I can now refer you to annexure EFK(6) to Doctor Floyd's affidavit where she has depicted drawings from her recollection of Neil Aggett's feet. Can you explain when you drew this picture  
10 Doctor Floyd?

MS FLOYD: The draft was during last year and I handed in with the other drawings on 1 December to Webber Wenzel.

COURT: Thank you.

MS FLOYD: Just to note in this drawing I am a doctor so there some skill in it. And it is from clear memory of what his foot looked like. And it is visual. His right foot turned in, and I have tried to show exactly where the turning in starts. It is at the, it is the four foot from the matador tarsal and the reason for that he had a fractured femur as a young child and it  
20 heeled up a little bit crooked, and children that age do not sit still in bed, so there was a bit of a rotation. So, his knee turned out and his lower leg was a bit turned out, so the foot came in to compensate for it. So, his feet were not exactly were not exactly straight like this. If his feet were off the ground that foot should have been turning in. If his feet were

free from the ground.

MR VARNEY: And so the fact that according to your observation it is not turning as depicted in EFK(6). What conclusion do you draw if any?

MS FLOYD: Here I – I – I – I will loathe it. I am not sure that I can do a full conclusion on it. But it looked like his feet was on the ground. You know they were straight like this on the ground. And if you take the photograph that I saw in the Sunday Times where the heels were only this far off the  
10 ground. It looks like his toes were down and hitting the ground.

MR VARNEY: Possibly touching the ground?

MS FLOYD: Possibly.

MR VARNEY: You mention looking at that photograph and accounting what happened to the investigation, the investigator and the legal team, that would have been in 2018.

MS FLOYD: Yes.

MR VARNEY: That you had a reaction. Do you want to explain what reaction you had severe, moderately severe  
20 PTSD in 1982. So I am very familiar with it. And after spending time and energy remembering these details, I had a recurrence of the PTSD. It was not particular PTSD. My family did notice it. But I recovered within three months. Now that I had two years looking at the photographs, I do not feel distressed looking at them. like the photograph in the first

inquest I found it distressing and did not want to look at more. I found in the Sunday Times very distressing. And I looked at this one and then started looking at the details, and at this stage, I mean they are not nice photographs but I do not feel that level of stress. I think I got used to it. But as late as 2017 I said I did not want to look at the photographs.

MR VARNEY: Right. Thank you for explaining Doctor Floyd. Now you mentioned that at the time of the first inquest you did not draw any particular conclusions from your observations of  
10 Neil's body and we have already heard that, we did have that particular round about 11 February 1982. Understandably you also testified that you were traumatised at the time. Even hospitalised. Do you wish to add anything as to why at that time you did not wish to go any further and did not wish to make any conclusions?

MS FLOYD: I did not, I did not make conclusions. I just noted things as strange and there is this very strong visual memory. And I was just overwhelmed about was happening around me and combined with the Post-Traumatic Stress  
20 Disorder. It is only two years that I started looking at the photographs that I started to look at why it was strange, and what was strange about it. That gives the kind of observations that in the affidavit.

MR VARNEY: At paragraph 46 you also explain that during the first inquest the court was filled with Security Branch

members, and it just created an atmosphere of intimidation and stress.

MS FLOYD: So my Post-Traumatic Stress Disorder actually got worse during the inquest. I felt very overwhelmed and it was an ordeal. That went on day after day. There were a lot of Security Police around and they packed the court when the ex-detainees were giving evidence, including myself. And they grout interrogate us.

MR VARNEY: Alright but also...[intervenes].

10 MS FLOYD: But the interrogators of the detainees were in the court room when they were giving evidence about their own torture and there was nothing that protected these detainees from being re-detained into the hands of the same torturers.

MR VARNEY: Yes indeed. But even in your testimony before the Truth and Reconciliation Commission which is attached to your affidavit at EKG(7) seems to be a transcript of your testimony on 2 May 1996. Before the Human Rights Violation Committee of the Truth and Reconciliation Commission held in Johannesburg. Day three to be precise. These pages are not  
20 numbered your Lordship but on the seventh page in response a question that was posed to you, Doctor Alley from the Commission says

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

That is about halfway down and in bold.

COURT: Ja.

MR VARNEY: On the seventh page of that transcript. And in response you have indicated that people were sceptical. But at that point in time you were not ruling it out. But you described it as something of a technicality. Perhaps you can explain to the Court why you expressed that view at that time.

MS FLOYD: Okay. For people around us and in South-Africa, I mean a lot of people say he was killed and they would come  
10 up to me and say look he was killed. And I think that for generally for people, they are saying whether they drove him to take suicide, take his own life, or they killed him and strung him up, it is the same reason that he died. For his family and myself and people who were close to him, there is a difference in terms of the impact on us personally. There is a very significant difference and I think that is partly why, one of the reasons for re-opening the inquest is to relook whether what came out then. In the first inquest stands when you have some additional information in this inquest. So to some people  
20 it is a technical issue. Did he actually do it himself or did the police, the security police did it to him. But for some of us it does make a difference.

MR VARNEY: And given that you have now supplied the Court with your detailed observations the question of the cloth, the knot, the shoes and other matters ...[intervenes].

MS FLOYD: And the no marks on his neck.

