

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

JOHANNESBURG

CASE NO: 445/2019

DATE: 2020-02-10

FORMAL INQUEST

In terms of Section 5 of the Inquest Act 58, 1999

Into the death of the late:

DR NEIL HUDSON AGGETT

BEFORE THE HONOURABLE MR JUSTICE MAKUME J

ON BEHALF OF THE STATE : ADV MLOTSHWA
ADV SINGH

ON BEHALF OF THE FAMILY : ADV VARNEY

ON BEHALF OF IMPLICATED SAPS : ADV COETZEE
[Previous SAPS]

ON BEHALF OF SAPS : ADV MOHAMED
[Current SAPS]

INTERPRETER : Not applicable



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INQUEST HEARING ON 2020-02-10

[10:05]

MS MLTOSHA: This is the inquest of the late Dr Neil Hudson Aggett. Case number 445/2019.

COURT: Yes?

MR VARNEY: As the Court pleases. With the leave of the Court, M'Lord, I would like to hand up two exhibits that are relevant for this morning.

COURT: Yes?

MR VARNEY: That is the original affidavit of Keith Coleman,
10 which we would like to mark as G7. As well as a copy of the short affidavit that he made out before the first inquest, which we would like to mark as G28. M'Lord, I should mention that the affidavit of Coleman that was made before the first inquest, is currently not part of the record of the first inquest, handed up by the investigating officer. It is part of what we have been referring to as the missing record in folder B2.

We should be in a position within a few days to let the Court and the parties have, what we think is, much or most of that missing folder B2, including many of the statement that
20 we have not previously had access to. And, M'Lord, those records, as mentioned previously, we located in the archives in the University of Sussex in the United Kingdom.

COURT: Yes. So the second on G28, what is it? What is G28?

MR VARNEY: G28 is the statement made by Mr Coleman. It

was handed up as an exhibit before the first inquest. It appears that this affidavit was in folder B2, at page 1008.

COURT: Okay.

MR VARNEY: With the leave of the Court, we would like to call to the stand, Mr Keith Coleman.

COURT: Yes?

REGISTRAR: Please state your full names and surname

WITNESS: Keith Coleman.

REGISTRAR: Do you have any objection in taking the oath?

10 WITNESS: I would like to affirm.

REGISTRAR: Do you affirm that you will tell the truth and nothing but the truth? If so, say you do.

WITNESS: I do.

REGISTRAR: Sworn in.

COURT: Thank you. You may proceed.

KEITH COLEMAN: [Affirmed]

EXAMINATION BY MR VARNEY: As the Court pleases.

Mr Coleman, we understand that you have had to travel from London to be with us today.

20 MR COLEMAN: Yes, I have.

MR VARNEY: And on behalf of the family, we are very grateful that you made the time and made the trip to come and testify before Court today. We are also aware that we are expecting you to relive experiences that you endured in Security Branch detention. And we are acutely aware that

this requires you to revisit periods that are traumatic and that caused you considerable pain. And I can assure you that the Court is understanding of your position and that of the other witnesses who had to do the same.

MR COLEMAN: I appreciate that. Thank you.

MR VARNEY: And should you wish to take a breather or some water, we have water. If you need to take a breather or a break at any time, please indicate that to the Court.

MR COLEMAN: Thank you.

10 MR VARNEY: And typically when you answer questions, you should address yourself to the Court.

MR COLEMAN: I will do so.

MR VARNEY: Please describe when and where you were born

MR COLEMAN: I was born in Johannesburg, on 4 September 1960.

MR VARNEY: Am I correct in saying that you have copies of the affidavit that you signed, I believe on the 7th of February this year?

20 MR COLEMAN: I do.

MR VARNEY: Okay. And you confirm that this is your affidavit?

MR COLEMAN: It is.

MR VARNEY: And you also have in your possession, a copy of the short affidavit that was put up before the first inquest?

MR COLEMAN: I do.

MR VARNEY: What is your current occupation, Mr Coleman?

MR COLEMAN: I am the chief executive of a heavy tech company, called Susaywe.

MR VARNEY: And if we may ask, what is Susaywe? What does it do?

MR COLEMAN: Susaywe is a new technology. It is a green technology. We grow food in the desert, alga, using sunlight, seawater, and carbon dioxide.

10 MR VARNEY: Thank you. Let us now turn to that part of your life – your pre-detention period. Perhaps you can describe to the Court how it was that you got involved in political activism.

MR COLEMAN: M'Lord, I first got involved in political activism when I was still at school. After the 1976 uprising, I became much more aware of politics in South-Africa. I have been brought up in a liberal family that taught me what I think are good values. And my brother, at that point, was at university and he was politically active there – my brother
20 Neil. In 1977, I got involved in politics on campus, although I was still at school.

At the anniversary of June 16, 1977, we put up a process on the lawns at the university. I also got involved in a demonstration against John Vorster speaking on campus. So before I went to university, I was already involved, mainly

through my brother. By the time I went to university, I was already politically aware and politically active, and ... [intervened]

MR VARNEY: When you say university, do you mean Wits University?

MR COLEMAN: I went to Wits University. I registered for a BA, partly to stay out of the army as well at that time, but also because that was my continuation of my education. And I became chairperson of the Student African Movement at that
10 point, a few months after going on to Wits and that was a left-wing political association at Wits.

At that point I got involved with a group of people. Auret Van Heerden was the president of NUSAS at the time. And his brother, Clive, and myself, became quite strongly bonded – we worked together and later lived together in a house. And we carried on our political activism from that point forward.

MR VARNEY: In fact, you mention in your affidavit that you became part of a core group of white activists, under the
20 leadership of Auret Van Heerden. Were there any other individuals at that time, who stuck out as also key-members of this core group?

MR COLEMAN: Yes, there were. Initially it was mainly on the Wits campus and other Nusas campuses. People like Jonathan Joffe, Lisa Saftel, Avril Joffe, many others. Auret

was working with people like Barbara Hogan, Cedrick De Beer, Fink Haysome. And so there was a group that was emerging that was very strong. We strategized together, initially on campus activities. But by 1979, we moved off campus and we started to work with people in the townships who were forming POSAS.

We helped mobilise and get going the Release Mandela Campaign. I personally was writing articles that were published in the Weekend World, obviously not under my
10 name, that were delivered in some secrecy, about the ANC, about the history of The Freedom Charter, about the history of Mandela.

So we started to get involved in a range of off-campus activity. Obviously in secret. Not because it was illegal, but because we knew the security police would take umbrage with anything that was connecting black and white activists, but we carried on anyway.

And it became quite a core part of our work that, whilst we were based on the white campuses and appearing to
20 do work mainly around Nusas and later South-African Student Press Union activities, most of our work was in fact happening off campus.

MR VARNEY: And you mentioned in your affidavit that you also worked with organisations such as the Congress of South-African Student, COSAS, as well as the Azanian

Students Organisation of South-African, AZASO. Briefly, what was the nature of your work with them?

MR COLEMAN: So, in around about 1979, we became, I was introduced to Jabu Ngwenya, who was one of the founding fathers as it were. He was too young to be father, but he was one of the founding brains of COSAS. He and a bunch of other activists were starting COSAS and we gave support. We gave support in terms of political strategy, media services, we would help write pamphlets, we would help produce
10 posters, and generally we started to become a resource that was available – we used what resources were available on the campus, to take them off campus.

Similarly, with AZASO. It was a reach-across between black and white campuses. The state had previously divided the campuses through kind of banning activities and by clamping down, and this was the first period when, you know, black and white campuses started to get together again, and we started to reach across those racial divides which had been re-imposed after the 1976 period.

20 MR VARNEY: So you mentioned that you were not a member of the ANC and you did not take instructions from the ANC, but you did carry out some activities that were supportive of the ANC. What kinds of activities were those?

MR COLEMAN: Very much so, M'Lord. We were sympathetic to the aims of the ANC and The Freedom Charter. We had a

very strong view that we should not, what we call, mix our drinks. We should not do above ground activity as well as underground activity. We were obviously supportive of people who were doing underground activity and were sympathetic to their cause, but our view was that it was dangerous to mix the drinks.

Nonetheless, there were occasions when, for example, Clive Van Heerden and myself, would make photocopies of ANC literature, South-African Communist Party
10 literature, and uMkhonto we Sizwe literature. We made literally thousands of copies of such literature. I remember photocopying this in the back of Cedric Mayson's house.

So then we would distribute it through our connections in the townships, the unions, and the rural areas. And we created these book boxes of literature that came from the ANS that was deemed to be illegal at the time. As far as we were concerned, it was about relearning history and reconnecting to the past and to the tradition of struggle, which we were broadly sympathetic with.

20 But nonetheless, that activity got people into trouble. One person in particular was Guy Burger, who I delivered that literature to, and he got a five-year sentence for merely possessing that literature.

MR VARNEY: So in 1980 you mentioned that, you and others started a national newspaper, known as SASPU National, you

have already made reference to it. It appears that you spent a significant amount of your time working on this newspaper. Can you give an indication to the Court why you formed it and what kind of role it would play?

MR COLEMAN: So SASPU stands for the South-African Students Press Union. There was very strict on legislation governing newspapers at the time. So we formed it under the banner of SASPU, and it was to kind of legalistically we were distributing it on the campuses which made it a private
10 newspaper. In reality, we would distribute it off campus. Probably 80% or 90% of the copies that we produced were distributed through the COSAS channels, through the trade unions, and various other channels.

The intention behind the newspaper was to give an alternative voice. The commercial newspapers were not reporting entirely accurately about what was going on in the country at the time. Some were bravely trying, but we believed that we needed an alternative reporting tool. So something that could tell news that was not coming out
20 elsewhere.

Secondly, it was a means by which we could distribute a historical perspective and give stories about the past, and do what we were doing in the world, through The World and The Weekend World, on a regular basis. So it was an educational tool.

Thirdly, it gave a direct access to, for example, trade union leaders to speak without being edited. And we had a lot of interviews with student leaders or trade union leaders.

Fourthly, it was a channel by which we could do political analysis and look at what was happening in the country, and give a political analysis to what was going on, and to a certain extent, some organisational direction ideas for how to resist Apartheid.

So the idea behind the newspaper was to pick up, in
10 the tradition of previous newspapers like the ANC had in the 1950's – The Age, The New Age – to be a mobilising tool, to be an organisational tool and an educational tool for the progressive movement. It was the first national alternative newspaper that was started.

We tried to make it as professional as possible. A lot of commercial journalists worked on the newspaper, so the chief editor of the Sunday Times actually designed the newspaper, the look and feel of it. And a lot of professional journalists worked on it. And we gave cameras out in
20 communities, and we had community journalists also working it. So it was quite a broad newspaper, distributed nationally. And I was the editor, together with Clive.

MR VARNEY: By all accounts, it had quite a big impact in different communities at that time.

MR COLEMAN: Indeed. At a tight, we printed it out, 60 000

copies. We estimate we had about 250 000 readers - pretty much all activists. We heard quite a few stories of people holding onto their copies after they were banned for possession and being arrested as a result.

But it was very welcomed. And we got a lot of letter. We got a lot of offers of stories. And it was very actively supported by broad communities across the country.

MR VARNEY: Mr Coleman, if we can now turn to how it was that you first got to meet and know Neil Aggett.

10 MR COLEMAN: M'Lord, it was through the newspaper that in fact I got to meet Neil for the first time, and Liz. As I was saying, we used to distribute the newspaper through the unions. The Food and Canning Workers' Union was one of the key unions that we gave a voice to.

We did interviews, we got news, and we published articles about the union. Neil actually also took copies of the newspaper to distribute within his branches, and I delivered them personally to Neil. I got to know him not very well.

20 He was a comrade rather than a friend, but I got to know him well enough to get a measure of Neil at those times. He was a very impressive individual. And I always enjoyed the opportunity of going to deliver the newspapers to him.

In September, I think it was 1981, we did a big feature on the Food and Canning Workers' Union and I got an input from Neil on that article.

MR VARNEY: Mr Coleman, while we are talking about knew-lack at the person, why would you describe him as impressive?

MR COLEMAN: Neil was a person of great integrity, little ego, very committed. He was a person stillness. He did not have to show off. He that stillness that comes with certainty that comes with modesty. He was always a... he was a very gracious human being. He also engaged you in a way that made you feel properly engaged. And it was impressive. It
10 felt good to be around Neil.

MR VARNEY: Thank you. You then indicate that by October of 1981, SASPU National had now become clear target for the security system, and particular the Security Branch. Why did you say that?

MR COLEMAN: There were multiple attempts to stop the newspaper under censorship legislation, who were banned for possession many times and banned for distribution many time. We developed this cat-and-mouse game where we would, the general rule of thumb was, if you were banned for three times
20 in a row, you would be banned for all future additions, essentially shutting down the paper.

So we would produce two hardcopies into hard additions, which had full reports, and then one soft one which just reported on what was going on, on the campuses, which was impossible to ban. We had to develop a stable of

newspapers just in case we produced a second newspaper called SASPU Focus and another State of the Nation. And we frustrated the security police. We knew that they were after a lot of people who were distributing the paper.

When they found the newspaper, they would not only take the newspapers, but they would take the person with the newspapers as well. But there was also a broader context where, we were part of that boarder group I described under Auret's leadership. And there was a lot of other activities
10 going on as well – media production, assistance with educational workshops, and so on. We were connected to the unions and student groups and so on.

So within that broader context, they saw SASPU National as a threat, but also the work we were doing as a group. And they were very frustrated by that. We were followed a lot and they would raid the printers. They tried to stop, on several occasions, us getting our publication printed, so we would jump from printer to printer and we also gave out false information about where it was being printed. It was a
20 difficult time. But we carried on.

MR VARNEY: And you also indicated in your statement that around this time, you sensed that the state was being frustrated because they could not crack this activist network as you call it. Do you wish to elaborate on that?

MR COLEMAN: M'Lord, they knew that there was a network

that was building and forming and becoming stronger. So we had meetings in secret with Pravin Gordhan in Durban, and Trevor Manual in Cape Town, with Cheryl Carolus, with Thozamile Botha in Port-Elizabeth.

Our network was forming. Obviously under the banner of the newspaper, I was able to present myself as a journalist going about my work, collecting articles. But they knew that there was more than that going on and that this internal movement was becoming very powerful. There was
10 clearly more and more coordination. And the distance we travelled between 1978 and 1981 as an internal movement, was quite significant.

There were boycotts. There were strikes. There was a lot of open political debate about how to create a revolution in the country, how to bring down Apartheid, how to win democracy. And they could see the levels of coordination growing. So within that context, they were trying really hard to find a way of cracking down.

I think there was a difference in the type of activism
20 that there was at that point, in the sense that it was not purely driven by underground work, it was not driven purely by ANC operatives, although there were obviously connections between the external ANC and the internal movement through particular individuals.

A lot of what I am describing were internal activists

coming together and creating an internal movement that was not obviously illegal. And this was very frustrating for them.

MR VARNEY: So as a young man, you were acutely aware of the risks of this activism that you were involved in. It seems as if you were having discussions with your colleagues and comrades, to prepare yourselves for this. What time of steps or what kind of discussion were you having to deal with that eventuality, or possibility?

MR COLEMAN: Inevitably, I think it was. Obviously at that
10 point, being interactive with people like the COSAS network, people like Wonta Sinzile, people like Jabu, were detained on multiple occasions and immediately tortured. Most of the black activists I knew, were at some point detained and tortured. We knew that it was part of being an activist was that detention was likely, torture was happening frequently.

And we spoke about it. We spoke about how we would deal with interrogation. And there was something that we learned from those who had been through it. Of course one never know exactly what it is going to be like.

20 We were young. We were determined. We had bravado, I would say. I mean 1980/1981 I was 21 years old. So I was still young enough to be filled with fervour. And naïve enough in a way to believe that I could deal with whatever they threw at me.

And there was a strong sense comradeship,

Comraderies – a sense of loyalty. And we knew that we would do our best for each other. We also knew, unfortunately, that people broke. People were broken by torture.

One person I knew did break after his sixth terrible interrogation. And he came out of detention, have been broken, and he immediately told everybody, or not everybody, he told his close comrades that he had broken. And they got him out the country immediately and he was taken out and made safe.

10 So I had seen examples of how, people who had broken, would be treated. And one in a sense the protocols were around that. So in summary, M'Lord, there was frequent discussion. And our group discussed how we would handle it. And in my particular case, I had the cover, so to speak, of being a journalist.

So everybody I met, I had a story to tell as to why I met them – it was to get some news or to write an article of sorts. And that is the story I did stick with in my subsequent detention.

20 MR VARNEY: So then, Mr Coleman, the inevitability happened. And you make reference that this in fact started with the detention of Auret Van Heerden, in September 1981. Perhaps you can pick up the story from his detention.

MR COLEMAN: So Auret, Barbara, Gavin, were people who were of our network. And we realised... [intervenes]

MR VARNEY: Sorry. To be clear, when you mention Barbara and Gavin, you are referring to?

MR COLEMAN: Barbara Hogan and Gavin Anderson.

MR VARNEY: Thank you.

MR COLEMAN: And others who were detained at that time in September. And it was apparent that they were going for the leadership. They were people senior to me in our network. And it was likely that the detentions would spread. Of course we discussed it at the time, and a response. And the
10 response was to organise protests, but also to keep going.

I remember producing an issue of SASPU National in September 1981, after the detentions. So we kept going. But we were aware that we could be taken at any time.

In October, the security police, I understand 14 security police, raided the flat where Clive and I lived in Yeoville. I was not home that night. I was staying with my girlfriend elsewhere in Yeoville. Fincasim came and got me and said: You better go because they are after you.

Apparently the security police were driving around
20 Yeoville, looking for me. They also went to my parents' house. Captain Struwig went to my parents' house and looked for me there. That night and the next night, I convened the meeting in secret with my group, my reference group as it were, and we discussed the situation.

It was very difficult. The one option was to leave the

country, which I did not want to do. The second option was to go into hiding and to run. The view that we took was that, that would look very bad for both Clive and Aurret and others. That it would appear as if I had something to hide, and therefore that they had something to hide as well.

The choice was mine, having worked through it, but I decided that the course of action to follow was to hand myself in. And to do so, in all innocence as it were, as if I had nothing to hide. So I went to my parents' home. My father
10 phoned Captain Struwig, who had left his number there, and said: My son will answer your questions. We will come in and we will meet you, and you can ask him your questions. It was Struwig that said to my father: I just want to ask him a few questions.

We, I packed a bag, few clothes, and a bible. And we went, my father, my brother, Neil, and myself, we went to John Vorster Square, it was a Sunday, and handed myself over to Struwig. Struwig immediately detained me under section 22, which was a 14-day detention period.

20 As he was about to take me off, my father turned to him and said: I hold you personally responsible for anything that happens to my son. If you touch a hair on my son's head, you will have me to answer to. And I remember Struwig, taking a step back. He could see my father was not to be trifled with. And he then took me off to the cells. And,

ja.

MR VARNEY: And you also indicate that your father said that you had a bad back, and that you would need proper medical attention.

MR COLEMAN: That is correct. My father said to him: My son has a bad back and I expect you to be aware of that and to take care of that. And he will need medical attention.

MR VARNEY: If we can just pause for a moment, Mr Coleman. I understand that your parents, Max and Audrey,
10 then played quite an active role in trying to improve conditions for detainees. If you could just describe that role briefly?

MR COLEMAN: My father, Max and Audrey, my mom was already involved in activities in the Black Sash. My dad and mom were both politically aware people. My father was a business man at the time, running a company. The day I was detained, I understand he stopped working, and they both became fulltime involved in the detainee parent support committee, which was a committee that was set up by the
20 families of the detainees in September.

And my parents, in October, became very actively involved themselves. It was, I knew nothing of this. I was completely sealed off. I only learned about this upon my release. But it was a group that fought for the release of detainees, and also the improvement of their conditions, and

campaigned actively.

After I was released, I read my father's diary, daily diary, and it records all the letters, the visits, the phone calls he made. I can indeed say that my parents harassed the security police, probably more than they manage to harass me in my life, ja. So they were very brave and they played an active role from then on. Way after my release in fact.

MR VARNEY: Very impressive indeed. So you were then taken to the second floor cells. And I understand that certain
10 items were removed from you. Do you recall which items?

MR COLEMAN: Yes. The bag I took, was removed from me. My belt. My shoelaces. I was told that I was not to be left with anything that would be a suicide risk. It was just to prevent me from committing suicide. Then Struwig, Captain Struwig, simply marched me into the cells, he told the warder which cell I was to go in, and walked off.

There was no paperwork. I remember being struck by the power of that and the control that they had over the cells, over me. Obviously nobody knew who I was. The warder did
20 not even know who I was. Struwig was that only person at that point, who knew where I was.

MR VARNEY: And you found your cell to be rather grim and somewhat shocking.

MR COLEMAN: It was a shock. The walk from the charge office in John Vorster Square in handcuffs, through these

passages and this maze, up the stairs, that was very disorientating. And then in the cell, just seeing a cell for the first time, it was quite a shock – what it looked like. And in particular, I got the greatest shock when I went over to this single mat that was in the corner of the cell, and there was a blanket there with blood on it. And that was my introduction to solitary confinement.

MR VARNEY: And you were then taken out your cell every day, for interrogation for the next six weeks. Can you give
10 the Court a sense of your daily routine over those six weeks?

MR COLEMAN: M'Lord, the day would begin with me being given some breakfast, some food. It is too great to describe it as breakfast. I would then have a shower and I would then be taken up to Major Conrad's office, where Conrad would be sitting with Struwig, Warrant Officer Prince, and various other security policemen.