MR VARNEY: And the no marks. Do you still express the same view that you have expressed at the time of the Truth Commission or have you shifted your view?

MS FLOYD: My view has changed through observing all these things in 2018 and I believe that he died in the hands of the Security Police and he was hung up thereafter.

MR VARNEY: Doctor Floyd I noticed that you have a sample kikoi with you. And indeed, it looked like the very same kikoi  
10 that was present during the *inspection in loco*. You had indicated that you wish to do a demonstration in relation to the knots. Do you still wish to?

MS FLOYD: I am happy to.

MR VARNEY: M'Lord before proceeding. I see it is one o'clock. I do not want to lead into the lunch time, so will this be an appropriate time to take the lunch adjournment and then we can continue after lunch.

COURT: We will proceed at two o'clock.

MR VARNEY: As the court pleases.

20 COURT ADJOURNS: [12:59]

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COURT RESUMES: [13:59]

CLERK: Our witness is reminded that she is still under oath.

ELIZABETH KATHERINE FLOYD: s.u.o.

COURT: Thank you. You may proceed Counsel.



MR VARNEY: As the court pleases. M'Lord during the lunch adjournment we had so enquiries as to whether there were better and clearer copies of the deceased Mr Aggett that is hanging in the cell. That is FGK(7)(1) and (7)(2). And it appears that there are no better copies than what we have. Although there is the possibility that when viewed on computer screen it does appear clearer, and it maybe that we will provide our colleagues as well as the Court with a digital copy in case, in the hope with high pixels it might become clearer.

10 And on that score Doctor Floyd I just wanted to know when you were consulting with the investigator were you looking at paper copies or where you looking perhaps on the pictures on a computer screen if you can remember.

MS FLOYD: It was on paper, but I think what is happening when things get re-photocopied, they are losing some of the definition. But the one that was in the Sunday Times, as I have said it is a series, it looks like the other photographs but it is taken a slightly different angle. I have not seen that with the investigator.

20 MR VARNEY: So, we, it is on our to-do list that we will be following up the Sunday Times photograph. We will be checking the press clippings that we have already on file, and we understand that the Sunday Times has a digital library, and M'Lord if we do find those photographs we will put them up in evidence.

COURT: Okay.

MR VARNEY: Doctor Floyd it has been quite a long day and I do not intent to keep you on the stand for much longer. I see you deal with the kikoi there, it is not in fact my intention to do the demonstration, unless it is something you really believe the Court ought to see. This then brings us to the final part of the evidence that I wish to lead, and as I have mentioned this morning, we are now dealing with the period post Neil's death. And indeed, post your release. And you have dealt in some  
10 detail with this period in your affidavit from page 15 onwards, that is from paragraph 47 and I do not intent take you through each and every paragraph. Indeed, we have already dealt with the question of Post-Traumatic Stress Disorder, PTSD and in fact you have already explained to the Court in some detail. That you were diagnosed with PTSD and the symptoms and the suffering that you have experienced as a result. And unless you have anything further to add to what you have set out in paragraphs 50 and the sub-paragraphs all the way through to paragraph 52 and paragraph 53 then we will not be returning to  
20 that topic. Paragraph 54, but perhaps we get to that, at times we had made reference to the first inquest, and you have already testified to the fact of the levels of intimidation given the presence of several police officers some of them that were regarded as perpetrators. At least of torture in the gallery. Do you have any comments to make in relation to those

proceedings and in particular any views to express in relation to the finding made by the first Magistrate's court?

MS FLOYD: I will be brief. I think I was still surprised at the way the Magistrate; I think it was ...[intervenes].

MR VARNEY: Magistrate Kotzé ruled out the evidence of many of the detainees and gave petty reasons for not accepting their evidence. The detainees evidence was reported in the press. At the time the Law did not allow anybody to talk about prisons or detention. So, the inquest  
10 became a source of information and it changed public understanding of detention and torture plus the psychological impact. And particularly for White South Africans. Many had not known or did not want to know so it made changes, big changes there. I think Black South Africans did know, but it was still for people to know the details. And with DPSC and all the organisations which supported the DPSC and provided services it did change the landscape for detainees. It then led of the escalation of other forms of violence which I have documented. And it took many more struggles until 1988. I  
20 have to watch the decade. Where there was a mass hunger strike by detainees which brought detention to an end. But violence continued in other forms.

MR VARNEY: So Doctor Floyd are you saying that notwithstanding the shortcomings of the first inquest and notwithstanding the shortcomings of the finding of

Magistrate Kotzé, the fact that evidence of torture and the conditions in detention was led at the time, resulted in some positive impact and some changes been effected. Doctor Floyd in paragraph 54 of your affidavit you mentioned that for several years after these experiences you felt severely stigmatised. Can you explain to the Court why you felt that way.

MS FLOYD: There was extensive publicity. And it was well meaning, but I would walk into a room and people I had never  
10 seen before would identify me, and they my profile was “death from torture”, that is what people, when they saw me, that is what they saw. And I find it highly stigmatising. I understood that it was well-intentioned. But as a result I withdrew socially to spent with old friends who knew me before I got that profile. That went on for a very long time.

MR VARNEY: And it seems from your affidavit that your problems with the Security Branch did not end from your release from detention in March of 1982. What further experiences did you sustain in relation to the Security Branch.