I got to say first that, the first question that Struwig asked me on our walk down to the cell, was: Is jy 'n Jood? Are you a Jew? And I replied: What does that have to do
20 with anyone. And he said to me: Jy is 'n Jood. You are a Jew. Jy is 'n fokken Jood. You are a fucking Jew. Excuse my language. But it was a shock. And then from then on, I was always: Fokken Jood. So I was never addressed as Keith. That is how they addressed me.

And from the first moment in Conrad's office, that

was my name. And Conrad would just shout and scream at me. And he was incoherent. He was clearly crazy. He was clearly psychotic. He was one of the most insane people I had met. He was incoherent. But he would just scream.

I would then have security policemen standing around me, a few inches from, screaming at me as well. And they would do this, they would just shout questions. They would just shout things at me and then they would ask me a question or two.

10 I would then be taken off to another room by Struwig and Prince, and they would do the same thing again. So there was a period of just verbal assault, I guess, and abuse. And then they would tell me to write, and I would write about my upbringing. And then they would come in and they would tear it up and make me start again.

They would ask a few more questions, and then say: Write about that. So I would write something and they would come in and scream at me and tear it up again.

20 And this happened for, you know, a week or so, every day, until I would write something that they would value and then they would say: Okay. Write something else. And slowly I would write about my activities. I do not know how much you want me to go into it, but there were some specific questions they asked as well.

MR VARNEY: Perhaps we could just pause for a moment and

return to your interaction with Conrad. In paragraph 31 of your statement, you mentioned something quite interesting. You said he intended to beat the devil out all the communists.

MR COLEMAN: Yes. It was a sort of thing he would say, that he was a true Christian and he would beat the devil out of the communists who were against God. And it is a sort of thing that he would say, and I believe he was driven by this zeal. He was obviously violently anti-communist and he was clearly to be prepared to do anything to beat the communists.

10 MR VARNEY: You mentioned that you were then interrogated by Struwig and Prince. Were they as your primary interrogators?

MR COLEMAN: They were. They were.

MR VARNEY: Did you ever come across a Lieutenant Steven Whitehead? Did he perhaps interrogate you?

MR COLEMAN: No, I did not.

MR VARNEY: During this six-week period of interrogation, you indicate that you were deprived of certain privileges. What were they?

20 MR COLEMAN: We had not yet got to the point where we would have had food parcels or anything like that. But I was allowed only a bible in the cell. I was not allowed to exercise. I was either in interrogation or in my cell, so it was a very bleak existence.

MR VARNEY: You do mention that there was one particular

incident, involving Captain Struwig, where he seems to have lost patience, and he threatened to take you to Benoni.

MR COLEMAN: Yes.

MR VARNEY: And then he did something that, I think can be described as a form of physical assault. Can you first describe what you think he meant by Benoni, and then what transpired?

MR COLEMAN: M'Lord, I understood when he said I will take you to Benoni. So, if I might give the context first?

10 MR VARNEY: Please.

MR COLEMAN: There were many people I denied knowing at all. One of those people were Cedric Mayson. I had no idea the Cedric Mayson had been detained. And as I described earlier, if there was one person who could corroborate that I was embarking in illegal activities, that was Cedric. They had asked me if I knew Cedric before, and I denied it entirely.

20 One day, Struwig came into the room where I was writing my statement, and he said: Tell me about Cedric Mayson. And I said: I do not know Cedric Mayson. He is a priest, is he not? And he got very angry and he started to scream at me, and I still denied knowing Cedric Mayson. And he said: I will take you to see Cedric right now, we have him down the passage. And I said: I do not know him – I was going to stick to my story. And he got unbelievably angry. Struwig was a very big guy, a very big man, very powerful and

very strong.

He walked around the back of my chair, which is was sitting on, a wooden office chair, and he simply picked me up, he picked up the chair, and he was screaming at me. And then he dropped the chair and I hit the ground with a real thud. I saw the power and the violence in that man, in that moment. Obviously it was painful, but I was not hurt badly at all. Prince also wanted to get in on the action, but Struwig stopped him. So it was the one point where I felt like I was
10 very close to being beaten up, and I did not think he was joking.

MR VARNEY: Do you think Struwig might have stopped Prince from assaulting you, because of the interaction with your father?

MR COLEMAN: Prince had, on several occasions, genuinely asked Struwig permission to beat me up. And I realised that they were holding back on me. I do not know if it was a performance – good-cop-bad-cop routine. But I do believe that Prince was very capable of beating me up. There was no
20 question that these guys were, they were able to beat me up.

I think there were several reasons why they did not do that in the end, when looking back on it. One was my parents' activities, which I did not know anything about at that point.

Second of all, I think that my father's words echoed.

Third of all, because also I did not know it right at that point, I got to learn it a few weeks later, Auret Van Heerden had been very, very badly tortured, very extremely tortured, but he did not break.

And had he broken, they would have known a lot of stuff about what I had done, that would have gotten me a jail sentence. But he did not break. So I think having not broken Auret, they probably took the view that torturing me was not going to get them anything. I have no way of knowing, but I
10 was one of the fortunate few who was not physically tortured.

MR VARNEY: You mentioned that at times you were interrogated on weekends.

MR COLEMAN: Yes. During those six weeks, I was interrogated on the weekend, which was actually particularly scary, because being left alone, almost on an entire floor, with Struwig, is a scary thing. There was one weekend in particular, which was particularly shocking, when Struwig arrived at my cell with his son, who was then about 16-years old. And on a weekend, he had brought his son in to
20 interrogate me, to watch his dad working. And when they opened the cell he said to his son: Hierdie is die Jood.

And clearly he had spoken to his son about me. And it was a moment of horror, because I realised that Struwig spoke to his family about what he did. His wife must have known. His son certainly did. And they both took me upstairs

in handcuffs. I think it was to the 9th floor, that weekend. And his son sat in the interrogation, while Struwig abused me. It was bizarre. I later found out from Clive that, Struwig would pick Clive up from his cell, on the way to taking his son to school. So he would take his son to school with Clive, handcuffed in the back of his car.

MR VARNEY: So was Clive detained at another... [intervened].

MR COLEMAN: He was detained at another police station.

10 And, M'Lord, I took from this that the security police were proud of what they were doing, and shared what they were doing with their families.

My belief is that the families of the people who are named in this court, know what their husbands were doing in John Vorster Square. And certainly I know that Struwig's son knew what he was doing, because he was there. He saw it.

MR VARNEY: And presumably took great pride in what his father was doing.

MR COLEMAN: There was no shame at all. There was no
20 shame.

COURT: How old was the son?

MR COLEMAN: I estimate about 16. He was very big. I remember he was dressed in short pants, which maybe made him look a bit younger. About 16, 15, 16, somewhere around there.

MR VARNEY: Mr Coleman, you indicate that you bumped into another detainee, by the name of Rob Adam, who quickly advised you an interesting method of communicating with other detainees.

MR COLEMAN: Yes. Yes.

MR VARNEY: What was that method?

MR COLEMAN: He told me to take the water out of my toilet, and I could speak down my toilet. He told me this very quickly. I was a bit puzzled. But that night when I did that, I
10 just heard voices coming down my toilet, and I realised that, that was the method of communication.

MR VARNEY: And were there other methods of communicating with detainees?

MR COLEMAN: There were. I mean, you could shout, but generally the warders stopped you from shouting. The second main method was, during meal times, the criminal prisoners would bring food. The warders would go and unlock each of the outer doors in our cells.

The criminal prisoners would then come and push
20 open the door, push the meal through a little square hatch on the foot plate, and then sometimes pull the door closed completely, but sometimes leave it open a little bit. And if you were lucky, you could reach through this gat in the door and pull open the door, and see the person across the passage, and be able to communicate with one or maybe two people, if

you were fortunate.

I was kept in many different cells. There was some period when I was in a cell, very, very far from everybody else. So the isolation was total. Could not speak down the toilet or across the passage. But those were the main methods of communication.

The third or fourth, was when you went for a shower or were given some exercise, you could meet people in the cell. They would be coming past you and you would always
10 communicate, even if it was a hand gesture, you would say something. And I can tell you a little bit more about how I ran into people's cells as well, during exercise.

MR VARNEY: Yes. We are going to get to that, because there was an important encounter you had with Neil Aggett through such a means. But just to check, when you were exercising, was that typically early in the morning around breakfast time or there about?

MR COLEMAN: Yes. I would say I only exercised in the morning. Usually after breakfast and sometimes before,
20 sometimes after shower. But usually before the shower, mostly before the shower, you would get a few minutes to exercise. I did complain to the magistrate that we were not getting our quota of exercise. We would maybe get five minutes.

MR VARNEY: But does that timing explain why sometimes

the outer door was ajar or open, allowing you to communicate more freely with some detainees?

MR COLEMAN: Yes. So the cell block was run by Warrant Officer MacPherson. And there were some periods when there were quite a few detainees there. So he had the logistical challenge of getting everybody their breakfast, getting everybody to the showers, exercising, and then up to the 9th or 10th floor for interrogation.

So what he would do, most often, was after
10 breakfast, leave the doors unlocked so that he could quickly go into whichever door. So he was a little sloppy, might I say, in keeping all of the doors locked and we took advantage of that.

MR VARNEY: Right. Because the grill cage gate, that would have remained locked, it was only the outer door... [intervened].

MR COLEMAN: That remained locked. So the inner door was always locked, ja.

MR VARNEY: Ja. You also say that you were also kept in a
20 suicide-proof cell. So what was a suicide-proof cell and why do you think they kept you in particular, in such cells?

MR COLEMAN: A suicide-proof cell is a cell where there are no exposed bars. There is box that is put around the cell door. It is made of steel or metal, and Perspex, and floor to ceiling. And where there is a window, there is a similar box

that is put around it. Why they kept me in that, I, at the time, did not think of myself as a suicide risk. I do not think it was because of the suicide element. I felt it was more as a punishment. It made a cell worse. It made the cell more isolated.

MR VARNEY: Do you think it might have had something to do with the fact that, at the time you were only 21 and one of the younger detainees on the floor?

MR COLEMAN: Perhaps. I cannot read their minds into that.
10 I was one of the younger people, but there were people younger than we as well.

MR VARNEY: You also indicated that, through the different means of communication, and I think you also mentioned that in the meal-book that you would sometimes be able to check who is coming and who is going. But you managed to get a sense of where some of the detainees were located on that second floor cell block.

MR COLEMAN: Yes, I did.

MR VARNEY: Now, you have not touched... M'Lord, Mr
20 Coleman has touched Annexure A and B.

COURT: Yes.

MR VARNEY: And these are marked-up versions of the floorplan. So if we turn to Annexure A, it is the second floor male section floor plan, and Mr Coleman, as you can see, has made various insertions. Mr Coleman, can you take us

through the insertions that you have made? And you have indicated to me before Court that, after some re-examination, and we certainly understand, you know, this is now some 38 years later, that you do have one or two corrections to make.