20 MS FLOYD: I knew who Paul Erasmus was, because he had supervised the twenty-four-hour Peace Woman Guard in hospital. And before detention we did not have a face to the Security Police, but after you have been through that process you got faces and personalities and you got a feeling for who you are dealing with. He played an important role *StratCom*

which was the dirty tricks component. I am sure he will elaborate on it. And he personally harassed me, and my harassment continued for ten years. He says he did not do it all. But certainly, for the first six years. So visible surveillance, live monitoring of all my phone calls, abusive phone calls at late at – in the middle of the night. A lot of them was sexual abuse and he has admitted to that at the TRC. A home invasion. I did not get some of the more complicated dirty tricks where people spread false rumours, but I also withdrew. You know I was very careful of who I interacted with. I had to curtail my personal and my political activities. So instead of play a front row role, I started working in service NGO's and I did not work directly with Unions, because I felt it would be put me at risk – would put me at risk and I was able to retain my job, but I was homeless for a while, and a lot of my close friends left town.

MR VARNEY: Thank you Doctor Floyd. Doctor Floyd in your affidavit you mention an incident relating to an incident some kind of interaction between a late Stephan Whitehead and the late Brian Sandberg for some time co-ordinated Neil Aggett Support Committee which happened in 2012. Can you elaborate that incident to the Court?

MS FLOYD: I met Brian Sandberg in 2012 and I had some ongoing contact with him, and he laid charge at the old John Vorster Square, Johannesburg Central police station. He laid

charges of homicide against Whitehead. Then at some stage when I saw him, he told me he had received a phone call from Whitehead who told him

“Let sleeping dogs lie.”

And that sounded to me as a threat and I also believed that I was under threat from Whitehead. I always that my – that my physical safety was at risk because of Whitehead particularly around this inquest. And I am very relieved that he is gone.

MR VARNEY: So, you got to hear of his passing last April  
10 2019.

MS FLOYD: Yes.

MR VARNEY: On the one hand you are saying that you are relieved that he is gone because your perceived threats and risk need potential action. You thought he might attack, so that was now over. But you have any comments to make in relation what it means in these proceedings on the family perhaps.

MS FLOYD: At the time the Minister made the announcement that this inquest would go ahead and within two days that  
20 Whitehead had died. Subsequently I think has come out that he has dies a few days earlier ...[intervenes].

COURT: Who else? Besides Whitehead who else died?

MR VARNEY: M'Lord that is Stephan Whitehead.

COURT: Yes, and who else?

MS FLOYD: Ja just Whitehead.

MR VARNEY: Just him.

COURT: Oh, I see.

MS FLOYD: That he died about four days before the Minister made the announcement, and in my mind, I could see that as a coincidence you know. You know after thirty-seven years that the announcement on the inquest and his death could be within two or three days of each other. It was very difficult to believe that that was a co-incidence. Over such a long period.

MR VARNEY: So would you support the efforts of this Court  
10 to clear up that aspect by inspecting the unabridged death certificate.

MS FLOYD: Yes.

MR VARNEY: Now Doctor Floyd the balance of your affidavit deals with what you have alluded to a little earlier. The system of State organised violence. Organisations and others who were involved then around the question of detainees and other support. As you had mentioned in your background in the beginning of your testimony, and then the fact that this matter and others were dealt with by Truth and Reconciliation  
20 Commission. It is my intention to lead you through all of that. Because it is before the Court, it is a matter of record. But before we close up your evidence-in-chief is there anything you wish to add or to say?

MS FLOYD: I think just item 72 to explain what I said to TRC. After I presented the statement Commissioners asked me what

did it want from the TRC. And I did not motivate for further investigation by the TRC at the time, and I want to explain why. Because inquest had done extensive work, even though it was conclusive on exactly how he died and the last hours of his life. At the time there were a number of people who had disappeared, who had been murdered. Particularly in the Eastern Cape which needed the attention of the TRC and the TRC did do some very extensive and effective investigations. And what I said that at the time was that the Security Branch

10 members who were most involved, such as Whitehead and Carr should come forward and to explain truthfully to people what actually days and the hours leading up to Neil's death. Because from the outside, given the isolation and the measures taken by the Security Police we did not know exactly know what had happened in those last hours, and only they could really truthfully tell us. So if we really are going to know confidently the details it would need one of those people to talk about what happened. Almost all of them have died. And that is the implication of the delays in this second inquest

20 being opened. I think there is one of his interrogation team who is still alive and he went through the TRC. Just to note that Whitehead went through the TRC. He did not give information. He did not apply for amnesty and he thereby opened himself to prosecution on these issues. So I think the repressed for the surviving Security Police that the time is now



right to come forward and tell us what they do know. I think that the general environment supports a new phase in the country really find out what happened. I do not think there will be major legal repercussions. I think Whitehead would have faced serious legal action and even information put together with together with the information that the investigation has rung up. But between the NPA and the lawyers, the legal team representing the family, even minor information may be quite important. I think the amount of information that is coming out  
10 after thirty-eight years is remarkable. I mean it is difficult, given that the information was not accessible at the time, and the Security Police clearly put in reports that were not true. Which I think some of my evidence that have shown. So only the only request to the surviving police to tell us what they know.

MR VARNEY: Doctor Floyd I can assure you that certainly from the side of the family's legal representatives we endorse that call. Now really is the time for close of information to come forward. You mentioned the fact that people like  
20 Whitehead and Carr and others could have used the Truth and Reconciliation Commission process. Indeed, they could have applied for amnesty. Disclose what they have done and then enjoyed both criminal and civil liability going forward. Now the fact that nobody came forward to disclose what had transpired in relation in the Aggett death, how did that leave you feeling

at the time?

MS FLOYD: I did not have very high expectations. We did not expect that this process would take twenty years. But I think they must have decided not to apply for amnesty. And it was not just Whitehead it was also his seniors. So I think there was a disregarding of the TRC. Because I think the TRC amnesty process was a very generous offer to people who had found themselves in extreme situations to apply for and maybe get amnesty and that list of amnesty, it is thousands. So it is  
10 problematic that people who could have applied for amnesty chose not to. Some did. Carr did but not on this case. I had a re-looked at the list, but I looked at it to see. And with the TRC applications for amnesty for specific cases. It was not I get amnesty for everything. And I do not think, from the summary I saw I do not think they applied to this particular death of Neil.

MR VARNEY: Yes that is our recollection and we will do a double check but I am sure nobody applied for amnesty in relation of the torture and death of the late. Doctor Floyd is  
20 there anything further that you would like to say.

MS FLOYD: No there is not.

MR VARNEY: And Doctor Floyd I must thank you for enduring today and in respect of the legal team of the Aggett family we are indebted to you for spending today with us. Although it must have exceedingly difficult to have to relive those

traumatic times. Your Lordship we have no further questions.

COURT: Thank you very much. Who wants to start Counsel for the NPA.

EXAMINATION BY MS SINGH: Doctor Floyd I have few questions for you, but before we proceed, I think we express the same sentiments as Adv Varney that we are truly sorry for your loss, and thank you for sharing what undoubtedly is a very traumatic and moving experience. Not only in a personal capacity but in losing in Doctor Aggett. I am going to proceed  
10 with a few questions. I just wanted to find out, Doctor Aggett's decision to live simply without you know any attachment, material attachments or attachment with material things, just to live a simplistic life. Would you say that was in order to identify with the pride of the majority of Black South Africans in particular. Would you say that?

MS FLOYD: Yes.

MS SINGH: Rendering this type of service you know to a vast amount of our population in Apartheid times could not gone, have gone down well with the security branch, let alone the  
20 National Government at the time. Did it? What would you say to that?

MS FLOYD: Could you – could you say specifically which services.

MS SINGH: Okay. The way he would have mingled with particularly non-white people. Black African people. Blending

this type of service. Would you, do you think this would have gone down well with the Nationalist Government of the time or with the Security Branch.

MS FLOYD: The medical work that he did at Bara was not a problem. Working with the union obviously attracted excessive suspicion. At the time the mentality of the Afrikaner Government and specifically the Security Services was strongly coloured by racism. So, I have given you description that he was mentored by Oscar Mpheta, Emma Mashinini and  
10 Thozamile Gweta and Sisa Njikalane. They would have looked at it differently. That if there is a white man, particularly one with full education. If he is in the mix, he must be the communist of telling them what to do. That conspiracy theory. So I think it goes beyond suspicion and was likely to elicit as a conspiratorial and the interpretation of a conspiracy and then you must also remember that at the time Communism was illegal and anyone who was not living a full kind of middle class lifestyle when they could was labelled a communist. The way the term Communist was quite loose.

20 MS SINGH: Now we have heard evidence that you know that he did not care much for example hot water, living in Houghton, you know having a better life, a more privileged life. Now you have lived with him for quite some time. Would he have been upset enough to take his life if he did not receive a radio if he had requested it?

MS FLOYD: No.

MS SINGH: The evening when you, or the morning when both you and Doctor Aggett were arrested, you said you had stayed, you had both had stayed at a friend's house.

MS FLOYD: Yes.

MS SINGH: Is there particular reason why you did not stay at the place where you would have stayed?

MS FLOYD: He was living there at the time.

MS SINGH: Right.

10 MS FLOYD: We had separated temporarily. It had not ended the relationship ...[intervenes].

MS SINGH: Right.

MS FLOYD: But we were not actually living under the same roof at the time. He had asked me to come visit him and I stayed there.

MS SINGH: Right. How far, just bear with me. How far, or what was the distance between where you were living and the place where he was living. The reason why I am asking is, how would the Security Branch have known where to find the  
20 both of you.

MS FLOYD: I assume they started at Fox Street.

MS SINGH: Right.

MS FLOYD: They probably had; I mean they must have been monitoring. If they did not find us at Fox street they would have looked where they knew he had been coming and going.

He was under massive surveillance.

MS SINGH: When he was arrested, I see the majority of detainees that do come and testify always say that they are disorientated. They did not know time. Did you not have watch? Why is that?

MS FLOYD: We were not allowed a watch or see a clock.

MS SINGH: Right.

MS FLOYD: There certainly were no calendars.

MS SINGH: Right.

10 MS FLOYD: And it was an organised part of the system and clearly isolation and deprivation was designed to illicit disorientation to make it easier to interrogate.