So where you wish to make a correction, please feel free to do so. You can start anywhere you like. You may want to start at the bottom left, at the entrance and work your way up, giving the necessary descriptions.

MR COLEMAN: Okay. M'Lord, when I did this diagram last
10 year, I had not really spent a lot of time thinking about it. I spent a little time thinking about it, but there are some things I would like to change in the diagram, if I may.

MR VARNEY: In fact, just one correction, I believe you first worked on this diagram in 2018.

MR COLEMAN: Correct. And now that I have spent a lot more time remembering, there are one or two small changes I would like to make in that diagram. So on the bottom left-hand side were the showers, outside of this picture, to the south of this picture. There were two offices.

20 One, where our clothes, spare clothes, and various other things were kept. When you were not allowed stuff in the cells, it was kept in that one room. There was also an office for the warder, MacPherson in particular. And then just to point out that I was in, to the best of my recollection, five different cells. They moved me certainly through my

interrogation period, quite frequently, so that I would not be able to hide contraband in my office. Ag, in my office. In my cell.

For example, I was delighted to find a plastic spoon in the first cell I was in, which made eating dinner very much easier. Less humiliating, if you may. I had to use a cardboard lid to eat my food, and a spoon was fantastic. But I lost that when I was moved to the cell on the extreme right-hand picture. I think it is B, I cannot see, there is a start on
10 top of it. It is B24. And that cell was total isolation. There was nobody near me.

I was then moved across to, I think B7. No, I was actually in B13 for a period as well. It was also a cell where communication was difficult, although it gave me a direct view down the passage to the entrance gate, through the keyhole. And then I was in cell B7, I believe, not B9. Sorry, let me just double check that. I think I was in cell B5, not B9, at the time when Neil died.

As for other people, I remember Onus Diphale, who
20 also died in detention. I was in cell B10 for a period and B14 for a period. Jabu Ngwena was directly opposite me in B6. In B4 was, I believe Tozemila Gweta [indistinct – 01.02.08 – 01.02.09]. And I actually think B2 was occupied by different people at different times, but I believe Sisu Njikelani might have been there.

MR VARNEY: Sorry, just to return to B4 very quickly, so that was not Sydney Mafumadi.

MR COLEMAN: It was not. And I believe Neil was in cell B16, directly opposite Auret Van Heerden, who was in cell B26. So forgive my memory, M'Lord, but I was moved around a lot, and this floor plan, it is difficult to place an exact memory onto this floor plan.

COURT: Ja.

MR VARNEY: Correct me if I am wrong but, one of the
10 reasons you say that you think Neil Aggett was in B16 and not B15, I believe you have had sight of the two pictures that we have handed up to the Court as FGK 7, 1, and 2.

MR VARNEY: I do not have them with me right now.

MR COLEMAN: We will get them to you shortly. But the configuration of the body hanging on the other side of the grill, appears to fit B16, rather than B15.

MR COLEMAN: If I may describe it without actually looking at that picture, if you do not mind?

MR VARNEY: Yes.

20 MR COLEMAN: I very distinctly remember pushing open the door, and the body of the cell being on the right-hand side, and the grill, the inner-door grill, being on the left-hand side. And that would match B16, not B15.

MR VARNEY: Thank you.

MR COLEMAN: If you need me to look at that picture, I will.

MR VARNEY: No, there is no need. If you just turn very briefly to Annexure B, that appears to point out the route that you would exercise in a corridor. Perhaps you can explain your markings here.

MR COLEMAN: Yes, M'Lord. As I was describing Warrant Officer MacPherson, we called him Mac, he was known as Mac, would stand in the corner, just outside cell B13, and watch us run up and down. At that point, he could keep an eye on us.

10 There was nobody in the far corridor on the right-hand side, on the east side of this diagram. So he would watch us running up and down for the period of our exercise. Occasionally, there would be somebody at the gate, which as you can see is in the southern portion here. Somebody would come to the gate and he walk down.

 And then the period that it took for him to walk down to the gate, unlock the gate, let the person in, relock the gate and walk back up, I would always run to, in particular, cell B26 and cell B16, which is where Auret and Neil were. And I
20 would push the door to see if could open. And I would have, if it was able to open, I would have a word with Auret and Neil. And in that way, I was able to communicate.

 And there were other people I could do it. But those were the main cells that were occupied in that hidden corner, while he was up at the gate.

MR VARNEY: Thank you. M'Lord, it is 11:15. Might this be an appropriate time for the tea adjournment?

COURT: Yes. Okay. Yes. Thank you, we will adjourn for 15 minutes for tea-break.

MR COLEMAN: Thank you.

COURT ADJOURNS [11:12]

[11.32] COURT RESUMES

COURT: Thank you. You may proceed now.

KEITH COLEMAN (Still affirmed):

10 MR VARNEY: As the Court pleases. Mr Coleman, you have already testified this morning that you, yourself, you were tortured by the Security Branch during your detention at John Vorster Square at this time. And you have explained your reason why you think you were not tortured.

However, you do say that you did see other detainees in a measure of distress and with such injuries. Can you explain what you were able to see, and also indicate how you could see the detainees in distress or with injuries.

20 MR COLEMAN: M'Lord, very soon after I was detained, I was in the corridor and I bumped into one of the detainees, who I believe was in cell B3. His name was Caesar Hlongwa.

COURT: Sizwe?

MR COLEMAN: Caesar Hlongwa. H.L.O.N.G.W.A. He was an ANC member. I believe he was an MK, uMkhonto we Sizwe. And he had been very, very severely beaten. And

when I met him in the corridor, he was walking little bit, he was clearly in pain, and I asked him: What is wrong? Are you okay? Which is what one also asked your fellow detainees. And he said: They broke my ribs. They hit me and they broke my ribs. And I said: When did they do that? And he said: A month ago.

So he had been in detention for a month, with broken ribs. When I went to see Doctor Jacobson, the district surgeon, I asked him please to call for Caesar Hlongwa and to
10 treat him. To his credit, he did that. So Caesar did receive medical treatment. Caesar told me that the security police were very angry that Jacobson had called for him. That was one example.

When I was in cell B13, I had a very clear view down the passage, through the peephole in the big wooden door...
[intervenes]

MR VARNEY: For the benefit of the Court, you can just indicate where B13 is situated on this floorplan.

MR COLEMAN: B13, if you are on the northern side, second
20 from the left.

COURT: Yes.

MR COLEMAN: It had a very direct view, right down the passage, all the way to the gate. And on a number of occasions I saw security policemen carrying detainees. It was not always easy to identify who it was, but I saw security

policemen, carrying detainees, one security policeman under each arm, and dragging them down the corridor, back to their cells.

MR VARNEY: And just on that score, you could [indistinct – 00.03.44] that these were Security Branch policemen, rather than uniform police officers, or warders as you say.

MR COLEMAN: Yes. And you could see they were dressed in plain clothes. MacPherson was known. He was a senior guy. The rest were in uniforms.

10 Anybody not in a uniform, or who is not MacPherson, was a security policeman. And as I described earlier, they had free access to the cells. They would just bang on the gate and MacPherson would let them in.

 And then of course I spoke to detainees as well, both through the toilets and directly face to face. I would come to meet with them on the occasions that I described. And I was told about how people were tortured.

MR VARNEY: You mentioned that around Christmas time, you did in fact receive some academic books. What were
20 these books and approximately how many?

MR COLEMAN: Hard to remember exactly. I think there were four or so books. One I distinctly remember because of the irony of it. It was called The State and Law. I was doing an honours degree in industrial sociology, with Professor AD Webster and Professor Jacklyn Kock at the time. And I was

supposed to write exams at the end of that year. And so I would receive these study materials. These books were extremely academic – very dense. And even though I had only been in detention for a short time, probably about 40 days by that point, my concentration had gone.

There was no way I could actually get through these books, and I did try. The Bible which I had taken in with me because I thought it was the only book I was going to be allowed to have, was easier to read. So I spent my time
10 reading that, even though it was less compelling to me than The State and Law.

MR VARNEY: Mr Coleman, you also say that, after your interrogation period, presumably of some six weeks, you started to receive weekly food parcels.

MR COLEMAN: That is correct.

MR VARNEY: So give an indication as to what would be in these food parcels.

MR COLEMAN: They were... It is hard to recall exactly. I distinctly remember the biltong and the dry wors, which was
20 my favourite food and came in increasing quantities. Impossible quantities for me to eat them in a course of a week.

I was distributing biltong and dry wors, through the warders, to other detainees. I was getting a carton of cigarettes a week. Again, impossible to smoke that number of

cigarettes. And I was again using it to distribute to the others. There were Luiqifruit. I remember those. And I do remember food.

MR VARNEY: And then after about 90 days, you mentioned that you received some more books and a radio. Can you again give an indication of approximately how many books? And I believe you had a small story to relate about this radio.

MR COLEMAN: I do indeed. M'Lord, I received about four or five books. Again, my memory is a little bit hazy, but I do
10 remember reading Albert Camus, The Outsider, I think which I heard later caused my parents' great concern that I was reading existential literature in a prison, in solitary
confinement.

There were a number of books I received. I also received some Christmas cards. One or two photographs, which were very comforting. And I received a radio. It was a very small radio, maybe six or seven inches wide. But it was clearly the cutting edge of technology, because I could listen
20 to any radio station in the world on this little shortwave receiver. And in fact, I took some pleasure listening to Radio Freedom while in solitary confinement, and indeed, playing it down the toilets for all of the other prisoners, at full volume.

There was a particular opening to Radio Freedom, which was the sound of an AK-47 and it was very propagandistically, let me say. And I did it, not because of

the brilliant quality of the broadcasting or to have a clarity of the signal, but just to boost everybody. It was something that we did. We used every opportunity to lift ourselves up, and everybody around us.

MR VARNEY: Mr Coleman, I see you have attached Annexure C, an essay that you have compiled on the impact of being in isolation cell and solitary confinement. Now your account is a little too long for us to be able to read into the record, but I understand that you have identified just handful
10 of extracts, and I invite you to read those extracts into the record.

MR COLEMAN: Certainly. M'Lord, this was written in 2013. So many, many years after. But it was a recollection of what happened to me in that period. It is 200 pages long and I will spare you that. But this is an extract from that:

“I stepped through the cage and into the cell itself. The cage door clanged shut behind me. The lock slamming closed, instantaneously. I turn, not ready for my anonymous jailer to go. I
20 have so many questions ready to ask him, but it is too late. He is already pulling the outer door closed. Already shutting it before I could say a word. For a large man, my jailer is fleet afoot, a nimble of key.

What I noticed first is reinforced Perspex, fitted

on the inside of the cage, stopping me from reaching the bars. It dawns on me that I am in a suicide-proof cell. I turn slowly, still not knowing, still not fully comprehending. There is no focal point in the cell. No chair. No bed. No place that draws me to it. It has no centre. The walls are toilet-green, half-way up and colourless grey, from there to the top. The ceiling is a brutal white with a high wattage light, hurling light into every corner of the cell, 24 hours a day. The peephole is always watching. The suicide proofing cuts out sound and air.