MS SINGH: So, watches were removed when you were detained. In your cell where you lived, I understand that ...[indistinct] detainees would detain separately from their ...[indistinct] detainees. In particular can I just ask your cells were visited. Would police officers come and check on you during the night? During the day?

MS FLOYD: I think from what I remember the police from the  
20 police station did two checks per day when they changed shifts.

MS SINGH: Right.

MS FLOYD: And then somebody would bring us food. It was not necessarily a police officer. But it might have been a police officer.

MS SINGH: And this is where you were detained in particular.

MS FLOYD: Yes, I was in the police cells and the system was a little different from the specialised detainee centre from John Vorster Square where they, let us call them VIP's where they house VIP's where they could have very easy access to interrogate them, and they were not interacting with anyone outside.

MS SINGH: So they were kept separately.

MS FLOYD: It was a floor specifically for the political  
10 detainees and the Security Police would not have to go through a police station to access them. Because there risks for the Security Police because there were uniformed police watching what was happening, and the Security Police, the uniformed police would not necessarily identify and support the Security Police and a number of them did not approve of what they did to political detainees. Their professionalism, they had some professionalism about how you handle people.

MS SINGH: Okay. In your cell in particular, I assume you would have worn the clothing that you had on your body. Were  
20 you allowed to keep any extra clothing in your cells? You in particular.

MS FLOYD: I had the clothing that I was arrested in and I did have some other clothing. Some of it was brought by the support groups. The parcels we got every month, and I cannot exactly remember, I mean I might remember later or tomorrow.

MS SINGH: Okay that is fine.

MS FLOYD: Whether we were allowed to pack things to take with us. I do not remember us doing that.

MS SINGH: No that is fine.

MS FLOYD: But we did have basic clothing.

MS SINGH: Your clothing in particular was it washed by yourself or ...[intervenes].

MS FLOYD: Yes.

MS SINGH: It would be washed by yourself. Where would  
10 that be done?

MS FLOYD: In the police station there are at that time, there were cells that were already allocated for White woman. Black woman, White men, Black men. So, I was in a communal cell that would normally house whichever white females were arrested at the time. Because it is a communal cell it is a bit bigger. Because it is a police station the cell has a yard which you can access and there is a small washing area.

MS SINGH: Okay. During your interrogation how many  
20 members would be interrogating you at the time. Can you recall?

MS FLOYD: It would be two, and the minders would observe but they would not take an active role. They would be in on the interrogation.

MS SINGH: But there would always be two or more. Could I put it that way or just two.



MS FLOYD: Well in the case of Carr and Whitehead. Whitehead was in and out. I do not know what he was not in the room and Carr was present throughout.

MS SINGH: Right. And then Doctor Floyd you mentioned in your evidence they would go and they would come back, and you picked up from the way of what was being communicated with you that they were talking Doctor Aggett. Am I correct? What made you ...[intervenes].

MS FLOYD: There was nothing – there was nothing on that  
10 day that suggested to me that he was on the floor.

MS SINGH: Okay.

MS FLOYD: There was no indication of that. But I mean their system is to keep completely separate. If you were able to see someone else, it would be because they had decided to allow to see some. So, the system was to keep particularly a couple completely separate.

MS SINGH: Okay.

MS FLOYD: He may have been there, but there was nothing that I saw that indicated he was there.

20 MS SINGH: But from information that would come back from them through them, did you get the idea that you know there were communication going on with him.

MS FLOYD: They were definitely the same team. The team that worked with me, was definitely working with Neil.

MS SINGH: Okay.

MS FLOYD: I mean at the inquest there were some additional people that interrogated him, that were not my interrogators. And they did make it known to me.

MS SINGH: You testified that here were a visit too by a Magistrate. I just wanted to find out, at that time would you have known if there if there was an Inspector of Detainees'.

MS FLOYD: No.

MS SINGH: Did you ever see Inspector Detainee, or you do not know.

10 MS FLOYD: It was a Magistrate.

MS SINGH: Okay ...[intervenes].

COURT: Sorry what was the answer?

MS FLOYD: It was a Magistrate. I did not know of a Inspector of detainees.

MS SINGH: That statements that you were forced to write out, at any given time, were you ever given a typewriter to type ...[intervenes].

MS FLOYD: No, it was handwritten.

20 MS SINGH: Always. Okay. You testified that you made a request to attend Doctor Aggett's funeral and it was refused.

MS FLOYD: Yes.

MS SINGH: I did not get you. Did you say to who the request was made?

MS FLOYD: I think it was made through my family with lawyers and the doctors may have, you know added something

to it. I did not handle myself, and I do not know exactly who it went to. But the lawyers involved at the time would probably know.

MS SINGH: You testified about the shoes in particular the “stokies” and the other heavy set. At any given when you were with Doctor Aggett did you ever see him, you said you did not see him wearing “stokies” but the heavy pair of boots or the shoes, did you ever see them before?

MS FLOYD: I do not remember them, and I thought he might  
10 have been given them while he was in detention. And because they were the kind of shoes that union members would have worn, I think they might have sent it to him. And he would have known that he- that they came from him. And I would think what is also important about the shoes, it is not only that he looked dressed to go out of the cell, but I think it would have meaning for him to wearing those shoes during interrogation.

MS SINGH: Okay.