10

Together, these elements conjured together an eco-system, whose function is the opposite to those created in nature. It is an eco-system whose elements conspire in perfect harmony, to create a room of no discernible colour, outline, or form.

20

It is an environment, numb of colour and devoid of sound and movement. The opposite of alive. The very antithesis of living. Time itself seems still. Without a watch to tell me so and without a sun to mark out travel through the heavens or a shadow move across the earth. Without the march of life through the course of a conventional day, how am

I to mark time?

There are no signs of life besides my own. I look inside. My inner world is a mirror image of the outer space I occupy. My heart is still and barely beats. My blood fills my veins and barely flows. My brain thinks, but barely makes sense. My thoughts expand, but have no soul. Where I shine light, I see only darkness. I had prepared for the interrogation. But I had not prepared for the solitary. I had seen off the question and dealt with that threat. Am I now collapsing slowly under the weight of the confinement? I did not think so, but perhaps I had better be vigilant.

My name is Keith; I am 21-years old, I say into the cell at a conversational volume. I am a detainee in John Vorster Square. I have been in solitary confinement for 52 days. I peter out. My voice had already fallen to a mumble under its own absurd weight. Speaking to no one. Speaking to myself, really is crazy. Without another ear to hear, my words have no place being spoken. I have no words to say into the silence. No sensible content to engage the emptiness.”

MR VARNEY: Thank you, Mr Coleman. I think those words articulate new experiences of solitary, I think for yourself and

the other detainees. Thank you. You indicated that you received occasional visits from magistrates, but you also conclude that they were of little use. Can you explain?

MR COLEMAN: I believe the magistrates were part of a system to create the appearance of due process. They were as much part of the system that enable torture, as the security policemen themselves, in my view. They would call us into an office in the cells. The office that I describe, that was occupied Warrant Officer MacPherson. So in the very
10 isolation cells themselves, the magistrates would come down and ask us questions about how we were.

When I was feeling courageous, I would say how I was doing. But I knew it was of little use. That the magistrates would listen write something, and then move on to the next detainee. It was form-filling at its worst. And that they could call themselves magistrates was a travesty.

MR VARNEY: You have also testified about your interaction with the district surgeon, Doctor Jacobson. So we might revisit that. If we can now turn to your interactions with Dr
20 Neil Aggett. You have mentioned in your affidavit that these interactions were really brief. Can you give the Court a sense of why they were so fleeting?

MR COLEMAN: M'Lord, when I ran into Neil's cell, in the manner that I have described, I would have moments to talk to him. The questions were always: How are you doing? Are

you okay? Auret, who had more time to talk to Neil across the passage, had told me that Neil was struggling and he was having a tough time.

So I would always go into Neil's cell when I could, and say: How are you doing? Keep strong. And even if it was a momentary interaction, it was a strong communication between us.

On other occasions if I bumped into somebody in a passage, if I bumped into Neil in the passage, we would not
10 get long, before we were pushed in the directions that we were going, by the warders. But we would always stop. We would always greet each other. And whenever you were walking towards each other down a passage, you would always smile, or give a salute, or indicate support for each other. So it was always very brief communications that we had.

You could also shout at people through the window, as they walked past. And normally a shout would be something like be strong or we are with you. It was always
20 words of encouragement.

MR VARNEY: And you do give detail about one quick visit to Neil's cell, during an exercise session in the corridor. And you mentioned that it did not appear as if Neil was in a good way. Can you explain further?

MR COLEMAN: There were several occasions, but I think the

occasion you are referring to, when I pushed open the wooden door, Neil came and held the bars. And we were standing very close. I was inside the door area. And I said to Neil: How are you doing? How are you holding up? And he said: It is hard. I am having difficulty. And he said that he was being assaulted.

And he told me they had torn his shirt during the assault and he said that he was keeping the shirt as evidence of the assault, by which I felt that he was still resisting, he
10 was still strong, and he was dealing with what happened to him. And in those moments I said to him, I sort of reached out to say: Be strong. And that was the message always. But it was clear that he was taking strain. He was having a hard time.

MR VARNEY: The fact that he said that he intended to keep this torn shirt as evidence, what did that suggest to you?

MR COLEMAN: It suggested to me that when he had an opportunity, he was going to expose the assault that he had experienced. And he intended to do that in the future. As I
20 say, M'Lord, I presented this at the first inquest. I was told that on the grounds, the shirt was never found, my evidence was made up and not to be believed. But this is what Neil told me.

MR VARNEY: M'Lord, we will return to it shortly, but your reference to that episode in the judgment is at page 3665 of

the record. That is the judgment on Magistrate Kotze. Of course, trying to put a time and a date on that particular incident, is not easy. And you have already indicated that when it comes to timekeeping in solitary confinement, it is practically an impossible exercise. Would you say that this was in the period leading up to Neil's death, roughly?

MR COLEMAN: Yes, it was. How long before he died, I just cannot say, I am afraid.

MR VARNEY: And you also mention in your affidavit that
10 contents of Neil's cell looked pitiful. Do you want to describe why it was pitiful?

MR COLEMAN: On a previous occasion when I had spoken to Neil, he told me that they had taken away his privileges, and I think that is almost the exact words he used. So he had very little left in his cell. There were some clothes. It is hard to recall exactly, because I went into his cell on a few occasions.

But there were some clothes in his cell and very, very little else. I remember, compared to my cell by that point, I
20 had some food, I had some books, I had some photographs, I had some clothes in my cell. Not many, but compared to my few things, Neil had much less.

MR VARNEY: So, post the interrogation period, you had a few more privileges and you were able to keep some spare clothes in your cell.

MR COLEMAN: Yes, I believe I was.

MR VARNEY: Did you ever see Neil wearing a kikoi a large scarf?

MR COLEMAN: Not that I can recall.

MR VARNEY: And did you ever see a kikoi in his cell?

MR COLEMAN: Again, not that I can recall.

MR VARNEY: You indicate that approximately a week or so before he died, you had a chance of observing Neil in the passage outside your cell. Can you just indicate how it was
10 you could see him and what your observations were?

MR COLEMAN: There were in fact two occasions. I am not sure which occasion you are referring to. There was one where I saw him through the window of my cell that looked into the corridor.

On that occasion, I call to him and I am very sure I could be heard through that window, because it was often I would call to people as they were walking past, and they would look up at and see me and at least smile or do something to indicate. But on this occasion, there was no
20 response from Neil, which made me worried.

MR VARNEY: Can we just chat with reference to the second floor, male section floor plan? By this time, were you now in cell number B5? Or were you perhaps in cell B13?

MR COLEMAN: No, I was not in cell B13. I was on the B5 side of the cells, yes.

COURT: Which one? B?

MR VARNEY: B5.

MR COLEMAN: B5 side.

MR VARNEY: So, M'Lord, that is in the short corridor, leading up from the reception area.

COURT: Yes.

MR VARNEY: Mr Coleman, I understand that you have with you a set of three pictures. M'Lord, these are the three photographs that are marked G23.1, G23.2, and then G23.3.

10 COURT: Do I have them?

MR VARNEY: M'Lord, I do have a spare set. So perhaps if we can just hand it up quickly? So, Mr Coleman, just to assist you, G23.1, which is the first photograph, is in fact a picture of that short corridor and the view is from cell B1, looking down to B10.

In the second photo, G23.2, is a picture of the outside of the cells of B1 and B3, which includes a picture of the cell windows facing the corridor. And in the last photograph is a somewhat closer view of the windows outside
20 cell B4. And since we have been on that inspection with the Court certainly in that corridor, these cell windows are pretty much similar.

I think we can assume that your, that is B5, windows looked similar. And you will notice that in the third photograph, the window is in fact open or ajar. So could you

describe to the Court firstly, were there any significant differences between what was behind the windows and this photograph? Let me more direct. Was that grill cage... [intervened]

MR COLEMAN: No, it was not there. The grill cage was not there. In the suicide-proof cells there was a metal box that I have described, which had Perspex over it. So you could not reach these windows that are opening in the photograph. And there were metal slits, very thing metal slits to let air into the
10 cell. Three or so at the bottom, and three at the top. But otherwise, the external windows are exactly the same.

MR VARNEY: So this, would you have been able to view something? For example, movement in the corridor. And perhaps you might have been able to identify individuals in that corridor.

MR COLEMAN: I definitely, I could do that. So long the windows were open, I had a view into the corridor. And I could see detail. I could see faces. I could see expressions. I could see people responding. So yes, absolutely.

20 MR VARNEY: Alright. And if you can turn to the last time that you saw Neil, which you say in paragraph 58, was the week in which he died. If you can indicate to the Court how it was you saw Neil on that last occasion and again, your observations.

MR COLEMAN: I must have been coming back from a

shower. I was walking down the corridor and Neil was walking towards me. I remember very clearly him, looking at the floor, looking down. He was very downcast and slightly stooped. I called out to Neil. I said hallo to Neil, and he did not look up. He did not respond, and it was a shock actually because, I realised at that point that Neil was in a very bad way. I assumed it was because of the assaults, and I was very concerned for him at that point.

MR VARNEY: Ja. So, Mr Coleman, of course we are asking
10 you to reach back some 38 years. And there are times when you would have seen detainees in the corridor, and other times when you would have seen them through your cell window. So you do indicate in paragraph 58 that you saw him through the window of your cell, while he was walking down the corridor.

MR COLEMAN: Yes. That is correct. Sorry, I might have not been responding to your question. So I saw him through the cell window on occasion. Once, when I saw him through the cell window and call to him, he did not respond to me.

20 But there was also an occasion when I was walking down the passage and I saw him, and he did not respond to me at all. And both occasions, it was clear that there was an alarm going off in my mind about his well-being. And I was very worried for him.

MR VARNEY: So, Mr Coleman, if we can now turn to the

night, in which Neil Aggett died. You indicate from paragraph 60 onwards, that you were in your cell. Can you indicate what you were doing and what alerted you to the fact that something was going on?

MR COLEMAN: Yes. I was sleeping and I heard a commotion outside in the corridor, which was highly unusual. Usually, after they lock the cells at night until food was served in the morning, there was usually nothing going on. But on this occasion, I heard footsteps. I heard commotion outside
10 my cell.

So I jumped up and I ran over to the window of my cell, which was open, and I saw figures going past. And a moment later, there was just, I could hear the slamming going down the corridors, and my window slammed shut. These Louvre windows, M'Lord, would just slam shut in my face.

They are slightly, they are opaque, so I could still make out figures moving past, but I could not make out any detail at all.

MR VARNEY: You indicate that you went tiptoes when you
20 were trying to gain sight of what was going on. Can I ask why you were tiptoeing?

MR COLEMAN: I was not tiptoeing for quietness. I was tiptoeing because the window was slightly high. So I had to stand on tiptoes.

MR VARNEY: Alright.