MS FLOYD: Partly because he would be forced you know,  
20 there would be long hours and secondly there would be meaning behind shoes that he identified with union members and people that he knew well.

MS SINGH: And you testified that it was particularly hot during those days.

MS FLOYD: Very hot, on that particular day and that

particular night.

MS SINGH: So do you think it would have been strange to have had a kikoi, I am assuming a kikoi is to know your neck warm. What would he be doing in the cell.

MS FLOYD: It was given to him. It came in one of the parcels ...[intervenes].

MS SINGH: I understand that.

MS FLOYD: From Yvette. Traditionally the kikoi is worn by Kenyans. I think it comes from India and it is worn by men  
10 around the waist.

MS SINGH: Okay.

MS FLOYD: If you see the people who live who Yemen you will see the men wearing a cloth instead of trousers.

MS SINGH: Right.

MS FLOYD: So that is how was the kikoi was worn.

MS SINGH: Right but ...[intervenes].

MS FLOYD: And that is how he wore them.

MS SINGH: But he would have pants, it just does not make sense to have it in the cell.

20 MS FLOYD: I think people were sending things that were meaningful. Because of his Kenyan birth he did have a kikoi himself.

MS SINGH: Right.

MS FLOYD: So the person might have known what the meaning was.

MS SINGH: Right. And given that, you know the items would have been checked by the police, I mean before they went in. Shoelaces are removed, belts are removed. Anything that can cause you harm will be removed. Can you comment?

MS FLOYD: I think it came in as an item of clothing and again this bulkiness would not, I mean I have heard that people hang themselves with sheets but it is nothing like a shoelace or a belt.

MS SINGH: Right.

10 MS FLOYD: So it may not have been categorised, it would have probably categorised as clothing. Yes they check everything before it comes.

MS SINGH: And he had a jacket, a warm jacket on top of the clothing he was wearing as well.

MS FLOYD: Well it was a light tracksuit top.

MS SINGH: Right, and it was particularly hot.

MS FLOYD: It was very hot.

MS SINGH: Nothing further for this witness M'Lord.

COURT: Thank you. Adv Coetzee. Yes.

20 EXAMINATION BY ADV COETZEE: My before I cross-examine, may I, I am still waiting for some information which I have not received as yet.

COURT: Do you think it will take you, if you adjourn for a few minutes, you want to clarify that and you can come back.

MR COETZEE: I think we can just re-ask. We have asked

during the lunch break M'Lord. We have not had not had any answer to the issues. I need that before I can continue.

COURT: Well I am asking you whether ...[intervenes].

MR COETZEE: Ten minutes then I will, one way or the other will know within ten minutes.

COURT: Okay. Let us adjourn for ten minutes. Sort it out.

COURT ADJOURNS [14:32]

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COURT RESUMES [14:45]

10 CLERK Recall the matter in the inquest of the late Doctor Neil Hudson Aggett.

ELIZABETH KATHERINE FLOYD: s.u.o.

MR COETZEE: Thank you M'Lord I am ready to proceed.

COURT: Thank you very much.

MR COETZEE: Thank you M'Lord. Doctor Floyd in the beginning of your evidence when being asked about the time in Bronkhorstspuit you mentioned here that you were trained that if they detained you should hold record of the days for if there is a later court case. I am doing some paraphrasing I am  
20 definitely not saying your exact word, but who trained you in this regard.

MS FLOYD: Should I respond.

COURT: Yes.

MS FLOYD: Thank you. I said I was not trained.

MR COETZEE: Oh you were not trained. Did I miss you.

MS FLOYD: Others had been advised that when you go into detention then you should keep track of the days. Before I went into detention, I had no briefings. I did not consult a lawyer. The only thing I knew about detention is what I had maybe picked up from informal discussion. So I had no session where I sat down with either an ex-detainee or a lawyer or a highly informed person to get advice or how I should...

MR COETZEE: Sorry I misunderstood you there. It was just  
10 strange for me in the context. Thank you. There is a, when you visited the mortuary after Doctor Aggett's death and you had an opportunity to look at him, and again I am quite sure what the procedure was at that stage. You say it was more or less two days before the funeral. Is it not possible that the body already had make-up on it. Because I know sometimes when people get buried, they make up the faces if there is something to disguise. I do not know so I am asking you whether it is possible that at that stage there might have make-up on the neck or face of Doctor Aggett.

20 MS FLOYD: Now firstly I was, there was a such a bright light and I was close enough. If he was wearing, I could have noticed, and secondly, perhaps more importantly the Government mortuary is there is there for pathological services. If they do put make-up on people that would happen at the undertaker end. There would be no function of a

Government mortuary to take on that role, and I doubt they even have the supplies.

MR COETZEE: And did you read the pathology report by Doctor Botha in relation to the visible injuries that he noticed?

MS FLOYD: When I met with the lawyer's legal team in 2018 the investigator and the legal team asked me a little bit about what the medical terms meant. You know for example; abrasion, haemorrhage, petechial and so on. And I explained some of that. And they gave me the record of the inquest. Not  
10 the actual technical report of the pathologists and I looked through that.

MR COETZEE: And from what you read there and obviously with your knowledge and expertise in the medical field were you satisfied that it is was noted as you have seen it. As you have seen it on the body.