MR COLEMAN: Anybody shorter than me, would have to stand on their toilet, for example, or do something like that, to see out the windows. But I was just able to see. Jabu, of course, who was very tall. He was tall enough. That is how high the windows were. But for me, I just had to stay on tiptoes to look out.

MR VARNEY: I see. And if you can somehow remember the configuration of your cell, if you had to stand on your toilet, presumably you would have to sort of lean one way or the
10 other to look out the window.

MR COLEMAN: Yes. I would have to lean to my left, because my door was on the left, the toilet was on the right. So I would have to lean to the left, which means that I would be looking back, down the passage towards the entrance to the cells. But I could see that way, through the Louvre windows.

If the cell was configured the other way, which I was in a cell which was configured the other way, I would then see down the passage in the other direction.

20 MR VARNEY: So you were then a little aligned and you shouted out to your colleagues as to what was going on.

MR COLEMAN: Ja. Ja.

MR VARNEY: Did you receive any response?

MR COLEMAN: There was shouting, but nobody knew anything. We only started shouting once the movement had

stopped and once everybody had left. I cannot say how long that took. But once it had stopped, we waited and then started to shout to each other through the windows. But nobody knew anything. Nobody could say anything.

But my thoughts immediately went, both to Neil, who I knew was having a tough time, and to Auret, who I knew had been very severely tortured. And his interrogation had in fact started. It had not stopped entirely. I was very worried for the two of them, immediately.

10 MR VARNEY: And again, I am sorry to have to put this question to you. Because it is difficult to put a time to things, but was there any way of discerning whether it was still night time, or whether it was now early in the morning?

MR COLEMAN: It is very difficult to say. As I said, M'Lord, the light was on 24 hours a day. It was definitely some quite a bit of time before breakfast was served. I keep calling it breakfast. Before food were served. It sounds like a hotel, which it definitely was not. It was maybe a few hours before breakfast. It is very hard to say.

20 MR VARNEY: So, in reality, there was actual way of discerning whether it was pre-midnight or post-midnight?

MR COLEMAN: I could not, I really could not say.

MR VARNEY: Okay.

MR COLEMAN: I did go back to sleep after that.

MR VARNEY: Alright. And how did you discover that Neil

had died?

MR COLEMAN: The first I knew of it was when Warrant Officer MacPherson told me. He told me that Neil had been found hanging in his cell. And that is how I found out.

MR VARNEY: And you mention that the day after Neil's death, things started to change. And in fact, you even received a visit.

MR COLEMAN: I think it was a couple of days that I received a visit from my father, my mother, and my brother, Neil. It
10 was a particularly difficult visit. There was a huge amount of tension. My parents were clearly anguished. Very concerned about me. Weirdly, I was trying to reassure them. Not
weirdly, but I was trying to reassure them to know that I was okay. I was very concerned for them and for my brother. My father, I remember asking me whether I was being mistreated.

And there were two policemen in the room with us, monitoring what we were talking about and what we were saying, and they immediately said to my father: You cannot ask that. And my father said: I will ask what I want. Words
20 to that effect. So they went and ran out and called Colonel Muller. And Colonel Muller became Brigadier Muller later. Colonel Muller was the person in charge of the entire investigation. He was Conrad's boss. And my father and he had an altercation. And my father bested and we carried on with the visit. So yes, I had a visit two days later.

Then after that, there were more frequent visits. They were not often. But I believe that The Detainee Parents' Fought Committee managed to win the right to have more visits to monitor us, after that period.

MR VARNEY: So, Mr Coleman, you were then eventually released from John Vorster Square, on the 26th of March 1982. This is after a period of five months in solitary confinement.

MR COLEMAN: That is correct.

10 MR VARNEY: But shortly thereafter, you were slapped with a two-year banning order and were then subjected to a paradigm of harassment. Can you just describe that post-detention period?

MR COLEMAN: M'Lord, Clive Van Heerden and I, were both served with banning orders. Which meant that even though we were living in the same house at the same time, we were not to communicate with each other. I was not allowed to offer him a cup of tea and I was not allowed to be with more than one person at a time. I was not allowed into a court
20 room or a factory or an educational institution.

We did get permission to study and finish our honours degrees at the University of Witwatersrand. Oddly enough, my honours degree at that point, consisted of five banned people. So we got to meet one another during the seminars.

We lived under constant surveillance. I had to sign in to a police station once a week. We were followed by the security police. We were allocated certain days, I think Mondays and Thursdays were the days that I was followed. I knew I was being followed. And there were days when Clive was being followed. So we were pretty much under constant surveillance.

One day I was listening to the radio in my bedroom and I heard Clive's voice coming over the radio. So clearly
10 they bugged our flat. We looked around, we could not find the bugs. We went out and came home and found two big footprints on my bed. And clearly it had been somewhere up there. That was one of them. They probably had the whole place bugged.

Subsequently, when I lived in, we moved to a different house. My landlord came home to find security policemen in the roof, changing the batteries. There was a series of car batteries in the roof and it was connected to a network of bugs for the whole house.

20 After that, we came home one day and found our house had been trashed. We found a pickaxe in my record player, my turn table. Things were stolen. They tried to kill me on one occasion, when they pumped the tyres up in my car and induced a chase, car chase, they started to put more
[soundtrack disruption – audio dragging - 00.42.04 –

00.42.31].

We lived in constant fear. They followed us. It was a period when also later they released Auret, and they were going after him again. And we had him in hiding. So they were following us, but we were hiding Auret. So it was a very stressful time.

MR VARNEY: So it was in this rather tense context that you were then called to testify, before the first inquest.

MR COLEMAN: Some of this happened a little bit after. But,
10 yes. At the time I was banned, there was a risk of re-detention. I had been subpoenaed to give evidence in five cases on Barbara, and Hogan, and Cedric, and so on.

So that was with the intention of me refusing to testify, and then going to jail for that. So it was in that context that I was asked to testify into the inquest, into the death of Neil Aggett.

MR VARNEY: And you have indicated that the inquest itself was a tense atmosphere, with the court gallery filled with Security Branch officers. You say in your statement that, your
20 conclusion is that the first inquest was a cover up. Why did reach that conclusion?

MR COLEMAN: The security police were very intimate [indistinct – 00.44.17] presence from the Court. Schabort is the advocate. Clearly was not interested in getting to any truth. There were no questions about what had you seen next

or soliciting of any information. The intention was clearly to discredit me as a witness. He made light of the fact that I claimed to have been in solitary confinement, for example. He made it appear as if it was not so bad.

The whole tone of that inquest was one of intimidation against the witnesses who were in detention at the time. And I certainly did not feel like I could speak out very clearly and firmly in that context. I did my best. But please remember that I was also still suffering the effect of
10 detention and these experiences that I was having.

And I truly believe that my life was at risk. Every night I was sleeping in a position that I could not be seen from the window which looked out onto the road, because I thought they would shoot me. So I did not feel like I could speak freely in that court room.

MR VARNEY: Perhaps I could just read you a short extract from the judgment. As you will recall, Magistrate Kotze did not find you to be a reliable witness. And this is what he had to say on one aspect. And, M'Lord, this is from page 3665. It
20 is an extract from the judgement, starting from line 8:

“Keith Coleman, he was a friend that simply to say about a torn shirt. It was obvious that Mr Coleman had some difficulty to explain how he got to know about this shirt, what was told to him, what impression he got about the details. He was

uncertain. He tried to explain that he had a conversation with Dr Aggett about the assaults during the exercise session. But later he said he could not remember when it was. More than once, Mr Coleman blamed the effects of solitary confinement for his inability to explain certain situations. Yet, certain things he does remember clearly, somewhat selective indeed.”

So it appears that Magistrate Kotze was completely
10 dismissing the conditions of detention and solitary confinement and the affect that it has on detainees.

MR COLEMAN: Indeed. As far as I was concerned and my colleagues were concerned, he was part of a system, the same way that the magistrates who visited us in detention were part of a system.

That magistrate who ran the inquest was part of a system. And that system was designed to protect the state and to protect white privilege, if you like, to protect the security police. And that is exactly what he did.

20 MR VARNEY: Mr Coleman, you mention at paragraph 75 that, at that time, you did not believe that the story behind the 1981 detentions was simply confined Barbara Hogan’s close comrades’ documents. And you suggested that there was another force at play. Can you very briefly indicate what force you think was at play?

MR COLEMAN: Indeed. I believe that there was an attempt, successful attempts to infiltrate the ANC in exile, particularly in Botswana. I think that The National Intelligent Service were intimately involved in that infiltration. I believe that there were attempts to manipulate and divide the ANC in exile, from ANC supporters inside country.

Craig Williamson himself was seen in John Vorster Square, and I was told he was at John Vorster Square by some security policeman, over that period. So he was in the
10 9th and 10th floor. I never saw him myself, but I was told he was there.

I believe that behind the scenes, very possibly the same people who manipulated the ANC networks to get the close comrades listed in the first place, were involved in coordinating what was to happen then and subsequently.

This is speculation, M'Lord. I have no first-hand evidence of this. I was told by a senior security policeman that Craig Williamson was in the building at the time.

MR VARNEY: And just very quickly, who was Craig
20 Williamson?

MR COLEMAN: Craig Williamson was a spy, an apartheid spy, who infiltrated the student movement, Nusas. He was exposed as a spy by Cedric De Beer, Auret Van Heerden, and others. He infiltrated the ANC in exile. Although he was exposed during that period, so do not think he got very far in

his infiltration. But I do believe he managed to set up a network of spies that worked with.

MR VARNEY: And who was he working for?

MR COLEMAN: He was working for the National Intelligence.

MR VARNEY: Thank you. Mr Coleman, looking back, what do you think happened to the late Dr Neil Aggett?

MR COLEMAN: M'Lord, I must be honest. I lived for many years with the belief that Neil committed suicide under the pressure of his interrogation and not being able to go back
10 again, to face further torture. And that it was an induced suicide caused by the torture. I have thought about the events and I have thought about where that belief came from. I could trace that belief to the moment that Warrant Officer MacPherson told me that Neil had been found hanging in his cell.

And the picture formed at that moment. And when I thought back on the events that early morning, of people running past the cell, I immediately formed the view that they were running to, on the news, that they found him hanging in
20 his cell. In retrospect, there is nothing to say that those people were not running for a different purpose.

The only seed that was planted in my mind was by MacPherson and how would he know what happened. He only came on duty in the morning. So the reason alternative explanation, there is no reason to say that those people were

not running in, to bring Neil's body into the cells, or something. I have no evidence one way or the other.

What I do know is that Neil was brutally assaulted. I do know that the assaults continued and continues and that they got worse. They went from a point where Neil was able to say: I am holding the shirt in order to expose what has happened, he went to a point where I could see in his walk and in himself, he was in terrible shape.

His eyes were downcast. And that is the memory I
10 have of Neil now. He is somebody who was in physical pain, emotional pain, emotional difficulty. So I believe, whether it was induced suicide or whether they killed him, I believe the torture led to his death.

MR VARNEY: Mr Coleman, before we close your evidence in chief, is there anything further that you would like to add?

MR COLEMAN: I would, Your Honour. If I may, I prepared something to say, if I might, M'Lord.

20 "The injustice of the situation that we are in is perverse. The torture of Neil and others, like my very good friend, Stanza Bopape, and the real causes of their deaths were covered up by a police conspiracy and supported by the magistrates and the judicial process.

Neil's family and friends have never discovered the truth, while his torturers and his killers have

escaped justice, either taking their guilt to their graves or hiding the truth and integrating themselves into the new South-Africa, by exploiting the skills they have learned, trying to prevent the emergence of a democratic South-Africa. I believe it is high time his killers are brought to account and I respect the work of this Court in trying to do so.

10 M'Lord, I understand that I am the last of the detainees to give evidence. Over the last weeks you have heard the testimony of many detainees. You have heard testimony about what we saw happened to Neil.

You have also witnessed the trauma each of us still live with, today. There are cases to be heard, other inquests to be held. We ask the judiciary, the NPA, and the Minister of Justice, to please learn from these last weeks.

20 When you open an inquest, you open an old wound. That is not to say these inquests should not go forward - they absolutely should. When you call ex-detainees to testify, you ask us to live our trauma once again. If you ask any of us back again, for example to testify about Ernest Diphale, another who was detained with us and

died at John Vorster Square, you will be asking us to live that trauma again. I would appeal to Your Lordship and others in the justice system, as you correctly pursue justice, to please consider this in the future.

10 Finally, I would like to say this, M'Lord, we ex-detainees are not victims and we do not wish to be seen as victims. We stood up to a system that was unjust, racist, violent, that delivered to the few and not the many. We knew the risks of detention, persecution, and even death.

We stood with our comrades nonetheless, and fought for what we believed in – democracy, social justice, economic justice, redistribution of wealth from the few to the many, freedom of speech.

The values enshrined in the Freedom Charter. We stood up to the system, along with thousands like us and we fought. We might have paid a price, but we won.”

20 Thank you.

MR VARNEY: Thank you, Mr Coleman. No further questions.

COURT: Thank you.

MR COLEMAN: Thank you, M'Lord.

COURT: Thank you, Sir.

MR VARNEY: Mr Coleman, you have to wait.

MR COLEMAN: Okay. Sorry.

COURT: Advocate Singh? There are some questions to be directed at you, by counsel.

EXAMINATION BY MS SINGH: Thank you, M'Lord.

COURT: You may proceed.

MS SINGH: Mr Coleman, good day. I just have a few questions for you. You testified that there were crosses on the lawn that they placed across Wits University campuses. Was this in commemoration of the 1976 June 16? Was that
10 the reason why it was done?

MR COLEMAN: That is correct. This was June 16, 1977.

MS SINGH: Okay. Your banning orders that you testified about, this was regarding you and Clive Van Heerden. You had to apply to the magistrate for variation. Am I correct?

MR COLEMAN: It was in fact the Minister of Justice.

MS SINGH: So inevitably, it went to the Minister of Justice, but through the magistrate. Would I be correct?

MR COLEMAN: My lawyers wrote the letter, I believe directly to the Minister of Justice.

20 MS SINGH: Okay. If it came from the Minister of Justice, you know, as to who you could speak to and what you could do, did you get the impression that the police and whatever their actions that they undertook, or whatever it was that they did, the ministers were aware or everybody was aware of what was happening in the judicial system?

MR COLEMAN: Yes, I believe so. I, to this day, believe it was a single system that was very well coordinated. This was confirmed for me subsequently, when I managed to read the contents of the file that was sent by the security police to the justice ministry, justifying my banning.

Which I might add was filled with all sorts of lies and inaccuracies. There was no due process of course. The security police said what they liked. And the ministry of justice just accepted it.

10 It was an administrative process, so they never examined whether what they were getting from the security police was accurate. So yes, indeed, it was a single system and the Minister of Justice signed my banning order on the basis of a file delivered by the security police.

MS SINGH: Do you believe that the police had a duty of care? That while you were there as a detainee, they had the responsibility to make sure you and the rest of the detainees were well taken care of?

MR COLEMAN: It is a very difficult question to answer,
20 M'Lord, in the sense that you are applying a moral code. Words like duty of care would have been laughed at. Who would not have had a translation in that context?

That whole system was designed not to care. It was brutal. The approach that the security police took to interrogation was not intelligence based.

They did not think carefully about your answers. They did not thread together different things they heard. Their interrogation technique, their intelligence gathering technique, was to scream, shout, beat you up, torture you, and get the facts that they were looking for in the first place.

I believe that Major Cronwright, Colonel Muller, had a theory, a hypothesis about what was going on, about this conspiracy. And they basically beat people up to prove it.

MS SINGH: Mr Coleman, you testified that there was a time
10 that you saw detainees being held in either side, and in all probability, it was the Security Branch, because of the fact that they were in plain clothes. Were there uniform branch people at this time, when a detainee is being held on either side and taken to his cell?

MR COLEMAN: They would usually be standing at the gate, opening it. They would open the gate and the person would be dragged in. And they would then have to run down the corridor with the key to open whichever cell it was.

MS SINGH: So obviously they were very aware of what this
20 special branch was doing. Am I correct?

MR COLEMAN: Yes. Yes.

MS SINGH: You testified that Neil had said to you at some stage that all his privileges were taken away.

MR COLEMAN: Correct.

MS SINGH: And toward the last one or two occasions that

you had seen him, he looked down. Now, the question I am putting to you is that, you know, at the inquest itself, the police went out of their way to put a fantastic list of all the privileges that was found in Neil's cell, for example, there were sweets, and biscuits, and then there were books, and games, how to play chess, books on how to play chess, and even five pairs of socks, and a tie. What do you say to that?

MR COLEMAN: There is no way they would allow a tie. I mean, just the idea of a tie. What would you have a tie for in the first place? But there was absolutely no way they would let you have a tie. Even though I had privileges, I was never allowed shoelaces. I never saw in Neil's cell, any evidence of biscuits or book or games. Definitely not. The cell that I saw whenever I went in there was pretty bare.

MS SINGH: During the time that you were at the cells, was there any cell visits? Do you remember? Especially in the evenings.

MR COLEMAN: Cell visits?

MS SINGH: Where the police would come and check on you and see whether you are okay.

MR COLEMAN: Yes. Yes.

MS SINGH: In the evenings?

MR COLEMAN: Yes, there were.

MS SINGH: Hmm?

MR COLEMAN: There was, more in particularly, a horrible

one for me, where I was asleep. This was about two weeks after Neil died. And a drunk warder would come around and look at us. And he was shouting at us to stand up.

When I went, and this was very late, when I went across to the bars to say: Why are you making me stand up? He would say: So I can see you have not hung yourself. I said: How am I supposed to hang myself lying down? Please do not wake us up.

Then he started to abuse me. And then across the
10 other side, Jabu was, he used the K-word with Jabu. So there was an unusual occasion. But there were frequent checks.

MS SINGH: Was this the time that you had made a report to the magistrate regarding this same drunk warder?

MR COLEMAN: I did subsequently make a complaint.

MS SINGH: You did?

MR COLEMAN: Yes.

MS SINGH: Okay.

COURT: So do you say a drunk warder?

MR COLEMAN: A drunk warder. White cop. He was not one
20 of the usual black warders. He had come down from somewhere. I had never seen him before. I think he was just having fun. And that was what the police defined as fun. Waking up and abusing detainees. I did not particularly care for him or about him. For me, I was just, it was just another thing to resist, another thing to stand up to.

MS SINGH: Mr Coleman, I just want to go to the night before the time period we say that Neil died.

You said that on that particular night, the windows were closed. They were initially opened and then they were closed. Were those windows ever closed prior to that?

MR COLEMAN: Never.

MS SINGH: Was that the first time?

MR COLEMAN: That was the first time that those windows were closed.

10 MS SINGH: I just want, I do not want to rehash reopen any old wounds. I just want, before I ask the final question, this Mr Schabort is this the legal representative for the police?

MR COLEMAN: I believe so, yes.

MS SINGH: Okay. And then, Mr Diphale himself, how long were you detained at John Vorster Square before Mr Diphale passed away. Can you recall?

MR COLEMAN: It is hard. I know I was detained for 155 days. Ernest was, maybe it was when I arrived. I do not recall.

20 MS SINGH: Okay.

MR COLEMAN: I do know he was subsequently released and the re-detained.

MS SINGH: Yes.

MR COLEMAN: But I believe he was there when I was released. I believe he was still there. He had not yet passed

away.

MS SINGH: M'Lord, I have nothing further for this witness.

COURT: Thank you. Advocate Coetzee?

EXAMINATION BY MR COETZEE: Thank you, M'Lord.

[Indistinct – 01.05.57] understand that it is a difficult time for you to relive. And also to remember everything difficult. I can appreciate this.

At the time of Dr Aggett's death, his cell, would you say that you saw his cell recently before he died? Or can you give any kind of an indication as to how long before he died did you see his cell?

MR COLEMAN: M'Lord, it is difficult to tell exactly, but it was certainly no longer than a week to 10 days. But it is very difficult for me to be precise about that period.

MR COETZEE: And the extra clothes that you kept, or that you had in your cells, what type was it? Was it extra shirts? Can you just perhaps be more clear on that?

MR COLEMAN: Yes. There was one particular t-shirt which I had, which my parents sent to me, which said on it: If you cannot dazzle them with brilliance, baffle them with bull. And I wore it once to an interrogation session.

MR COETZEE: Did you have extra sets of clothes, for example? Extra pants? Extra underwear? Extra shirts?

MR COLEMAN: Yes, I did. Those were mostly kept in the office.

MR COETZEE: And in your cell?

MR COLEMAN: I do not recall having much more than that. It was a t-shirt. We were allowed very limited clothes in the cell. I must be honest; I cannot remember precisely everything that was in my cell. I do remember the books and one or two of the items and do remember as well.

MR COETZEE: And did you, for example, have cards, like playing cards?

MR COLEMAN: I was in fact sent a bridge game, a little
10 manual bridge game, to teach yourself how to play bridge. So I did have that.

MR COETZEE: Yes. And just normally, the sleepwear, did you sleep in your clothes or did you have, for example, pyjamas or some form of pyjamas?

MR COLEMAN: I did not have pyjamas. I slept in a t-shirt and shorts.

MR COETZEE: Do you know what a kikoi is, sir?

MR COLEMAN: I do.

MR COETZEE: So, the Kenyan men, they tie it around their
20 waists, for example. I am sure there are many other uses therefore. But it can be tied and worn around the waist. Did you ever see Dr Aggett with something around his waist? Striped cloth around his waist?

MR COLEMAN: No, I did not. Not that I can recall.

MR COETZEE: So during your interrogation, what were they

after? What was the one thing that they wanted from you during the interrogation?