MS FLOYD: No I had seen after death, and I have seen the right side of his neck and his face in great detail. And in the pathologists reports, the State pathologist Doctor Kemp and another pathologist said there were visible marks on his neck  
20 and one said the skin was stretched and the other one said it was broken. Meaning abrasion. And I did not see any of that. So I think the pathology experts will go into that in more detail.

MR COETZEE: Then the photographs in the newspaper that you referred at a different angle which you saw. Did you raise in consultation and I am referring to the period of the first



inquest. Was that photograph already displayed. Have you seen the photograph in the newspapers at that stage already.

MS FLOYD: At the time of the first inquest I saw one photograph. It is the photograph I have drawn, and it is labelled. I did not look at any other photographs I avoided it because I was distressed. The Sunday Times article that I am referring to, I do not remember the date but it was somewhere in the late nineties if not 2000, and they are looking for it, and I cannot tell them the date, but other people remember that it  
10 was. So I did not have access to those photographs. I saw them for the first time in the Sunday Times more than ten years after his death.

MR COETZEE: And was the, in consultation and discussion in the preparation for the inquest, was it considered and were you asked or did you have an input or did you hear discussions as to whether or not his feet touched the ground. Or where he was hanging in other words.

MS FLOYD: That did not come from anybody else. It was not suggested to me. When I saw it, I said I think his feet were on  
20 the ground. The front of this foot.

MR COETZEE: Yes, but that was in the nineties.

MS FLOYD: It was 2018.

MR COETZEE: Well 2018. I am talking at the time of the first inquest.

MS FLOYD: No, I was not in contact with any legal time at

that stage. I was not planning to be. So, I did not, it was not a legal team. And I was not in discussions with a legal team. Those started two years ago. January 2018.

MR COETZEE: Doctor Floyd may I refer you to, I just want to clarify something on the photograph FGK(50). That is the photograph that you got from Mr Paul Erasmus. If I look at this picture, I grant it is not the best of picture and the grains are not that good. But in this area which you referred to, at the bottom where it looks like a knot. Do you see where I refer  
10 to. The knot Doctor.

MS FLOYD: This piece?

MR COETZEE: Yes that area. Is that not a little tassel that one see there, between the actual cloth and knot area. Is that not a tassel, one of the tassel, one see also on the other side, on the top side of the photograph.

COURT: Sorry a what?

MS FLOYD: A tassel.

COURT: A tassel.

MR COETZEE: M'Lord on the top side on this cloth, it seems  
20 to be there is tassels ...[intervenes].

COURT: It was hanging loose.

MR COETZEE: Yes. My question is here between the knot and the cloth, is that not a tassel that I see there. I do not know. That is why I am asking you.

MS FLOYD: If you see the kikoi' s the – the colours vary. But

the shape and pretty much the size of the cloth is very standard. Can I show you. It is about that long. I think you might have seen if you went on the visit on Tuesday.

MR COETZEE: I saw it yes.

MS FLOYD: It has tassels on the and it has tassels on the end. So, the cut piece in the middle has no tassels. So, I cannot really comment on that.

MR COETZEE: Thank you M'Lord. I have got no further questions to this witness.

10 COURT: Adv Amojee.

MR AMOJEE: No questions M'Lord on this side.

COURT: Re-examination.

MR VARNEY: Nothing on re-examination your Lordship.

QUESTIONS BY THE COURT: Doctor Floyd I just want to, this what is it kikoi you said it was given to, it was sent to Neil by Yvette.

MS FLOYD: That is what I am told. That is what I am told.

COURT: Who told you that?

MS FLOYD: I think it came out in the first inquest.

20 COURT: So did Yvette herself confirmed that?

MS FLOYD: Yes.

COURT: So this would have been the period between 27 November 1981 and 4 February?

MS FLOYD: Yes. It would come through in one of the parcels. We would get a weekly parcel and she, maybe she

was part of that support or she gave it to the support group. They would put a parcel together each week.

COURT: Well did you know Yvette personally?

MS FLOYD: Yes.

COURT: She probably would be in a position to identify what type of kikoi it was and how it looked like?

MS FLOYD: Yes, but I heard the advocate she was not ...[intervenes].

COURT: She is in Australia.

10 MS FLOYD: Want to be involved. She is not in this Country.

COURT: She would also not be in position to give an affidavit.

MS FLOYD: We will refer it to the advocate.

COURT: Do you know ...[intervenes].

MR VARNEY: All I can advise the Court is that investigator Frank Dutton did make contact with Yvette Breytenbach. At some point probably 2016 and 2018. He confirmed that she was not residing in Australia and had indicated to Mr Dutton that she preferred not to be involved in this inquest. We could  
20 perhaps approach her again and ask her to make out an affidavit on this particular question, your Lordship.

COURT: Now you say that late in 1982, I take it is after your release, Doug Hansen phoned you to come and collect Neil's things from their flat. How did they get to his flat?

MS FLOYD: I do not know. Unless – unless at the funeral

they, I think Hanson was the chair of the Funeral Committee but he was not a legal person. You would expect these things to come through the legal representatives. So I do not know how they landed there.

COURT: So you do not know where Hanson got them from?

MS FLOYD: I assumed he got them from the police.

COURT: Well I am asking this because normally such belongings would then be given to family members. How did Hanson then get in touch, get hold of them.