MR COLEMAN: They wanted me to prove the hypothesis that I and Auret and Others, Clive, our network, were operating under orders from the ANC. That there was indeed a conspiracy. The key things that they wanted from me was to get names of people that I knew, to expose my network and also me deeds. They interrogated me at length about the books that I had given to Guy Burger, for example.

10 And they wanted me to incriminate myself so that I could be sent to jail. When I denied this, they said Guy told them that I have them books. And I said: I know he is prison. Bring him here and I will tell him he is a liar. So that was the way that they went.

 What I did do is, I wrote down a lot of people I had seen in the context of stories, which were all in the newspaper. But there were some times when they specifically wanted to bring examples of, for example Cedric Mayson, examples when I should incriminate myself and incriminate
20 him. But of course, that is something I did not do.

MR COETZEE: At that stage, of course it was part of history, it was a crime to be a part of the ANC and/or to support the ANC. Was that so?

MR COLEMAN: Yes.

MR COETZEE: A crime in terms of the legislation.

MR COLEMAN: Yes. And what they called furthering the aims of a banned organisation.

MR COETZEE: Yes. And were they of the view that you in fact were furthering the aims of the ANC?

MR COLEMAN: Yes, they were. They were firmly of that view.

MR COETZEE: And the people they wanted you to expose, were they also people that they thought, wrongly or rightly, that they thought were furthering the aims of the ANC?

10 MR COLEMAN: Yes. They were trying to create a... they were trying to crack the conspiracy as they saw it.

MR COETZEE: Yes.

MR COLEMAN: And the word crack, is really what they were doing.

MR COETZEE: And you said they were breaking you or trying to break you. Physically or mentally?

MR COLEMAN: In my case, mentally.

MR COETZEE: And the breaking was to convince you to expose. To admit and to expose.

20 MR COLEMAN: Yes. It was to give them the information that they could use.

MR COETZEE: The detainees that you saw that were dragged in the passages there on the second floor, were they carried? Were any of them carried? I understand dragging to mean that their feet are on the ground and people under their

arms dragged them.

They might not be able to walk, but they are dragging them.

MR COLEMAN: Yes. That is correct.

MR COETZEE: You have not seen people being carried over their shoulder, for example?

MR COLEMAN: No, I did not.

MR COETZEE: And how many people would be involved in such dragging? One, or two, or three?

10 MR COLEMAN: There were at least two. On the one occasion when saw this happening, there were two, one under each arm and the warder behind.

MR COETZEE: Sir, the night that Dr Aggett died, and if I understand you correctly, later when it be calmed down in the passages, there was some screaming and shouting as to what have happened. Were there any communications through the toilet telephone? If I can call it that.

MR COLEMAN: No.

MR COETZEE: And in the... [intervenes]

20 MR COLEMAN: Sorry.

MR COETZEE: Yes?

MR COLEMAN: Sorry. Can I just say, we stopped communicating, I do not remember communication happening in that period. I think that there was a lot of activity and there was a lot of nervousness. And the one thing that we could not

afford to let happen was to be caught.

MR COETZEE: Yes, I understand. If you were to shout to each other, did the warders, did the uniform police, did they try and intervene or stop you from communicating by shouting?

MR COLEMAN: Some did. Some did not.

MR COETZEE: On this particular night after it calmed down and there was then, as I understand you, some shouting as to what has happened, did anybody said anything in relation to
10 Dr Aggett, during this shouting?

MR COLEMAN: No.

MR COETZEE: There was no indication during that conversations that something had happened specifically to him?

MR COLEMAN: Not that I heard. There was questions about Neil and Auret, but we did not, there was no specific shouting.

MR COETZEE: Nobody, for example, said: I saw what happened.

MR COLEMAN: No.

20 MR COETZEE: Or shouted to say that: This is what I observed that happened to Dr Aggett.

MR COLEMAN: No.

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

COURT: Any questions?

NO EXAMINATION BY MR MOHAMED: No questions, M'Lord.

COURT: Re-examination?

EXAMINATION BY MR VARNEY: M'Lord, just one or two questions on re-examination. Just for the record, M'Lord, the question in relation to Ernest Diphale, so this witness was released on the 26th of March 1982. And according to our record, Ernest Diphale, was found dead in his cell on the 8th of August 1982.

COURT: Ja.

10 MR VARNEY: Mr Coleman, the time of Aggett's death was early February. But that would have been in the high of summer.

MR COLEMAN: That is correct.

MR VARNEY: So typically, temperatures are quite warm at that time. So late at night, and for purposes of sleeping... or let me put this to you. You have already testified that for the purposes of sleeping, you would be in a t-shirt and shorts. But at night, when you were not being taken out for an interrogation, in summer, what would you typically wear in
20 your cell?

MR COLEMAN: Maybe long pants, maybe short pants and a t-shirt.

MR VARNEY: No further questions, M'Lord. .

COURT: Thank you.

EXAMINATION BY MS SINGH: M'Lord, I am sorry. Before

His Lordship asks, I just have one question.

COURT: Okay.

MS SINGH: Mr Coleman, you heard my learned friend put to you that, if you belonged to the ANC it was the time, at that time that it was a crime. But would you agree with me, even if it was a crime, there were certain processes in place, if you were arrested and it could be proven without statements under duress that you belonged to a banned party, that you would be brought before a Court, that there would be certain
10 penalties in place. Am I correct? Certain sanctions.

MR COLEMAN: Correct.

MS SINGH: So it was not for the police to be the judge, jury, and executioner? Am I correct?

MR COLEMAN: You are correct that, that is how it should have operated.

MS SINGH: Yes. Thank you, M'Lord.

MR COLEMAN: Unfortunately, it did not always.

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

20 QUESTIONS BY THE COURT: Thank you. Mr Coleman, I just want to find out, this night when you say that you heard a commotion on the corridor, were you asleep? Or were you woken up by the commotion?

MR COLEMAN: Yes, M'Lord, I was woken up by the commotion.

COURT: Did it appear to you that there were many people? Were they running around or were they just shuffling? What was happening?

MR COLEMAN: M'Lord, there were many people, four, five at least.

COURT: Four, five.

MR COLEMAN: And they were moving very quickly. When I went to my, the window of the cell, they were moving past very fast. And then after the cell windows were closed again,
10 I saw people moving very quickly as well.

COURT: At that time, on that day, I believe you were in, was it in cell B3? Or whose cell was it?

MR COLEMAN: M'Lord, if you will give me a moment. I believe it was B3. Correct.

COURT: You were in cell B3, which is very close to the reception?

MR COLEMAN: Yes.

COURT: So, did this people then move from the reception area and passed B3, further towards B12 and 13 and 14?

20 MR COLEMAN: Correct.

COURT: Did they move in that direction?

MR COLEMAN: They moved in that direction, M'Lord. And I remember, yes, sorry. I was just remembering that when the gate opened, I was almost the first in the far end line to be caught if I was talking down the toilet. So B3 was very close

the gate.

COURT: Yes. Now, one of the detainees who gave evidence, I am not sure whether it was Jabu Ngwenya. He says he saw people carrying a person that he identified as Neil, on their shoulders, and moving past that. You did not see that?

MR COLEMAN: I did not see that.

COURT: Okay. Am I right as well, Jabu said that. Can you help?

MR VARNEY: M'Lord, it was in fact Sisu Njikelani.

10 COURT: Oh, yes. Did you know Sisu Njikelani?

MR COLEMAN: I knew him well.

COURT: In which cell was he?

MR COLEMAN: I believe he might have been in B10 or B8. One of those.

COURT: Oh. MacPherson is the one who told you. He broke the news about the death.

MR COLEMAN: Correct.

COURT: What time was it that he told you?

20 MR COLEMAN: That was in the morning meal. That was when he opened the gates.

COURT: For the meals?

MR COLEMAN: For the meal. M'Lord, one of the things that I did was try to develop communication with the warders. And MacPherson and I had a friendly but tense relationship. He did communicate with me, so he told me what happened.

COURT: He said Neil has died, or Neil has hanged himself.
Or what did he actually say?

MR COLEMAN: The words to the effect that Neil was found hanging in his cell.

COURT: Was found hanging in his cell?

MR COLEMAN: Ja. M'Lord, I must quickly say that I do not remember the exact words. But it was words to that effect.

COURT: Okay. Thank you. Any further questions?

MS SINGH: None, M'Lord.

10 QUESTIONS BY MR VARNEY: M'Lord, just one aspect.

COURT: Yes?

MR VARNEY: Mr Coleman, in your evidence in chief you indicated that on the night in question, when you heard the commotion, that you were in cell B5, which is in fact right next to B3. So is there a possibility that it could have been B5 or B3?

MR COLEMAN: Sorry. Let me clarify. Let me just get a picture of myself, because it is about where the door was. I find this map slightly difficult to use.

20 MR VARNEY: And I should say for the record that this is not, this map does not reflect the floor plan with the greatest of precision. And we will be getting the floorplans from the architects later this week. But to the best of your ability, please advise.

MR COLEMAN: It would have been B5, M'Lord. Not B3. The

door was on my left. The toilet was on my right.

COURT: Okay.

MR VARNEY: M'Lord, for the record, B5 is right next to B3.

COURT: Yes. Okay.

MR VARNEY: Thank you, M'Lord. No further questions.

QUESTIONS BY MR COETZEE: M'Lord, if I may just get one question?

COURT: Yes.

MR COETZEE: Sir, did Mr Sisu Njikelani, did he ever discuss
10 with you that Dr Aggett was carried shoulder height, into the
cells?

MR COLEMAN: No, he did not.

MR COETZEE: Thank you, M'Lord.

MR COLEMAN: Can I just add to that if I may?

COURT: Yes.

MR COLEMAN: That we became very wary of communicating
anything. We knew that the security police knew about our
communications down the toilet.

We know that anything that we said down there, and
20 this was almost the whole way through, that was extremely
sensitive, was unwise to say.

So we kept our communications very cautious. And
in the period after Neil's death, they increased the visits in
the evening to the cells.

So to the best of my recollection, the amount of

communication that we had decreased significantly over the next period. So there was very limited discussion that took place about anything that we knew.

MR COETZEE: Thank you. Thank you, M'Lord. No further questions.

COURT: Thank you very much. Thank you, Mr Coleman.

MR COLEMAN: Thank you, M'Lord.

COURT: You are excused. Thank you very much.

NO FURTHER QUESTIONS

10 COURT: I see it is now one o'clock.

MR VARNEY: M'Lord, as mentioned in chambers this morning, we had hoped to have called Mr Paul Erasmus.

But for the reason alluded to you, we were unable to call him this afternoon. So he will appear tomorrow morning. In the circumstances, we do not have a witness.

COURT: Thank you. Okay. In that event then, this matter is postponed to tomorrow the 11th of February, for further

Thank you. The Court adjourns evidence to be led.

MATTER POSTPONED TO 11 FEBRUARY 2020

20 COURT ADJOURNS

[12:58]

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DR NEIL HUDSON AGGETT

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