10 MS FLOYD: I think the only time he had any representative function was in chairing the Funeral Committee.

COURT: Oh.

MS FLOYD: Because at that stage the lawyers for the family were around and they formally the legal representatives. So I was also surprised but I was not, there was no reason for me to question. Sorry can I add something there.

COURT: Yes. Please.

MS FLOYD: At that stage his brother was living in Israel and his sister had emigrated and I did not have contact with them.

20 COURT: Oh I see, but his parents were still around in South-Africa.

MS FLOYD: They were in Somerset.

COURT: In Somerset. When we visited the police station on Tuesday we were taken though a room where the detainees clothing and personal items were kept. Is there any reason

why they would have allowed him to have over and above what he wearing to have this kikoi with him? It is a loose item, like it is loose cloth similar to a belt or a sheet which were, which I am told were prohibited to be in the cells. Why would they have allowed him to.

MS FLOYD: I do not know, but it would have come through as a clothing item.

COURT: As a clothing item.

MS FLOYD: Yes, and I was explaining that in Kenya they  
10 wear it as a cloth. So the men wear a cloth. For example, like a Swazi man wears a cloth.

COURT: Ja. What I want to know is that, Yvette brings it in as a parcel and the police will then check it. They will then take it up to the tenth floor and then the second floor, and then he would have to ask for it.

MS FLOYD: I cannot tell you everything about the parcels. I was on the receiving end, but what I think happened and others may know more, is the system was that we could get a parcel per week. It may have been two weeks, and the  
20 Security Police would withhold it. It was a privilege. And they would withhold during periods of intensive interrogation. And it would be, there was this arrangement, there was a support group. It looked like it was five or six people and they would put the parcel together and then, I think they would, whoever's turn it was would deliver it to the police station and would go

through the police and then they would give it to us in the cell. But there may be other people who can tell you exactly how it worked. And the parcel was a mixed of clothing food and books and toiletries.

COURT: Okay. Just one last question. Do you know whether the people who asked for amnesty at the TRC any of them mentioned their involvement on or the other in this matter?

MS FLOYD: The only person ...[intervenes].

COURT: I am talking about Paul Erasmus and I do not know  
10 who else.

MS FLOYD: The only person that I tracked on the TRC was Paul Erasmus because I had so much interacting with him. I was on the weekend showing a list of the TRC applications. It is database that shows whether it was granted or not in which cases. So I am not in a position to give you detailed information but I can refer you to that database. On the database, I just went through it very quickly on a cell phone I did not notice any case where they applied amnesty around Neil specifically and I think I would have at the time the  
20 lawyers involved would have contacted me. And I remember the person at the time when Paul Erasmus was applying for amnesty was George Bizos. So, I do not think I am the right person to answer that fully.

COURT: Thank you. Any questions arising?

MS SINGH: None M'Lord.

MR VARNEY: None.

COURT: Mr Coetzee.

MR COETZEE: None.

COURT: None.

MR VARNEY: M'Lord just to assist the Court. Yvette Louise Breytenbach did testify in the first inquest.

COURT: Oh I see.

MR VARNEY: And her evidence is pages 1196, that is one, one, nine, six. And 1215. One, two, one, five. I can inform  
10 the Court that oddly enough the aspect of the kikoi was not canvassed with Ms Breytenbach at that time. I can also refer the Court to EXHIBIT B(8)(2) which is the affidavit of John Edward Lloyd and he was the policeman who was in charge of receiving the parcels and he does confirm receiving a multi-coloured cloth on or about 4 December 1981.

COURT: December.

MR VARNEY: However, he does not disclose where it came from. My learned juniors do advise me that there is a statement in the files of the family's papers in which Yvette  
20 Breytenbach confirms that she, she was the origin of this kikoi and we will endeavour to find that statement. I can advise your Lordship that that statement was not put up as part of the record. M'Lord I have no further questions for this witness.

COURT: Thank you Doctor Floyd. Doctor Floyd thank you very much for your assistance and the enlightenment you gave



us. We really appreciate your assistance. We hope we can arrive at a certain answer. Thank you. You are excused.

NO FURTHER QUESTIONS

COURT: We are doing what. Looks like we are able to finalise this witness.

MR VARNEY: M'Lord as far as we are concerned this witness has been finalised and may be discharged.

COURT: So we do not have another witness for today.

MR VARNEY: No witnesses from our side.

10 COURT: So Adv Coetzee has been cleared everything is fine now.

MR COETZEE: Thank you M'Lord.

COURT: Thank you very much. We shall then proceed tomorrow at nine thirty. All agreed. Thank you. Doctor Floyd thank you. You are excused. Very well. At this stage the matter until tomorrow Friday at nine thirty for further evidence. Court adjourns.

MATTER IS POSTPONED TO 24 JANUARY 2020

COURT ADJOURNS

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537 KENSON STREET | CONSTANTIA PARK | PRETORIA  
P.O BOX 32917 | GLENSTANTIA | 0100  
Tel : 012 993 1335 | Cell: +27784987479 | Fax : 086 601 5996  
Email: [transcriptions@inlexsodb.co.za](mailto:transcriptions@inlexsodb.co.za) | [requests@inlexsodb.co.za](mailto:requests@inlexsodb.co.za)  
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